

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

May 13, 1999 Hearing Room 50

4:30 p.m. Tapes 124 - 125

MEMBERS PRESENT: Sen. Gary George, Chair

Sen. Thomas Wilde, Vice-Chair

Sen. Tony Corcoran

Sen. Joan Dukes

Sen. Ted Ferrioli

Sen. Bill Fisher

MEMBER EXCUSED: Sen. Marylin Shannon

STAFF PRESENT: Brad Harper, Administrator

Patrick Brennan, Administrative Support

MEASURE/ISSUES HEARD: HB 3381-A Public Hearing and Work Session

SB 1320 Public Hearing and Work Session

HB 2075 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 124, A		
003	Chair George	Calls the meeting to order at 4:53 p.m. Opens a public hearing on HB 3381.
<u>HB 3381-A PUBLIC HEARING</u>		

010	Brad Harper	Committee Administrator. Gives a brief description of the bill. Explains that the Oregon Department of Fish and Wildlife (ODFW) issues hunting permits in wildlife units, with some units having too few tags to meet demand and some too many. Says that current rules allow issuing the leftover tags at the original price, so long as no hunter is issued a second tag in a given season. States the bill would allow a hunter to purchase a second tag at four times face value. Indicates that the ñ2 amendments (EXHIBIT A) have been submitted for consideration by the committee.
022	Rep. Al King	House District 44. Testifies in support of HB 3381-A. Says the bill allows a second hunt for a motivated hunter under circumstances where the hunt would have been allowed had there been the demand for tags. Recognizes the decrease in demand for tags as the primary reason for bringing the bill forward. Indicates the increase in fee would benefit ODFW through increased revenue. Assures that additional tags would still be affordable for most hunters in Oregon.
053	Rod Harder	Representative, Sportsmenís Defense Fund. Testifies in support of HB 3381-A. Explains that the ñ2 amendments are meant to clarify that the program would not replace any existing hunting programs.
061	Sen. Dukes	Requests clarification that the tags will only be available for the area of the original hunt.
064	Rep. King	Replies that the intent is to maintain the original control of the number of permits for the wildlife unit.
067	Sen. Dukes	Asks if the bill is designed to allow only for doe hunting.
069	Rep. King	Replies that it would be allowed for any big game.
077	Chair George	Closes the public hearing on HB 3381-A and opens a work session on HB 3381-A.
<u>HB 3381-A WORK SESSION</u>		
081	Sen. Ferrioli	MOTION: Moves to ADOPT HB 3381-A2 amendments dated 5/13/99.
	Chair George	Hearing no objection, declares the motion CARRIED.
084	Sen. Ferrioli	MOTION: Moves HB 3381-A to the floor with a DO PASS AS AMENDED recommendation.
087		VOTE: 6-0-1 AYE: In a roll call vote, all members present vote Aye.

		EXCUSED: 1 - Shannon
	Chair George	<p>The motion CARRIES.</p> <p>SEN. FERRIOLI will lead discussion on the floor.</p>
089	Chair George	Closes the work session on HB 3381-A and opens a public hearing on SB 1320.
<u>SB 1320 PUBLIC HEARING</u>		
090	Brad Harper	Committee Administrator. Gives a brief description of the bill, mentioning that the bill has a subsequent referral to the Committee on Ways and Means. Explains the position of Natural Resources Policy Administrator, its duties, and the process by which it would be appointed. Explains that the administrator would be bound by confidentiality rules and prevented from taking stands on issues.
117	Sen. Ted Ferrioli	<p>Senate District 28. Testifies in support of SB 1320. Says the bill will give the legislative branch the resources necessary to do research for natural resources legislation. Says there are more issues needing study than the limited legislative staff can address and that an administrator would help to "fill the legislative need for research, coordination among the members, [and] policy discussions."</p> <p>Mentions the Columbia River as an area of particular importance in the future, outlining the issues that will need to be addressed in that area:</p> <ul style="list-style-type: none"> • Bonneville Power Administration • River fisheries • Hydroelectric power generation • Irrigation • Shipping
150	Sen. Ferrioli	Asserts that the current budgets for member staff during the interim is "inadequate" for citizen legislators. Says the Policy and Research Office reduces to a skeleton crew during the interim, which is inadequate for the continuous, ongoing and complex issues of natural resource management. Submits that the Natural Resource Policy Administrator would have the same capabilities as the administrators for Legislative Fiscal, Legislative Revenue, and Legislative Counsel. States the position would be analogous to the Governor's Natural Resource Office. Intends the position to serve all members of the Legislative Assembly equally and in a confidential manner.
178	Sen. Ferrioli	Expresses frustration with being forced to rely on information provided by stakeholders in policy matters. Asserts the Natural Resource Administrator would be able to inform members in an objective way. Submits that the legislature shall either do its own research or do inadequate research. Mentions the bill is his priority bill. Notes the financial impact of the bill and says provisions would need to be made for financing the position. Argues the position is needed to make the legislature equal to the executive branch with regard to natural resource matters. Recognizes the reduction in legislative staff over the

		last 20 years.
224	Sen. Dukes	Expresses support for the concept. Suggests that the administrator should not have total control over the size of staff or over the salary of the position. Argues the position will not have a lawyer-client relationship with members of the legislature and should therefore not be given confidentiality. Submits that the public records law will likely prevent such confidentiality anyway.
242	Sen. Ferrioli	Responds that the language in the bill is identical to that which created the other administrator positions in the legislature. Indicates that the confidentiality extends to who made the request and the nature and scope of that request until information is released. Asserts that committee administrators have the ability to keep information confidential upon request and that the bill would create a similar situation.
261	Sen. Dukes	Wonders what would prevent a member from requesting that research be done and then held onto. Asks whether such information would be part of the public record.
266	Sen. Ferrioli	Replies that such information would be considered privileged information. Mentions that all administrators have the ability to hire and fire employees for their office, under the limitations of the budget passed by the legislature.
284	Sen. Corcoran	Inquires where the \$244,000 necessary to create the position will come from.
291	Sen. Ferrioli	Replies that he does not know. Indicates he has discussed the matter with the Senate President and the Speaker of the House about the issue. Recognizes there are many unfunded bills in various stages of the process.
313	Sen. Corcoran	Asks if the Governor has indicated his position on the bill.
318	Sen. Ferrioli	Replies that the Governor has not taken a position and that the discussion with him dealt with the historical character of the position. Asserts there is a clear gap in ability between the executive and legislative branches regarding natural resource policy research. Says the legislature does not have access to the resources necessary to make informed choices on complex policy issues. Says the effect of term limits will make the ability to gather information even more important in the future.
370	Sen. Corcoran	Agrees with the research component of the bill. Says the legislature has access to the staff of the executive branch. Argues that it will be "practically impossible" to gain support for a bill requiring general fund dollars.
390	Sen. Ferrioli	Concurs with Sen. Corcoran. Indicates he has not had a chance to discuss the possibility of co-sponsorship with members of the minority party, due to the lateness of introduction of the bill. Extends an offer to co-sponsor the bill.
408	Sen. Fisher	Notes that the appointing committee for the position consists of four members.

		Wonders who would cast a tie breaking vote if the appointing committee was deadlocked.
414	Sen. Wilde	Indicates the decision would be required to be unanimous.
416	Sen. Ferrioli	Concurs with Sen. Wilde.
417	Sen. Fisher	Asks where it is said that the decision of the appointing committee is required to be unanimous.
419	Sen. Corcoran	Notes that the appointing authority is listed as singular.
423	Sen. Fisher	Asserts that the appointing process could be easily deadlocked, considering there is no mention of a time limitation for appointment.
TAPE 125, A		
004	Sen. Ferrioli	Suggests that there could be concessions made in that regard, as well as with regard to removal.
005	Sen. Fisher	Asks if the appointee must maintain unanimous consent of the appointing authority to remain in the position. Suggests there should be a term of service provided for in the bill.
008	Sen. Ferrioli	Promises to address the concerns of Sen. Fisher prior to the bill receiving a hearing in front of the Ways and Means subcommittee.
014	Chair George	Mentions that term limits have already affected the administrator positions at the Capitol.
019	Sen. Dukes	Inquires why the majority leaders in each house would be involved in the appointing process, rather than just the House Speaker and Senate President.
023	Sen. Ferrioli	Explains that he requested that the majority leaders be involved. Asserts that amendments could be introduced in Ways and Means and the bill subsequently referred to the Rules Committee. Indicates there may be insufficient time to introduce amendments before the Agriculture Committee is closed. Offers to bring the amendments forward before the committee is closed but implores the members to move the bill to Ways and Means, with or without the discussed amendments.
050	Glen Stonebrink	Concerned citizen. Testifies in support of SB 1320. Suggests that institutional memory loss related to term limits may be offset by the position proposed in the bill. Indicates the administrator could serve as a third party to provide unbiased information to the legislature. Submits that the administrator could perform

		research regarding federal issues during the interim.
078	Chair George	Closes the public hearing on SB 1320 and opens a work session on SB 1320.
<u>SB 1320 WORK SESSION</u>		
082	Sen. Ferrioli	Acknowledges the appropriateness of Sen. Dukes' question regarding the need for unanimity of the appointing authority. Says the process outlined by the bill is standard for appointment of administrators in the legislature. Suggests there may be the opportunity to address the issue prior to referral to Ways and Means, but implores the committee to move the bill either way.
111	Chair George	Asks if any of the committee members would change their opinion of the bill if there were changes made.
118	Sen. Wilde	Mentions that there may be occasions in the future when the majority parties of the Senate and House were different, creating problems for achieving unanimity. Questions the decision to include the majority leaders.
125	Sen. Ferrioli	Indicates that Legislative Counsel suggested the language and reiterates that the other administrators at the Capitol are appointed in a similar manner.
129	Sen. Corcoran	Asserts that his support would depend on making the appointing committee a bipartisan one. States that "there is no such thing as partisan research." Says if the appointment process were bipartisan it would be more equitable and would strengthen the bill, especially if the requirement of unanimity were retained, as it would result in an appointment that all sides could respect. Argues that there have been occasions of "dueling science" used by opposing sides in the past. Suggests that, if the bill is designed to gain additional staff for the majority party, then that intention should be made clear. Says confidentiality could be acceptable if the appointment process were bipartisan.
168	Sen. Ferrioli	Says he would not want to create an administrator position that functions under a different set of rules than do the other administrators. Agrees that a bipartisan appointing committee would make the bill stronger. Says that there is a great deal of trust in the staff and that he would not be concerned about discussing issues with any of them.
202	Chair George	Suggests that the bill may be brought back to the committee for another work session.
206	Sen. Ferrioli	Reiterates that the bill should be moved as quickly as possible, with a "good, strong vote in committee and on the floor of the Senate"
214	Chair George	Asks Sens. Corcoran and Dukes if they would support the bill if the discussed changes were made.

217	Sen. Corcoran	Says he would rather send the bill to the floor, rather than to Ways and Means. Indicates he will cooperate. Indicates that this is the first session of his tenure in the legislature where he questioned the appointment process for administrators, with two committee administrators having run for seats in the legislature during the previous election cycle.
233	Sen. Dukes	Suggests the bill could be sent to Ways and Means from the House.
239	Sen. Ferrioli	Offers to propose amendments if the committee will agree to send the bill out unanimously.
260	Sen. Dukes	Expresses trust for Sen. Ferrioli's intentions and requests that the proposed changes be brought forward.
264	Sen. Ferrioli	Indicates he would like the committee to consider amendments to the bill prior to sending it to Ways and Means.
280	Chair George	Closes the work session on SB 1320 and opens a public hearing on HB 2075.
<u>HB 2075 PUBLIC HEARING</u>		
285	Brad Harper	Committee Administrator. Gives a brief description of the bill. Explains that the Oregon State Fair would still be subject to competitive bid requirements set by the administrative rules of the Department of Administrative Services (DAS) and review of contracts over \$100,000. Indicates that conflict amendments have been received (EXHIBIT B) and would need to be adopted to avoid conflict with HB 2074, should it be the decision of the committee to send the bill to the floor.
312	Chair George	Closes the public hearing on HB 2075 and opens a work session on HB 2075.
<u>HB 2075 WORK SESSION</u>		
314	Sen. Dukes	MOTION: Moves to ADOPT HB 2075-1 amendments dated 5/13/99.
	Chair George	Hearing no objection, declares the motion CARRIED.
318	Sen. Dukes	MOTION: Moves HB 2075 to the floor with a DO PASS AS AMENDED recommendation.
324		VOTE: 6-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Shannon

	Chair George	<p>The motion CARRIES.</p> <p>SEN. DUKES will lead discussion on the floor.</p>
332	Chair George	Closes the work session on HB 2075 and reopens the work session on HB 3381-A so as to allow Sens. Fisher and Corcoran to cast their votes on the bill.
<u>HB 3381-A WORK SESSION</u>		
339	Sen. George	<p>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SENS. CORCORAN and FISHER to BE RECORDED as voting AYE on the MOTION to move HB 3381-A to the floor with a DO PASS AS AMENDED recommendation.</p>
	Chair George	<p>Hearing no objection, declares the motion CARRIED.</p> <p>The vote counts listed previously in the minutes document have been edited to reflect the votes of Sens. Corcoran and Fisher.</p>
344	Chair George	Closes the work session on HB 3381-A and adjourns the meeting at 5:45 p.m.

Submitted By, Reviewed By,

Patrick Brennan, Brad Harper,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 3381, -A2 amendments, staff, 1 p.

B ñ HB 2075, -1 amendments, staff, 1 p.