

SENATE COMMITTEE ON WATER AND LAND USE

March 7, 1997 Hearing Room 50

1:00 P.M. Tapes 36 - 38

**MEMBERS PRESENT:**

Sen. Veral Tarno Chair

Sen. Bob Kintigh, Vice-Chair

Sen. Ginny Burdick

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. David Nelson

Sen. Thomas Wilde

**STAFF PRESENT:**

Mark Volmert, Administrator

Nancy Masee, Administrative Support

**MEASURE/ISSUES HEARD:**

**SB 924 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 36, A</b>		
000	Chair Tarno	Calls meeting to order at 1:09 p.m.
012	Chair Tarno	Opens public hearing
<b><u>SB 924 - PUBLIC HEARING</u></b>		
022	Jim Myron	Oregon Trout, addresses the -1 amendments. Page 1, Lines 5 through 7, suggests striking those statements since they don't believe they are factual. Suggests further changes to

		the -1 amendments ( <b>EXHIBITS A, C</b> )
059	Chair Tarno	Comments that the amendments they have in print are the ones the committee will be addressing at this meeting since the deadline draws near. Suggests any additional amendments be brought before the House in printed form when the bill gets to that side.
080	Dave Nelson	Oregon Dairy Farmers Association, addresses his concerns and suggestions for changes, Page 4, Subsection 3, Section 3, needs the language clarified ( <b>EXHIBIT B</b> )
092	Chair Tarno	Responds that Governor's Watershed Enhancement Board (GWEB) and the oversight committee will review the application or request for funding
122	Myron	Continues presentation on amendment suggestions
138	Nelson	Suggests anadromous and native fish be included
146	Myron	Continues amendment suggestions, Section 12 fees, page 14, distribution of moneys collected
185	Myron	Closes, stating the goal of the plan is to recover the fish
193	Sen. Kintigh	Suggests the goal is to avoid getting listed so Oregon can proceed on the plan.
201	Sen. Ferrioli	Comments on different perspectives of the plan; Oregon Trout, Dairy and Seed Growers represented by Mr. Nelson; agrees that all of Oregon should be included and the native species included
240	Nelson	Continues presentation on state agency, Section 9
265	Sen. Ferrioli	Asks what higher education institutions were included
294	Stephen Kafoury	Wildlife Society, American Fisheries Society, states fish biologists' goals in supplying scientific expertise; support SB 924 to support an independent science team; scientific oversight necessary
341	Kafoury	Comments his people were at the meetings. The science team should be made up of scientists free of conflicts of interest, outstanding in their field and of national stature; with over-lapping terms
367	Sen. Ferrioli	Asks Mr. Kafoury if similar plans to this one are in effect
382	Kafoury	Responds that he does not know of any; the scientists from their society have been named the top national chapters in the last two years
389	Sen. Ferrioli	Asks where the members come from
392	Kafoury	Some are employed by the federal government, some by state government, some by local government, private

		utilities, timber companies, Oregon State University, private contractors
396	John McCulley	Oregon Cattlemen's Association, raises the issue on page 6, -1 amendment, independent science team management, interpreted broadly to include timber, range, and watershed management
<b>TAPE 37, A</b>		
010	Joni Low	League of Oregon Cities, comments there should be city and county representation on Healthy Streams Partnership; Section 8, page 9, in respect to GWEB grants contribution restoring anadromous fish habitat, suggests consideration be mentioned for water quality for drinking water purposes; page 10, section 9, reference is made to ensuring projects on the ground are funded and recognized in the plan
038	Andy Anderson	Oregon Farm Bureau, says his concerns have been addressed
039	Joe Rohleder	Northwest Sports Fishing Industries Association, comments on Section 12, -1 amendments; his groups proposes raising the surcharge on the hatchery restoration and stream enhancement fee that goes into angling licenses; doesn't want the Restoration and Enhancement Board (R&E) program if Section 12 takes place
064	Sen. Ferrioli	Asks if there is a mechanism for his members to participate in enhancement for fisheries and clean waters
075	Rohleder	If the listing takes place, the industry wants funding to go on (except for the \$1 million related to Section 12)
087	Rohleder	Comments that fish screening is a cost effective way to affect fish
089	Chair Tarno	Comments on addressing the fish screening program
092	Rohleder	HB 2973 specifically says part of the increase in the R&E program is to repair existing screens or replace the screens
100	Paula Burgess	Governor's Assistant for Natural Resources, raises five issues  * Page 4 of -1 amendments, line 19 joint legislative committee, line 18, add "from the salmon production task force established under section 6 of this act,"  * Page 6, independent science team should consider talking about who they want on the team before the time frame mentioned  * Page 6, lines 26 and 27, 11 members, should have some

		<p>agriculture and forestry people added to the group</p> <p>* Page 7, salmon production task force tasks, recommends Oregon Coastal Zoning Management Association (OCZMA) suggestions in that section</p> <p>* Page 9, lines 28 and 29, in the Governor's Watershed Enhancement Board (GWEB) trying to list what the projects must contain, need to combine D and E and add "or"</p>
154	Burgess	Page 13, line 20, section 11, not practical; supports the concept but there needs to be a practical notification process to reach people.
176	Burgess	Recommends removing Section 12 entirely addressing that issue in HB 3700; not in this bill.
182	Chair Tarno	Closes Public Hearing on SB 924
<b><u>SB 924</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
185	Chair Tarno	Opens Work Session on SB 924, working off -1 amendments ( <b>EXHIBIT C</b> )
217	Sen. Kintigh	<b>MOTION: Moves to introduce SB 924-1 amendments dated 3/5/97.</b>
218	Chair Tarno	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b>
219	Sen. Kintigh	<b>MOTION: Moves to approve SB 924-1</b>
220	Chair Tarno	Asks for any discussion on the dash one amendments
221	Sen. Nelson	Asks about amendment addressing Section 12. Wishes to speak when that amendment is addressed
224	Chair Tarno	<p><b>Asks for further discussion. Asks if there is any objection to approve SB 924-1.</b></p> <p><b>VOTE: Hearing no objection, declares the motion CARRIED.</b></p>
243	Chair Tarno	Asks Jeanette Holman, Legislative Counsel, about additional amendments submitted in writing
254	Jeanette Holman	Legislative Counsel, explains -8 amendments regarding Section 12, recommends removing Section 12 of the -1 amendments; SB 3700 language is slightly different from the printed version of SB 924 ( <b>EXHIBIT G</b> )
	Sen.	Comments on problems in Section 12 of the -1

274	Nelson	amendments
296	Chair Tarno	Committee will be at ease at 1:55 PM
308	Chair Tarno	Calls meeting back to order at 2:05 PM Asks Holman to provide language that would remove the conflict between Section 14 of the printed bill and HB 3700
322	Holman	Responds to leave it in SB 924, propose amendment to Section 14 of the printed bill, substituting language with language in HB 3700, Section 14 exactly
353	Holman	Compares HB 3700 with the SB 924 language
372	Sen. Ferrioli	Says that would deal with the issue brought up by Mr. Rohleder on the licensing surcharge
396	<b>Sen. Kintigh</b>	<b>MOTION: Moves to conceptually AMEND SB 924 by removing Section 14, and inserting Section 14 of HB 3700.</b>
<b>TAPE 36, B</b>		
001	Chair Tarno	Asks for discussion
019	Sen. Nelson	Objects because he believes the proposed \$15 million source is wrong; he thinks the Oregon Plan should be funded entirely out of the general fund; discusses the problems faced in eastern Oregon when the Bull Trout and steelhead may be listed as endangered; agrees in concept with the plan
039	Sen. Burdick	Agrees with Senator Nelson's concerns; will not vote to hold this up, believes the measure must be processed, but it is at great risk
048	Chair Tarno	Asks for a vote to substitute Section 14, HB 3700 in place of Section 14 of SB 924
049		<b>VOTE: 6-1</b> <b>AYE: 6 - Burdick, Ferrioli, Fisher, Kintigh, Wilde, Tarno</b> <b>NAY: 1 - Nelson</b>
	<b>Chair Tarno</b>	<b>The motion Carries.</b>
058	Chair Tarno	Regarding SB 924-7, asks Holman if the amendments always refer to the initial bill ( <b>EXHIBIT F</b> )
075	Burdick	Asks if they use the printed bill as a reference
083	Volmert	Indicates the amendments refer to the printed bill; the -3 amendments are presented for discussion ( <b>EXHIBIT E</b> )
097	Holman	Notes this still reads five members on the science team

094	Chair Tarno	Asks Holman to explain the -3 amendment
098	Holman	Responds they change the name of the science team, change the description of the expertise found in lines 6 through 8 of the -7 amendments
118	Chair Tarno	Continues on -3 amendments, page 3, line 10, insert 7 and 8
160	Chair Tarno	Continues to refer to printed amendments line by line, deletions and insertions
210	Chair Tarno	Continues deleting and inserting language according to amendments
295	Holman	Comments on page 6, deleting the language lines 11 through 15 which takes out the extra criteria that a watershed project needs to address either the clean streams or salmon initiative; part of these amendments conflict with the -1 amendments
314	Sen. Ferrioli	Wasn't the concern that we didn't want to connect Public Law 92-500
321	Chair Tarno	I think we need a connection between the Healthy Streams and the Salmon initiative program
329	Sen. Burdick	Agrees with Chair Tarno
332	Holman	Replies it can be left in -1 to take care of the connection
341	Chair Tarno	Asks if it is in the -1 already; asks if we need to address anything else in the -3 amendments
346	Sen. Ferrioli	Asks to clarify what they have done, having adopted the -1 connecting section with the federal water pollution control act, PL 92-500 to take out a conflict
381	Chair Tarno	Asks if there is anymore on the -3
365	Chair Tarno	Asks for approval of the -3 amendments
398	Sen. Burdick	<b>MOTION: Moves to APPROVE the -3 amendments, as conceptually amended, to SB 924</b>
409	Chair Tarno	Asks for objections to the motion to approve -3 amendments as conceptually amended
<b>TAPE 37, B</b>		
000	Chair Tarno	<b>Hearing no objections, MOTION CARRIED.</b>
002	Volmert	Gives summary of -7 amendments
010	Holman	Further explains the - 7 amendments
126	Chair	Asks Holman's advice on changing the language to avoid

	Tarno	duplication
020	Holman	Suggests adopting the - 7 amendments and substitute that language for what we adopted in the -3 amendments
024	Chair Tarno	Asks Holman to clarify the -3 amendments
027	Holman	Explains that the -3 amendments say scientists with recognized interdisciplinary expertise in timber management, range management, watershed management, agriculture management, fisheries management, fish habitat, and artificial propagation
032	Chair Tarno	Comments that the -3 amendments already deal with the -7 language
046	Holman	Comments that the -2 amendments are exactly the same as the -1 except for on page 5 of the -2 amendments, line 30, we've added multi-disciplinary; the next change from the -1 amendments is on page 6 lines 6 and 7 beginning 'add appointing authorities;' next change on lines 12 and 13, added "and other programs for achieving healthy streams as described in Section 1 of this act;" further changes on page 9, line 29, add, "and contribute to either the health of the stream or the restoration of anadromous fish" ( <b>EXHIBIT D</b> )
099	Sen. Burdick	Asks if anadromous should be replaced with native to make it clear if there are other endangered fish
111	Sen. Burdick	<b>MOTION: Moves to amend -2 amendments, on line 3, page 10, add "native and/or anadromous fish habitat"</b>
131	Chair Tarno	Asks for any objections. <b>VOTE: Hearing no objection, declares the motion CARRIED.</b>
133	Holman	Clarifies that in the statutes, "or" includes "and;" on page 15, to allow appointment of committees and task forces, change the emergency clause, on its passage, rather than on July 1.
146	Sen. Kintigh	On the effective time, most are 90 days, but that is immediately?
150	Holman	Yes, as soon as the governor signs it
154	Chair Tarno	Asks for a motion on -2 as amended
156	Sen. Kintigh	Asks if the -2 amendments can lay over the -1 amendments
160	Volmert	Clarifies that the -2 amendments with the two conceptual amendments, would take precedence over the -1 amendments

170	Sen. Fisher	Asks about selection of the science team by unanimous decision in the measure	
178	Sen. Ferrioli	Comments that this was at the desire of both leaders of the houses	
186	Sen. Burdick	Asks about original language	
179	Holman	Comments that unanimous selection was not in the original language	
204	Chair Tarno	Calls committee at ease at 2:50 p.m.	
285	Chair Tarno	Calls meeting back to order at 3:00 p.m.	
286	Chair Tarno	Comments on the -2 amendments conflicting with -3 amendments	
288	Holman	Explains that the -2 amendments add changes to the independent science team; on page 2 of the -3 amendments lines 13 - 16, has a different way for appointing and removing members which conflicts with the language in 924-2, page 6, lines 3 through 9	
308	Chair Tarno	Asks Holman if the more appropriate language is in the -2 amendments	
314	Holman	Comments that a motion is needed to amend adoption of SB 924 -3, to remove lines 13-16 on page 2	
317	Sen. Burdick	<b>MOTION: Moves to remove lines 13 - 16 on page 2 of the SB 924-3 amendments</b>	
320	Chair Tarno	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b>	
331	Sen. Kintigh	<b>MOTION: Moves to approve the -2 amendments, as conceptually amended, to SB 924</b>	<b>Asks for objections Hearing none, MOTION CARRIED.</b>
337	Chair Tarno	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b>	
340	Volmert	Indicates that a Monday, March 10, meeting at 12:00 noon, has been noticed for the purpose of bringing back the revised bill incorporating the -1, -2, -3 amendments, including their conceptual amendments	
374	Sen. Burdick	Agrees to come back on Monday to review the bill and asks for Governor's Office comments	
385	Chair Tarno	Asks for any discussion	
388	Martha	Water Resources, speaking for the Governor's Office, asks	



	Pagel	if their comments can be added by Monday
396	Sen. Kintigh	Asks if they agree the appointment to the science team should be unanimous
398	Pagel	Indicates it should be a unanimous appointment
<b>TAPE 38, A</b>		
001	Chair Tarno	Indicates the committee will meet again on Monday, March 10 at 12:00 noon. Closes work session on SB 924.
003	Chair Tarno	Adjourns at 3:07 p.m.

Submitted By, Reviewed By,

Nancy Masee, Mark Volmert,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - SB 924, written testimony, Jim Myron, 2 pp**

**B - SB 924, written testimony, Dave Nelson, 1 p**

**C - SB 924, -1 Amendments, Staff, 15 pp**

**D - SB 924, -2 Amendments, Staff, 15 pp**

**E - SB 924, -3 Amendments, Staff, 3 pp**

**F - SB 924, -7 Amendments, Staff, 1 p**

**G - SB 924, -8 Amendments, Staff, 1 p**