

SENATE COMMITTEE ON
WATER & LAND USE

Hearing Room
Tapes - 31

MEMBERS PRESENT:

Sen. Rod Johnson, Chair
Sen. Neil Bryant
Sen. Ron Cease
Sen. Bill Dwyer
Sen. Bob Kintigh

STAFF PRESENT:

Karen Quigley, Committee Counsel
Kimberly Shadley, Committee Assistant
Mitch Hack, Senate Floor Staff

MEASURES HEARD:

HB 2374

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

004 CHAIR JOHNSON: Calls the hearing to order. (1:04 p.m.)

PUBLIC HEARING ON HB 2374

Witnesses: Representative Chuck Norris, House District 57
Senate President Gordon Smith, District 29
Steve Marks, Senior Policy Advisor, Governor Kitzhaber
Jan Boettcher, Oregon Water Resources Congress
Jim Myron, Oregon Trout
Sandy Flicker, Oregon Rural Electric Cooperative Association

017 REPRESENTATIVE CHUCK NORRIS, HOUSE DISTRICT : Testifies in support.

(The bill would require the Governor of Oregon, as does the Governor of Washington, to appoint one member of the Northwest Power Planning Council from each side of the crest of the mountains.

054 SEN. DWYER: Would you explain section two?

REP. NORRIS: It is actually a 180 day window; there is no emergency clause so it would take effect 90 days after we adjourn and then 90 days after that date the Governor would be required to have made that appointment.

085 SEN. CEASE: When is Mr. Duncan's appointment up?

SEN. SMITH: 1996, January.

095 SENATE PRESIDENT GORDON SMITH: What is occurring and the way it is evolving, Eastern Oregon bears the burden and there is a sense of desperation.

(If the Governor lives up to his campaign promise to appoint someone from the East side this won't be necessary.

(Describes situation with the appointment of Cohen from interim, (1994).

160 SEN. CEASE: If this bill were to become law and the Governor decided to replace Mr. Duncan, where would that leave Cohen?

SMITH: I believe that the Governor would want to appoint Joyce and she would be confirmed.

(If he did that I would be cooperative.

180 SEN. DWYER: The tribes will really settle the issue; what do you expect this person to do, that's what I want to know?

SEN. SMITH: The courts are going to have to interpret the Endangered Species Act and the Treaty will follow what the Act says.

(This will be settled in court.

SEN. DWYER: Have you read Mr. Duncan's report?

SEN. SMITH: (In response to Dwyer) I have read Mr. Duncan's report; I disagree with the solution they came up with.

235 REP. NORRIS: With respect to the politics, the council has made decisions on politics rather than science.

SEN. DWYER: In terms of the 90 days, you are trying to rush things; I'm not threatened by having someone from Eastern Oregon represent us as there are reasonable people everywhere.

300 REP. NORRIS: There are all sorts of boards and commissions that have geographic divisions.

SEN. CEASE: Since the Governor has committed himself, I'd prefer that the two appointments come at the same time.

370 STEVE MARKS, SENIOR POLICY ADVISOR, GOVERNOR KITZHABER: The Governor does oppose HB 2374, but remains committed to having his administration represented by an Eastern Oregon appointment to the Pacific Northwest Power

Planning Council.

(Submits written testimony and proposed amendment, see (EXHIBIT A).

431 CHAIR JOHNSON: Do you have any idea of the geographic percent of Oregon's population that are on the East side?

MARKS: 13%.

CHAIR JOHNSON: With that many people over there, is the Governor really worried that he won't be able to find anyone to appoint?

MARKS: He does believe he can find an appointee from East of the mountains and intends to do so.

TAPE 31, SIDE A

MARKS: The Governor feels that this could bind future Governor's hands; the suggestion that was more acceptable to the Governor would assure that rural Oregon had a representative.

074 SEN. BRYANT: Section two; the Governor can request a resignation; can he do so effective on a certain date so he could work with the Senate and not have a vacancy?

MARKS: With the right cooperation that could work.

125 SEN. CEASE: Since the Governor has already made a commitment perhaps it is time to speed it up.

140 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Testifies in support of HB 2374; submits written testimony, (EXHIBIT B).

160 JIM MYRON, OREGON TROUT: Testifies in opposition to HB 2374; we think the Governor should be able to appoint the best possible candidate.
(Submits written testimony, (EXHIBIT C).

180 SANDY FLICKER, OREGON RURAL ELECTRIC COOPERATIVE ASSOCIATION: Testifies in support of HB 2374; submits written testimony, (EXHIBIT D).

215 CHAIR JOHNSON: There is a statement of support from the Association of Oregon Counties, (EXHIBIT E).
(We are adjourned. (1:50 p.m.)

Submitted by, Reviewed by,

Kimberly Shadley Karen Quigley
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

- A - HB 2374: Written testimony in opposition and suggested amendment submitted by Marks, pp 1
- B - HB 2374: Written testimony in support submitted by Boettcher, pp 1
- C - HB 2374: Written testimony in opposition submitted by Myron, pp 1
- D - HB 2374: Written testimony in support and informative material submitted by Flicker, pp 2
- E - HB 2374: Written testimony in support submitted by staff for the record, pp 1
- F - HB 2374: Preliminary Staff Measure Summary submitted by staff, pp 1