

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

March 30, 1999 Hearing Room 50

4:30 PM Tapes 70 - 71

MEMBERS PRESENT: Sen. Ted Ferrioli, Co-Chair

Rep. Ken Messerle, Co-Chair

Sen. Joan Dukes, Vice-Chair

Rep. Bob Jenson, Vice-Chair

Sen. Frank Shields

Sen. Veral Tarno

Rep. Al King

Rep. Jeff Kruse

Rep. Randy Leonard

Rep. Lynn Lundquist

Rep. Susan Morgan

Rep. Bruce Starr

Rep. Terry Thompson

MEMBER EXCUSED: Sen. David Nelson

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: HB 3225 Public Hearing

SB 130 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 70, A		
004	Chair Messerle	Calls the committee to order at 4:47 p.m. Opens the public hearing on HB 3225.
<u>HB 3225 ñ PUBLIC HEARING</u>		
020	Jeannette Holman	Legislative Counsel Office. Explains the provisions of the proposed HB 3225-2 amendments.
083	Holman	Continues explaining the provisions of the ñ2 amendments.
148	Chair Messerle	Notes that the proposed amendments to HB 3225 are a working draft that the committee would like to get input on.
153	Rep. Leonard	Referencing page 21, section 25 of the ñ2 amendments, asks Ms. Holman to explain the section and what its intended purpose is.
158	Holman	Responds that this section came from SB 321 and that the intent is to provide legal assistance to those people who are taking action under the Oregon Plan, and as a result of this, NMFS brings a take action against them.
170	Chair Messerle	Comments that the committee had many discussions about this issue during the interim.
179	Rep. Leonard	Asks what authority the proposed Oregon Natural Resources Office (ONRO) would have in superceding or overriding various state agencies that have various roles in regard to the Oregon Plan.
183	Holman	Responds that the intent is not to give ONRO any overriding authority.
192	Rep. Kruse	Referencing Section 25 of the ñ2 amendments, questions whether the language is too narrow. Suggests including challenges that might be made through the Clean Water Act.
200	Rep. King	Referencing Section 18, paragraph 3, asks if ORS 541.401 relates to a specific number that constitutes an operational majority versus consensus.
214	Holman	Responds that ORS 541.401 is another approach to the grants and there is not a particular number amount in this statute.
225	Rep. Leonard	Asks what the reason is for removing the State Land Board and replacing it with

		the Oregon Watershed Enhancement Board (OWEB) in the ñ2 amendments.
237	Holman	Responds that the amendments move the proposed OWEB into the proposed ONRO and it seemed logical to also move the Natural Resources Heritage Council into ONRO.
267	Chair Messerle	States that he would be interested in looking into this change as well.
272	Rep. Thompson	Referencing Section 16 of the ñ2 amendments, notes that the language indicates that administrative expenses for WRD will be paid out of this. Asks if other agencies will not be able to receive any of their administrative costs.
278	Holman	Responds that this language is a technical change and has nothing to do with the Measure 66 money.
301	Rep. King	Referencing Section 5 of the ñ2 amendments, asks if the staff of the Governorís Office is being put into another agency, or is new staff being created.
321	Holman	Responds that it is her understanding that the Governorís staff is moved into a different agency, but it is the same people and they will have the same function as they do currently.
329	Rep. King	Asks whether this would change the nature of their work.
334	Holman	Responds that it could. Notes that she tried to draft their duties and responsibilities to mirror what they currently do.
353	Sen. Ferrioli	Comments on the makeup of the Governorís Natural Resources Office (GNRO) staff and on the proposed reorganization to ONRO.
TAPE 71, A		
010	Rep. Leonard	Asks if the Governorís Office shares the Co-Chairís view of the change proposed in the ñ2 amendments.
012	Sen. Ferrioli	Responds that it was done in consultation with the Governorís Office.
017	Ken Rocco	Legislative Fiscal Office. Reviews the proposed reorganization of GNRO to ONRO.
028	Rep. Thompson	Referencing Section 8 of the ñ2 amendments, asks if DAS is being put in charge of Measure 66 money.

035	Rocco	Notes that DAS is responsible for distributing all lottery funds to state agencies. Responds that Section 8 would allow DAS to distribute the Measure 66 funds as the Legislature decides they should distribute them.
050	Chair Messerle	Closes the public hearing on HB 3225 and opens the public hearing on SB 130.
<u>SB 130 ñ PUBLIC HEARING</u>		
054	Judith Callens	Committee Administrator. Explains the provisions of SB 130 and the proposed ñ3 amendments.
078	Janice Green	Representing Oregonians for Fish and Fishing. Testifies in support of the ñ3 amendments. Submits and reviews written material regarding a scientific study of hatchbox fry that is done by the STEP group in Roseburg (EXHIBIT A).
118	Chair Messerle	Closes the public hearing and opens the work session on SB 130.
<u>SB 130 ñ WORK SESSION</u>		
120	Sen. Dukes	Comments on what she has heard from citizens and ODFW regarding the success of hatchbox programs. Notes that the ñ3 amendments require the program to be scientifically sound. Asks if this is an attempt to get rid of hatchbox programs.
141	Joe Rohleder	Assistant to the Director, Department of Fish and Wildlife. Clarifies that ODFW has testified previously before the committee that research on the success of hatchbox programs is not available. Comments on studies that have been conducted on hatchbox programs. Responds that ODFW does not have a position against hatchboxes and that they are trying to figure out where the science is.
185	Sen. Dukes	Expresses concern about the language in the ñ3 amendments that the commission ensure that the programs are scientifically sound.
206	Rohleder	Comments on his discussions with Sen. Tarno regarding SB 130.
232	Rep. Jenson	Asks for clarification that if SB 130 was passed without the ñ3 amendments, ODFW could still do what is proposed in the amendments.
237	Rohleder	Responds that ODFW intends to do the things outlined in the amendment whether or not it passes.
241	Rep. Jenson	Asks for clarification that nothing would prevent ODFW from coming back to the Legislature to address the problem if they were to find that hatchboxes were extremely detrimental to salmon restoration.

251	Rohleder	Responds that this is correct.
253	Sen. Ferrioli	Comments on earlier amendments that were proposed to SB 130 and clarifies what the ñ3 amendments do.
296	Sen. Tarno	Notes that SB 130 has already passed the Senate. Asks whether the bill and the ñ3 amendments can only be considered by the House committee members.
303	Callens	Responds that the full committee can vote on SB 130 and the ñ3 amendments. Explains what happens with the bill if it is passed to the House floor.
318	Rep. Leonard	Asks for clarification that the entire committee can vote on SB 130.
330	Callens	Notes that the bill is back before the entire committee.
331	Rep. Leonard	Questions how the Senate committee members can participate in deliberations on a bill that has left their chamber.
339	Callens	Notes that she has consulted with the Chief Clerk of the House and the Secretary of the Senate on this issue. Explains that the committee rules allow the committee, as a whole, to deliberate on the bill.
342	Rep. Leonard	Asks whether the vote on the ñ3 amendments and SB 130 needs to pass by a majority of members of each chamber.
345	Callens	Responds that it does.
346	Rep. Leonard	Asks for clarification that it is theoretically possible that the Senate committee members could kill the bill in committee after it has passed the Senate floor.
348	Callens	Responds that this could happen.
350	Rep. Kruse	Expresses concern about the ñ3 amendments. Questions whether requiring the hatchbox programs to be scientifically sound involves the committee in the wild ñsh issue.
377	Rohleder	Responds that he is unable to respond to this.
387	Rep. Kruse	States he would be comfortable eliminating line 4 of the ñ3 amendments.
395	Sen. Tarno	States that if the ñ3 amendments are adopted, SB 130 will end up in conference committee where a dialog such as Rep. Kruse described can take place.

405	Rep. Jenson	Expresses concern about the language in the ñ3 amendments. States that he will support amending SB 130 with the ñ3 amendments.
TAPE 70, B		
007	Rep. Jenson	MOTION: Moves to ADOPT SB 130-3 amendments dated 3/26/99.
008	Sen. Dukes	States that she will support the motion, but she does not want to go through another interim listening to complaints about hatchbox programs.
015	Rep. Morgan	Expresses concern about the "scientifically sound" language.
026	Rep. King	Notes that the ñ3 amendments address the Governorís concerns with SB 130. States that he supports amending the bill with the ñ3 amendments.
039	Rep. Leonard	Asks where the monitoring and evaluation of the hatchbox programs is in the ñ3 amendments.
043	Chair Messerle	Responds that this is part of the responsibility of ODFW.
047	Rohleder	Responds that ODFW wants to make sure there is a monitoring and evaluation program as a part of this.
061	Chair Messerle	Notes that staff has conferred with the Chief Clerk of the House and the earlier explanation of the committeeís deliberation and vote on the bill is accurate.
		VOTE: 11-1 AYE: 11 - Dukes, Jenson, King, Leonard, Lundquist, Morgan, Starr, Tarno, Thompson, Ferrioli, Messerle NAY: 1 - Kruse EXCUSED: 2 - Nelson, Shields
071	Chair Messerle	The motion CARRIES.
072	Rep. Jenson	MOTION: Moves SB 130 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 12-0 AYE: In a roll call vote, all members present vote Aye.

		EXCUSED: 2 - Nelson, Shields
082	Chair Messerle	The motion CARRIES. REP. MESSERLE will lead discussion on the floor.
086	Chair Messerle	Closes the work session on SB 130 and reopens the public hearing on HB 3225.
<u>HB 3225 ñ PUBLIC HEARING (CONTINUED)</u>		
092	John Hampton	Representing the Coalition for Salmon and Watershed Health. Submits and reads written testimony in opposition to the proposed HB 3225-2 amendments (EXHIBIT B) .
129	Hampton	Continues reading written testimony in opposition to the ñ2 amendments.
182	Hampton	Continues reading written testimony in opposition to the ñ2 amendments.
232	Hampton	Continues reading written testimony in opposition to the ñ2 amendments.
264	Rep. Jenson	Asks if transportation is included in the coalitionís four "His".
270	Hampton	Responds that the four "His" came from a consultant that identified these four items as the major causes of the problem we have.
281	Rep. Jenson	Clarifies that he was referring more to transportation on the river.
287	Hampton	Notes that this is a major factor, but the coalition wanted to focus on the more direct aspects of the salmon issue.
292	Chair Messerle	Asks if ocean habitat and conditions are included in the four "His".
295	Hampton	Responds that these have profound effects on the success or failure of the salmon runs and that research resources should be devoted to identifying what effect they have.
310	Chair Messerle	Asks if Measure 66 funds should be used for this.
313	Hampton	Responds that they should not, unless another agency, like Bonneville, is unable to participate in this.
320	Pat Amadeo	Representing the Coalition for Salmon and Watershed Health. Comments on the

		notion of a single lead agency.
336	Sen. Ferrioli	Expresses confusion over Mr. Hampton's comments that Measure 66 money would not be used for ocean condition research unless no other agency would do this.
342	Hampton	Clarifies that he believes it is quite possible to recruit funds from Bonneville, thereby making it unnecessary to use Measure 66 funds for this type of project.
350	Sen. Ferrioli	Comments on the lack of ocean habitat and harvest information.
382	Sen. Ferrioli	Asks what the governance structure Mr. Hampton mentioned in his testimony would look like.
394	Amadeo	Responds that they brought forward to the committee a concept on a single lead agency at an earlier meeting.
TAPE 71, B		
012	Chair Messerle	States that the committee shares these concerns.
014	Sen. Ferrioli	Clarifies that the ONRO reorganization is not the same structure as the OBC proposal.
019	Amadeo	States that they would not suggest the two are similar at all.
024	Sen. Ferrioli	Comments on the sources of funding for the Oregon Plan. Asks Mr. Hampton if the state should be spending \$75 million on the Oregon Plan, which would be adding all of the Measure 66 dollars to some appropriation made through the General Fund.
040	Hampton	Responds that the industry was willing to get involved on a voluntary basis before the listing, and since species were listed, they feel they have fulfilled their obligation and that Measure 66 takes the place of that.
046	Sen. Ferrioli	Asks for clarification that Measure 66 funds take the place of a portion of the dollars that were spent.
047	Hampton	Responds that this is correct.
048	Amadeo	Comments that the proponents presumed that the money put forward by the industry would be a one-time commitment and this would be replaced this session, and subsequent sessions, with General Fund.

059	Rep. Thompson	Comments that using Measure 66 funds for ocean research is a good idea.
081	Hampton	Submits written material giving a section by section analysis of the HB 3225-1 amendments (EXHIBIT C).
091	Roy Hemmingway	Oregon Plan Manager, Governor's Natural Resources Office. Submits written testimony (EXHIBIT D) and testifies on the Governor's concerns with the ñ2 amendments.
155	Hemmingway	Continues testimony on the Governor's concerns with the ñ2 amendments.
193	Doug Meyers	Representing Trout Unlimited and Water Watch. Testifies on his organization's concerns with the governance structure and the outline of how the Measure 66 funds are to be spent as proposed in the ñ2 amendments.
234	Phil Donovan	Representing Oregon Guides and Packers. Comments on his organization's concerns with the previously proposed HB 3225-1 amendments.
252	Sen. Ferrioli	Comments on the discussions and activities between the Co-Chairs and the Governor's Office leading up to the creation of the HB 3225-2 amendments.
315	Sen. Ferrioli	Continues comments on the discussions and activities leading up to the creation of the ñ2 amendments.
362	Sen. Ferrioli	Continues comments on the discussions and activities leading up to the creation of the ñ2 amendments.
418	Chair Messerle	Closes the public hearing on HB 3225. Adjourns the committee at 6:36 p.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 130, written material, Janice Green, 2 pp.

B ñ HB 3225, written testimony, John Hampton, 8 pp.

C ñ HB 3225, written material, John Hampton, 4 pp.

D ñ HB 3225, written testimony, Roy Hemmingway, 2 pp.