

HOUSE COMMITTEE ON AGENCY PERFORMANCE & OPERATIONS

April 29, 1999 Hearing Room E

8:00 a.m. Tapes 66 - 67

MEMBERS PRESENT: Rep. Jane Lokan, Chair

Rep. Kathy Lowe, Vice-Chair

Rep. Betsy Close

Rep. Dan Gardner

Rep. Tim Knopp

Rep. Jeff Kruse

Rep. Kitty Piercy

MEMBER EXCUSED: Rep. Bob Montgomery

STAFF PRESENT: Pat Zwick, Administrator

Susan M. Pettet, Administrative Support

MEASURES HEARD: HB 2876 Public Hearing

HB 2876 Work Session

HB 3329 Public Hearing

HB 2088 Work Session

SB 1025 Public Hearing

SB 1025 Work Session

SB 183 Public Hearing

SB 183 Work Session

TAPE/#	Speaker	Comments
TAPE 66, A		
		<u>NOTE:</u> Tape recording begins at #235.
235	Chair Lokan	Opens the meeting at 8:10 a.m., and opens the public hearing on HB 2876.
<u>HB 2876 PUBLIC HEARING</u>		
257	Pat Zwick	Committee Administrator. Summarizes provisions of HB 2876. Describes effects of ñ1 committee amendments (EXHIBIT A).
259	Rep. Gary Hansen	House District 17. Explains that HB 2876 extends tort liability to apprenticeship councils.
271	Burton Weast	Oregon Apprenticeship Coalition. Speaks in support of HB 2876. Describes tort liability relative to volunteer involvement in apprenticeship programs. Discusses ñ1 amendments.
321	Weast	Describes the intent of HB 2876 as putting tort limits in place.
326	Ray Baker	Board of Carpenters, Apprenticeship Training Committee. Speaks in support of HB 2876. Urges members to pass HB 2876 to preserve volunteer involvement in apprenticeship training programs.
365	John Egge	Apprenticeship Coalition. Speaks in support of HB 2876. Discusses the necessity and cost of tort insurance.
388	Rep. Lowe	Asks if witnesses are aware of anti-slap suit legislation pending in the House.
404	Egge	Answers that he is unaware of this legislation. Describes discussions regarding SB 45.
438	Chair Lokan	Asks for clarification of tort insurance.
447	Weast	Explains that it limits the amount of liability in a state action, but not in a federal action. Adds that HB 2876 establishes the same tort limits that apply to other organizations, and should lower insurance rates.
476	Shawn Miller	Associated Builders and Contractors, and Independent Electrical Contractors. Speaks in support of HB 2876-1 amendments. Comments that HB 2876-1 clears up SB 45 liability.

501	Miller	Addresses the fact that many volunteers are unwilling to serve on the unpaid volunteer committees because of litigation exposure.
TAPE 67, A		
059	Miller	Continues testimony in support of HB 2876-1 amendments.
077	Egge	Indicates there have been few lawsuits, but significant settlements. Provides examples. Comments that the program is losing high quality people because of litigation exposure. Indicates that there is no protection from state government presently, and none expected in the future.
091	Chair Lokan	Closes the public hearing on HB 2876, and opens the work session on HB 2876.
<u>HB 2876 WORK SESSION</u>		
114	Rep. Gardner	MOTION: Moves to ADOPT HB 2876-1 amendments dated 4/27/99.
		VOTE: 7-0 EXCUSED: 1 - Montgomery
Chair Lokan		Hearing no objection, declares the motion CARRIED.
120	Rep. Gardner	MOTION: Moves HB 2876 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Montgomery
Chair Lokan		The motion CARRIES. REP. LOWE will lead discussion on the floor.
129	Chair Lokan	Closes the work session on HB 2876, and opens the public hearing on HB 3329.

HB 3329 PUBLIC HEARING

132	Zwick	Summarizes provisions of HB 3329.
141	Rep. Randy Leonard	House District 21. Indicates that HB 3329 simply changes the allocation formula for distributing Sports Action lottery dollars. Describes the current allocation formula.
158	Sen. Ginny Burdick	Senate District 6. Speaks in support of HB 3329.
168	Ron Adams	Resident of West Linn, Oregon. Speaks in support of HB 3329.
183	Adams	Discusses efforts to pass similar legislation in the 1997 session. Urges members to consider HB 3329 very seriously.
208	Rep. Close	Asks about the source of funds for the Sports Lottery Account.
212	Adams	Explains the source of funds is from betting, and the distribution of those dollars.
218	Grattan Kerans	Oregon University System. Speaks in opposition to HB 3329. Submits and summarizes a document entitled "Oregon Lottery Sports Action Proceeds" (EXHIBIT B). Discusses reasons similar legislation in 1997 failed.
257	Kerans	Explains the formula created by HB 3329-1 amendments.
297	Rep. Gardner	Asks for the difference in the formulas.
302	Kerans	Describes the change as very small, with nothing moving more than one percent.
305	Rep. Gardner	Reiterates that basically the formula was reviewed, a study was done, and the board continued to do almost the same thing.
309	Kerans	Responds, yes, under the formula set in statute. Emphasizes that the board committee action is constrained by statute.
323	Kerans	Explains that under the current formula, there is a minimum allocated to each campus, and the remaining funds are distributed. Indicates that new language in the bill requires a retained minimum.
333	Vice-Chair Lowe	Asks if it is possible to have specific dollar information to compare with actual dollars.

350	Kerans	Indicates that the difference in the various spreads would have been relatively small, not much movement, which is part of the source of frustration. Repeats that the board was constrained by following the formula which is in statute.
364	Vice-Chair Lowe	Asks if there has been change in the enrollment and activities of the various universities since the most recent formula was promulgated.
369	Kerans	Explains that enrollment changes from year-to-year. Adds that the dollars would change on a regular basis with this formula change.
375	Vice-Chair Lowe	Asks for an explanation of the huge dissatisfaction among some universities.
379	Kerans	Explains the distribution formula to universities.
404	Rob Wagner	Rep. Chris Beck's staff. Speaks in support of HB 3329. Describes this as an equity opportunity for sports programs.
439	Wagner	Discusses Portland State University's change in conference status. Highlights the importance of sports programs.
474	Dave Cooper	Public Affairs Manager, Oregon Lottery. Takes neutral position on HB 3329. Describes the source and purpose of Sports Lottery funds.
TAPE 66, B		
048	Steve Bender	Legislative Fiscal. Notes that HB 3329 needs a technical amendment. Indicates that the existing language would distribute the Sports Action lottery funds based on the proportion of total general funds each institution receives. Adds that the institutions receive only about 86% of those funds.
062	Bender	Indicates that if HB 3329 passes as drafted, only 86% of those funds could be distributed. Suggests an amendment to clarify that the distribution is based on the proportion of the total support that goes to the institutions, which would allow total fund distribution.
085	Rep. Kruse	Comments on the necessity of a Legislative Counsel draft.
090	Wagner	Refers to HB 3329, lines 19-22. Quotes: "Each school shall receive 5% of the money." Indicates that if schools are receiving less than 5% of distribution from higher education, the allocation may be more than 100% of the Sports Action fund.
107	Vice-Chair Lowe	Closes the public hearing HB 3329, and opens work session on HB 2088.

HB 2088 WORK SESSION

113	Zwick	Summarizes provisions of HB 2088. Explains the effects of the -5 amendments (EXHIBIT C) .
128	Bob Repine	Director, Oregon Housing & Community Services Department (OHCS). Speaks in support of HB 2088.
138	Margaret Van Vliet	Member, Governor's Community Development Office. Highlights changes from the ñ4 amendments.
179	Rep. Kruse	Refers to page 4, line 17: "Association of Oregon Counties (AOC), or a "similar organization." Asks what is similar to AOC.
182	VanVliet	Expresses that the intent is to work with AOC and the League of Oregon Cities (LOC).
183	Rep. Kruse	Declares that "or a similar organization" should be deleted. Asks why this advisory board is not Senate approved.
204	VanVliet	Explains that the intention is to have an advisory board to work with a variety of constituencies for advice and direction. Adds that OHCS will have responsibility for administration of the fund.
225	Repine	Comments on the timing of the passage of HB 2088.
236	Vice-Chair Lowe	MOTION: Moves to CONCEPTUALLY AMEND HB 2088-5, on page 4, in line 17, after "Counties," by deleting "or a similar organization," and on page 4, in line 19, after "Cities," by deleting "or a similar organization".
		VOTE: 7-0 EXCUSED: 1 - Montgomery
	Chair Lokan	Hearing no objection, declares the motion CARRIED.
252	Vice-Chair Lowe	Closes work session on HB 2088, and opens public hearing on SB 1025.
<u>SB 1025 PUBLIC HEARING</u>		
257	Zwick	Explains provisions of SB 1025.

291	Greg Chaimov	Legislative Counsel. Explains that SB 1025 grants the heads of legislative service agencies the authority to accomplish various tasks for the legislative assembly.
302	Rep. Piercy	Asks if current practice is changed.
308	Chaimov	Responds, not at all.
336	Vice-Chair Lowe	Closes public hearing on SB 1025 and opens work session.
<u>SB 1025 WORK SESSION</u>		
346	Rep. Kruse	MOTION: Moves SB 1025 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Close, Montgomery
		Chair Lokan The motion CARRIES. REP. GARDNER will lead discussion on the floor.
		<u>NOTE: See Tape 67B, 378. REP. CLOSE votes AYE under suspension of rules.</u>
352	Vice-Chair Lowe	Closes work session on SB 1025.
384	Chair Lokan	Reopens work session on HB 2088. Invites Mr. Repine to clarify whether HB 2088 needs referral to Ways & Means Committee.
<u>HB 2088 WORK SESSION REOPENED</u>		
417	Repine	Explains that HB 2088 is the substantive policy discussion of the intent of the budget bill. Describes the budget bill narrative as insufficient. Suggests moving HB 2088 to the floor, and then to the substantive Senate committee, and then ask committee staff to have it referred to Ways & Means Committee. Adds that if Sen. Hannon moves the budget bill, it can be accompanied with this piece of policy.

428	Rep. Gardner	<p>MOTION: Moves HB 2088 to the floor with a DO PASS AS CONCEPTUALLY AMENDED recommendation.</p>
		<p>VOTE: 5-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 3 - Close, Kruse, Montgomery</p>
	Chair Lokan	The motion CARRIES.
		<u>NOTE:</u> See Tape 67B, 215. REP. CLOSE votes NAY under suspension of rules.
		<u>NOTE:</u> See Tape 67B, 337. REP. KRUSE votes NAY under suspension of rules.
452	Chair Lokan	Closes work session on HB 2088, and opens public hearing on SB 183.
<u>SB 183 PUBLIC HEARING</u>		
475	Zwick	Summarizes provisions of SB 183.
TAPE 67, B		
056	David Hooper	Public Affairs Manager, Oregon State Lottery. Speaks in support of SB 183. Submits and summarizes written testimony (EXHIBIT D). States that SB 183 would allow the Lottery Commission to adopt rules to establish procedures for payment of prizes to ticket owners whose winning ticket or share is lost, damaged, or destroyed during validation by a lottery game retailer.
080	Rep. Lowe	Asks about retail clerk training regarding this concept.
083	Hooper	Describes retailer training.
088	Chair Lokan	Asks about verification of a winning ticket.
092	Hooper	Responds this is an issue to be worked out in rule. Indicates that the information is in the system. Describes the payment process during the claim period.

112	Rep. Knopp	Asks if there were any lost tickets before 1996.
115	Hooper	Replies, not that he is aware. Explains that prizes will be paid retroactively.
126	Chair Lokan	Closes public hearing on SB 183, and opens work session.
<u>SB 183 WORK SESSION</u>		
137	Rep. Lowe	MOTION: Moves SB 183 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Gardner, Montgomery
	Chair Lokan	The motion CARRIES. REP. KNOPP will lead discussion on the floor.
142	Chair Lokan	Closes work session on SB 183.
158	Rep. Lowe	MOTION: Moves to SUSPEND the rules for the purpose of allowing Reps. Close and Kruse to vote on HB 2088, and to allow Rep. Close to vote on SB 1025.
		VOTE: 8-0
	Chair Lokan	Hearing no objection, declares the motion CARRIED.
162	Rep. Kruse	Asks where HB 2088 is going.
164	Chair Lokan	Explains it is part of the housing budget. Adds that HB 2088 can go to the Senate from the House floor, and then to Ways & Means.
170	Rep. Kruse	Comments that the housing budget has not been approved. Expresses concern that this is a substantive bill, rather than a bill moving on merit. Indicates opposition to sending HB 2088 to the House floor.

184	Rep. Close	Asks if money is to be deposited into the fund, with the interest used to finance affordable housing, but the amount is unknown.
188	Chair Lokan	Indicates there is a stated amount in the budget for the program, but there is not approval at this time. Explains that there is no fiscal impact. Indicates that Mr. Repine's suggestion was to send HB 2088 to the floor, then to the Senate, with referral to Ways & Means.
215		REP. CLOSE is RECORDED as voting NAY on HB 2088.
231	Rep. Kruse	Indicates no opposition to the direction HB 2088 is taking. Explains that his preference would be to send HB 2088 immediately to Ways & Means to be considered with the budget before legislative approval. Asks if it would delay matters if he votes no for purposes of possible reconsideration.
257	Rep. Lowe	Supports Rep. Kruse's suggestion.
268	Chair Lokan	Continues discussion among members regarding possible reconsideration of HB 2088.
327		REP. KRUSE is RECORDED as voting NAY on HB 2088.
336	Chair Lokan	Serves notice of possible reconsideration of HB 2088.
351	Chair Lokan	Refers members to SB 1025.
365	Rep. Lowe	Summarizes provisions of SB 1025.
378		REP. CLOSE is RECORDED as voting AYE on SB 1025.
382	Chair Lokan	Adjourns the meeting at 10:25 a.m.

Submitted By, Reviewed By,

Susan M. Pettey, Pat Zwick,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2876-1 amendments, staff, 7 pp.

B ñ HB 3329, Lottery calculations, Grattan Kerans, 1 p.

C ñ HB 2088, -5 amendments, staff, 7 pp.

D ñ SB 183, written testimony, David Hooper, 1 p.