

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

May 3, 1999 Hearing Room 50

7:00 AM Tapes 110 - 111

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. Lynn Lundquist

Rep. Susan Morgan

Rep. Bruce Starr

Rep. Terry Thompson

MEMBER EXCUSED: Sen. David Nelson

Rep. Randy Leonard

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: HB 3225 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.

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TAPE/#	Speaker	Comments
TAPE 110, A		
004	Chair Ferrioli	Calls the committee to order at 7:10 a.m. Opens the work session on HB 3225.
<u>HB 3225 n WORK SESSION</u>		
011	Dana Erickson	Coordinator, Long Tom Watershed Council. Submits and reads written testimony on her council's concerns regarding HB 3225 and the Measure 66 structure (EXHIBIT A) .
061	Erickson	Continues reading written testimony.
077	Rep. Morgan	Asks Ms. Erickson if she sees having watershed council representatives on the policy and oversight board as a benefit.
082	Erickson	Responds that she does. Notes that it will be very difficult to select who these people will be. Suggests letting the councils elect these representatives.
088	Rep. Morgan	Asks if there is a forum where this process could take place.
089	Erickson	Responds that all they have right now is a e-mail list-serve that she set up. Notes that not all watershed councils are on this list-serve.
096	Rep. Messerle	Notes that the committee will probably not be able to extend their deliberations on HB 3225 through May. Asks Ms. Erickson what her thoughts are about combining watershed councils in areas where there are two or three within a few miles of each other.
104	Erickson	Responds that the more local and smaller they get in a certain basin area, the more folks they can reach out to.
117	Rep. Messerle	Asks if there are coordinators in these smaller basins.
120	Erickson	Responds that for their council they have one coordinator for 410 square miles. Notes that some basins are bigger than theirs.
131	Sen. Tarno	Asks if the coordinators see themselves as having a full-time, permanent state job.
133	Erickson	Responds that they do not.

144	Rep. Kruse	Notes that the current structure is top-down. Asks how they see the change proposed in HB 3225 as being more top-down than the current structure.
154	Erickson	Responds that the initial reaction for all the watershed councils was that everything is working fine and they wondered why things were being changed.
171	Rep. Kruse	Asks Ms. Erickson if she is comfortable with watershed coordinators being a grant driven process.
186	Erickson	Responds that having coordinators for basic watershed council support be grant funded undermines a lot of the process and is a waste of time.
199	Rep. Kruse	Notes that the HB 3225-5 amendments address this in a way that none of the other amendments do.
203	Rep. King	Notes that the Governor's proposed budget includes \$2.4 million for watershed councils. Asks what kind of number the watershed councils have in mind.
217	Erickson	Responds that she was talking with some people about this last night as to whether they can come up with number. Comments that \$2.4 million is not enough for the watershed councils right now.
228	Rep. King	Notes that the committee does not have a way to get a unified voice from the watershed councils.
231	Sen. Shields	Asks Ms. Erickson how strong the opinion among watershed councils is that the current structure is working fine and does not need to be changed.
243	Erickson	Responds that this was the initial reaction among watershed councils. Notes that some feel there could be minor adjustments made to improve the current structure.
259	Rep. Jenson	Asks for clarification that Ms. Erickson testified that the grant process is cumbersome at times.
263	Erickson	Responds that this is correct.
264	Rep. Jenson	Asks how this can be resolved in light of the "if it ain't broke, don't fix it" mentality.
268	Erickson	Responds that having to write a grant to fund the basic council does not make sense. Notes that they are relatively comfortable with the process, but it does take a lot of time and work to write the grants.

286	Rep. Jenson	Comments on one advantage to the grant writing.
297	Erickson	States that a coordinated approach to this is good.
308	Chair Ferrioli	Notes the problem legislators have staying connected with the watershed councils. Asks Ms. Erickson who covers the costs of managing the e-mail list-serve.
337	Erickson	Responds that she covers these costs.
341	Chair Ferrioli	Comments on the need for coordination to avoid "random acts of kindness" on the land. States that it would be valuable to have Ms. Erickson solicit input from the watershed council coordinators that she has on her list-serve.
392	Chair Ferrioli	Asks staff to walk through a comparison of the board versus commission structure.
TAPE 111, A		
004	Judith Callens	Committee Administrator. Explains the differences between the board and commission structures.
061	Chair Ferrioli	Asks for clarification that the non-voting members are the advisory commissions and the legislators.
062	Callens	Responds that this is correct.
063	Chair Ferrioli	Asks for clarification that the 11 voting members are the commission members and the local representatives from watershed councils, soil and water conservation districts, tribes, and the public.
065	Callens	Responds that this is correct.
066	Chair Ferrioli	Asks if the 5 amendments came from the natural resources work group.
067	Callens	Responds that this is correct.
070	Rep. Thompson	Comments on the lack of involvement by the fishing industry.
086	Rep. Kruse	Notes that the Governor has the flexibility to make sure all parties are represented and there is the opportunity for a fisherman to be included.

097	Rep. Thompson	Notes that there is a big difference between a fisherman and a watershed council member, and a fishery representative is not specified in the list.
110	Jan Lee	Executive Director, Oregon Water Resources Congress. Explains that the original natural resources work group has been expanded and has come to agreement on 10 guiding principles regarding the Measure 66 structure.
118	Rep. Lundquist	Asks for clarification that the work group is working from the ñ5 amendments.
120	Lee	Responds that they are, but the "go home" concepts are much broader than these amendments.
124	Rep. Lundquist	Asks if the work group developed the ñ5 amendments.
125	Lee	Responds that they did put these together.
127	Greg Miller	Weyerhaeuser Company, Inc. Submits written material (EXHIBIT B) and responds to a previous question from Sen. Ferrioli regarding how they developed the sketch of the new Measure 66 structure.
159	Miller	Continues testimony by reviewing the 10 "go home" concepts regarding HB 3225 developed by the expanded natural resources work group.
210	Miller	Continues reviewing the "go home" concepts.
219	Chair Ferrioli	Asks if this language would be drafted in coordination with the Measure 66 proponents.
221	Miller	Responds that it would. Continues testimony by reviewing the list of interim activities that should be accomplished in regard to HB 3225.
248	Rep. King	[Question inaudible]
254	Miller	Responds that they could not reach agreement among the work group that this ought to happen in HB 3225.
264	Rep. King	Asks for clarification that by transfer they mean that most of the group felt it would be better if the Natural Heritage Council function happened in a different bill or process.
269	Miller	Responds that this is a good way to say it.
270	Lee	Notes that the database this group has was of interest for transfer as soon as

		possible, but they thought it would not physically be possible to bring the whole structure over unless it were dealt with during the interim in pieces.
276	Rep. Messerle	Asks Ms. Lee whether the issue in the ñ5 amendments that 5 of the 11 commission members should come from east of the Cascades is still valid.
281	Lee	Responds that the committee will hear different proposals from groups involved with the work group.
291	Sen. Dukes	Asks for clarification that if the committee addresses all of the "go home concepts" the expanded work group would be happy.
293	Miller	Responds that they would be happy if HB 3225 contained these 10 principles.
306	Rep. Kruse	Asks if the feeling of the work group could be characterized as being still in support of changing the current structure to the one in the ñ5 amendments.
318	Miller	Responds that he does not believe there is consensus on the ñ5 amendments in the expanded work group.
341	Rep. Kruse	Asks if there is opposition to the concept of moving GWEB to the level of independence that is being proposed.
351	Miller	Responds that he does not see this.
353	Lee	Responds that there is a strong feeling to have the 11 member commission, but the question is who should the 6 local representatives be.
357	Rep. Morgan	Asks Mr. Miller to elaborate on what the work group meant when they discussed the need for a structure that provides independence.
364	Lee	Responds that they were looking at a body where all of the programs would come under this structure, so it did need to have its own independence.
380	Rep. Jenson	Asks why it is necessary to transfer the Natural Heritage Council functions in order to have access to their database.
392	Pat Amadeo	Responds that there is no reason why anybody cannot have access to the information in that database, but they thought it made sense to have this centralized natural resource data collection in state government.
TAPE 110, B		

004	Rep. Messerle	Asks what the discussion among the work group is as to whether the proposed board should be an expanded GWEB or a stand-alone commission.
012	Amadeo	Responds that the stand-alone entity has a function broader than GWEB's granting function.
020	Rep. Messerle	Asks whether this transition should be done all at once or taken in pieces.
026	Miller	Responds that the work group supports the independent structure aspect.
032	Lee	Notes that the work group recognizes that it would take some time for the transition.
037	Rep. Messerle	Asks if the work group sees the commission handling the oversight and then having the grant program handled by another board, or do they see the one group doing the whole thing.
045	Amadeo	Responds that the work group assumes that the commission will carry out both functions, but it would not be inappropriate to suggest that they might want to rely upon a subcommittee or others on the granting component of the work.
059	Roy Hemmingway	Oregon Plan Manager, Governor's Office. Notes the difficulties, administratively, when interest groups are required to be represented on a board and asks the committee to not specify representation other than by geographic region. Comments on the direction the Bonneville grant program is going.
087	Rep. Morgan	Asks if there was geographical representation, would it also be desirable to limit the field of candidates to people who have some expertise and understanding of these issues.
092	Hemmingway	Responds that it would be.
099	Rep. Jenson	Asks if the work group has discussed whether the proposed changes could be of concern to the watershed councils.
114	Lee	Responds that they have had these discussions.
125	Rep. Lundquist	Asks what the work group's position is on the issue of conflict of interest in the structure.
135	Miller	Responds that there was concern that having representatives on the commission that may be directly associated with a watershed council or a soil and water conservation district could result in undue influence on the money that would be distributed on the ground.

152	Miller	Notes that someone could interpret the discussion around research and monitoring as a free ranging opportunity within the capital expenditure definition and clarifies that this was not the intent of the work group.
167	Rep. Kruse	Notes how people could interpret the proposed structure as being top-down. Comments on the issue of conflict of interest.
201	Rep. Kruse	Questions how, under the current structure, they are suggesting that the Governor is prohibited from addressing diversity issues as far as the makeup of the board.
213	Hemmingway	Comments that there is some flexibility there, but when they start specifying representation this flexibility is reduced. Comments on the conflict of interest issue.
237	Rep. Kruse	Asks for clarification that the Governor attempts to reach balance in deciding who sits on commissions.
246	Hemmingway	Responds that whenever there is a commission, the appointing authority tries to find balance across all of the different lines. Notes that this is a difficult task.
264	Rep. Messerle	Asks whether the proposed board should be an expanded GWEB or a stand-alone commission.
272	Hemmingway	Responds that the Governor's Office supports a commission with an expanded number of people on it. Notes that they do not support the idea of this commission having expanded powers to try to do the coordination and other parts of the program.
283	Rep. Messerle	Asks for clarification that the Governor's Office supports the concept of a stand-alone commission as long as it does not have oversight powers over other agencies.
285	Hemmingway	Responds that this is correct.
299	Chair Ferrioli	Notes that the committee objective is to move HB 3225 by the end of the week. Adjourns the committee at 8:25 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 3225, written testimony, Dana Erickson, 2 pp.

B ñ HB 3225, written material, Greg Miller, 4 pp.