

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Government

April 20, 1993 Hearing Room 357 8:30 a.m. Tapes 58 - 61

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Jim Edmunson Rep. Patti Milne Rep. Sharon Wylie Rep. Cedric Hayden, ex-officio

VISITING MEMBER: Rep. Ken Baker

STAFF PRESENT: Janet Adkins, Committee Administrator Amy Jahnke, Committee Assistant

MEASURES CONSIDERED: HB 2276 HB 2850 HB 2453 HB 3343 HB 3250

[--- Unable To Translate Graphic ---]

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. [--- Unable To Translate Graphic ---]

TAPE 58, SIDE A

CHAIR PARKS: Calls the meeting to order at 8:40 a.m.

PUBLIC HEARING HB 2850

024 JANET ADKINS, COMMITTEE ADMINISTRATOR: Reviews bill, submits fiscal and -1 amendment (EXHIBIT A & B)

041 SEN YIH: Submits written testimony (EXHIBIT C)

080 REP BURTON: Testifies in support, submits written testimony (EXHIBIT D)

TAPE 59, SIDE A

015 CHAIR PARKS: What would we lose by passing the bill in this form, and at the same time having you submit another bill?

031 REP BURTON: Nothing that I can see, the question is who would take us to court. -It would be helpful to pursue this bill

CHAIR PARKS: How much money is in the float and how they have used it and what do they do with the money at the end?

REP BURTON: That is a question that should be asked of the commission.

REP HAYDEN: If we would amend the percentage from 84% to 95% would we then reimburse the consumer as well as increase the payment to the

economic development commission?

053 REP BURTON: Talks about options.

111 JERRY BRONNER, ATTORNEY GENERAL'S OFFICE: Refers to previous meeting on HB 3231.

- CHAIR PARKS AND JERRY BRONNER CONTINUE DISCUSSION

147 REP BURTON: Discusses interpretation of the term "no appropriation".

197 CHAIR PARKS and JERRY BRONNER DISCUSS (-1) AMENDMENT

- REP HAYDEN AND JERRY BRONNER DISCUSS PERCENTAGES

280 REP EDMUNSON: The sixteen percent comes from the constitutional provision that at least 84% of the revenue shall go to the public in the form of prizes?

- REP EDMUNSON AND JERRY BRONNER CONTINUE DISCUSSION.

320 REP HAYDEN: Objects to Bronner's last statement.

BRONNER: The constitution provides that the state lottery commission will provide and operate a state lottery.

354 - CHAIR PARKS AND JERRY BRONNER DISCUSS PERCENTAGES

389 REP BURTON: Reviews fiscal plan. (in EXHIBIT D)

TAPE 58, SIDE B

017 REP BURTON: Continues reviewing fiscal plan.

BRONNER: Talks about (-2) amendment.

033 REP EDMUNSON: Reviews constitutional provision in Article 15, Section 4E.

- REP EDMUNSON AND JERRY BRONNER CONTINUE DISCUSSION.

REP BURTON: What about the highway fund isn't it continuously appropriated? 072 REP EDMUNSON: Talks about ORS Section 9, area 2 of the Oregon constitution.

081 - REP EDMUNSON AND JERRY BRONNER CONTINUE DISCUSSION.

100 DEBBS POTTS: Testifies in opposition, submits written testimony (EXHIBIT E) -The lottery must be considered a business -Invites members to attend lottery commission meeting

205 STEPHEN H. CAPUTO: Testifies, submits written testimony (EXHIBIT F) - reviews Rep Burton's written testimony.

249 - CHAIR PARKS AND STEVE CAPUTO CONTINUE DISCUSSION.

CHAIR PARKS: How much would it cost the state if the program was

dismantled because of the court finding that it was a casino game?

CAPUTO: The loss would be in revenue.

288 CHAIR PARKS: You are dealing with a lot of money and why shouldn't you be subject to the same kind of rules of any other agency?

CAPUTO: Currently, we are operating under the legal framework that was passed by the people.

308 - CHAIR PARKS AND STEVE CAPUTO CONTINUE DISCUSSION.

376 REP HAYDEN: Refers to lottery testimony.

TAPE 59, SIDE B

008 REP HAYDEN: Continues.

CHAIR PARKS: Refers to page 20 missing in Attorney General's opinion.

CHAIR PARKS: Are you opposed to the legislature oversight of a state agency?

CAPUTO: Yes, there was some alternative language that was proposed to HB 2850, that was proposed by the Attorney General's office and we would be in support of that language.

- CHAIR PARKS AND STEVE CAPUTO CONTINUE DISCUSSION.

HB 2850 - WORK SESSION

CHAIR PARKS: Option 1, approve the bill as originally proposed or approve the bill as proposed with Senator Yih's amendment, or approve the bill with Rep. Burton's amendment.

075 REP EDMUNSON: Prefers -2 amendment proposal, also -1. MOTION: REP EDMUNSON MOVES -1 BE ADOPTED

_ HEARING NO OBJECTION THE AMENDMENT IS ADOPTED

MOTION: REP EDMUNSON MOVES -2 BE ADOPTED

_ CHAIR PARKS OBJECTS - MOTION FAILS

REP HAYDEN: POLLS CHAIR AS TO OBJECTION

REP HAYDEN: SUPPORTS OBJECTION

REP EDMUNSON: DISCUSSES - WITHDRAWAL OF -1 AMENDMENT

- REP EDMUNSON AND REP WYLIE CONTINUE DISCUSSION

REP EDMUNSON WITHDRAWS MOTION OF -2 AMENDMENT

EDMUNSON MOVES HB 2850 TO FULL COMMITTEE WITH A DO PASS RECOMMENDATION

TO INCLUDE -1 AMENDMENTS

VOTE: IN A ROLL CALL VOTE THE MOTION PASSES. REP HAYDEN, REP WYLIE, REP EDMUNSON AND CHAIR PARKS VOTING AYE. REP MILNE IS EXCUSED.

HB 2276 - WORK SESSION

JANET ADKINS: Reviews bill, submits amendment (-1) and hand engrossed bill (EXHIBIT G & H).

220 CHAIR PARKS: Refers to (-1) amendment

REP HAYDEN: Why was section 3 deleted, and what is the need for the bill in the absence of section 3?

NINA JOHNSON, EXECUTIVE ASSISTANT TO SECRETARY OF STATE: Testifies in opposition; Want to make everything internally consistent.

268 REP WYLIE: Concerned about governmental or publicly funded bodies that must respond to the existence of a ballot issue.

295 JOHNSON: This amendment makes the bill cleaner and more consistent.

REP HAYDEN: Can a state employee sign a petition during working hours?

341 ART JAMES, EXECUTIVE DEPARTMENT: Testifies in support; support Secretary of States position to provide greater clarity in the law. - REP HAYDEN, NINA JOHNSON AND ART JAMES CONTINUE DISCUSSION.

TAPE 60, SIDE A

MOTION: REP WYLIE MOVES PROPOSED AMENDMENTS BE ADOPTED

VOTE: HEARING NO OBJECTION, THE AMENDMENTS ARE ADOPTED

MOTION: REP WYLIE MOVES THAT HB 2276 BE SENT TO FULL COMMITTEE WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE, THE MOTION PASSES. REP HAYDEN, REP WYLIE AND CHAIR PARKS VOTING AYE. REP EDMUNSON AND REP MILNE ARE EXCUSED.

HB 2453 - WORK SESSION

051 JANET ADKINS: Reviews bill, submits letter from Oregon Government Ethics Committee (EXHIBIT I).

MOTION: REP HAYDEN MOVES THAT HB 2453 BE SENT TO FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

CHAIR PARKS: Governor's office has conceptual amendments that they thought might improve the bill and we will talk about those before I accept your motion.

_ REP HAYDEN: WITHDRAWS MOTION.

ADKINS: The current wording is more appropriate to an agency that regulates businesses. - Need to make the bill apply to private companies in the gaming

industry that have a contractual relationship to lottery, not regulated by the lottery.

MOTION: REP HAYDEN MOVES THAT THE CONCEPTUAL AMENDMENT BE ADOPTED

VOTE: HEARING NO OBJECTION THE CONCEPTUAL AMENDMENT IS ADOPTED

MOTION: REP HAYDEN MOVES THAT HB 2453 BE SENT TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE THE MOTION PASSES. REP HAYDEN, REP WYLIE AND CHAIR PARKS VOTING AYE. REP EDMUNSON AND REP MILNE ARE EXCUSED.

HB 3343 - PUBLIC HEARING

(EXHIBIT J), SUBMITTED BY JON MANGIS, THROUGH STAFF. REP HAYDEN: Testifies in support of HB 3343 and HB 3250. - HB 3343: this bill would work with people with substantial lists of

property and urge the coordination of all those properties. - HB 3250: the intent is to allow the public greater access to the decision making process.

REP JOHN MEEK, DISTRICT 5: Testifies in support. - HB 3343: this would be of great value to all.

172 REP WYLIE: Do state agencies have the authority to accept property that might have strings?

REP MEEK: A variety of agencies have the authority, statutorily to accept gifts.

REP WYLIE: How far away are we from having this task completed?

REP MEEK: Minimal fiscal impact, it's a matter of accumulating it, the target is on or before September 15.

REP HAYDEN: Refers to fiscal.

212 REP BAKER: The school district that I just came off the board with, did this about three years ago and it is a very healthy exercise.

REP MEEK: Just in Washington county, they sold property in excess of four hundred thousand dollars, property that was no longer necessary to own.

240 CHAIR PARKS: Shouldn't the Veteran's Department do this to the

extent that they are equity owners on foreclosed property?

REP HAYDEN: That would be up to you.

CHAIR PARKS: Why shouldn't property that you have foreclosed on and are holding in inventory subject to resale, be included in the state's property?

252 LEONARD HILL, PROPERTY MANAGER, DEPARTMENT OF VETERAN'S AFFAIRS: We usually dispose of these properties as rapidly as possible and the

proceeds go to the Oregon War Veteran's sinking fund.

CHAIR PARKS: How many properties do you have now?

HILL: We only have about fifteen properties.

293 - CHAIR PARKS AND REP MEEK CONTINUE DISCUSSION

REP WYLIE: I worked with the foreclosure program in Multnomah county and there are ways of negotiating fees for large amounts of property appraisals.

306 BILL NICKLEBERRY, DEPARTMENT GENERAL SERVICES: Testifies; submits written testimony (EXHIBIT K).

TAPE 61, SIDE A

007 - REP HAYDEN AND NICHOLBERRY CONTINUE DISCUSSION

017 REP BAKER: What does HB 3343 do if you already have this information?

NICKLEBERRY: I don't know.

039 REP HAYDEN: What does the bill add in addition to the "not withstanding the provisions of ORS 270.180".

NICKLEBERRY: I don't know what it adds to it.

REP BAKER: Does the Department of General Services also control the Department of Education?

NICKLEBERRY: They provide us with their inventory.

076 CHAIR PARKS: What is procedure before the state sells property?

NICKLEBERRY: Currently when state owned real property is sold, the property is first offered to state agencies, if there is no interest, then the property is appraised.

HB 3250 - PUBLIC HEARING

103 JANET ADKINS: Reviews bill.

CINDY BECKER, ASSISTANT DIRECTOR OF THE EXECUTIVE DEPARTMENT: Testifies in opposition. - The language in the bill is extremely broad based.

133 GARY BAUER, OREGON INDEPENDENT TELEPHONE COMPANY: Testifies. - Wants clarification of "Expenditure"

CHAIR PARKS: In reviewing Cindy Becker's testimony it appears she may be correct.

REP HAYDEN: Intent was to open up the process to interested individuals and provide public notice.

188 REP HAYDEN: Get possible work group together.

223 CHAIR PARKS: Asks interested parties to call Rep Hayden's office to participate in work group.

ADJOURNED 11:40AM

Submitted by:

Reviewed by:

Amy Jahnke
Clerk

Janet Adkins Committee
Committee Administrator

EXHIBIT LOG:

A - HB 2850 - Fiscal analysis pp 1 B - HB 2850 - Proposed amendment -1 pp1 C - HB 2850 - Written testimony submitted by Senator Mae Yih pp 2 D - HB 2850 - Proposed amendment -2 pp 25 E - HB 2850 - Written testimony submitted by Oregon Lottery pp 21 F - HB 2850 - Written testimony submitted by Stephen H. Caputo pp 7 G - HB 2276 - Hand-engrossed bill -1, submitted by staff pp 2 H - HB 2276 - Proposed amendment -1, submitted by staff pp 1 I - HB 2453 - Letter to committee, submitted by L. Patrick Hearn pp 2 J - HB 3343 - Letter to committee, submitted by Jon Mangis pp 2 K - HB 3343 - Supporting documents, submitted by Bill Nickleberry, Department of General Services pp 8