

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Government

May 5, 1993 Hearing Room 357 9:00 a.m. Tapes 66 - 67

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 Julie Dow, Committee Researcher Priscilla Boyle, Committee Assistant

MEASURES CONSIDERED: HJR 16 Majority required for election HB 3055 Public Property HB 3045 Development agreements HB 3361 Disposal of real property HB 3623 Government waste hotline

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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 66, SIDE A

007 CHAIR PARKS: Calls the meeting to order at 9:23 a.m.

HB 3361 - PUBLIC HEARING

(EXHIBIT A) - fiscal analysis (EXHIBIT B) - ORS information

011 BILL NICKLEBERRY, DEPARTMENT OF GENERAL SERVICES: Continues testimony from 5/4/93 hearing. Reviews six steps pertaining to sale of state

lands.

075 REP LARRY SOWA, DISTRICT 26: In 1987 we got a bill in the agriculture committee that said that certain rural lands that are owned by the state would be available if they were in small parcels to be sold and the

general policy would be to sell them to the surrounding land owners.

Some of us were concerned that we could lose some value for recreational uses of those lands or access to other recreational uses,

so we talked to the Division of State Lands and others and said we want you to go through a process where you identify all the values of those

lands before you sell them. In the meantime that statute has been

interpreted that it would include all state lands and that was not our

intent.

104 REP WYLIE: Does the notification go to just the city officials and planning department, how is that notification sent?

111 NICKLEBERRY: We go to the cities and ask where they want notification to go, but in some of the small rural areas it could be a board of

commission for the counties, etc.

116 REP. WYLIE: Does the property go to the highest bidder or does that city get some priority?

124 NICKLEBERRY: It would go to highest bidder, if it is past the deadline for notification to be received from the political subdivision.

127 WYLIE: Does it ever happen that way, where the city gets a delayed response, where they get interested in it because of community interest?

130 NICKLEBERRY: The situation that I am aware of is the Callahan Center in the City of Wilsonville.

HB 3361 - WORK SESSION

138 MOTION: REP MILNE MOVES HB 3316 BE MOVED TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION

143 VOTE: IN A ROLL CALL VOTE THE MOTION PASSES. ALL MEMBERS VOTING AYE. MEMBERS EXCUSED: REP EDMUNSON AND REP HAYDEN

HB 3623 - PUBLIC HEARING

148 JANET ADKINS, COMMITTEE ADMINISTRATOR: Reviews bill (EXHIBIT C)

161 REP TIERNAN, DISTRICT 24: Testifies in support of HB 3623; - We need a quick easy reporting system.

258 CHAIR PARKS: In sub-section 2 of section 2, line 22-24, What is different in comparison to what they do now?

268 REP TIERNAN: Nothing is different, except that when they get a phone call or written complaint, instead of waiting for the annual audit they have an affirmative obligation to look at situation on the spot.

278 CHAIR PARKS: Why did you pick the Secretary of State rather than the Attorney General to do an investigative function?

283 REP TIERNAN: It was my guess that the Secretary of State with the auditing functions they have now, was the place to put it. I think the

fact that the job gets done is the issue and exactly who does it is less important.

293 CHAIR PARKS: The thread of your bill is that based upon the investigation and some kind of a determination of fraud, waste or abuse having occurred then the glare of publicity will be enough to deter it?

299 REP TIERNAN: The report going back to the agency head would take appropriate action to make sure that it did not happen again or recoup

dollars etc.

308 REP MILNE: Nothing in the bill protects people, is there anything in the bill that people will feel comfortable calling the hotline, will

they be anonymous?

320 REP TIERNAN: The way hotlines usually work is that you are assigned a number, you will not have to give your name and you can use your number as your reference for follow-up information.

334 REP MILNE: It is obvious that there is that fear, if you are a state employee and you are aware of excessive spending etc., you are not as

likely to report it unless there is some assurance of confidentiality.

342 REP TIERNAN: I think we will see that most callers will be state employees.

355 REP WYLIE: I think a non-retaliation and protection amendment makes sense. I am interested in cost and follow-up.

407 REP TIERNAN: Defines Fraud, Waste and Abuse; Can send letter instead of calling. You need to make it easy.

TAPE 67, SIDE A

083 CHAIR PARKS: It seems in my office that people do not hesitate to call and report complaints. If anonymous it allows for abuse,

confidentiality is the way to protect. Reviews fiscal impact statement (see EXHIBIT C)

122 REP TIERNAN: The cost could go higher; Need to weigh the benefit and detriment.

153 CHAIR PARKS: Secretary of State investigates in a civil nature; Should be a criminal investigation process.

174 REP TIERNAN: Main intent of the bill is to uncover waste and abuse in government.

186 REP MILNE: A complaint, criminal in nature, should be turned over to proper authorities.

CHAIR PARKS AND REP TIERNAN CONTINUE DISCUSSION ON WHO SHOULD CONDUCT INVESTIGATIONS

217 NINA JOHNSON, SECRETARY OF STATE'S OFFICE: Testifies; - Fiscal impact would be higher; - We would hope that if this bill is sent out of this committee that

there would be a review of what would be required of our office.

257 DON WAGGONER, DIRECTOR OF AUDIT, SECRETARY OF STATE'S OFFICE:
I am familiar with the ombudsman program and how they work.

259 CHAIR PARKS: How many do we have?

260 WAGGONER: I am not sure of how many in this state.

261 CHAIR PARKS: Isn't that one of the functions they are supposed to
do?

262 WAGGONER: Yes it is, it is usually set up as some type of a
government waste hotline.

265 CHAIR PARKS: Could you get me a list of who the people are, so
we can see how many there are and maybe we could get some insight on how
much

of this they are already doing.

270 JOHNSON: As the citizens representative, I need to get together
with them and look at their volume of calls.

283 WAGGONER: Testifies; - I would like to have the chance to
institute a public relations

program for the audits division. - Make it known at the beginning of
each audit that we are auditing a

program or agency, the time period that we are auditing, any particular
aspect of that audit that needs to be released in the media and also

invite citizens to call us with any information that they believe would
be relevant to our audit.

322 CHAIR PARKS: Why don't you talk with Rep. Tiernan about your
idea.

326 WAGGONER: We have already done that but we can continue our
discussion.

351 MARY BOTKIN, American Federation of State, County and
Municipal Employees: - Who determines what is waste? - Prefer system now
in place - call Secretary of State's office.

CHAIR PARKS AND MARY BOTKIN CONTINUE DISCUSSION ON PROGRAMS ALREADY IN
PLACE

TAPE 66, SIDE B

004 MARY ANN GEST, OREGON PUBLIC EMPLOYEES UNION: Testifies in
opposition; - This bill does not get us where we need to go, I feel it
would be used for harassment purposes. - We would much rather see this
money spent in training dollars for line workers that work in state
government.

021 SARAH WYLIE, OREGON SCHOOL EMPLOYEES ASSOCIATION: - Bill does not
have a provision in it for the accuser. - In favor of proposal by Don

Waggoner.

049 REP MILNE: How do we get the word to the public regarding how to file complaints?

069 BOTKIN: There are avenues to go through.

HB 3045 - PUBLIC HEARING

094 JANET ADKINS: Reviews bill, submits Amendments (EXHIBIT D) and Hand-engrossed bill (EXHIBIT E)

117 JON CHANDLER, STAFF ATTORNEY, COMMON GROUND: THE URBAN LAND COUNCIL OF OREGON: Testifies in support of HB 3045 and submits written testimony

(EXHIBIT F)

168 CHAIR PARKS: I feel there should be time limits to cancel agreements.

186 CHANDLER: In section 2A you have to say how long it lasts.

192 CHANDLER: California statute has ten years as a limit and this is reasonable to me.

HB 3045 - WORK SESSION

CHAIR PARKS: Proposes by way of amendments that line on 22 the additional sentence shall be added, however such specified period of time shall not exceed ten years from the date of the execution of the agreement.

216 CHANDLER: May I suggest that we put that up on line 8?

218 CHAIR PARKS: Yes.

223 MOTION: REP WYLIE MOVES THAT HB 3045 BE SENT TO THE FULL COMMITTEE WITH DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE THE MOTION PASSES. ALL MEMBERS VOTING AYE.

MEMBERS EXCUSED: REP EDMUNSON AND REP HAYDEN

HB 3055 - PUBLIC HEARING

(EXHIBIT G) - Memorandum, submitted by Steven R. Rinkle pp 2 (EXHIBIT H) - Letter to Committee, submitted by Steve Cornacchia

244 JANET ADKINS: Reviews bill, submits ORS information (EXHIBIT I).

260 KEVIN HANWAY, SPECIAL DISTRICTS ASSOCIATION: Testifies in support of HB 3055 and submits written testimony from George Mardikes (EXHIBIT J). 298 CHAIR PARKS: Is the special districts required to spend 1% for art?

301 HANWAY: I don't know.

302 CHAIR PARKS: Talks about building in Eugene.

317 CHAIR PARKS: Maybe we should put in a stipulation that they would have to spend 1% on art.

326 HANWAY: Would not apply to personal property.

345 CHAIR PARKS: Will confer with committee members and schedule work session.

HJR - 16 PUBLIC HEARING

(EXHIBIT K) - Fiscal analysis, submitted by staff (EXHIBIT L) - Oregonian article, submitted by Nina Johnson

377 REP KEVIN MANNIX, DISTRICT 32: Testifies in support of HJR 16; Submits (-1) Amendment to HJR 16 (EXHIBIT M).

TAPE 67, SIDE B

031 CHAIR PARKS: We need a bill if this is to go into effect, maybe you could get one?

034 REP MANNIX: I am sure we can find one.

035 CHAIR PARKS: The Secretary of State says that it would cost the state \$900,000.00 for a vote by mail. - Which offices do you intend to cover?

039 REP MANNIX: It would cover the Governor, Secretary of State, State Treasurer and presently Superintendent of Public Instruction, Attorney

General and the Commissioner of Labor and Industries.

043 ADKINS: Is that the purpose of line 23?

REP MANNIX: Yes.

CHAIR PARKS: And it is your intention that this apply to the general elections only?

REP MANNIX: That's correct.

CHAIR PARKS: In the event that there were three candidates in a primary election and one was nominated by a plurality, that person would go on the general election ballot.

048 REP MANNIX: That's correct.

CHAIR PARKS: Christmas and New Years is when the election might fall, how could they fall if it was thirty five days from the general.

054 REP MANNIX: Thirty five days following the determination of the

results of the first election.

REP MANNIX: Does provide 35 days for certification, continues explanation of time frame.

ADJOURNED 11:20 AM

Submitted by:

Reviewed by:

Amy Jahnke
Administrator

Janet Adkins Assistant

EXHIBIT LOG A - HB 3361 - Fiscal analysis, submitted by staff pp 1 B - HB 3361 - ORS information, submitted by staff pp 3 C - HB 3623 - Fiscal analysis, submitted by staff pp 1 D - HB 3045 - Proposed amendments, submitted by staff pp 1 E - HB 3045 - Hand-engrossed bill, submitted by staff pp 3 F - HB 3045 - Letter to committee, submitted by Jon Chandler pp 1 G - HB 3055 - Memorandum, submitted by Steven R. Rinkle pp 2 H - HB 3055 - Letter to committee, submitted by Steve Cornacchia pp 1 I - HB 3055 - Testimony of George M. Mardikes, submitted by Kevin Hanway pp 3 J - HB 3055 - ORS information, submitted by staff pp 1 K - HJR 16 - Proposed amendments, submitted by staff pp 3 L - HJR 16 - Fiscal analysis, submitted by staff pp 1 M - HJR 16 - Oregonian article, submitted by Nina Johnson pp 1