

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

January 26, 2001
8:30 AM

Hearing Room E
Tapes 8 - 9

MEMBERS PRESENT: **Rep. Betsy Close, Chair**
 Rep. Laurie Monnes-Anderson, Vice-Chair
 Rep. Susan Morgan, Vice-Chair
 Rep. Mark Hass
 Rep. Bob Jenson
 Rep. Deborah Kafoury
 Rep. Al King
 Rep. Jeff Kruse
 Rep. Jan Lee

STAFF PRESENT: **Megan Palau, Committee Administrator**
 Shannon Relaford, Committee Assistant

MEASURE/ISSUES HEARD:
 HB 2177 Public Hearing and Work Session
 HB 2147 Work Session
 HB 2199 Public Hearing
 HB 2239 Public Hearing
 HB 2108 Public Hearing and 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 8, A		
002	Chair Close	Calls the meeting to order at 8:35 a.m. and opens the public hearing on HB 2177.
<u>HB 2177 PUBLIC HEARING</u>		
021	Megan Palau	Committee Administrator. Explains HB 2177 changes the definition of Armed Forces of the United States for purposes of establishing residency for higher education and fishing and hunting licenses, tags and permits. Notes that the new definition includes the National Guard as a reserve component of the Army, Air Force, Marine Corps and Coast Guard. States that the bill has an emergency effective date of July 1, 2001.
033	Colonel Mike Caldwell	Oregon National Guard. Submits written testimony (EXHIBIT A) and explains why they requested this bill.
094	Chair Close	Requests more specific information regarding serving in the Gulf War and Oregon National Guard's situation.
099	Caldwell	Responds several units were called to federal active duty. Notes that since that time there have been deployments to several other zones.

112	Chair Close	Questions if Colonel Caldwell has seen the proposed amendments.
114	Caldwell	States he has seen the amendment and has no problems with it, but he has not seen the fiscal impact statement.
128	Chair Close	Explains the affect is indeterminate because there are no numbers to go on.
134	Rep. Kruse	Comments that they're talking about potential revenue and the difference between in-state and out-of-state tuition. States that it's less money that they will receive, not an actual cost.
140	Caldwell	Adds presently they recruit from the college in New Mexico for the Oregon National Guard, and they simply don't come now. States that their target group is between 12 and 15 per year.
155	Rep. Hass	Asks if there are some projections on how many people this would involve.
156	Caldwell	Responds they actively recruit out of that college. Notes that out of 6 people they had recruited for Oregon, only one elected to pay the out of state tuition and come.
165	Rep. Jenson	Requests an explanation of the contention that the Attorney General's Office has defined them not to be personnel of the armed forces.
180	Caldwell	Confirms that is correct.
185	Rep. Jenson	Ask if the Legislative Counsel or Attorney General are going to speak on this.
192	Rep. King	Asks if someone comes to Oregon and gets residency treatment for higher education, will they be a resident of the state for purposes of income tax.
195	Caldwell	Responds that is correct.
210	Rep. Jenson	Inquires if an individual is called to active duty, does the tax status change.
215	Caldwell	Replies if you are on active duty, you can choose your residency, and if you choose Oregon, then you have certain federal tax benefits, but you will pay Oregon taxes.
225	Roy Elicker	Oregon Department of Fish and Wildlife (ODFW). Submits written material (EXHIBIT B). States ODFW has no data to show affect on hunting and fishing licenses.
228	Chair Close	Inquires if there are certain groups that have reduced rates.
230	Elicker	Responds that there are nonresident and resident hunting and fishing licenses.
233	Chair Close	Inquires if he is addressing the residency issue.
240	Rep. Jenson	Inquires as to provisions for other benefits that military personnel might have for hunting and fishing in Oregon.
255	Elicker	Responds that there are none, but will review the regulations.
266	Rep. Kruse	Comments that the numbers are not major, so ODFW is not opposed.
270	Elicker	States they are not opposed.
278	Rep. Jenson	Asks for clarification of bill.
302	Cindy Hunt	Legislative Counsel Office. Clarifies that when the bill was brought forth by the military there had been a problem in one of the colleges with no granting of in-state tuition. States that the intention behind the bill is to make it abundantly clear that the Armed Forces of the United States, in this case the National Guard, get in-state tuition.
313	Rep. Kruse	Questions if a dependant becomes a resident upon arrival or is there a waiting period.

324 Hunt Replies the State Board of Higher Education would define the meaning for their purposes and the Department of Fish and Wildlife would define the meaning for the purposes of their licenses, though not necessarily upon arrival.

337 Rep. Kruse Suggests some uniformity in the standard.

338 Hunt Concurs that residency, depending on the program varies from one program to the next and for higher education purposes it is very difficult.

351 Gratten Kerans Director of Government Relations, Oregon University System. Offers an explanation of the amendment clarifying that the dependants have to be residing in Oregon to benefit. Notes that the Oregon University System has probably the most stringent residency requirements for purposes of paying in-state tuition.

422 Rep. King Questions if they are waving the due diligence process in reviewing residency time in Oregon so that if someone is the child/spouse of a National Guard member, they would qualify for residency automatically.

TAPE 9, A

014 Kerans Responds statutes come ahead of rules.

018 Rep. King Supposes that most people recruited to be National Guard are younger people, so we'd be talking mostly about spouses, not their children.

022 Kerans Concurs, mostly spouses or members themselves.

027 Rep. Kruse States his confusion. States that Legislative Counsel said the department would establish the residency standard and now you say this will establish the standard. Notes that the bill doesn't say what the standard is. Asks if it will be up to the Department of Higher Education to put that in rule.

031 Kerans States he is correct.

040 Rep. Kruse Asks if the department will be folding the residency requirements into what they currently have.

045 Kerans Concurs, they will have the same treatment as those in the statute today.

054 Rep. Kruse Asks if the legislature should re-visit residency requirements.

058 Kerans States that is a matter for the State Board of Higher Education to make.

060 Chair Close Closes the public hearing and opens a work session on HB 2177.

HB 2177 WORK SESSION

062 Rep. Kruse MOTION: Moves to ADOPT HB 2177-1 amendments dated 1/25/01.

064 Rep. Jenson States he will be voting against the amendment.

VOTE: 7-1-1

AYE: 7 – Hass, Kafoury, King, Kruse, Lee, Monnes Anderson, Close

NAY: 1 – Jenson

EXCUSED: 1 – Morgan

070 Chair Close The motion CARRIES.

071 Rep. Kruse MOTION: Moves HB 2177 to the floor with a DO PASS AS AMENDED recommendation.

77 Rep. Hass States his strong support for the bill, but suggests that perhaps it doesn't go far enough.

080 Rep. Jenson States he will be a strong supporter of the bill because he can see some problems with recruitment. States he voted against the -1

amendments, but will support the bill.

VOTE: 8-0-1

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 – Morgan

The motion CARRIES.

REP. JENSON will lead discussion on the floor.

100 Chair Close

101 Chair Close

Closes the work session on HB 2177 and opens a work session on HB 2147.

HB 2147 WORK SESSION

102 Rep. Kruse

MOTION: Moves HB 2147 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Judiciary.

115

VOTE: 8-0-1

EXCUSED: 1 – Rep. Morgan

Hearing no objection, declares the motion CARRIED.

116 Chair Close

125 Chair Close

Closes the work session on HB 2147 and opens a public hearing on HB 2199.

HB 2199 PUBLIC HEARING

130 Mike Carrier

Director, Parks and Recreation Department. Presents overview and history of the state parks program and fees.

270 Rep. Lee

Supports the request and asks why there has been a drop of 2 million users in two years.

281 Carrier

Replies he has no answer, but they don't expect it is related to the day use fee. State that they have found that when a new fee is introduced there is a downturn in usage for two to three years. Suggests weather, gas prices and economy are bigger factors. States he is a strong supporter of parks, but wants fees to decrease. Expresses concern about pricing families out of the parks market and comments that raising day use fees is not the way to go.

290 Rep. Hass

310 Carrier

Agrees we need to keep parks in reach of all Oregonians and one of the purposes of having the parks is so all can have a place to recreate. Compares the fees to other recreational costs. Wants direction from the Legislature about the roll of fees in parks.

324 Rep. Kruse

Requests information that compares Oregon to other states that didn't get the huge infusion of dollars that state parks did last session. Asks where are we going with Measure 66 dollars and whether we are more focused on land acquisition than on park maintenance and people's ability to access parks.

342 Rep. Kafoury

Asks how many parks charge day use fee.

345 Carrier

Responds currently 26 parks have a day use fee required.

347 Rep. Kafoury

Asks how many parks that is out of.

348 Carrier

Replies out of 228.

350 Rep. Kafoury

Asks what is the reason for those 26 parks having a day use fee.

361 Carrier

States he doesn't know. Comments that at the time the 26 were selected they used a number factors that included the intensity of maintenance required for those areas, the ease of collecting, volume of local use.

399 Rep. Kafoury

Notes that not all of the 26 day use sites have a station with staff and asks if these sites have a machine where you can purchase the tag.

401 Carrier

Responds that they do.

402	Rep. Kafoury	States she will be supporting this bill.
404	Rep. Lee	Questions if Measure 66 funds are not allowed to be used for maintenance, but only for capitol purchase.
407	Carrier	Responds that was the intent, but the reality is a portion of the balance is going to maintenance of the parks.
422	Rep. Alan Brown	House District 4. States his opposition to the bill. Notes that his home county, Lincoln County, has more state parks than any other county in the state and any change in fees and access to state parks has a definite economic impact on the tourist industry. Encourages the committee to look seriously at the bill.
444	Rep. Morgan	States part of the interest revenue on the Measure 66 money that goes to parks is dedicated to county parks. Asks Rep. Brown how that is working for his county.

TAPE 8, B

021	Brown	Responds he doesn't know of any benefit from Measure 66.
023	Rep. Lee	Asks if any of the parks in Rep. Brown's area are some of the 26 day- use parks.
027	Brown	Responds he doesn't know specifically, but given the large number of parks in his area, he's sure some of them are.
038	Charlie Swan	Introduces himself. Comments that he has an issue with compliance of paying of fees and says he thinks the actual compliance, at least as far as the Manzanita day use area is concerned, is probably less than 50%. Notes that just because the fees are down doesn't mean the usage is down. Believes the report is totally wrong.
063	Chair Close	Closes public hearing on HB 2199 and opens a public hearing on HB 2239.

HB 2239 PUBLIC HEARING

066	Palau	Presents overview of HB 2239.
071	Tom Johnson	Director, Center for Environmental Health Systems. Submits written material, (EXHIBIT C) and gives overview of bill.
139	Chair Close	Asks if he has seen the -1 amendment and does he support or oppose it.
140	Johnson	Replies he has heard it but not seen it, but he has no objections.
142	Rep. Lee	Inquires how many of these small systems are there.
144	Johnson	Replies that they believe there are 900.
146	Rep. Lee	States she supports the request.
149	Rep. Kruse	Inquires how long has EPA had this grant program and if the amount for the training will diminish over time.
154	Johnson	Explains that after the initial cost for training, he expects the process to smooth out.
164	Rep. Kruse	States they're doing this with the assumption that they're going to get the grant and there is no other funding source. Asks whether this won't happen if they don't get the grant, or will they borrow from someplace else to make it happen.
169	Johnson	Responds if the program is approved, the \$1.9 million will last for 8 years. States that the probability that the program will not be approved is very small.
180	Rep. Morgan	Questions about the training of the operators.
183	Johnson	Responds that it's a mixed bag, some have training and some do not.
188	Rep. Morgan	Requests a run down of what the training program is.
191	Johnson	Provides a list of need to know materials, (EXHIBIT D) .

213	Rep. Morgan	States her concern that as operators are brought into the program, there will be a mixed bag on training. Asks how will they deal with that issue.
217	Johnson	Responds the intent is to develop training modules and make them available at the local levels.
222	Charlie Swan,	Small Water Systems Task Force, submits written material, (EXHIBIT E) and comments on the -1 amendment wording. Stresses they only want no fees.
283	Rep. Kruse	Questions language of bill.
286	Chair Close	Comments in support of the -1 amendment.
293	Rep. Lee	States she does not support the -1 amendment.
295	Chair Close	Comments on “shall not” or “have not”.
299	Rep. Morgan	Suggests that they clearly have it noted in the record that the intent of the amendment and committee is no fee will be charged for this program.
317	John Siking	Testifies in opposition to the bill.
TAPE 9, B		
014	Rep. Jenson	States his concern that other members should have access to Legislative Counsel.
017	Rep. Monnes Anderson	Concurs with Rep. Jenson’s remarks.
020	Chair Close	States the committee will bring the bill back at a later date. Closes the public hearing on HB 2239 and opens a public hearing on HB 2108.

HB 2108 PUBLIC HEARING

022	Palau	Gives overview of HB 2108.
037	Terry Thompson	Gives a brief history of the compact and discusses the need to eliminate the pact from statute.
054	Rep. Monnes Anderson	Questions looking at the statute rather than eliminating because they may have a need for the pact in the future.
070	Thompson	Responds that he agrees, but they need to do something with it or remove it.
081	Rep. Kruse	States there are many multi-state activities that don’t accomplish anything. Asks if other states are moving in a direction.
108	Rep. Close	Directs staff to contact other states.
110	Palau	States she has worked through National Conference on State Legislatures and that as far as they can tell there is no intention of continuing.
117	Rep. Morgan	Asks for other groups and organizations that address these issues.
125	Thompson	Mentions other groups and states that work in this area.
136	Rep. Jenson	Mentions (Pacific North West Economic Region) PNWER, a group that is active with these issues.
147	Chair Close	Closes the public hearing on HB 2108 and opens the work session on HB 2108.

HB 2108 WORK SESSION

149	Rep. Jenson	MOTION: Moves HB 2108 to the floor with a DO PASS recommendation.
150	Rep. Monnes Anderson	Reiterates her concern for more information.
174	Chair Close	Remarks that it is interesting that some agencies did not attend.
176	Rep. Lee	Asks for time out on the bill.
177	Rep. Jenson	Withdraws his previous motion.
178	Rep. Morgan	Wants to hear from other states and get some information from

185	Rep. King	them. Believes there is some responsibility to get a useless law off the books.
200	Rep. Kruse	Says we do need to flush out the bill. Refers to other multi-state bodies that accomplish nothing.
214	Rep. Jenson	Concurs and states that's the reason they should get rid of it.
233	Rep. Kruse	Suggests they look at elimination of more than one and where they could be most effective in a multi-state format.
237	Chair Close	Closes the work session on HB 2108 and adjourns the meeting at 10:15 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Committee Assistant

Megan Palau,
Committee Administrator

EXHIBIT SUMMARY

- A – HB 2177, written testimony, Col. Mike Caldwell, 2 pp.**
- B – HB 2177, written material, Roy Elicker, 1p**
- C – HB 2239, written material, Tom Johnson, 2 pp.**
- D – HB 2239, written material, Tom Johnson, 2 pp.**
- E – HB 2239, written material, Charlie Swain, 1p**