

Please Support HB 3431-A

The public entities below urge you to address an unanticipated consequence of legislation passed in 2017 that could have negative implications for economic development and for the viability of several major public facilities in Oregon.

House Bill 3253 significantly amended the statute governing “vending facilities” on public property. In addition to a number of other changes, HB 3253 gave the Commission for the Blind and its Business Enterprise Program a “priority” (i.e., a right of first refusal) in operating all “vending facilities” in or on any public buildings or property, except for “cafeterias,” where the Commission maintains a “preference.” The bill also prohibited a public entity from charging “any portion of a commission, gratuity or revenue earned by the vending facility manager from the operation of the vending facility.”

While the legislative intent of HB 3253 was to expand employment opportunities for the blind, the 2017 changes have the unanticipated effect of potentially eliminating a significant revenue stream for public entities that own and operate venues and attractions devoted to tourism, recreation, entertainment and hospitality, and that depend on enterprise revenues for their financial stability. Loss of this revenue will in some cases lead to the closure of these facilities.

The people of Oregon have invested hundreds of millions of dollars in these venues and attractions, in many cases for the purpose of creating jobs, generating economic activity and attracting visitors to our state. While these facilities are publicly owned, they are not fully funded by taxes; instead, they rely on revenues from food and beverage as a key element of their business model. We do not believe the 2017 Legislature had these facilities in mind when HB 3253 was considered; rather, the focus was on typical government buildings that house elected officials and public employees providing government services.

House Bill 3431-A addresses this by identifying a category of local and regional “visitor venues” and exempting most of the food service and catering at these facilities from the requirements of the 2017 statute. It retains the priority for blind vendors with respect to vending machines in visitor venues, and it does not exempt any state-owned facilities. The exemptions in HB 3431-A are consistent with those provided by many other states with respect to blind vendors.

Please support HB 3431-A. Thank you for your consideration.



Metro

