

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

January 19, 1999 Hearing Room 50

4:30 PM Tapes 1 - 2

MEMBERS PRESENT: Sen. Ted Ferrioli, Co-Chair

Rep. Ken Messerle, Co-Chair

Sen. Ginny Burdick, Vice-Chair

Sen. Joan Dukes

Sen. David Nelson

Sen. Veral Tarno

Rep. Bob Jenson, Vice-Chair

Rep. Al King

Rep. Jeff Kruse

Rep. Randy Leonard

Rep. Susan Morgan

Rep. Bruce Starr

Rep. Terry Thompson

MEMBER EXCUSED: Rep. Lynn Lundquist

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: Organizational Meeting

Adoption of Committee Rules

Introduction of Committee Members and Staff

Informational Meeting

Measure 66

Executive Order 99-01

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 1, A		
004	Chair Messerle	Calls the committee to order at 4:39 p.m. Comments on the difficulty the committee has had in arranging a regular meeting schedule, how the committee will vote during a roll call, and how the questioning of witnesses will be handled.
034	Sen. Ferrioli	Comments on the work of the committee during the interim and what the members can look forward to during this session.
055	Chair Messerle	Announces that Rep. Lundquist is excused for this meeting.
<u>ADOPTION OF COMMITTEE RULES</u>		
059	Judith Callens	Committee Administrator. Reviews the proposed committee rules (EXHIBIT A).
081	Sen. Dukes	Referencing rule #11, questions the establishment of one as the quorum for the purposes of taking public testimony. Suggests the language simply state that they can have a lesser number present to hear public testimony.
092	Chair Messerle	Explains why the proposed rule is written the way it is.
099	Sen. Dukes	Comments on her concern with establishing one as the quorum for taking public testimony.
108	Rep. Kruse	Suggests that the language reflect that the committee can meet as a subcommittee for the purpose of taking public testimony.
112	Sen. Dukes	Asks for clarification on rule #12.
117	Callens	Explains rule #12.
130	Sen. Dukes	Expresses her concern about rule #14. Suggests that they add another sentence stating that the Chair may waive the requirement of this rule.

139	Callens	Comments that she tried to add this language, but the Chief Clerk of the House objected.
148	Sen. Dukes	Comments that she is not comfortable with a chair doing something informally, but she is comfortable with the Chair having authority from the committee to waive the rules.
151	Chair Messerle	Comments that they should ask for feedback from the Chief Clerk of the House and the Secretary of the Senate on this issue.
156	Rep. King	Asks how many votes are needed to suspend the rules.
162	Callens	Responds that suspending the rules takes a simple majority vote.
165	Sen. Dukes	MOTION: Moves to AMEND the proposed committee rules by deleting the last sentence in rule #11.
166	Sen. Ferrioli	Asks for clarification that they were just going to adopt the rules at this meeting and then amend them later.
167	Chair Messerle	Comments that that was in regards to rule #14.
		VOTE: 13-0 EXCUSED: 1 - Rep. Lundquist
169	Chair Messerle	Hearing no objection, declares the motion CARRIED.
170	Sen. Dukes	MOTION: Moves to ADOPT the proposed committee rules AS AMENDED.
		VOTE: 13-0 EXCUSED: 1 - Rep. Lundquist
172	Chair Messerle	Hearing no objection, declares the motion CARRIED.
173	Chair Messerle	Invites committee members to introduce themselves: <ul style="list-style-type: none"> • Rep. Ken Messerle, Sen. Ted Ferrioli, Sen. Ginny Burdick, Sen. Veral Tarno, Rep. Al King, Rep. Bruce Starr
214		<ul style="list-style-type: none"> • Rep. Terry Thompson, Rep. Randy Leonard, Rep. Susan Morgan, Sen. David Nelson, Rep. Jeff Kruse, Sen. Joan Dukes, and Rep. Bob Jenson

289	Judith Callens	Committee Administrator. Introduces herself.
331	Stephen Kosiewicz	Committee Assistant. Introduces himself.
352	Jeannette Holman	Legislative Counsel Office. Introduces herself.
388	Ken Rocco	Legislative Fiscal Office. Introduces himself.
TAPE 2, A		
004	Chair Messerle	Comments that they have a qualified group of people working in the background.
<u>MEASURE 66</u>		
017	Pat Amedeo	On behalf of Ballot Measure 66 Committee for Parks and Salmon. Submits and reads written testimony on the intent of Measure 66 (EXHIBIT B).
067	Amedeo	Continues reading written testimony.
127	Sen. Ferrioli	Comments that nothing in the measure speaks to the intent of the proponents and that the intent of the proponents is not really binding on the committee.
135	Sen. Tarno	Referencing page 3, section 6 of the submitted testimony, asks if the language regarding irrigation improvements includes screens for irrigation systems.
140	Amedeo	Responds that it does not.
145	Sen. Dukes	Asks if the term "capital expenditures" was defined in Measure 66.
146	Amedeo	Responds that it was not.
147	Sen. Dukes	Asks for clarification as to when this definition came about.
148	Amedeo	Responds that during the course of the campaign, it became obvious to them that they needed to tell the Legislature what their thinking was.
154	Sen. Dukes	Asks if there was some way that they feel they communicated this with the public prior to the vote.
155	Amedeo	Responds that this was reflected in their campaign literature.

166	Rep. Thompson	Referencing page 3, section 3 of the submitted testimony, asks Ms. Amedeo to expand on the expectation that the Measure 66 funds be used to supplement current financing for programs.
172	Amedeo	Explains their expectation that the funds be used to supplement, rather than replace, current funding.
201	Chair Messerle	Asks if there was any discussion about using these funds for research.
204	Amedeo	Responds that they were not anticipating this.
212	Sen. Ferrioli	Expresses his hope that most people didn't think they would be looking at a \$30 million appropriation from General Fund plus all of the lottery dollars on top, because this is not going to happen.
232	Amedeo	Comments that this is not what the proponents were anticipating.
241	Jeannette Holman	Legislative Counsel Office. Submits written material (EXHIBIT C) and testifies on the specific limitations Measure 66 put on the funds.
292	Holman	Describes some of the action the Legislature must take in implementing Measure 66.
336	Holman	Continues discussing what the Legislature must do in regard to implementing Measure 66.
378	Holman	Continues testimony by discussing what specific actions the Legislature cannot do in regard to Measure 66.
TAPE 1, B		
013	Ken Rocco	Legislative Fiscal Office. Submits written material (EXHIBIT D) and begins testimony by discussing how the Governor's recommended budget is incorporating the Measure 66 funds.
073	Rocco	Continues discussing how the Governor's proposed budget plans to incorporate Measure 66 funds.
095	Sen. Tarno	Referencing page 4 of the submitted material, asks Mr. Rocco to expand on the \$4 million for ODFW administration.
098	Rocco	Explains that this proposal is to use General Fund to support the department's administrative costs, which will free up additional license revenues for other programs within the department.

108	Rep. Kruse	Asks if the Governor did anything to try and identify which of the items he was considering to be capital expenditures.
110	Rocco	Responds that they have done this.
114	Rep. King	Asks if the base productions in Mr. Rocco's report contradict the intent of Measure 66.
119	Rocco	Explains that this is the example of the Governor's budget replacing about \$23 million of monies that would not be done if they consider the measure to only provide additional revenues.
125	Rep. Leonard	Asks if the only way the state can acquire interest in property is through willing landowners.
129	Holman	Responds that this is correct.
131	Rep. Leonard	Asks if this limits the ability that the state would have had otherwise to acquire properties.
136	Holman	Explains that other agencies have other authority to exercise their power of condemnation and they cannot use Measure 66 funds to buy something [response inaudible at times].
142	Rep. Leonard	Asks if this is what the intent of the drafters was.
143	Amedeo	Explains that they intended to not affect the current authority of parks.
155	Rep. Kruse	Comments on what the intent of the people was in regard to Measure 66, and that it is the Legislature's job to determine what it is they should do with the funds.
170	Sen. Ferrioli	Comments that they are going to have endless discussions about the definitions in Measure 66.
<u>EXECUTIVE ORDER 99-01</u>		
184	Roy Hemmingway	Oregon Plan Manager, Governor's Office. Submits written material (EXHIBIT E) and gives background information on how the natural resources staff is organized in the Governor's Office.
204	Hemmingway	Continues testimony by discussing how Executive Order 99-01 came about [testimony inaudible at times].

252	Hemmingway	Comments on executive orders in general [comments inaudible at times].
289	Hemmingway	Continues testimony by discussing what is new in the Executive Order as compared to the Memorandum of Agreement (MOA) [testimony inaudible at times].
341	Hemmingway	Explains the difference between the Executive Order and the MOA.
TAPE 2, B		
018	Hemmingway	Explains the difference between the Executive Order and the MOA.
061	Sen. Ferrioli	Referencing Section F on page 5 of the submitted material, comments on the issue of core areas. Expresses his hope that this section requires agencies to designate and prioritize those core areas that are the most important areas for salmonid habitat.
089	Hemmingway	Comments that they've asked the agencies to get together and designate priority actions.
108	Sen. Ferrioli	Comments that he appreciates hearing this. Referencing Section J on page 6 of the submitted material, asks if the lack of a watershed management plan will prevent irrigation permits from being extended or water uses from taking place that are usual and customary.
132	Hemmingway	Responds that the intent here is to take the many state actions and focus them in areas within a basin so they can do what is the most important thing to be done for that area.
147	Sen. Ferrioli	Comments that it appears the intent of Executive Order 99-01 is to streamline, clarify, and make easier some of these administrative processes, and they should know whether or not this worked by May.
165	Chair Messerle	Comments that they will know sooner than May if this is working [comments inaudible at times].
175	Rep. King	Asks if, by mentioning flood management in section J, they are referring to managing to allow more floods, or are they talking about flood prevention.
182	Hemmingway	Responds that reference to flood management in this section is to deal with the situation we've had where DSL had an explosion of permit requests after the 196 flood for dealing with the effects of this flood.
193	Rep. King	Asks for clarification that Mr. Hemmingway's remarks regarding addressing the Forest Practices Act refer to pages 13, Section C through Section E of the

		submitted material.
201	Hemmingway	Responds that it is page 13, Section C.
206	Sen. Tarno	Referencing page 8 of the submitted material, asks for clarification on subsection III of section B.
215	Hemmingway	Explains that the Department of Fish and Wildlife (ODFW) is asked to continue to provide annual reports about the fate of hatchery fish.
224	Chair Messerle	Expresses his concern about the lack of information they have regarding the factors that affect fish populations, and asks what percentage of the problem is due to habitat [question inaudible at times].
244	Hemmingway	Responds that the National Marine Fisheries Service (NMFS) thinks that the habitat for coastal Coho salmon is not good enough to support salmon in poor ocean conditions, and they feel just the opposite.
290	Chair Messerle	Asks Mr. Hemmingway if he has heard any figures as to what percentage of the problem habitat is [question inaudible at times].
295	Hemmingway	Explains that the first thing you have to do is define what the problem is.
308	Chair Messerle	Comments that they should know what the historic levels were what part of this level are they trying to set a goal for, and expresses his concern that as they see more and more listings coming, they may never get to that point [comments inaudible at times].
317		States that the next committee meeting will be Friday at 9:00 a.m. Adjourns the committee at 6:25 p.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Proposed committee rules, Staff, 2 pp.

B ñ Measure 66, written testimony, Pat Amedeo, 7 pp.

C ñ Measure 66, written material, Jeannette Holman, 12 pp.

D ñ Measure 66, written material, Ken Rocco, 6 pp.

E ñ Executive Order 99-01, written material, Roy Hemmingway, 18 pp.