

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

May 16, 2001
1:00 P.M.

Hearing Room E
Tapes 123 - 124

MEMBERS PRESENT:

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

VISTING MEMBER:

Rep. Jackie Dingfelder

STAFF PRESENT:

Sandy Thiele-Cirka, Committee Administrator
Cheryl Young, Committee Assistant

MEASURES HEARD:

HB 3989 – Public Hearing
HB 3854 – Work Session
HB 3808 – Work Session
HB 3014 – Work Session
HB 3638 – Work Session

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.

TAPE/#	Speaker	Comments
TAPE 123, A		
006	Chair Jenson	Calls meeting to order at 1:43p.m. Opens public hearing on HB 3989.
<u>HB 3989 – PUBLIC HEARING</u>		
009	Rep. Tom Butler	House District 60. Discusses the tribal nation's ability to serve on the Soil and Water Conservation Districts Board (SWCD). States that the sovereigns and members of the tribal nations should be able to serve as elected members.
028	Rep. Lee	Comments that this issue was discussed at the SWCD Commission in Central Oregon.
033	Rep. Butler	Responds that he is aware that this effects more than the tribal nations, and he is not aware of any problem until experienced a regulatory issue.
052	Glen Stonebrink	Representing Oregon Cattlemen's Association. Questions if Native Americans are allowed to serve on the SWCD of a sovereign nation, would this imply that they would be restricted to the same conditions that are imposed on non-Natives within the same district.
058	Chair Jenson	Requests restating the question for clarification.

059	Stonebrink	Asks if the bill passes, would that imply that the sovereign lands being regulated just as the non-Native lands are regulated under the Environmental Regulations that are served by the SWCD.
068	Rep. Lee	Questions if SWCD are regulated by federal or state agencies
070	Stonebrink	Asks if they would be regulated just as non-Natives that are served by that SWCD.
076	Rep. Lee	States that the bill does not intend to make any changes unless Legislative Counsel has an opinion.
081	Stonebrink	Asks why they would want to serve on a board with non-Natives that would provide the service of those being regulated.
087	Chair Jenson	Requests Legislative Counsel's opinion.
092	Rep. Kruse	Comments that this is an inclusive measure and most of the SWCDs would welcome tribal participation.
108	Chair Jenson	Agrees and notes that this can be an issue for the next meeting. Closes the public hearing on HB 3989 and opens a work session on HB 3854.

HB 3854 – WORK SESSION

116	Rep. Jeff Merkley	House District 16. Summarizes the –6 amendment (5/14/01). Requests the bill be referred to the committee on Ways and Means with a do pass recommendation (EXHIBIT A).
159	Vice-Chair Lee	State that there is another amendment in process and it's the Chair's intent to hold this bill over until Thursday night.
165	Vice-Chair Lee	Recesses the work session.
179	Chair Jenson	Reconvenes. State there is a proposed amendment to HB 3854 to be considered. States that the bill has to sent to Ways and Means.
200	Rep. King	Questions if it is appropriate to include the –6 amendment and questions the fiscal impact.
208	Rep. Merkley	Discusses the feasibility of the amendment and the fiscal impact. States he would like to address these issues at the next meeting.
232	Chair Jenson	Comments that the budget not is being carried forward on this issue.
245	Rep. Lee	States that Rep. Morgan has noted that the budget has already been passed out and that this amendment will solve the situation,
251	Rep. P. Smith	MOTION: Moves to ADOPT HB 3854-6 amendments dated 5/14/01.
		VOTE: 9-0
	Chair Jenson	Hearing no objection, declares the motion CARRIED.
258	Rep. P. Smith	MOTION: Moves HB 3854 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Ways and Means.
272	Rep. Kruse	Explains his no vote.
278	Rep. Knopp	Explains his no vote.
288	Rep. Tomei	Questions the fee increase.
290	Rep. Kruse	Responds \$8 - \$9.
298	Rep. Tomei	Comments that the increase is reasonable.
302	Rep. Kruse	Refers to the environmental impact.
311	Rep. Wirth	Comments in support of the do pass recommendation.
320	Rep. Lee	Questions if the bill can be amended under either motion if it goes to Ways and Means.
328	Rep. Kruse	Responds if the Chair concurs.
336	Rep. Smith	Explains her no vote.
338		VOTE: 6-3
		AYE: 6 –Wirth, King, Tomei, Leonard, Lee, Jenson

	Chair Jenson	NAY: 3 – Knopp, Kruse, P. Smith
353	Chair Jenson	The motion CARRIES. Closes the work session on HB 3854 and opens a work session on HB 3808.
	<u>HB 3808 – WORK SESSION</u>	
364	Sandy Thiele-Cirka	Administrator. Summarizes HB 3808.
399	Rep. P. Smith	MOTION: Moves HB 3808 to the floor with a DO PASS recommendation.
405	Rep. Wirth	Questions fiscal impact.
410	Thiele-Cirka	Responds there is no impact.
417		VOTE: 5-4
		AYE: 5 – Kruse, P. Smith, Knopp, Lee, Jenson
		NAY: 4 – Wirth, Tomei, King, Leonard
	Chair Jenson	The motion CARRIES.
		REP. KROPF will lead discussion on the floor.
436	Chair Jenson	Closes work session on HB 3808 and opens a work session on HB 3014.
	<u>HB 3014 – WORK SESSION</u>	
456	Rep. Kruse	Summarizes the –2 amendment (EXHIBIT B). State there is concern with the inclusion of some of the language. Notes the reasons for vague language.
	Tape 124, A	
045	John Platt	Special Assistant to the Director of the Columbia River Intertribal Fish Commission. Discusses the issues of mass marking programs of hatchery fish.
112	Rishi Sharma	Representing the Columbia River Intertribal Fish Commission. Discusses the issues of hook and release mortality.
213	Rep. Kruse	States the intent of the bill is to give Oregon the flexibility to make agreements with the federal government relating to fish recovery.
239	Rep. Dingfelder	Questions the fiscal impact.
248	Thiele-Cirka	Responds a statement has not been issued.
250	Rep. Kruse	States that fin clipping is already occurring that this amendment does not require any changes to current hatchery practices.
256	Sharma	Further comments regarding sampling results.
267	Platt	Provides additional comments on mass marking and sampling.
291	Kay Brown	Policy Coordinator, Oregon Department of Fish & Wildlife (ODFW). Comments on the –2 amendments.
335	Rep. Kruse	Refers to the hatchery fish with clipped fins that are harvestable and state that it is not exclusive of anything else.
343	Brown	States that the intent was unclear. Comments on the supplemental programs in relation to the tribes.
356	Rep. Kruse	States for the record that the language is general so that ODFW could set the benchmark to establish standards.
374	Rep. Wirth	Asks for an opinion on how soon before the hatcheries can begin raising fish under these standards, and what the cost will be.
381	Brown	Responds and discusses the consequences.
393	Vice-Chair Leonard	Recess.
412	Chair Jenson	Reconvenes
415	Jim Myron	Representing Oregon Trout. Testifies in opposition to HB 3014.
445	Rep. Kruse	MOTION: Moves to ADOPT HB 3014 –2 amendments dated 5/16/01.
447	Rep. King	States support for the amendments. Explains no vote on the bill.

456	Rep. Dingfelder	Questions if there is any additional perspective on the amendment.
466	Chair Jenson	Responds that the tribes and other have provided testimony.
488	Phil Donovan	Representing Northwest Sports Fishing Industry. Comments that there has been a large investment in selective fisheries both monetarily and voluntarily. Remarks that they would like clarification of the definition hatchery and wild fish.
Tape 123, B		
035	Donovan	Continues testimony.
050	Chair Jenson	State that it is his intention to clarify issues raised.
066	Roy Elicker	Legislative Coordinator, ODFW. Discusses hatchery capacity and program budget cuts.
092	Chair Jenson	States that he wants the committee members to understand the issues.
109		VOTE: 7 – 2 AYE: 7 – P. Smith, Knopp, Kruse, King, Tomei, Lee, Jenson NAY: 2 – Wirth, Leonard
	Chair Jenson	The motion CARRIES.
117	Rep. Kruse	MOTION: Moves HB 3014 to the floor with a DO PASS AS AMENDED recommendation.
119	Rep. Kruse	Comments that this is not a perfect product but it is a move in the right direction.
134	Chair Jenson	Requests Rep. Kruse clarify the vagueness of the language.
137	Rep. Kruse	Clarifies for the committee the language that Legislative Counsel was concerned about regarding the hatcheries.
154	Rep. King	States that the amendments improve the bill.
172	Chair Jenson	Commends Rep. Kruse for carrying this bill forward and complements ODFW on their progress.
181		VOTE: 5 – 4 AYE: 5 – Knopp, Kruse, P. Smith, Lee, Jenson NAY: 4 – Wirth, Tomei, King, Leonard
	Chair Jenson	The motion CARRIES. REP. KRUSE will lead discussion on the floor.
190	Chair Jenson	Closes work session on HB 3014 and opens work session on HB 3638.
<u>HB 3638 – WORK SESSION</u>		
201	Patricia Gainsforth	Representing Oregon Association of Conservation Districts. Testifies in support of the bill and proposed amendments.
253	Geoff Huntington	Executive Director, Oregon Watershed Enhancement Board (OWEB). Comments in support of the –2 amendment (EXHIBIT C) . Discusses and provides analysis.
350	Rep. King	Requests clarification on the location of Section 4.
356	Huntington	Explains what happened to the section.
376	Chair Jenson	Compliments Ms. Gainsforth and Mr. Huntington on a job well done. Requests addition clarification from Legislative Counsel. Recess.
416	Chair Jenson	Reconvenes.
425	Brendan McCarthy	Deputy Legislative Counsel. State that Section 4 was incorporated throughout the amendment, thus deleting Section 4. Provides additional information on the –2 amendment.
457	Huntington	Further explains that the amendment and the intent of the workgroup.

478	Rep. Kruse	Requests additional time to review the amendment.
Tape 124, B		
025	Chair Jenson	Asks Mr. McCarthy to work with Rep. Kruse. Announces that additional time to consider the amendment is granted. Closes the work session on HB 3638. Announces the committee is scheduled for a meeting on Thursday, May 17 at 5:00 p.m..
072	Rep. Knopp	Explains that his Business and Labor Committee may meet on Thursday. Notes that other members may be late.
088	Chair Jenson	Explains that Senate bills are scheduled, however the House bills will be heard first.
100	Rep. Wirth	Questions the amount of Senate bills.
101	Chair Jenson	Responds four. Adjourns the meeting at 3:22 p.m.

Submitted By,

Reviewed By,

Cheryl Young,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A – HB 3854 –6 amendment, dated 5/14/01, R. Merkley, 10 pp**
- B – HB 3014 –2 amendment, dated 5/16/01, Staff, 1pp**
- C – HB 3638 –2 amendment, dated 5/15/01, Staff, 2pp**