

SENATE COMMITTEE ON TRADE & ECONOMIC DEVELOPMENT

March 25, 1997 Hearing Room 343

1:00PM Tapes 41 - 42

MEMBERS PRESENT:

Sen. John Lim, Chair

Sen. Joan Dukes, Vice-Chair

Sen. Bill Fisher

Sen. Gary George

Sen. Avel Gordly

Sen. Veral Tarno

MEMBER EXCUSED:

STAFF PRESENT:

Jim Stembridge, Administrator

Julie Havel, Administrative Support

MEASURE/ISSUES HEARD:

HB 2142 A Work Session

SB 881 Public Hearing

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 41, A		
005	Chair Lim	Calls meeting to order at 1:37pm and opens Work Session on HB 2142 A.
<u>HB 2142 A - WORK SESSION</u>		
025	Jim Stembridge	Committee Administrator, explains provisions of HB 2142-A and the proposed -A2 amendments (EXHIBIT A).

028	Chair Lim	Adds the proposed amendments would keep the population cap at the original 10,000 instead of 15,000.
034	Stembridge	Clarifies for the committee that this bill has already passed out of the committee, so someone will need to motion to reconsider it.
036	Sen. Dukes	MOTION: Moves to RECONSIDER the vote by which HB 2142 was passed out of committee.
	Chair Lim	Hearing no objection, declares the motion CARRIED.
053	Sen. Tarno	MOTION: Moves to ADOPT HB 2142-A2 amendments dated 3/25/97.
	Chair Lim	Hearing no objection, declares the motion CARRIED.
054	Sen. Dukes	Asks for and receives clarification that the 10,000 population figure was in the original bill, but the House amended it to 15,000, and there were some problems with that because the programs is supposed to help "small cities."
061	Sen. Lim	MOTION: Moves HB 2142A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair	The motion CARRIES. SEN. LIM will lead discussion on the floor.
075	Chair Lim	Explains the rest of the items on the agenda will be postponed, and opens public hearing on SB 881.
<u>SB 881 - PUBLIC HEARING</u>		
095	Sue Shafer	Introduces Wayne Shammel, Cow Creek Band of Umpqua Tribe of Indians, and states he will be testifying before the committee today.
110	Wayne Shammel	Tribal Attorney, testifies in opposition to SB 881, and explains they are a domestic nation, but a nation nonetheless, and therefore do not consider themselves a racial minority. States SB 881 represents the prospect of delay to the tribes, and is a matter of "life and death" to them.
159	Shammel	Continues testimony, stating if a bill like SB 881 were passed, it would be a devastating blow to their ability to complete these agreements in a timely manner, although he understands the reasons for the legislature wanting to achieve the intent of the bill. Adds he believes there are other ways to achieve the intent.
182	Sen. Dukes	Asks Shammel to share his ideas for the other ways to achieve this goal with the committee.
200	Shammel	Explains this meeting today is a first step, and they would like to sit down informally with the committee and discuss the possibilities.
		Asks for and receives clarification on Shammel's position and if there are

214	Sen. Gordly	other states involved in similar processes.
235	Shammel	States there are, and shares examples of situations in New Mexico and Connecticut.
253	Sen. Gordly	Shares her concerns about launching into debate on this bill before hearing any information on background or intent of this bill.
266	Sen. Fisher	Commends Shammel and Shafer on all the good things they are doing in their community and thanks them for coming today.
273	Sen. Tarno	States he would like a clear definition of a "compact."
279	Jim Stenbridge	Committee Administrator, explains provisions and language of SB 881, and states the most recent compact is between the state and the Grand Ronde tribe, which called for the sharing of revenue.
299	Chair Lim	Explains he proposed this bill because he read in the newspaper that the Governor was making these agreements alone, and he intends to make the process work in a more democratic way. States he has no set agenda and appreciates so many people coming out to express their views.
328	Sen. Gordly	Comments she sees the Governor's legal counsel in the room and suggests the committee hear from him this afternoon.
349	Chair Lim	Agrees with the suggestion and states they will call him later.
358	Don Sampson	Chairman, Confederated Tribes of the Umatilla, testifies in opposition to SB 881 (EXHIBIT B) .
TAPE 42, A		
008	Sampson	Continues testimony, stating their gaming revenues provide for nearly all their vital services, and urges committee to consider that when reviewing this bill.
021	Sen. Fisher	Asks Sampson if he was an attorney.
023	Sampson	Explains he is not, he is a fishery biologist.
027	Sen. Tarno	Shares his concerns that the six casinos have hired firms other than state police to conduct security in them, and instead, the state police are doing background checks on employees for 3.2 million dollars.
035	Sampson	States that is correct, they share his concerns, and they are working to increase the State Police's enforcement and oversight in the casinos.
048	Chair Lim	States his bill is to deal with internal relations between the legislators and governors, and it could possibly delay negotiations, or could possibly expedite them and help everyone come out even better. States he hopes to work as a partner to help solve the problem.
065	Jessie Davis	Siletz Tribal Council, testifies in opposition to SB 881 (EXHIBIT C) , explaining it will send a message to the tribes that the government-to-government relationship that has taken months to create with the governor's team will be derailed.
115	Davis	Continues testimony.
148	Kathryn	Tribal Council Chairperson, Confederated Tribes of the Grand Ronde

	Harrison	Community of Oregon, testifies in opposition to SB 881 (EXHIBIT D) .
198	Harrison	Continues testimony.
241	Sen. Dukes	Asks for clarification on whether a compact was necessary for the tribes to initiate gambling, because he heard Harrison state earlier that they are the first tribe to establish a compact.
253	Michael Mason	Tribal Attorney, Confederated Tribes of the Grand Ronde, explains they are the only tribe to establish a permanent gaming compact, and explains highlights of Indian Gaming Regulatory Act (IGRA), (EXHIBIT E) .
300	Harrison	Introduces tribal members who are present today.
335	Dennis Karnopp	Bend lawyer and tribal representative, Confederated Tribes of the Warm Springs Reservation, testifies the bill may be well-meaning, but the tribal council would be opposed to anything that would encumber the negotiation process. Gives brief history of Warm Springs tribes and states every element of governmental infrastructure is provided by the tribes and has been for decades. Continues explaining that each tribe is unique in its languages, cultures, and traditions, and gives history of status of "public law 280" and how it evolved into the IGRA.
TAPE 41, B		
020	Karnopp	Continues testimony, outlining the concerns of tribes regarding this issue, and states the Indians in Oregon are not getting rich from gaming.
051	Ed Metcalf	Chairman, Coquille Indian Tribe, testifies in opposition to SB 881 (EXHIBIT F) .
094	Sen. Tarno	Asks for re-cap on the tribe's recent acquisition of original land and how it has affected and benefited the tribe.
100	Metcalf	Explains they are very happy to have acquired the land, but must wait two years before they can do anything with it, which is why the gaming is so crucial now.
119	Chair Lim	Asks if anyone else who would like to testify on SB 881.
123	Kathy Thole	Grand Ronde resident, states she feels both ways, because she believes that while the tribes are sovereign, so is the state of Oregon, and shares her concerns about tribal development projects in the area.
158	Thole	Continues testimony.
166	Chair Lim	Asks for and receives clarification about Thole's testimony.
176	Thole	Explains they own a store a mile and 1/3 west of the Bonanza, and it is very difficult to get in and out of the driveway.
199	Mason	Addresses Thole's concerns about sewer, water, housing, and parking, and states they do carry their weight when it comes to those issues, and would be glad to provide details.
246	Chip Lazenby	Legal Counsel, Governor John Kitzhaber, states he has heard most of the comments by these tribes here today, and hopes the committee will come away with the understanding that there is a cultural and diplomatic complexity involved in these negotiations, as well as other delicate issues. States this is the beginning of a new phase in the relations between the

		tribes and the state of Oregon.
296	Lazenby	Continues testimony, and states this is fresh ground for everyone involved, and points out how bad relations are between tribes and the states of New Mexico, California or Washington.
317	Sen. Fisher	Asks about most-favored-nation-clause.
330	Lazenby	Explains it triggers an opportunity for the other tribes to come and negotiate for different items or to re-open the compacts.
361	Sen. Fisher	Asks if they are currently in negotiations with other tribes..
362	Lazenby	States they are currently in negotiations with the Cow Creek, Coquille, and Siletz tribes.
365		Discussion continues on issue of fairness of dealing with only one tribe and not allowing anyone else to negotiate.
400	Sen. Gordly	Asks how the governor's office currently informs legislators about pending compacts, and how that communication takes place. States she hopes this bill will not undermine any relations with the tribes or with the Governor's Office
430	Chair Lim	Asks Lazenby's opinion on whether they should just stay out of it and let the status quo continue.
TAPE 42, B		
016	Lazenby	Acknowledges the governor's team could have done a better job of keeping the legislative body better informed, but states that enacting actual legislation to require a formal process would not be beneficial to the relations. Adds he would be happy to work on something short of legislation to improve the communication channels.
027	Chair Lim	Closes public hearing and adjourns meeting at 3:07pm.

Submitted By, Reviewed By,

Julie Havel, Jim Stembridge,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2142 A, proposed -A2 amendments, staff, 1p.

B - SB 881, written testimony, Donald Sampson, 2pp.

C - SB 881, written testimony, Jessie Davis, 3pp.

D - SB 881, written testimony, Kathryn Harrison, 4pp.

E - SB 881, Indian Gaming Regulatory Act overview, Michael Mason, 4pp.

F - SB 881, written testimony, Edward Metcalf, 1p.
