

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

May 20, 1999 Hearing Room 50

7:00 AM Tapes 128 - 129

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: SB 834A Work Session

HB 3612A Work Session

HB 3225 Work Session

SB 778 Public Hearing and Work Session

TAPE/#	Speaker	Comments
TAPE 128, A		
004	Rep. Thompson	Calls the committee to order at 7:16 a.m. Opens the work session on SB 834A.
<u>SB 834A n WORK SESSION</u>		
008	Judith Callens	Committee Administrator. Explains the provisions of SB 834A and the nA3 amendments.
018	Sen. Tarno	MOTION: Moves to ADOPT SB 834A-A3 amendments dated 5/12/99.
020	Rep. Leonard	Asks if there have been previous amendments to SB 834.
022	Callens	Responds that the bill was amended on the Senate side.
031	Rep. Leonard	Asks if there was any opposition to SB 834.
033	Callens	Responds that there was some concern about dedicating current hatchery funds in this way.
		VOTE: 13-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 n Shields
047	Chair Messerle	The motion CARRIES .
048	Sen. Tarno	MOTION: Moves SB 834A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 13-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 n Shields
051	Chair Messerle	The motion CARRIES . REP. BUTLER will lead discussion on the floor.

053	Chair Messerle	Closes the work session on SB 834A and opens the work session on HB 3612A
<u>HB 3612A n WORK SESSION</u>		
057	Callens	Explains the provisions of HB 3612A and the nA2 amendments.
070	Rep. Thompson	Explains why he requested the nA2 amendments.
073	Rep. Thompson	MOTION: Moves to ADOPT HB 3612A-A2 amendments dated 5/11/99.
		VOTE: 12-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Dukes, Shields
081	Chair Messerle	The motion CARRIES.
096	Rep. Thompson	MOTION: Moves HB 3612A 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 - Dukes, Shields
105	Chair Messerle	The motion CARRIES. SEN. TARNO will lead discussion on the floor.
111	Chair Messerle	Closes the work session on HB 3612A and opens the public hearing on SB 778.
<u>SB 778 n PUBLIC HEARING</u>		
113	Callens	Explains the provisions of the SB 778-2 amendments.
133	Jeff Feldner	Commissioner, Fish and Wildlife Commission. Comments on the concerns the Commission has with expanding their membership.
143	Jim Greer	Director, Department of Fish and Wildlife. Submits written testimony (EXHIBIT A) and testifies in opposition to SB 778 and the n2 amendments. Notes that ODFW would support the bill if there were not the requirement that

		the Commission be expanded to nine members.
186	Rep. Thompson	Comments on ODFW's willingness to work on the bill.
193	Rep. Leonard	Notes that the language in SB 778 states that the two members of the Commission may be appointed from the state at large, but that ODFW's objection is that adding these extra members is a requirement.
200	Chair Messerle	States that it was his understanding that the Commission may be expanded to nine members.
202	Rep. Leonard	Notes that the ñ2 amendments state that the Commission shall consist of nine members.
218	Chair Messerle	Asks for clarification that the bill should read that the Commission may consist of up to nine members.
222	Jeannette Holman	Legislative Counsel Office. Responds that this is correct.
223	Rep. Leonard	Notes that if they say the Commission may consist of up to nine members, there is no requirement there be any members.
225	Holman	Suggests that they insert language in the bill that the Commission shall consist of at least seven members and up to nine members.
239	Chair Messerle	Asks if ODFW has a problem with this conceptual language.
241	Feldner	Responds that this language is better.
250	Sen. Nelson	Asks what the reason is for expanding the Commission from seven to nine members.
252	Chair Messerle	Responds that at one point the Commission was talking about having subcommittees, and having nine members would allow them to have three equal subcommittees.
257	Feldner	Comments that they have identified the need for one standing subcommittee so far.
273	Jim Myron	Oregon Trout. Comments in support of the ñ2 amendments. Notes his concern that if the commission develops subcommittees, that their meetings not be held without the public involvement.

285	Sen. Tarno	Notes that a legally appointed subcommittee is subject to the public meeting law.
290	Chair Messerle	Closes the public hearing and opens the work session on SB 778.
<u>SB 778 n WORK SESSION</u>		
293	Rep. Leonard	MOTION: Moves to ADOPT SB 778-2 amendments dated 5/17/99 and that the amendments be FURTHER AMENDED on page 1, line 7, by changing "nine members" to "at least seven members, and may consist of up to nine members".
302	Rep. Jenson	Questions whether it would be cleaner to make the conceptual amendment first, and then move the n2 amendments as amended.
309	Rep. Lundquist	Questions whether they need to suspend the rules before adopting conceptual amendments.
310	Rep. Jenson	MOTION: Moves to SUSPEND the rules for the purpose of considering the conceptual amendment to SB 778.
		VOTE: 12-0 EXCUSED: 2 - Kruse, Shields
311	Chair Messerle	Hearing no objection, declares the motion CARRIED.
312	Rep. Leonard	Withdraws his previous motion.
313	Rep. Leonard	MOTION: Moves to AMEND SB 778-2 amendments dated 5/17/99 on page 1, in line 7, by changing "nine members" to "at least seven members, and may consist of nine members".
		VOTE: 12-0 EXCUSED: 2 - Kruse, Shields
318	Chair Messerle	Hearing no objection, declares the motion CARRIED.
319	Rep. Leonard	MOTION: Moves to ADOPT SB 778-2 amendments dated 5/17/99 AS AMENDED.
		VOTE: 12-0

		EXCUSED: 2 - Kruse, Shields
321	Chair Messerle	Hearing no objection, declares the motion CARRIED.
322	Rep. Leonard	MOTION: Moves SB 778 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 - Kruse, Shields
337	Chair Messerle	The motion CARRIES. SEN. FERRIOLI will lead discussion on the floor.
339	Chair Messerle	Closes the work session on SB 778 and opens the work session on HB 3225.
<u>HB 3225 ñ WORK SESSION</u>		
345	Callens	Explains the provisions of the ñ15 and ñ16 amendments.
368	Holman	Explains the provisions of the ñ17 amendments.
383	Rep. Thompson	Referencing committee rule #15, notes his objection to any conceptual amendment that does not come before the committee in official Legislative Counsel format.
402	Chair Messerle	Asks for clarification that the ñ17 amendments are what the committee voted on Tuesday night, except that it has the modified section 12 insert.
409	Holman	Responds that this is correct.
TAPE 129, A		
001	Chair Messerle	Asks if the error they found regarding property purchases has been corrected.
003	Holman	Referencing pages 15 and 16 of the ñ17 amendments, responds that this is the language the committee adopted in concept. States that only the ñ16 amendments contain the old language. Notes that the amendments reinsert the existing duties of the board and some of the existing policy direction to the board that had been repealed in the HB 3225-14 amendments.

026	Rep. Leonard	Asks for clarification that the ñ17 amendments are the ñ14 amendments with the ñ014 working draft amendments included.
029	Holman	Responds that this is correct, except with a modification to the ñ014 because some of the language was incorrect.
031	Rep. Leonard	Asks for clarification that this was the modification agreed to by the Governorís Office.
032	Holman	Responds that this is correct.
033	Chair Messerle	Referencing page 16 of the ñ17 amendments, notes that they decided that the designation that the land would be held by the appropriate state or local agency might be an error.
041	Sen. Ferrioli	Comments on the discussion that took place regarding this issue.
055	Rep. King	Referencing page 16, line 1 of the ñ17 amendments, notes that the language does reflect the conversation that took place.
061	Chair Messerle	States that this is correct, but notes that when they had other discussions they realized that they cut out a lot of people and a lot of opportunities for joint ownership.
065	Sen. Ferrioli	Asks under what section are these concepts traded in the other amendments.
069	Holman	Responds that the ñ15 amendments contain the same language as is in the ñ17 amendments. Notes that ñ16 amendments are the only ones that go back to the old language.
078	Sen. Ferrioli	Referencing page 16, line 14 of the ñ16 amendments, asks for clarification that this language would restore the not-for-profit trusts and land conservation organizations.
087	Holman	Responds that this is correct.
092	Chair Messerle	Recesses the committee for break at 7:50 a.m.
093	Chair Messerle	Calls the committee back to order at 7:57 a.m.
[Committee at ease]		
121	Rep. King	MOTION: Moves to AMEND HB 3225-17 amendments on

		page 15, by replacing section 13(9) with section 13(9) from page 16 of the HB 3225-16 amendments.
133	Sen. Tarno	Asks Rep. Thompson whether he objects to this conceptual amendment on the basis of committee rule #15.
135	Rep. Thompson	States that he would not object to this conceptual amendment.
138	Rep. Kruse	Asks for Rep. Thompson for clarification that he will not oppose any conceptual changes that he wants to do, but he will oppose anybody else's changes.
140	Rep. Thompson	Responds that this is correct.
141	Rep. Kruse	States that unless the rules are suspended for the purpose of considering conceptual amendments, he objects to the previous motion.
143	Rep. Thompson	States that he has tried to make this a non-partisan effort and that he is willing to discuss changes to the amendments.
146	Sen. Dukes	Notes that it is okay if there is a little "give and take" in order to move the bill.
152	Rep. Leonard	MOTION: Moves to SUSPEND the rules for the purpose of considering conceptual amendments to HB 3225.
154	Rep. Thompson	Objects to suspending the rules. States that he is willing to wait and get the language to the committee in official Legislative Counsel form.
159	Chair Messerle	Notes that the solution to this is to discuss the conceptual amendments before any motions are made.
161	Rep. King	States that he is okay with this. Clarifies that his motion would replace section 13 (9) in the ñ17 amendments with section 13(9) from the ñ16 amendments.
Discussion among committee members as to where the conceptual amendment is being made in the ñ17 amendments.		
184	Rep. Leonard	Questions whether they should insert the word "wildlife" in place of the word "native".
189	Rep. King	States that he was asked to delete the word "native" by the Measure 66 proponents.
192	Rep. Leonard	Clarifies that he was not disagreeing with removing the word "native", but that he was asking whether they wanted to insert the word "wildlife" in its place.

194	Rep. King	States that this is beyond any concept that he has worked on and the committee would need to address this.
195	Chair Messerle	States that he believes this would not be necessary.
197	Rep. Kruse	Notes that the term "native" appears on other pages in the ñ17 amendments.
210	Paula Burgess	Governorís Natural Resources Advisor, Governorís Office. Comments in support of the conceptual amendment to the ñ17 amendments.
229	Sen. Ferrioli	Referencing page 16, line 15 of the ñ16 amendments, suggests adding the word "local" before the word "state" to indicate that they are allowing for county organizations or subdivisions to hold title.
252	Callens	Clarifies the conceptual amendments the committee has been discussing to ñ16 amendments and ñ17 amendments.
280	Rep. Leonard	Asks if they have exhausted everyoneís request for conceptual amendments.
289	Holman	Referencing page 16, line 18 of the ñ16 amendments, suggests that the term "entity" be used instead of "agency".
297	Callens	Clarifies Ms. Holmanís suggestion.
302	Rep. Leonard	Asks if there are any other conceptual amendments members would like to bring forward.
305	Rep. Leonard	MOTION: Moves to SUSPEND the rules for the purpose of considering conceptual amendments to HB 3225.
		VOTE: 14-0
307	Chair Messerle	Hearing no objection, declares the motion CARRIED.
311	Callens	Clarifies the conceptual amendments the committee will be voting on to the ñ17 amendments.
326	Rep. Leonard	Asks for clarification that what they are adopting in section 13(9) of the ñ17 amendments comes from the ñ16 amendments on page 16 and that they are deleting the word "native" in line 14, inserting the word "local" in line 15, and replacing the word "agency" with "entity" in line 18.
333	Callens	Responds that this is correct.

334	Rep. King	MOTION: Moves to AMEND HB 3225-17 amendments on page 15, by replacing section 13(9) with section 13(9) from page 16 of the HB 3225-16 amendments, and that this section be further amended by deleting the word "native" in line 14; inserting the word "local" between "by" and "state" in line 14; and replacing the word "agency" with "entity" in line 18.
337	Rep. Kruse	Clarifies that they are also deleting the word "native" wherever possible in the ñ17 amendments.
		VOTE: 12-2 AYE: 12 - Dukes, King, Kruse, Leonard, Lundquist, Nelson, Shields, Starr, Tarno, Thompson, Ferrioli, Messerle NAY: 2 - Jenson, Morgan
353	Chair Messerle	The motion CARRIES .
354	Rep. Leonard	MOTION: Moves to ADOPT HB 3225-17 amendments dated 5/20/99 AS AMENDED.
354	Rep. Leonard	VOTE: 13-1 AYE: 13 - Dukes, King, Kruse, Leonard, Lundquist, Morgan, Nelson, Shields, Starr, Tarno, Thompson, Ferrioli, Messerle NAY: 1 - Jenson
369	Chair Messerle	The motion CARRIES .
371	Rep. Leonard	MOTION: Moves HB 3225 to the floor with a DO PASS AS AMENDED recommendation.
373	Rep. Starr	Asks for clarification that the bill needs to be sent to Ways and Means.
376	Rep. Leonard	MOTION: Moves to AMEND the motion to move HB 3225 to the floor with a DO PASS AS AMENDED recommendation by moving HB 3225 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
379	Sen. Dukes	Asks why they are sending the bill to Ways and Means.
386	Callens	Referencing page 22 of the ñ17 amendments, responds that there are blanks that need to be filled in by Ways and Means.

400	Chair Messerle	Recesses the committee at 8:16 a.m.
401	Chair Messerle	Calls the committee back to order at 8:18 a.m.
408	Rep. Kruse	Comments in support of the motion. Notes that he still has some concerns.
TAPE 128, B		
014	Rep. Morgan	States that she will be voting for the bill. Notes her disappointment that they have not opened up the Oregon Plan to the citizens of Oregon.
023	Rep. Thompson	Expresses support for the work done by the committee.
028	Chair Messerle	Notes that the committee has stayed closely connected to this process.
034	Sen. Ferrioli	Comments in support of HB 3225 [comments inaudible at times].
057	Sen. Tarno	Expresses appreciation for the work that Ms. Holman has done on this bill.
063	Rep. Jenson	Notes his reluctant support for the bill. Expresses appreciation for the work done by Ms. Holman and staff.
082	Rep. Leonard	Compliments the Co-Chairs for the work they have done with the committee this session.
		VOTE: 14-0 AYE: In a roll call vote, all members present vote Aye.
105	Chair Messerle	The motion CARRIES.
107	Chair Messerle	Closes the work session on HB 3225. Announces that this concludes the committee's work for this session and that tomorrow's meeting is canceled. Adjourns the committee at 8:27 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 778, written testimony, Jim Greer, 1 p