

**HOUSE COMMITTEE ON STREAM RESTORATION**  
**& SPECIES RECOVERY**

April 27, 2001  
1:00 P.M.

Hearing Room E  
Tapes 108 - 109

**MEMBERS PRESENT:**

Rep. Bob Jenson, Chair  
Rep. Jan Lee, Vice-Chair  
Rep. Randy Leonard Vice-Chair  
Rep. Tim Knopp  
Rep. Jeff Kruse  
Rep. Al King  
Rep. Carolyn Tomei  
Rep. Kelley Wirth

**MEMBER EXCUSED:** Rep. Patti Smith

**STAFF PRESENT:** Sandy Thiele-Cirka, Committee Administrator  
Linda K. Gatto, Committee Assistant

**MEASURES HEARD:**

HB 2788 – Reconsideration  
HB 3854 – Work Session  
HB 3971 – Public Hearing  
HB 3002 – Work Session  
HB 3124 – Work Session  
HB 3016 – Work Session

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 108, A</b>		
004	Chair Jenson	Calls the meeting to order at 1:17 p.m. and opens the reconsideration of HB 2788. Explains the process.
<b><u>HB 2788 – RECONSIDERATION</u></b>		
022	Rep. Lee	<b>MOTION:</b> Moves to <b>SUSPEND</b> the rules for the purpose of reconsidering the vote on HB 2788. <b>VOTE:</b> 7-0 <b>AYE:</b> In a roll call vote, all members present vote Aye. <b>EXCUSED:</b> 2 - Leonard, Smith
032	Chair Jenson	<b>The motion CARRIES.</b>
037	Rep. Lee	<b>MOTION:</b> Moves to <b>RECONSIDER</b> the vote by which HB 2788 was sent to the floor with a <b>DO PASS</b> recommendation. <b>VOTE:</b> 7-0 <b>AYE:</b> In a roll call vote, all members present vote Aye. <b>EXCUSED:</b> 2 - Leonard, Smith
052	Chair Jenson	<b>The motion CARRIES.</b>
060	Chair Jenson	Closes the reconsideration of HB 2788 and opens a work session on HB 3854.
<b><u>HB 3854 – WORK SESSION</u></b>		

065	Sandy Thiele-Cirka	Administrator. Summarizes the status of HB 3854.
078	Rep. Jeff Merkley	House District 16. Explains the –1 amendments ( <b>EXHIBIT A</b> ) and discusses intent of HB 3854.
138	Phil Donovan	NorthWest Sportsfishing Industry. Submits and summarizes prepared testimony in support of HB 3854 and –1 amendments ( <b>EXHIBIT B</b> ).
163	Paul Donheffner	Director, Oregon State Marine Board. Testifies in support of HB 3854 and –1 amendments and discusses fee increase.
222	Rep. Tomei	Questions the fiscal impact.
224	Donheffner	Responds that a revised fiscal impact has not been prepared on the amendments, but there would be no additional administrative expense.
235	Rep. Tomei	Questions if the sunset date is present.
239	Rep. Merkley	Responds that the sunset is acknowledged when the two-stroke engines have been reduced to 5% in Oregon. Notes that 2006 is the beginning of the federal ban on the sale of two-stroke engines.
248	Rep. Kruse	Notes that the original bill had a specific rebate amount but the amendments propose a sliding scale. Questions if the two amounts are comparable.
252	Rep. Merkley	Responds that the marine board established the rebate amounts.
272	Rep. Kruse	Argues that the incentives do not exist for the consumer to make the change. Expresses concern that HB 3854 is a tax on boat owners.
282	Chair Jenson	Clarifies that someone who replaced his engine last summer will pay the same fee increase as those who would get a rebate under HB 3854.
294	Rep. Merkley	Responds affirmatively. Suggests that the person who replaced his engine last summer may need to do so during the time period under which the rebates are still being offered.
308	Donovan	Adds that there is also the benefit of increased motorized boat facilities for the fee increase.
324	Rep. Kruse	Argues that having lower boating fees than neighboring states is not justification for raising fees. Asks for data on how much pollution two-stroke motors contribute to water quality.
347	Rep. Merkley	Offers to provide the statistics and other information about two-stroke pollution. Estimates pollution damage done by two-stroke engines.
394	Chair Jenson	Closes the work session on HB 3854 and opens the public hearing on HB 3971.

**HB 3971 – PUBLIC HEARING**

408	Rep. Lee	Summarizes HB 3971.
437	Scott Ashcom	Oregon Association of Nurseymen. Submits and summarizes prepared testimony ( <b>EXHIBIT C</b> ).

**TAPE 109, A**

071	Rick Glick	Davis Wright Tremaine Law Firm. Representing Lincoln City. Submits and summarizes prepared testimony in support of the amendments to repeal ORS 537.390 ( <b>EXHIBIT D</b> ).
155	Rep. Lee	States that she was unaware of all of the water uses.
101	Martha Pagel	Attorney, Schwabe, Williamson, Wyatt. Representing coastal water district. Testifies in support of repealing ORS 537.390. Explains the water use statute and its implications.
145	Rep. Kruse	Questions if there is a definition of “severe drought”, and questions when this statute has been enforced.

158	Pagel	Responds that the Water Resource Department makes the declaration directed by the governor at request of a county government.
200	Chair Jenson	Questions if water rights are free.
202	Pagel	Responds that the holder of the water right does not pay money to the state for use of the water.
206	Chair Jenson	Clarifies that a holder of water rights who obtains the right for free should not be able to benefit from the sale of them.
211	Pagel	Concurs, but notes that those who have the water rights have invested a great deal to develop the water for beneficial use.
319	Tom Byler	Water Resources Department (WRD). Testifies that the department is neutral on the repeal of the statute.
364	Kathy Miller	Water Utility Section, Oregon Public Utility Commission. Testifies that there is concern about the repeal of the statute because it may impact the rates.
397	Doug Myers	Representing WaterWatch. Testifies in opposition to HB 3971. Notes it would drive up costs, and notes there are Measure 7 issues as well as fiscal implications.
<b>Tape 108, B</b>		
047	Richard Kosesan	Representing Water for Life. Testifies in support of sections 1,2 and 4, but notes opposition to section 3. Notes that the supply and demand issue will increase and actions should be taken carefully.
067	Pete Test	Associate Director of Governmental Affairs, Oregon Farm Bureau. Testifies in support of the concept of HB 3971, but notes opposition to section 3.
091	Glick	Responds concerns and comments.
151	Rep. Lee	Expresses concern that the federal government is buying water rights in the Klamath Basin and might be in violation of statute.
159	Glick	Responds that there is hope that the law is not interpreted in that way, but understands the concern.
170	Chair Jenson	Closes the public hearing on HB 3971 and opens the work session on HB 3002.
<b><u>HB 3002 – WORK SESSION</u></b>		
190	Thiele-Cirka	Summarizes the status of HB 3002 –2 amendment ( <b>EXHIBIT E</b> ).
227	Chair Jenson	Comments on the different points of view regarding defining recovery.
240	Terry Thompson	Former State Representative. States that commercial fisheries and sport fisheries should be holding a seat. Concurs with the IMST's recommendation.
301	Ken Evans	Representing Fisheries Restoration Enhancement Coalition. Testifies in support of the –2 and concurs with Mr. Thompson's testimony.
353	Willie Tiffany	Representing League of Oregon Cities. Expresses concern that there is no local government perspective included in HB 3002.
370	Chair Jenson	Explains his direction for HB 3002 passage.
389	Roy Elicker	Legislative Coordinator, Oregon Department of Fish & Wildlife (ODFW). Testifies in support of HB 3002.
444	Chair Jenson	States that he will appoint a word group to address the issue.
<b>Tape 109, B</b>		
010	Rep. Wirth	Questions if there are other groups that would benefit working on the task force.
015	Elicker	Answers that a local government representative would be advantageous, but it would be worked out in the work group

028 Chair Jenson process.  
States that the amendment was drafted quickly because of the importance of HB 3002. Explains his intentions for the upcoming work group. Closes work session on HB 3002 and opens work session on HB 3124.

**HB 3124 – WORK SESSION**

085 Rep. Leonard

**MOTION: Moves HB 3124 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.**

089 Thiele-Cirka

Summarizes HB 3124.

**VOTE: 6-2**

**AYE: 6 - King, Knopp, Lee, Leonard, Tomei, Wirth**

**NAY: 2 - Kruse, Jenson**

**EXCUSED: 1 – Smith P**

111 Chair Jenson

**The motion CARRIES.**

115 Chair Jenson

Closes work session on HB 3124 and opens work session on HB 3016.

**HB 3016 – WORK SESSION**

117 Thiele-Cirka

Summarizes HB 3016.

125 Elicker

Submits and summarizes prepared testimony regarding HB 3016 **(EXHIBIT F)**.

229 Chair Jenson

Questions how much money will be spent on the existing methodology in the next decade. Questions the probability of eliminating the tui chub and re-establish a viable trout fishery.

265 Elicker

Responds that ODFW does not know of any other way to remove the tui chub.

300 Chair Jenson

Closes work session on HB 3016 and adjourns meeting at 2:58 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,  
Committee Assistant

Sandy Thiele-Cirka,  
Committee Administrator

Transcribed By,

Michael Reiley,  
Committee Assistant

**EXHIBIT SUMMARY**

**A – HB 3854, -1 amendments, staff, 7 pp.**

**B – HB 3854, written testimony, Phil Donovan, 1 p.**

**C – HB 3971, written testimony and –3 amendments, Scott Ashcom, 3 pp.**

**D – HB 3971, written testimony, Rick Glick, 2 pp.**

**E – HB 3002, Recovery Planning Guidance for Technical Recovery Teams, staff, 22 pp.**

**F – HB 3016, written testimony, Roy Elicker, 8 pp.**