

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

April 20, 1999 Hearing Room 50

4:30 PM Tapes 94 - 97

MEMBERS PRESENT: Sen. Ted Ferrioli, Co-Chair

Rep. Ken Messerle, Co-Chair

Sen. Joan Dukes, Vice-Chair

Rep. Bob Jenson, Vice-Chair

Sen. David Nelson

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

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: HB 3229 Public Hearing

SB 1166 Public Hearing

HB 2103 Public Hearing and Work Session

HB 3225 Public Hearing

TAPE/#	Speaker	Comments
TAPE 94, A		
004	Chair Messerle	Calls the committee to order at 4:52 p.m. Announces change in today's agenda. Opens the public hearing on HB 3229.
<u>HB 3229 n PUBLIC HEARING</u>		
011	Chair Messerle	Closes the public hearing on HB 3229 and opens the public hearing on SB 1166.
<u>SB 1166 n PUBLIC HEARING</u>		
025	Jean Underhill-Wilkinson	Oregon Cattlemen's Association. Testifies in support of the proposed n1 amendments.
056	Wilkinson	Continues testimony by commenting on the issue of outstanding resource waters (ORWs).
074	Rep. King	Asks whether subsections A through E in section 5 of the n1 amendments are read as all of the above or any of the above.
078	Wilkinson	Responds that this section could be read to be all of the above.
082	Pete Test	Oregon Farm Bureau. Testifies in support of the n1 amendments.
099	Mike Llewelyn	Water Quality Division Administrator, Department of Environmental Quality. Testifies on DEQ's concerns with the n1 amendments.
132	Sen. Ferrioli	Notes that the Governor's Executive Order may have led to SB 1166 being brought forward.
146	Llewelyn	Comments that this is a complex issue. Notes that DEQ has not designated one water body in the state as an ORW.
154	Chair Messerle	Asks what DEQ's timeframe is for doing this work.
156	Llewelyn	Responds that they hope to have the Coho core areas identified by June of this year. Notes that they will not be moving ahead on any ORW designations until at least the end of the year.

166	Rep. Thompson	Asks if there is any way to assess the top 5% of water bodies in Oregon.
168	Llewelyn	Responds that he is not aware of any way.
178	Rep. Thompson	Asks the previous witnesses the same question.
183	Wilkinson	Responds that DEQ would have to develop a database of potential water bodies that are going to meet the criteria and, rather than going stream-by-stream, they would have to evaluate all of the streams that potentially might fit this criteria.
205	Rep. Thompson	Asks if SB 1166 is passed, and there is no way to assess what 5% is, would this result in more lawsuits.
214	Wilkinson	Responds that with the current ORW program that DEQ is putting together, and because of the criteria that is included, there is an opening for massive amounts of litigation.
232	Llewelyn	Responds that he does not know if this would generate litigation. Notes that there would be a lot of argument about whether or not these water bodies are within 5%.
239	Rep. King	Using the example of the McKenzie River being designated an ORW, asks whether the whole river would be protected or just the mileage where there is fish population [comments inaudible at times].
254	Wilkinson	Responds that it is her understanding that petitions could request various segments to be designated. Notes that SB 1166 would not prohibit someone from petitioning for a particular segment of a stream to be designated an ORW.
267	Llewelyn	Responds that he does not believe that the concept of ORW was ever meant to be applied to an entire watershed.
280	Sen. Tarno	Asks if DEQ has taken a policy stand on whether a water body that is water quality limited should be eligible for ORW designation.
289	Llewelyn	Responds that DEQ agrees that water bodies on the 303(d) list should not be eligible for ORW designation.
294	Wilkinson	Notes that some EPA personnel do not agree that water bodies that meet all the water quality standards are the only water bodies that can be designate.
313	Sen. Ferrioli	Asks how long the designation requirement for ORWs has been on the books.
316	Llewelyn	Responds that DEQ adopted rules in the early 1990s.

320	Sen. Ferrioli	Comments that there should be a much more easily applicable policy at the state level for making ORW designations. Notes that SB 1166 tries to put some parameters around what has been an unanswerable question from the agency's standpoint.
351	Llewelyn	States that he does not know what the discussion has been on this issue over the last nine years. Comments that he shares Sen. Ferrioli's concerns that this has been a very difficult and complex process.
385	Sen. Ferrioli	States that a designation should be made in the near future, or else the sections of law that require the designations should be repealed since none are being made.
402	Chair Messerle	Closes the public hearing on SB 1166 and opens the public hearing on HB 2103.
<u>HB 2103 n PUBLIC HEARING</u>		
411	Judith Callens	Committee Administrator. Notes that HB 2103 was borrowed from the House Water and Environment Committee. Explains the provisions of HB 2103.
TAPE 95, A		
010	Sen. Dukes	Asks if this committee has official possession of the bill now.
011	Callens	Explains that the House Water and Environment Committee retains official possession of the bill, but this committee has borrowed it for review in accordance with House rules.
024	Joe Rohleder	Assistant to the Director, Department of Fish and Wildlife. Explains why ODFW introduced HB 2103.
052	Sen. Dukes	Asks what ODFW intends to do with this money.
053	Rohleder	Responds that it was the Legislature's intent that the Fish Endowment Fund would be used for hatchery maintenance.
059	Sen. Dukes	Asks for clarification that the projected amount of interest on this fund is \$500,000.
060	Rohleder	Responds that the way the fund was conceived, half of the interest from the Wildlife Fund and the interest that the present principle in the Fish Endowment Fund generates is approximately \$500,000. Notes that under the current proposal, and if HB 2103 is passed, ODFW would not spend any of this money.
066	Sen. Dukes	Asks how much money would be available for hatchery maintenance.

067	Rohleder	Questions whether Sen. Dukes means when this fund is finally at its full value of about \$8 million.
069	Sen. Dukes	Asks for clarification that the money cannot be used until the fund reaches \$8 million.
070	Rohleder	Responds that this is correct.
078	Rep. Kruse	Notes that it would take another 10 to 15 years to get to the point where they would have \$500,000 to invest back into hatcheries. Recommends freezing this fund as is and using the interest money and the money from the Wildlife Fund for a period of time to invest in hatcheries. Notes that this is the recommendation he plans to take back to the House Water and Environment Committee.
100	Rep. King	States that the cost of doing hatchery work has probably increased a lot faster than the investment fund. Suggests shutting down the Fish Endowment Fund.
110	Rep. Morgan	States that Rep. Kruse's solution allows for a good contribution toward maintaining the hatchery system. Notes that the four-year sunset would give the Legislature time to reexamine the whole program when they are ready to address the hatchery issue more comprehensively.
124	Rep. Kruse	Explains why the House Water and Environment decided not to shut down the Fish Endowment Fund.
139	Chair Messerle	Closes the public hearing and opens the work session on HB 2103.
<u>HB 2103 n WORK SESSION</u>		
141	Sen. Ferrioli	MOTION: Moves to send HB 2103 back to the House Water and Environment Committee WITHOUT RECOMMENDATION as to passage.
		VOTE: 11-0 EXCUSED: 3 - Lundquist, Nelson, Shields
150	Chair Messerle	Hearing no objection, declares the motion CARRIED.
156	Chair Messerle	Closes the work session on HB 2103 and opens the public hearing on HB 3225.
<u>HB 3225 n PUBLIC HEARING</u>		
162	Eric Carlson	Coordinator, Clackamas River Basin Watershed Council. Explains that he will

		come back before the committee at a later meeting with an analysis of the HB 3225-5 amendments.
172	Rep. Thompson	Asks for an explanation as to why the committee is now considering ñ5 amendments, rather than the ñ2 amendments.
177	Rep. Messerle	States that the Co-Chairs have been trying to figure out how to proceed from this point on, and that he would like the committee to discuss how they should walk there way through this. Comments on what he would like to discuss in regard to HB 3225 and the Measure 66 structure.
208	Rep. Thompson	Comments that the minority has had no input into the process.
222	Callens	Reviews the timeframes that the committee is working under to move bills.
248	Rep. Thompson	States that he has heard rumors that Ways and Means has spent some of the Measure 66 money. Expresses concern that this was done without input from the minority party.
261	Sen. Ferrioli	States that these rumors are probably grounded in fact, and this has to do with the Ways and Means Co-Chairs' decisions about backfilling. Comments on the funding of positions created under the Oregon Plan.
312	Callens	Clarifies that the actual allocations fall under the purview of the Ways and Means Committee and that this committee is just dealing with the policy pieces regarding Measure 66.
328	Sen. Dukes	States that Ways and Means does not know where to put the money until this committee creates the structure. Notes that there has been some exclusion of the minority party in the Measure 66 process.
341	Rep. King	Comments on the limited amount of input the committee has received from watershed councils.
362	Chair Messerle	States that the committee needs to discuss how they are going to move forward from this point.
373	Sen. Ferrioli	Asks why there are no ñ3 or ñ4 amendments to HB 3225.
381	Callens	Clarifies that the ñ3 amendments are a placeholder that Ms. Holman developed and are separate and distinct from anything the committee is talking about here. Explains that the ñ4 amendments deal with designating bullfrogs as invasive species.
411	Rep. Jenson	Asks if the ñ5 amendments is the LC version of the proposal that was brought

		before the committee at their meeting on Saturday.
TAPE 94, B		
001	Callens	Responds that this is correct. Notes that the members have a document she prepared that compares the ñ5 amendments to the ñ2 amendments.
010	Rep. Morgan	Asks how the ñ5 amendments relate to the work group draft proposal.
011	Callens	Clarifies that this proposal was submitted to Legislative Counsel and is now the ñ5 amendments to HB 3225.
018	Rep. Jenson	Comments that it was his understanding that they were going to identify the concepts they were interested in working with so they have some idea of where they were going to go and how they would get there.
027	Chair Messerle	States that this is one idea. States that this could also be accomplished by going through the matrix that staff developed.
030	Rep. Jenson	States that he needs time to work his way through the new set of amendments.
042	Sen. Ferrioli	Comments that the committee needs to involve more people in this process.
055	Rep. Thompson	States that the problem lies with what they are working on. Notes that he would like to have amendments drafted to the amendments. Clarifies that there are sections of the ñ5 amendments that he would like to change. Asks if he should make his amendments to the ñ5 amendments.
072	Chair Messerle	Responds that the most productive thing to do right now would be to focus on the main bill, HB 3225, and amend any changes into this.
077	Rep. Leonard	Suggests that the committee start out with the basics and reach some consensus on developing a skeletal structure to implement Measure 66.
090	Chair Messerle	Notes that this is what they are trying to accomplish.
096	Rep. Leonard	Clarifies that his point is that the ñ2 and ñ5 amendments go beyond what Measure 66 is intended to do.
102	Sen. Dukes	States that it would be helpful for staff to identify the parts of both the ñ2 and ñ5 amendments that they have to do, and for the committee to come to some consensus around this.

107	Sen. Ferrioli	Comments that there are two constitutional requirements that they have to accomplish in the bill.
127	Rep. Leonard	Notes that the committee members have heard all of this. Comments on the frustration by the minority party committee members and the Governor's Office that HB 3225 is being attempted to be used as a vehicle to accomplish some other ends.
142	Sen. Ferrioli	Comments that GWEB offers one tool, and if there is some improvements they can make, than this is as much an obligation for this committee.
169	Rep. Leonard	States that it would make as much sense for the Democrats on the committee to work with the Governor's Office and develop their own set of amendments without the Co-Chairs' input as it would for the majority party to develop their own amendments with input from the minority party.
184	Chair Messerle	Notes that the Co-Chairs have had meetings with the Governor's Office.
194	Rep. Thompson	Asks for clarification that Measure 66 says to designate an agency, rather than create an agency.
209	Jeannette Holman	Legislative Counsel Office. Responds that Measure 66 requires the Legislature to establish a fund and that the fund be administered by a single state agency, so the Legislature can designate or create an agency.
218	Sen. Dukes	Notes that there are other substantive pieces of legislation in the HB 3225 amendments. Asks how the committee plans to handle deliberations on HB 3225.
230	Chair Messerle	Responds that they need to start working through the pieces as a committee and use HB 3225 as the basis for folding in different amendments.
235	Sen. Dukes	Asks if the committee could start with a blank sheet of paper and take the pieces that they want in it and put them on this paper.
237	Chair Messerle	States that this is what they would be doing.
239	Rep. Morgan	Comments that there are two separate things going on in the development of the Measure 66 structure.
271	Rep. Starr	Suggests that the committee stop talking and get to work on reviewing the bill section-by-section.
280	Sen. Dukes	Notes that the things that Rep. Morgan talked about are worthwhile things to do, but they do not have to be done in HB 3225.

286	Rep. Thompson	Expresses frustration over the process of dealing with Measure 66.
301	Rep. King	Expresses frustration that the committee is not to the point of actively working on the bill.
320	Sen. Tarno	States that the committee should use the ñ2 amendments as a starting point.
325	Rep. Morgan	Notes that the committee has until May 19 to get HB 3225 to the floor of the Senate.
330	Chair Messerle	States that this time frame is going to shrink really fast.
336	Rep. Jenson	Comments on his involvement with the creation of the Oregon Plan last session. Notes that working on the Measure 66 structure has been a significant learning process and that if they start actively working on it they can get something done in the timeframe they have to do it.
365	Chair Messerle	Asks Ms. Holman and Mr. Rocco to review for the committee where they are on section 8 of the ñ2 amendments regarding the creation of the Measure 66 fund and the definitions.
381	Ken Rocco	Legislative Fiscal Office. Explains that section 8 complies with the constitutional requirements for the establishment of the Measure 66 fund.
406	Rep. Starr	Asks if the parks funding structure that was passed out by the Ways and Means Subcommittee is similar to what is being proposed in section 8 of the ñ2 amendments.
411	Rocco	Responds that this is correct.
TAPE 95, B		
003	Rocco	Continues explaining the provisions of section 8 of the ñ2 amendments.
019	Chair Messerle	Asks what other options the committee has besides what is proposed in the ñ2 amendments.
023	Rocco	Responds that SB 321 designates WRD as the agency responsible for administering the funds.
029	Sen. Tarno	Expresses concern about designating DAS as the agency responsible for administering the funds. Suggests that the funding be continued through GWEB as administered by WRD.

037	Sen. Dukes	Expresses concern that the first agency this money hits be a pass through. Asks for clarification that according to the ñ2 amendments the money would go through DAS and then be broken into two subaccounts that the Legislature has limitation ability on.
046	Rocco	Responds that the limitation restriction is on the parks and natural resources fund.
057	Sen. Dukes	Asks if this qualifies as the first agency that gets this money and do they need to designate the original agency.
058	Rocco	Responds that he does not know if this has to be identified. Notes that it is the second occurrence of DAS that is in question.
068	Sen. Dukes	Asks if this is where there is some dispute over how much restriction they can place on it.
070	Rocco	Responds that the question is whether any restriction can be placed on the amount of dollars that are allocated out of the fund.
085	Sen. Dukes	Notes that the Legislative Counsel opinion seems to indicate that they cannot prohibit the agency from spending the money either. Asks if the Legislature indicated through the budget that they wanted the money passed on to a number of different agencies, and the Governor decided that he wanted to do something differently with it, is there any reason that WRD could not do something different with the money.
092	Rocco	Responds that the problem comes in that agencies are required under Oregon law to have an expenditure limitation of funds that are not continuously appropriated to them.
094	Sen. Dukes	Asks for clarification that they can shift their expenditure limitations.
095	Rocco	Responds that they can if they have enough limitation available, but it is the job of Ways and Means to make sure this does not occur.
099	Sen. Ferrioli	Asks if section 8 of the ñ2 amendments is identical to section 33 of the ñ5 amendments.
111	Callens	Responds that the language is very similar reflecting what the ballot measure says. Notes that the policy question here is who the single state agency will be for the pass through dollars.
124	Holman	Notes that in the ñ5 amendments the money does not go through DAS.

126	Chair Messerle	Asks for clarification that the money does not even go through DAS initially.
127	Holman	Responds that the money is distributed directly into the two subaccounts from the state lottery. Notes that DAS would probably be doing this behind the scenes, but it is not in the legislation.
133	Rocco	Notes that the primary difference is that the money would be provided to the Oregon Watershed Conservation Commission in the ñ5 amendments, and in the ñ2 amendments it would be provided to DAS for distribution based on legislative instruction.
141	Chair Messerle	Asks for clarification that it is going to happen the same way regardless.
142	Rocco	Responds that there is other language in the ñ5 amendments that would limit the ability of the Legislature to provide certain direction on how that money would be expended
146	Rep. Jenson	Comments on the direction he would like to see the committee taking at this point. Asks if they are going to talk about language in the ñ2 amendments such as "native salmonid populations".
173	Sen. Dukes	Notes that "fish and wildlife habitats" is included a little further in the language.
181	Rep. Jenson	States that there is a difference between protection of the native salmonid populations and talking about fish and wildlife habitats.
185	Rep. Morgan	Expresses concern about removing the word "native" from this section.
195	Holman	States that there are different ways this can be read.
205	Rep. Jenson	States that he still does not know whether salmonids in the Umatilla River would be protected.
215	Sen. Ferrioli	Notes that the issue of native is not such a small question.
223	Rep. Jenson	Clarifies that he is looking for language that would let them go beyond what the measure says and protect some of the salmonid populations that have been successfully introduced.
232	Rocco	Notes that there is language later under subsection 5 that describes the purposes of the moneys in the restoration and protection subaccount.
244	Rep. Thompson	Asks for clarification that one of the first things the committee needs to do is define the term native.

248	Holman	Responds that this is correct.
252	Rep. Jenson	States that this is an issue that needs to be addressed. Expresses concern about the inclusion of "other native species" in line 29.
269	Sen. Tarno	Referencing line 17 on page 6 of the ñ2 amendments, suggests adding language so the amendment would read "protection of native, wild, and non-hatchery salmonid populations".
276	Sen. Ferrioli	Notes his frustration with the wild fish policy of the state. States that Sen. Tarno's issue of non-native species needs to be addressed.
302	Chair Messerle	Asks Ms. Holman to review the definitions.
306	Holman	States that the definitions are similar between the ñ2 and ñ5 amendments. Notes that one issue the committee may want to address is whether they want to have any kind of criteria for the entity that will award grants to use to help them determine whether a grant is a capital expenditure or not.
329	Rep. Starr	Asks if hatchboxes would qualify as a capital expenditure under the definition in the ñ2 amendments.
334	Holman	Responds that she is not the right person to answer this question.
340	Rep. Starr	Asks if there is a reference to long-term improvement in this definition.
342	Holman	Responds that there is not. Notes that this is the general understanding of capital expenditure that she is reading into this.
346	Chair Messerle	States that he feels hatchboxes would be considered capital expenditures.
351	Rep. Starr	States that he would like to see this specific item more explicitly in the bill.
354	Rep. Morgan	Asks where the definition of capital expenditures is in the ñ5 amendments.
356	Callens	Responds that the definition starts in section 2 on page one, line 15 of the ñ5 amendments.
362	Holman	Notes that the ñ5 amendments are more detailed than what is in the ñ2 amendments.
367	Rep. King	Referencing line 16 on page 7 of the ñ2 amendments, asks if this language means that research related to several projects would not be an appropriate expenditure.

376	Holman	Responds that if the research were tied to particular projects there would be less of a problem including it as a capital expenditure than research generally.
385	Rep. King	Expresses concern that the language might be more restrictive than what they are trying to be.
391	Chair Messerle	Notes that he has the same concern. Asks Rep. King if they could make this definition broader.
396	Holman	Responds that the committee has latitude to define capital expenditures. Notes that the farther they go from what is usually accepted as a capital expenditure, the more likely they are to be challenged on it.
406	Chair Messerle	Asks if the same argument could be made for engineering costs.
412	Holman	Responds that if the engineering is applied to on-the-ground projects, it is more reasonable to include it as a capital expenditure than research of more general issue.
TAPE 96, A		
006	Chair Messerle	Asks whether research done to design a better hatchbox would be considered a capital expenditure.
009	Holman	Responds that if the research is for someone who is building a hatchbox, than this is okay for capital expenditures, and that it may be okay on the broader issue of needing a better hatchbox.
022	Rep. King	Notes that the word "research" is part of the enabling phrase and gives them a tool to consider something that has some research in it as a capital expenditure. Expresses concern that if they use this tool where the language is real restrictive they might not be able to use this tool to do some things.
039	Chair Messerle	Gives example of doing research to determine what kind of net-pens work well in an estuary. Asks Ms. Holman if she is saying that it might be difficult to fund this kind of research through capital expenditures.
045	Holman	Responds that it would be safer to fund this kind of research through the 35% of Measure 66 money.
047	Rep. Morgan	Asks if a way to tie this down would be to define the projects as actual, tangible things and have the research tied to something taking place on the ground [question inaudible at times].
052	Holman	Responds that this would be helpful. Notes that some of the language allows less

		tangible things than a project to be funded.
066	Chair Messerle	Notes that they may not have much leeway to expand this definition.
070	Sen. Dukes	States that it might be helpful to define "project", since a number of the definitions make references to projects.
079	Rep. Jenson	Asks if they are keeping track of things the committee has discussed and suggested so far [comments inaudible at times].
081	Chair Messerle	Responds that they are trying to do this.
089	Sen. Tarno	Asks if the committee is done considering the sections between 8 and 18.
090	Chair Messerle	Responds that they are not. States that he is trying to focus on those sections that the committee needs to do more review on. Notes that the committee has had considerable discussion about the makeup of OWEB.
103	Rep. Morgan	Comments on the discussions they had about limiting the membership of OWEB to specific interest areas. Notes that there is language in the ñ5 amendments that deals with geographic representation.
113	Holman	Clarifies that section 8 of the ñ5 amendments has this language.
120	Rep. King	Comments that there could be a wide range of representation based on the fact that some individuals could have a background in more than one interest area.
133	Chair Messerle	Notes that what they are trying to do is get expertise on the Board.
141	Rep. Thompson	Expresses concern about territorial issues coming into play in Board decisions if members are appointed based on geography.
152	Rep. Starr	States that one option is to recommend to the Governor that he be geographically diverse in his appointments to the Board.
159	Rep. Morgan	Comments that it would be important to have some assurances that there would be geographically diverse representation.
171	Rep. Starr	Notes that in the ñ2 amendments these people would be subject to Senate confirmation, so there would be a continued legislative oversight of these appointees.
179	Rep. Jenson	Comments on the issue of geographic diversity on the Board [comments

		inaudible at times].
216	Rep. Morgan	States that the people on the ground doing the work of this whole process should have a place on the Board.
229	Chair Ferrioli	Asks the committee to consider the number of members and where they come from in the different proposals [comments inaudible at times].
238	Sen. Tarno	States that there should be two legislative appointees from each party [comments inaudible at times].
256	Sen. Ferrioli	States that he would like the committee to consider the ñ5 amendments and compare it to the current makeup of GWEB.
277	Sen. Tarno	Asks for clarification that the membership is addressed in section 8 of the ñ5 amendments.
279	Sen. Ferrioli	Responds that this is correct.
280	Chair Messerle	Questions whether they should designate that the representative of the "public at large" be a local government individual.
286	Rep. King	Notes that he had a discussion with a representative from Portland along these lines.
294	Chair Messerle	States that he would not be in favor of making it this defined, but it would be appropriate to make it an elected official from a city or county.
297	Rep. King	States that this is a valid consideration.
308	Rep. Jenson	Notes that the term "urban" constitutes an area with a population of 2500 or more. States that this would not address the metropolitan areaís issue. Comments that it would be a great disservice to other communities in the state if they say specifically that Portland or some other large city needs a representative on the Board.
335	Rep. King	Agrees with Rep. Jensonís comments. Asks for clarification on which set of amendments the committee is currently discussing.
347	Sen. Ferrioli	Clarifies that the committee was comparing the membership structures in the ñ2 and ñ5 amendments.
353	Rep. King	Asks for clarification as to which set of amendments is the base that they are working from.

359	Chair Messerle	Clarifies that they are working on the ñ2 amendments, but this does not mean that they cannot use language from any of the testimony they have had.
367	Sen. Dukes	Asks how the GWEB chair is appointed now.
371	Holman	Responds that the chair is the Governor's natural resources advisor or a person designated by them.
374	Sen. Dukes	Notes that in the ñ5 amendments the Governor, Senate President, and Speaker of the House would appoint the GWEB chair. Questions whether this type of appointing authority is needed.
399	Sen. Ferrioli	Comments that he has heard that this does rise to the level of something as important as the IMST.
TAPE 97, A		
007	Rep. Jenson	Referencing the membership language in the ñ5 amendments, expresses concern that 5 of the voting members are chairpersons of boards and commissions.
025	Rep. Starr	Suggests a change to the ñ2 amendments on page 17, line 17 to address the issue of geographic diversity.
033	Chair Messerle	Comments on the discussions he has had with the chairs of some of these commissions.
045	Sen. Tarno	Suggests having legislators involved with the Board, even if they are non-voting members.
050	Rep. Jenson	Notes that if they stay with the existing language the Senate has little option other than to get the Governor to name someone else as the chair of a particular commission.
060	Holman	States that the chairperson is supposed to be a member and that this is an error in the draft. Notes that the people who are on these boards and are also serving on this Commission would have to be confirmed a second time as a member of this Commission.
067	Sen. Dukes	Notes that it would be most productive to have Senate confirmation of the non-agency individuals.
079	Sen. Ferrioli	States that the reconfirmation issue needs to be addressed.
092	Rep. Morgan	Asks for a brief explanation of the Senate confirmation process.

097	Sen. Ferrioli	Explains the Senate confirmation process.
103	Rep. Morgan	Asks how long this process takes.
105	Sen. Ferrioli	Responds that it could take anywhere from 60 days to a couple of years.
111	Rep. Morgan	States that one of the issues to be considered is the speed with which this Commission could be impaneled.
112	Sen. Ferrioli	Notes that the Governor usually sends some fairly strong signals to the Senate President and ask about confirmation, and that one of the ways to avoid this difficulty is to require the Governor, Senate President, and Speaker of the House to agree in negotiations on a person they will confirm.
123	Rep. Morgan	Asks for clarification that having the Speaker, President, and Governor confer on who these people were up front could significantly speed up the process.
125	Sen. Ferrioli	Responds that it could. Notes that in the 5 amendments only one position on the board is handled this way.
132	Sen. Dukes	Notes that the last time the Governor, Senate President, and Speaker of the House had to appoint someone to a board it took six months.
140	Rep. King	Expresses concern about having people go back through the confirmation process when they have already been confirmed for the board or commission they are serving on.
151	Chair Messerle	Notes that expanding the committee helps balance this out too.
154	Rep. Thompson	Asks for clarification that there are several commissions that have the wording "the person serves at the pleasure of the Governor" is used in regard to membership.
158	Holman	Responds that this is correct.
159	Rep. Thompson	Asks which commissions are formed this way.
160	Holman	Responds that she does not have that information, but she will get this to the committee.
161	Rep. Thompson	Notes that this is one option the committee may want to consider at another meeting.

164	Sen. Ferrioli	Comments that the continuity of the Commission was a real important factor.
189	Chair Messerle	Reviews the sections of the ñ2 amendments that will be covered at the next committee meeting.
200	Sen. Ferrioli	Notes that these sections deal with who is the oversight agency, how does the agency director get appointed, and what are the duties of the agency.
211	Rep. Jenson	Expresses concern about the inclusion of the National Heritage Program in the ñ2 amendments.
218	Chair Messerle	Closes the public hearing on HB 3225. Adjourns the committee at 7:26 p.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,
Administrative Support Administrator

EXHIBIT SUMMARY

No exhibits submitted