

W. G. B.

April 13, 2011

Dear (Oregon Delegation, US House of Representatives)

On behalf of the Lane County Board of Commissioners, I'd like to express our thanks to your recent efforts to ensure that language regarding the reauthorization of the Secure Rural Schools Act was included in the House Budget Committee's FY 2012 proposed budget.

The information we received regarding the budget development effort made it clear that the Oregon delegation was of a united voice when it came to these discussions, and clearly communicated to your colleagues the important nature of these funds for the continued well being of Oregon's residents and school children.

We certainly recognize that this conversation was made all the more difficult in these economic times and challenging budget negotiations. The effort you and your staffs made to maintain consistent communications with your colleagues, and indeed the local governments in Oregon who rely on this funding did not go un-noticed by our Board.

It is my hope that this note conveys our appreciation for your ongoing work on this issue.

Sincerely,

Faye Stewart, Chair

Lane County Board of Commissioners

W. G. B.

Memorandum Date: April 8, 2011  
Order Date: April 13, 2011

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**TO:** Board of County Commissioners  
**DEPARTMENT:** Administration, Intergovernmental Relations  
**PRESENTED BY:** Alex Cuyler, Intergovernmental Relations Manager  
**AGENDA ITEM TITLE:** Legislative Committee Recommendations

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**I. MOTION**

Move to approve recommendations of the Lane County Legislative Committee regarding certain bills before the 76<sup>th</sup> Oregon Legislative Assembly.

**II. AGENDA ITEM SUMMARY**

During the 2011 Oregon Legislative Session, the Legislative Committee will be meeting regularly to discuss various bills that will or could impact Lane County in order to provide recommendations to the Board regarding possible action to support, oppose, monitor, or ignore said bills. Discussion will include bills discussed during the April 8, 2011 meeting of the Legislative Committee.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

- The Board of County Commissioners regularly takes positions on specific legislation.
- On January 19, 2011, the Board of County Commissioners adopted nine legislative priorities for the 2011 Legislative Session and directed the Intergovernmental Relations Manager to pursue drafting bills and seeking sponsorship for those bills.

**B. Policy Issues**

Participation in the state political process.

**C. Board Goals**

Seeking efficiencies and funding for county operations and programs.

**D. Financial and/or Resource Considerations**

The lobbying effort during the 2011 Legislative Session will take up the majority of the Intergovernmental Manager's time from February through June. There is an assistant available for the Manager during the 2011 Session. Lane County Directors or key staff may travel to Salem during the session if testimony is necessary.

**E. Analysis**

See Attachment A.

#### **F. Alternatives/Options**

- 1.) Adopt the entirety of the legislative committee report in a single motion.
- 2.) Adopt a position on each bill individually.

#### **IV. RECOMMENDATION**

Staff has no recommendation with regard to how the Board chooses to adopt legislative positions.

#### **V. TIMING/IMPLEMENTATION**

With the Legislature re-convening on February 1, 2010 for the next five months, it is important for the Board to provide direction today. The Legislative Committee will be meeting every other week to discuss various bills and provide recommendations to the Board.

#### **VI. FOLLOW-UP**

Staff will continue to monitor the activities of the 2011 Legislature in order to arrange for and provide analysis of bills for discussion in the Legislative Committee.

#### **VII. ATTACHMENTS**

Attachment A—Spreadsheet outlining the Legislative Committee report and recommendations from their April 8, 2011 meeting.

Attachment B—Addendum to Attachment A.

Attachment C—Minutes of April 8, 2011 Legislative Committee.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

I IN THE MATTER OF ADOPTING POSITIONS ON  
I LEGISLATIVE ISSUES DURING THE 76<sup>TH</sup>  
I LEGISLATIVE SESSION

**WHEREAS**, Lane County has a keen interest in state legislative activities, and;

**WHEREAS**, Lane County Government employs an Intergovernmental Relations Manager for the purpose of advocating on behalf of Lane County government at the Oregon Legislature, and;

**WHEREAS**, the Lane County Board of County Commissioners wishes to communicate their positions on legislative issues to the public and other elected officials, and;

**WHEREAS**, the Legislative Committee is the established standing committee which exists to fully inform the Lane County Board of Commissioners in a timely fashion on legislative issues, and;

**WHEREAS**, it has previously been resolved that the Legislative Committee will forward its recommendations to the Board of County Commissioners for final approval by the Board of County Commissioners on an as-necessary basis.

**NOW, THEREFORE**, be it resolved that the Lane County Board agrees to the positions illustrated in Attachment A, and;

**BE IT FURTHER RESOLVED**, that this Board Order will officially represent the will of the Board of County Commissioners and may be used by the Intergovernmental Relations Manager to communicate their position to Oregon legislators during the 76<sup>th</sup> Legislative session.

DATED this \_\_\_\_\_ day of April, 2011

\_\_\_\_\_  
Faye Stewart, Chair  
Lane County Board of Commissioners

ATTACHMENT A

Lane County, Oregon  
 Board of County Commissioners  
 Spreadsheet for Legislative Review  
 76th Oregon Legislative Assembly  
 16-Feb-11

Item	House Bill #	Department	Recommendation	Sponsor	Bill Summary	Staff Analysis
1)	SB 657	MSD	Oppose	Comm on General Governme nt, Consumer and Small Business Protection	Reduces percentage of construction contract, home improvement contract or public improvement contract payment that may be held as retainage.	Retainage protects County; we can already reduce retainage based on remaining liability
2)	HB 2392	HHS	Monitor	House Interim Comm on Health Care	Requires hospitals to expend 10 percent of community benefit funds on public health infrastructure.	Certainly adding to the public health infrastructure would be most beneficial to our county, depending upon what the Oregon Health Policy Board ends up defining as "Public Health Infrastructure". I would hope that it would mean that local public health authority would benefit from this 10% and not that the hospitals would define their work as public health. Primary prevention and policy development are tenets of public health and thereby within the public health infrastructure. Hospitals do not provide these. At this time, the Coalition of Local Health Officials, Legislative Committee has noted this bill to support and given it a priority 2 rating.
3)	HB 3218	HR	Monitor	Reps Brewer, Cameron, Johnson, Lindsay, Olson, Parrish, Sheehan, Thompson, Wingard	This bill reduces the amount of the IAP that the employer may pay from 6% to 3%. Does not apply to those covered by a previously negotiated CBA until the agreements expire.	Would result in reduced costs to the County for retirement benefits. Contributions by employees could be increased or salaries could be reduced to maintain current contribution levels.  Amendment could be in the works that would allow for the employer to set their contribution level from 0-6% in the bargaining process.

4)	SB	<u>307</u>	CAO	<b>Support</b>	Senate Interim Comm on Finance and Revenue	Adds county provided "tourism-related services" to allowable transient room tax expenditures.	Support – SB307 gives greater discretion to expend TRT money by adding "tourism-related services" to the list of approved uses in the 70% category (ORS 320.350(6)). [History: Lane County passed legislation for a 5% TRT in 1974. Similarly, many incorporated Cities passed legislation for a 3% TRT, netting us 2% in incorporated areas. This TRT is used for the Lane Events Center bonded debt retirement and capital projects. In 1993, we passed an additional 3% TRT to fund tourism, where ORS stipulates that 70% go to tourism promotion, tourism-related facilities, or debt of tourism-related facilities. We currently fund CVALCO with the 70% requirement. The remaining 30% goes to County services as follows: 10% to the County Museum, 10% to Rural Tourism, and 10% to LC Tourism.] Tourism-related services are defined as County services that support tourism or accommodating tourist activities. If the bill passes, it appears that TRT subject to the 70% rule can be used by the Lane Events Center and other county owned "tourist activities" when appropriate.
5)	HB	<u>2110</u>	HHS	<b>Support</b>	Gov for OHA	This bill would increase the tax on cigarettes and other tobacco products beginning January 1, 2012. The \$1 per pack tax increase would bring Oregon's total state tax up to \$2.18 per pack of cigarettes. State cigarette tax revenue would be allocated to: 74.7% - Oregon Health Plan, 11% State General Fund, 10.9% - Tobacco Use Reduction Account (TURA), 1.4% each to counties, and the Department of Transportation for distribution to the Elderly & Disabled Special Transportation Fund.	Potentially gives the County more input on how to promote tourism. While this can potentially be good for the County, 1)90% of current adult smokers began smoking before the legal age of 18. Youth are especially sensitive to tobacco tax increases. The Oregon Health Authority estimates that a \$1 increase in the purchase price of a pack of cigarettes will result in 30,000 fewer Oregon youth becoming adult smokers. 2)The extra tax revenue from the Tobacco Use Reduction Account would increase funding of Oregon's effective, comprehensive Tobacco Prevention and Education Program bringing it up to Center for Disease Control and Prevention recommended funding levels. For every \$1 invested in tobacco prevention, Oregon can expect to save \$5 to \$6 in reduced tobacco-related health care and lost productivity costs. 3)Lane County government would continue to receive approximately \$400,000 of cigarette tax revenue, annually, into its' general fund while the Tobacco Prevention and Education Program within Lane County Public Health could expect to receive a significant increase in funding (FY 2010-2011 funding = \$170,069).
6)	HB	<u>2231</u>	HHS	<b>Monitor</b>	Rep Greenlick	This bill would increase the Oregon cigarette tax by \$1 per pack  Unlike HB 2110, this bill does not raise the tax on other tobacco products like cigars, smokeless tobacco etc.  This bill does not define where additional tax revenue will be directed to, only that it will be held in a suspense account under the State Treasurer	1)90% of current adult smokers began smoking before the legal age of 18. Youth are especially sensitive to tobacco tax increases. The Oregon Health Authority estimates that a \$1 increase in the purchase price of a pack of cigarettes will result in 30,000 fewer Oregon youth becoming adult smokers. 2)Lane County government would continue to receive approximately \$400,000 of cigarette tax revenue, annually, into its' general fund.

7)	HB	<u>2975</u>	HHS	Monitor	Rep Hunt (at request of Hunger Relief Task Force)	Appropriates moneys from General Fund to Oregon Health Authority for nutrition programs for eligible individuals through Women, Infants and Children Program.	This would appropriate funds to support the farmer's market program in WIC, which is targeted for reduction in the Governor's proposed budget.
8)	HB	<u>3167</u>	A&T	Oppose unless amended to fix effective date.	Comm on Revenue	Eliminates discount for full or partial payment of property taxes. Creates semi annual tax payment schedule.	Impossible to meet the effective date of this bill. Will require tax software reprogramming to set up different payment schedules and statement files. Will require reformatting of property tax statement to reflect these changes. Will require taxpayer outreach and education efforts as taxpayers will be confused about when and how much to pay since this is very different than current system. Many will still pay with the 3% discount and will be upset when they get an additional bill plus the delinquent interest on top of it.  In terms of revenue, the county should see an increase in tax collections overall if no discount is granted. However there will be a cash flow impact as there is no incentive to pay all of it in November. Instead it could be expected that the county will receive significantly less revenue in November and significantly more revenue in May. Since the tax year is July - June, receiving half of the anticipated revenues only one month before of the end of the fiscal year could cause a significant issue for the districts who will have to change their investment and cash flow.
9)	HB	<u>3452</u>	CAO	Neutral	Comm on Revenue	Passage of the bill would bring the state's various existing business loan funds under one umbrella organization: Oregon Finance and Credit Board. The bill may also make other state funds available for loans to businesses.	This would create a single entity for businesses to access state loan funds. That part of it is good. Right now not all state business loan funds are loaned out each biennium. The bill does not define how the loan process would be improved. In addition, the bill contains language about the Rainy Day Fund. Not sure how that is connected to the formation of Finance and Credit Board.  SAME AS SB 889
10)	HB	<u>2152-A</u>	HHS	Monitor	Gov for Housing and Community Services Dept.	The bill changes current statute and simple eliminates the 5% administrative cap that the Oregon Department of Administrative Services can charge for managing the Emergency Housing Account.	Emergency Housing Account Funding has been reduced to Lane County in the 09-11 Biennium due to the Governors Allotment Cuts. Funding is likely to be reduced further. If the State is allowed to take a greater percentage for administration less will be available for local communities.  The amendment sets the administrative charges that OHCS can charge to the Emergency Housing Account to those that are approved by the legislature in the budget process. While this is better than the original bill that eliminated their administrative cap and allowed the department to determine the rate it is still a concern given that OHCS restricts our administrative rate to 5% by administrative rule and the state taking a greater share to administer the program will mean less funds allocated to communities.
11)	HJR	<u>26</u>	CAO	Monitor	Comm on Revenue	Amends Constitution relating to local option ad valorem property taxes. The limitations of section 11, and 11b of Article XI would not apply to these taxes.	All things considered we probably should just continue to monitor and remain neutral.  Allows local taxing districts to impose a local option ad valorem property tax in even numbered years. Any additional tool in the tool belt for bringing in additional revenue is welcome right now.

12)	SB	<u>972</u>	HR	<b>Monitor</b>	Sens Morse Monnes Anderson, Krusse, Bates; Sen Shields (at request of John Dilorenzo, Jr.)	Directs Oregon Health Authority to develop plan for providing health care coverage for all Oregonians, including recommendations for constitutionally-dedicated sales tax; assumptions regarding private sector health care delivery options and elimination of need of employers to provide health insurance coverage to employees, and options to eliminate plan deductibles for persons below certain levels of federal poverty guidelines. Directs authority to submit plan to interim health care committees of Legislative Assembly no later than 60 days preceding date of convening of 2012 regular session of Legislative Assembly.	I don't think my analysis changes that this one is really a board preference from a policy perspective.  Testimony suggested that the sales tax would actually be cheaper than what we pay today for health care costs.
13)	HB	<u>2928</u>	CAO	<b>Support</b>	Rep Holvey	Authorizes hearings under Family Abuse Prevention Act to be held in person or by telephone.	Essentially this bill would clarify that people can testify in court via phone or other two-way communication device specifically in contested restraining order cases when it is determined they have good cause to be afraid to appear in person to defend the restraining order.  ORS 45.400 currently allows the court to grant this permission in any civil proceeding when there is good cause. However, this can sometimes be problematic given the expedited nature of restraining order proceedings. This bill and the proposed amendment specifically address the time sensitive nature of these proceedings and make it more clear to victims that they have the right to request permission to testify by telephone or other electronic means.
14)	HB	<u>3166</u>	PW	<b>Oppose</b>	Rep Freeman, Sen Kruse	Places 10 year statute of limitation to appeal land use decision to LUBA	This is Rep. Holvey's bill and Alex Cuyler thinks it is important for Lane County to support the local delegation when possible, particularly since this bill should have little to no fiscal impact on the County. He has presented an amendment that his office says will clarify language and protect the victim in cases of abuse. There is no known  Would extend current 3 year limit to ten years if notice not provided.



15)	HB	3250	C&F	Support	<p>Reps Conger, Whisnant, Barker, Berger, Boone, Cameron, Cannon, Clem, Esquivel, Freeman, Garrard, Garrett, Gelser, Gilliam, Huffman, Kennemer, Komp, Krieger, McLane, Olson, Richardson, Sheehan, J Smith, Sprenger, Thatcher, Tomei, Weidner, Witt, Seis Telfer, Böquist,</p>	<p>Directs ODOT to issue "Keep Kids Safe" registration places, with proceeds to be designated to the Children's Trust Fund of Oregon, for distribution to counties to fund child abuse/neglect prevention efforts.</p>	<p>Passage of this legislation will provide to Oregon counties funding for strategies &amp; approaches that have been found to be effective in preventing/reducing child abuse &amp; neglect. Our local Comprehensive Community Plan for the wellness of children, youth and families identifies "Reduce Child Maltreatment" as a key focus area for our county. A dedicated revenue source for prevention of child abuse/neglect has the potential for great impact in this area.</p> <p>Fiscal impact to county staff is likely to be minimal, depending upon how funds are to be distributed (potential contract monitoring, reporting tasks, for example).</p>
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16)	HB	3375	HHS	Support	Reps Tomei, Thompson , Bailey, Boone, Brewer, Cannon, Dembrow, Doherty, Frederick, Freeman, Greenlick, Harker, Hoyle, Kennemer, Kotek, Krieger, McLane, Nathanson , Read, Wand, Weidner, Whisnant, Sens Bates, Boquist, Monnes Anderson, Monroe, Shields, Telfer	Modifies provisions for development and maintenance of telephone service that provides referral information regarding health and human services and services after emergency.	HB 3375 gives 211 standing in State Emergency Management so that the telephone companies can be mandated to provide connectivity through a standardized statewide system. 211 provides human service information and referral. In Lane County, United Way has a contract with Oregon 211 based in Portland to service this area. Currently, telephone companies do not have a requirement to provide access to 211. 211 is very useful in case of an emergency for mental health assistance and other material assistance to help folks with Basic Needs.  The County could either monitor or support the legislation. The legislation is already endorsed by several Lane County Senators and Representatives.
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17)	HB	<u>3429</u>	MSD	<b>Oppose</b>	Reps Sprenger, Schauffer, Clem, Benz, Boone, Freeman, Garrard, Huffman, Johnson, Kennemer, Krieger, Whisman, Sens Fertoli, Girod	Requires Oregon Department of Administrative Services to adopt rules regarding use of wood in buildings constructed by public body using state funding. Prohibits use of state funding for buildings not conforming with rules. Requires department to consult with representatives of local government, building trades, wood products industry and other parties before adoption or modification of rules. Makes rules applicable to buildings for which initial disbursement of state funding occurs on or after July 1, 2012.	County should be able to use the materials which best meet the needs and requirements of job.  Being dubbed the "Canada first" bill by AOC because it would bring in more wood from Canada than from Oregon.  Would make it difficult to do any concrete construction because it would require that "provisions are designed to ensure that the building materials used are, to the maximum extent practicable, made from wood."
18)	HB	<u>3596</u>	PW	<b>Support</b>	Reps Roblan, Cowan, Holvey, Hoyle, Kneger, Sens Kruse, Prozanski, Verger, Edwards	Empowers Port of Coos Bay to own and operate the rail line connecting the station of Danebo in Lane County to the station of Coquille in Coos County.	The rail line is located outside the existing Port of Coos Bay district leaving the Port with no bonding authority to finance projects along the rail line corridor and no authority to assist adjacent industrial owners with financing economic development projects. This bill resolves the problems by authorizing the Port to annex the rail corridor and assist adjacent industrial owners to receive economic development support from the Port. Requires annexation of the rail corridor and adjacent industrial property to be approved by the Board of County Commissioners of each County in which the property is located.
19)	SB	<u>36</u>	SO	<b>Support</b>	Sen Monnes Anderson	Imposes conditions for Oregon Liquor Control Commission approval of license application following unfavorable recommendation by local government.	This bill appears to formalize criteria for OLCC handling of applications that are denied by local government in that the OLCC would be bound to abide by local government's recommendation unless certain exceptions are found. Since local government is checking criminal databases that the OLCC may have limited or no access to, it is prudent that they follow our recommendations. For info, Section 2 does not appear to include any fee increases for the Sheriff's office, as we are currently charging \$25 or less for OLCC licensing services.

20)	SB	<u>41</u>	CC	<b>Oppose</b>	Attorney General for DOJ	Relating to public records, creates new provisions and amends existing ORS to provide deadlines for responses to a public record request, limits fees that may be charged and establishes the Attorney General jurisdiction to hear petitions for review of records in the custody of elected officials. Delays application of the new deadline provisions to local governments to July 1, 2013. Requires the AG to develop training materials. Declares an emergency.	This bill would eventually change the way local governments address any request for public records. The more immediate implication for the county would be the provisions that include requirements for local governments during the interim period, mainly sections 2 and 14. Another way to approach this would be to enact the changes for state agencies and then report to the 2013 Legislature on the success before application to the local governments.
21)	SB	<u>128</u>	PW	<b>Monitor</b>	Gov for ODOT	Removes obsolete reporting dates for Road User Fee Task Force. Changes process used to calculate amount of moneys available to pay debt services and expenses related to certain transportation projects.	This relates to reporting on money allocated to projects as part of HB 2001, the Jobs and Transportation Act (2009). It requires a report on amounts that will not be needed by projects each legislative session (and removes obsolete dates). It also for more flexibility in allocating moneys to projects on the HB 2001 list, by allowing money not needed for listed projects to go to other projects - with the priority being projects in the same region, and allowing the money to go to project extensions or additional project phases. Finally, it requires ODOT to report on its website when an extension or phases is added to a project on the HB 2001 list.  When HB 2001 was adopted the project list in Section 64 was of concern because it essentially made project prioritization a legislative act rather than allowing ODOT to make its own priorities for that money. In addition ODOT indicated it was unlikely to fully fund the listed projects. This legislation raises the possibility that some of the projects either won't go forward or won't need the full allocation. I'm checking with ODOT to see if I can get any details.
22)	SB	<u>294</u>	HA	<b>Monitor</b>	Senate Interim Comm on Consumer Protection and Public Affairs	Changes methods by which landlord may bill tenant for utilities or services.	How landlords must bill tenants for utilities / services, specifically water and sewer services. The bill notes that billing for water according to usage encourages users to conserve water. It specifies procedures for landlords who change their billing methods if they are converting to a "pro rata" or proportional use billing system. It also specifically addresses the issue of billing for water in "manufactured dwelling parks" with 200 or more spaces and sets up procedures.

23)	SB	342	PW	Monitor	Senate Interim Commission on Environment and Natural Resources	Revises statutory provisions relating to lottery moneys constitutionally directed toward financing restoration and protection of native fish and wildlife, watersheds and water quality. Changes permissible uses of moneys. Deletes provision regarding Oregon Watershed Enhancement Board member objections to awards of grant funds. Alters content of program conducted by board. Authorizes board to enter into contracts with qualified experts or individuals for scientific review. Changes name of Restoration and Protection Subaccount of Parks and Natural Resources Fund to Natural Resources Subaccount. Changes name of Watershed Improvement Grant Fund to Watershed Conservation Grant Fund. Changes name of Watershed Improvement Operating Fund to Watershed Conservation Operating Fund. Requires state agencies receiving grant moneys from Natural Resources Subaccount to biennially report to Legislative Assembly regarding use of moneys.	This appears to address issues internal to the Oregon Watershed Enhancement Board, provides for some funding to be diverted from grant funding to internal administrative costs, and changes the name of a sub-account. It does not appear to have a major impact on the County.
24)	SB	346	SO	Support	Sen Rosenbaum	Exempts from disclosure under public records law audio recording of voice of caller to 9-1-1 emergency reporting system unless public interest requires disclosure. Creates exceptions. Allows any person to obtain transcript of audio recording.	In my opinion, this is a good measure. While the public and press could still obtain transcripts of 9-1-1 calls, in most cases, it would exempt the actual recording from being released. This protects our citizens at a time when are most vulnerable and prevents their trauma from being sensationalized. There is no budgetary impact to the county.

25)	SB	<u>421</u>	MSD	<b>Oppose</b>	Senate Interim Comm on Judiciary	Provides that civil action based on negligence, including but not limited to claim for indemnity or contribution, may not be brought against design professional for damages arising out of work performed by design professional on improvement unless action is brought by person who contracted with design professional. Exempts tort claims for personal injury, death or damage to property other than improvement.	County could not bring suit only individual which means if I left the County the County could not sue architect only I could; makes no sense
26)	SB	<u>616</u>	HHS	<b>Support</b>	Sens Prozanski, Rosenbau m, Rep Barker	Adds provision for restraining orders providing for safety and welfare of parties' animals.	While a relatively minor amendment to the restraining order, it can be a tool in situations where animals are involved and need to be cared for.
27)	SB	<u>667</u>	MSD	<b>Oppose</b>	Comm on General Government, Consumer and Small Business Protection	Permits contracting agency to enter into indefinite quantity contract for architectural, engineering or land surveying services. Provides mandates and guidelines for indefinite quantity contracts. Becomes operative on January 1, 2012.	Unnecessary bureaucratic dribble  <b>MORE INFORMATION FORTHCOMING</b>
28)	SB	<u>692</u>	HHS	<b>Support</b>	Comm on Finance and Revenue	<ul style="list-style-type: none"> <li>Removes prohibition against imposition of taxes by COUNTIES in Oregon on cigarettes and tobacco products.</li> <li>Requires at least 20 percent of any tax imposed by Oregon counties on cigarettes or tobacco products be used for public health programs or services.</li> <li>Applies to cigarettes and tobacco products distributed on or after effective date of Act</li> <li>Takes effect on 91st day following adjournment of legislative session.</li> </ul>	<p>This is the Senate version of House Bill 2385. All language in the two bills is identical.</p> <ul style="list-style-type: none"> <li>Tobacco use is an expensive and deadly addiction. 50,000 Lane County adults regularly smoke cigarettes. Nearly a quarter (23%) of all Lane County deaths can be attributed to tobacco use. On an annual basis, \$127 million is spent on medical care for tobacco-related illness and \$116 million in productivity is lost due to tobacco related deaths in Lane County.</li> <li>The single best way to reduce tobacco use is to increase its retail price. Increasing the price will reduce tobacco consumption, particularly among price-sensitive youth.</li> <li>A local cigarette tax could generate much needed revenue for Lane County government, 20% of which would be required to be spent on public health programs and services for Lane County's most vulnerable citizens.</li> </ul>

29)	SB	<u>795</u>	PW	<b>Monitor</b>	Sens Telfer, Ferroli, George, Girod, Kruse, Nelson, Olsen, Starr, Thomsen, Whitsett, Winters, Reps Conger, Whisnant	Prohibits adoption or enforcement by Land Conservation and Development Commission of transportation planning rule (TPR) with specified function. The Land Conservation and Development Commission may not adopt or enforce an administrative rule that requires local governments to implement measures to ensure or assure that land uses that are allowed under an amendment to a comprehensive plan, functional plan or land use regulation that significantly affects existing or planned transportation facilities are consistent with the function, capacity or performance standards of the transportation facilities.	Simply stated, SB 795 would not allow LCD/DLCD to require local governments to require new development to show that planned or existing transportation facilities will be adequate to serve the new development. While there are many problematic aspects of the TPR, the existing TPR provisions that require new development to show existing or planned transportation facilities will be adequate to serve new proposed development provide a good tool for ODOT and local governments. For most development, including large subdivisions, the rule language that would be overturned does not often play a major role in an approval or denial, because transportation facilities are already in place to serve these developments (except for on site facilities). The existing TPR requirement plays a pivotal role when new development of major scale is proposed, such as when the hospital was proposed at the end of North Delta Highway. The existing rule is broadly written so as to be reasonable in its requirements. If SB 795 is enacted, at minimum, it would mean that local governments could not require adequate transportation for development of any scale.
30)	SB	<u>960</u>	PW	<b>Support</b>	Sen Thomsen	Authorizes conditional approval of temporary promotional events subordinate to agricultural activities on lands zoned for exclusive farm use. Requires periodic review of approved special use permits.	This bill is probably better than the current law, but my opinion is that HB 3280 is the better bill. This bill will require wineries to obtain a lot of permits that are only temporary in nature unless renewed. It develops review criteria and sets maximum limits for attendance and number of vehicles.
31)	HB	<u>2045</u>	HHS	<b>Monitor</b>	Gov for DHS	Requires DHS to review statutory laws governing programs administered by DHS and identify changes to laws needed to reflect budget changes. Directs department to report findings to legislature.	This appears to just be a housekeeping measure, however because it impacts all DHS programs it could ultimately be amended to have a significant impact on our programs.

32)	HB	<u>2053</u>	C&F	<b>Monitor</b>	Gov for DHS	Relating to minority racial and ethnic population receiving services from Department of Human Services; creating new provisions; and amending ORS 418.036.	This legislation deals with a state agency, however it may impact DYS or other departments receiving state DHS funding. We feel there is work going on within DHS that is also aimed at addressing these issues, and suspect there will be a lot of information presented by DHS to the Ways and Means committee. One are we would think needs to be considered, should this bill move forward, is impact on our local partner agencies. A potential area of impact to Lane County departments could be related to monitoring agencies we contract with, funded by DHS, for adherence to this.
33)	HB	<u>2247</u>	CAO	<b>Support</b>	House Interim Comm on Health Care for SOS	Exempts from public disclosure audits that are in progress.	Support - Draft audit reports for our CAFR should not be subject to public records requests until the audit is complete or abandoned. This is a good idea, since many times verbiage, findings, and disclosures need to be discussed and refined prior to official issuance. It often happens that a draft audit report has errors due to a misunderstanding between the government and the auditor. It is imperative these issues be resolved "prior" to public disclosure. Otherwise, inaccurate information could be released to the public, which could harm both the government and the CPA.
34)	HB	<u>2332</u>	SO	<b>Oppose</b>	House Interim Comm on Transportation	Establishes different fines for different types of vehicles for certain traffic violations. Becomes operative January 1, 2013. Requires person to provide gross vehicle weight rating in application for vehicle registration. Requires Department of Transportation to include gross vehicle weight rating on registration card and in department records.	This bill merely specifies different fines for different vehicle types for specified offenses. This bill would generate additional revenue for the county and the workload cost would be negligible, as the deputy would most likely be writing a cite under current ORS anyway. This bill would establish a fine schedule for a number of moving violations based in part on the weight of the vehicle involved in the violation. While there are some violations that are exacerbated by vehicle weight, the position of the Lane County Sheriff's Office is to generally avoid discussions regarding fine amounts. While part of our role is traffic safety, we prefer to stay out of issues related to fines in order to maintain impartiality and separation from the appearance of trying to use traffic safety enforcement as a direct means of revenue generation.



35)	HB	<u>2370</u>	MS	Monitor	Reps Nathanson, Barker, Dembrow, Doherty, Gelsler, Greenlick, Hoyle, Hunt, Kotek, J Smith	Would require County to provide 30 day notice to ODOT whenever County intends to sell, lease, exchange or otherwise convey real property within 100 feet of railroad right of way or within 500 feet of an at grade crossing.  ODOT has 30 days to respond from date of notice. If they are interested in obtaining the property then County must give them the first opportunity to acquire it (assume it would be a negotiation as the Bill does not address value of the property).  Intent of Bill is to facilitate current or future delivery of rail service.	Puts an additional requirement on County when considering the sale of a property and would delay any action up to the 30 days when ODOT is noticed and responds. But, sale of property near railroad right of way does not happen that often (at least for tax foreclosed property), so I don't think it would cause an undue burden on staff.  The Bill does not require the County to sell to the State nor does it provide any timeline for negotiations – i.e., at what point would negotiations end and the County free to sell to anyone.  A clarification in the Bill language that refers to "leasing" may need to be tweaked. I'm thinking of the Jail property which is within 100 feet of RR right of way. Would leasing beds to the Feds require notice to ODOT or if we otherwise lease space to a non-profit, or lease the parking area, etc. Similarly, would granting of an easement trigger the need to notify ODOT (an easement is a conveyance of a property right). Public Works also has property along NW Expressway that is within 100' of RR.  Again, transactions of County property along railroad right of way is infrequent but if the Bill progresses we should n
36)	HB	<u>2527</u>	HA	Support	House Interim Comm on Revenue	Extends sunset for tax credit for affordable housing lenders.	Needs to be extended; however, since it doesn't expire until 2014, may want to wait until next session, because if economic conditions approve, may want to expand it to lenders other than banks.
37)	HB	<u>2692</u>	SO	Support	House Interim Comm on Judiciary for Sheriffs Civil Command Council	Provides that identification document, such as driver license, passport, birth certificate or Social Security card, is not subject to garnishment or execution. Makes other changes to civil sales regulations.	This bill is supported by the Oregon State Sheriff's Association and the Lane County Sheriff's Office. It includes input by the attorneys working with the Civil sections across the state. It clears up some language, not holding Sheriffs offices liable on personal and property sales as well no longer requiring S.O.'s to self identification when a safe deposit box or other similar items are seized. Previously we refused to do so but had no standing; this would shield us in the event of a challenge.  This would also create a website ran by OSSA that would be used for our publishing requirements, which would be cheaper than using local print media.
38)	HB	<u>2693</u>	SO	Support	House Interim Comm on Judiciary for Sheriffs Civil Command Council	Requires agency to record warrant in County Clerk Lien Record for county in which sheriff serves before issuing warrant to sheriff. Provides that sheriffs return of service in civil or criminal proceeding is not hearsay for purposes of Oregon Evidence Code.	Currently the Sheriff must record the warrant with the County Clerk. This would require ODOT or the IRS to do the recording which would save the SO money at the front end as we have been paying fees and then waiting for reimbursement from the originating entity.

39)	HB	<u>2694</u>	SO	<b>Support</b>	House Interim Comm on Judiciary for Sheriff's Civil Command Council	Allows court to extend time to execute writ for eviction upon showing good cause by sheriff. Requires plaintiff requesting warrant directing sheriff to abate nuisance to pay sheriff fees and expenses of executing warrant. Allows recovery of fees and expenses from defendant without entry of supplemental judgment.	This bill is supported by the Oregon State Sheriff's Association and the Lane County Sheriff's Office. In short, it allows for some additional flexibility and remedy to Sheriff's regarding the life span of a writ and assists with the recovery of the costs of these actions.
40)	HB	<u>2925</u>	SO	<b>Support</b>	Rep Holvey	Requires court to enter order prohibiting defendant from contacting victim when defendant is arraigned on sex crime or crime constituting domestic violence. Authorizes court, at victim's request, to enter additional order at sentencing for period of time equal to statutory maximum sentence for crime. Authorizes victim to petition for termination or order.	The Oregon State Sheriff's Association has stated no preference on this bill; the Lane County Sheriff's Office supports it. By requiring the court to enter a protective order in these cases, the flow of process will be quicker and there will be less burden on the victim to take action to become the petitioner seeking such an order. Additionally, this may help standardize the process and make for fewer instances where a victim or an order falls through the cracks of the current (inconsistent) system.
41)	HB	<u>3068</u>	CAO	<b>Support</b>	Rep Barker	Permits the state to appeal to the Court of Appeals from Justice Court of Record	This doesn't help us, because we can't make the justice court in Springfield a court of record, but I have been arguing this for years. It was a waste of resources to require the DA's office to prove the case once in justice court and then again in circuit court. We aren't doing prosecutions in Florence currently, but we could make it a court of record in the future, which would then allow direct appeals to the Court of Appeals.
42)	HB	<u>3127</u>	PW	<b>Monitor</b>	Rep Gilliam, Sen Girod (at request of Jim Althausen)	Authorizes parking of up to 10 dump trucks and up to 10 trailers on lot or parcel of land zoned for forest use or mixed farm and forest use.	Will allow dump truck parking on forest land. Will require text amendment to Lane Code Ch. 16.

43)	HB	3195	CAO	Monitor	Rep Esquivel	Provides that if governmental agency conducts transaction by electronic means or in electronic form in ordinary course of business and under authority of law, agreement of person that conducts transaction with agency to conduct transaction by electronic means is presumed. Provides that if law requires signature in written record to be original, electronic signature satisfies law if electronic signature is made, and is capable of being verified as made, directly from signature impressed upon or contained within original medium party used to sign record. Provides that for instrument presented for recording that conveys interest in real property and is required by law to be acknowledged or proved, electronic signature is original signature under specified circumstances.	Could impact business processes but doesn't appear to have any other impact.
44)	HB	3260	C&F	Support	Reps Barker, Boone (at request of Oregon Alliance on Children's Programs)	Requires State Commission on Children and Families to contract with nonprofit entity to establish, coordinate and deliver support services for runaway and homeless youth and their families. Permits nonprofit entity to seek local, state or federal funding for provision of runaway and homeless youth support services.	<b>C&amp;F1:</b> This bill is an attempt to preserve Runaway/Homeless funding from the state. With the uncertainty of the Commission system and the proposed move to Early Learning Councils the Representatives are looking where to put this funding and how to get it out to the community. Currently Lane County is the recipient of state runaway/homeless money so it would be important to the county to ensure these funds are still available. Given the current flux in the service I would suggest monitor till there is more certainty. <b>C&amp;F2:</b> This bill restores funding for Runaway/homeless youth services throughout the State. There are several options being discussed at state-wide network meetings, specific to the mechanism for distribution of this funding. We are supportive of the intent of the legislation, and have, as a funded county, seen the positive outcomes for young people and their families afforded by State funding. As the discussions and planning unfold, we may see fit to change our recommendation to SUPPORT. Impact to county staff/departments would be minimal: potential contract monitoring/reporting tasks.
45)	HB	3383	PW	Monitor	Comm on Energy, Environment and Water	Modifies policy regarding comprehensive statewide program for solid waste management.	Need more info on how this would play out in real world. Strange wording since it seems current OAR/ORS's assign collection service authority to local gov's. If this is via disposal fee increase, would those subject to fee increases be beneficiary of added initiatives/programs?

46)	HB	<u>3570</u>	C&F	<b>Monitor</b>	Reps Clem, Cameron, Gilliam, Komp, Sprenger, Thompson	Renames State Commission on Children and Families to State Children and Families Commission. Changes number of members appointed to state commission by Governor. Directs state commission and local commissions on children and families to facilitate collaboration between agencies and partners to improve outcomes and remove barriers. Redefines main purposes of local commissions.	Waiting to see how all the proposed changes with the Commission on Children and Families System will affect one another. Not sure how this bill will fit into the other suggestions for the commissions. So that is why I'm suggesting a monitor approach.
47)	HB	<u>3595</u>	PW	<b>Monitor</b>	Reps Huffman, Whisnant	Allows county to conditionally approve siting of solar energy generation facility when sited on non-high value farmland zoned EFU.	If proposed solar facility is below the threshold for which a site certificate is required, allows as use that can be conditionally approved in EFU zone if not on high value farmland without out taking an exception.
48)	SB	<u>420</u>	HHS	<b>Monitor</b>	Senate Interim Comm on Judiciary	Calculates maximum period of jurisdiction of Psychiatric Security Review Board over person found guilty except for insanity of offense based on sentence person would have received had person been convicted of crime.	From a State budget perspective this will help move people from an expensive and unnecessary level of care to a more appropriate and lower cost level of care. The PSRB is a high control, high cost system. Lane County does not provide PSRB services so this does not have a direct impact from the County perspective. Lane County does provide commitment services and this may increase the number of commitment proceedings required by County staff. This bill may shorten the period a person is in PSRB and may increase the number of persons discharged to the community. Without appropriate mental health services these individuals could have worsening conditions. These individuals may and perhaps should be referred to Lane County Mental Health. It is possible that some of these individuals will be indigent. For the County resident I believe that this bill will help individuals that are not appropriate for PSRB or who have committed minimal offenses are not caught in the PSRB system. This supports people being discharged or moved to other community based levels of care and may help individuals return to a more normal and fulfilling life. From a

SB	422 CC and HR	<b>Oppose</b>	Senate Interim Comm on Judiciary	<p><b>CC:</b> SB 422 is about insurance coverage, and Annette Scarle should be weighing in on this one. SB 422 is an effort to limit insurance requirements for architectural, engineering and land surveying services or related services to a combined single limit of \$1 million (general or professional liability). A contracting agency (like Lane County) may require over \$1 million in coverage. If the County considers contract price, type of service, cost to the contractor of obtaining a higher combined single limit a number of factors (not including the Oregon Tort Claims Act) and if the County pays for the coverage that exceeds \$1 million.</p> <p><b>HR:</b> Prohibits contracting agency from requiring contractor in contract for architectural, engineering and land surveying services or related services to obtain and maintain in force liability insurance with combined single limit that exceeds \$1 million unless contracting agency makes determination after considering certain factors or unless contracting agency pays portion of</p>	<p><b>CC:</b> We have funding sources which require the County to make sure any subcontractors have insurance coverage and limits specified by the funding source. Coverage and limits may be higher than \$1 million. If we can't "pass through" the funding source requirements, then we can't get the funds from the funding source or we have to buy insurance ourselves or not hire one of these consultants and the job won't get done. If this bill is passed, then every subcontractor doing business with the County will want coverage and dollar limits. This may place the County in the middle, a funding source which requires more coverage, a subcontractor who wants less coverage, and the County being responsible for the difference. The County can't afford paying for extra insurance coverage for any subcontractor. This may also be beyond what a public entity is required to have under its self-insurance fund. The County can't afford to buy additional insurance for itself.</p> <p><b>HR:</b> I agree with CC's analysis. In addition, the tort limits are being adjusted annually and any fixed amount like this would not keep up well with the costs. It also does not address the aggregate limits or issues as to how it is wri</p>
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50)	SB	<u>817</u>	CAO	<b>Support</b>	Sens Burdick, Morse, Hass, Telfer, Reps Berger, Bailey, Bentz, Read, Brewer, Wand	Creates Oregon Low Income Community Jobs Initiative. Creates tax credit for qualified equity investments in low-income community businesses.	If there is an appetite for tax credits in the future, which there should be again, investments in low income jobs initiatives would be a way to put people back to work. This initiative should have no cost to counties, but would benefit the communities in Lane County through new job creation.
51)	HB	<u>2062</u>	MS	<b>Oppose</b>	Gov for Dept. of Admin Services	(I believe we opposed this last year as well.) Basically, for any procurement over \$250k, we would have to provide a written cost analysis that shows we would incur less cost in bidding out the work than in having our people do the same work. Stipulates that the work can't be broken up into smaller increments (in order to avoid the rule.)	This bill adds a potential for a serious addition of red tape and work to the procurement process for anything over \$250k - if it's possible for our staff to perform the work. Since the analysis is performed before the bid or RFP is conducted (and potential proposers are known), it's questionable what kind of accuracy such an analysis will deliver. The amount of language added to law just to describe what is entailed in this bill is a good foreshadow of what the additional work will be. This staff reviewer does not see enough benefit for the additional burden this bill would potentially place upon the County.
52)	HB	<u>2414</u>	CAO	<b>Monitor</b>	Reps Read, Bailey	Transfers administration of income tax credit allowed for renewable energy resource equipment manufacturing facilities from State Department of Energy to Oregon Business Development Department.	It is unclear how moving an energy program from the department of energy to Oregon business development department benefits businesses in Oregon.
53)	HB	<u>2595</u>	PVW	<b>Monitor</b>	Rep Schauffer	Lot of Record or "Dwelling by Right" proposal for all small rural properties generally less than 10 acres in size and created before the County's Acknowledged Comp Plan (pre 1984)	I think by-and-large MW9 took care if this issue. Some are still wanting the inequities of Oregon's land use system
54)	HB	<u>2701</u>	HHS	<b>Support</b>	Interim Comm on Judiciary for Disability Rights Oregon	Modifies process for Psychiatric Security Review Board Commitment and permits conditional release. Establishes certification of psychiatrists and psychologists for purpose of PSRB evaluations.	The significant improvement in this Bill is that individuals who have committed a crime due to a mental illness may be released from a secure facility when their mental health condition improves. Currently we believe County residents are in the 4 State Hospital secure unit even though their mental health condition has improved.

55)	HB	<u>3137</u>	HHS	<b>Monitor</b>	Comm on Health Care	Requires Oregon Health Authority to establish Oregon Health Insurance Exchange as public corporation to be governed by board of directors. Specifies functions and duties. Appropriates moneys from General Fund to Oregon Health Authority for purpose of developing and implementing Oregon Health Insurance Exchange.	This is to bring Oregon into compliance with the provisions of the federal health care reform legislation. It does not need work from Lane County, however should still be monitored to make sure that it isn't amended to be detrimental to the County.
56)	HB	<u>3464</u>	PW	<b>Oppose</b>	Comm on Ag and Natural Resources	Requires analysis of alternatives before mining, crushing or stockpiling of aggregate may occur on land in Willamette Valley that is zoned for exclusive farm use when more than 35 percent of proposed mining area consists of Class 1, Class II or unique soils, or combination of these three soil classes.	Adds additional criteria to establish aggregate mining operations. It may not be possible to find aggregate sites that meet this criteria. This could potentially prohibit the establishment of aggregate operations in the valley and limit them to hilltop sites in the mountains.
57)	HB	<u>2009</u>	BCC	<b>Support</b>	Reps Cowan, Boone, Roblan, Wit, Sens Kruse, Johnson, Verger, Whitsett (at request of Oregon Coastal Caucus)	Modifies provisions related to marine reserves. Requires certain reporting regarding marine reserves work plan. Requires certain reporting regarding funding. Establishes Ocean Resources Fund. Continuously appropriates moneys in fund to State Department of Fish and Wildlife. Specifies uses of moneys.	I think we can support this bill. I talked with Douglas County Commissioner Susan Morgan who was on the original GPAC and she felt this was just the implementing bill for the Marine reserves pilot program and provides the funding for the research agreed to under all of the compromises made between the parties. I also talked with Al Pazar, a commercial fisherman who is on the Cape Perpetua reserve committee and he is okay with it and so was the Director of the Port of Siuslaw. I would recommend a support position right now.

## ATTACHMENT B

### 4) SB 307 Staff Analysis

Support – SB307 gives greater discretion to expend TRT money by adding “tourism-related services” to the list of approved uses in the 70% category (ORS 320.350(6)). [History: Lane County passed legislation for a 5% TRT in 1974. Similarly, many incorporated Cities passed legislation for a 3% TRT, netting us 2% in incorporated areas. This TRT is used for the Lane Events Center bonded debt retirement and capital projects. In 1993, we passed an additional 3% TRT to fund tourism, where ORS stipulates that 70% go to tourism promotion, tourism-related facilities, or debt of tourism-related facilities. We currently fund CVALCO with the 70% requirement. The remaining 30% goes to County services as follows: 10% to the County Museum, 10% to Rural Tourism, and 10% to LC Tourism.] Tourism-related services are defined as County services that support tourism or accommodating tourist activities. If the bill passes, it appears that TRT subject to the 70% rule can be used by the Lane Events Center and other county owned “tourist activities” when appropriate.

Potentially gives the County more input on how to promote tourism. While this can potentially be good for the County, there are two notes of caution. 1) Right now we hire an expert in the tourism promotion field. If we want to do more in-house, we would need to become more of the expert in order to not negatively impact the tourism industry. 2) The cost of employees in the public sector means we may not accomplish quite as much with the same dollars as the private vendor can.

### 8) HB 3167 Staff Analysis

Impossible to meet the effective date of this bill. Will require tax software reprogramming to set up different payment schedules and statement files. Will require reformatting of property tax statement to reflect these changes. Will require taxpayer outreach and education efforts as taxpayers will be confused about when and how much to pay since this is very different than current system. Many will still pay with the 3% discount and will be upset when they get an additional bill plus the delinquent interest on top of it.

In terms of revenue, the county should see an increase in tax collections overall if no discount is granted. However there will be a cash flow impact as there is no incentive to pay all of it in November. Instead it could be expected that the county will receive significantly less revenue in November and significantly more revenue in May. Since the tax year is July - June, receiving half of the anticipated revenues only one month before of the end of the fiscal year could cause a significant issue for the districts who will have to change their investment and cash flow strategies to be able to pay their bills between July and May. Districts with small reserves may have to incur more short term debt during the year. Many districts have their bond payments structured such that this will impact their ability to pay those bonds on time.



### **15) HB 3250 Sponsors**

Reps Conger, Whisnant, Barker, Berger, Boone, Cameron, Cannon, Clem, Esquivel, Freeman, Garrard, Garrett, Gelsner, Gilliam, Huffman, Kennemer, Komp, Krieger, McLane, Olson, Richardson, Sheehan, J Smith, Sprenger, Thatcher, Tomei, Weidner, Witt, Sens Telfer, Boquist, Ferrioli, Girod, Morse, Olsen, Shields, Thomsen

### **35) HB 2370 Staff Analysis**

Puts an additional requirement on County when considering the sale of a property and would delay any action up to the 30 days when ODOT is noticed and responds. But, sale of property near railroad right of way does not happen that often (at least for tax foreclosed property). so I don't think it would cause an undue burden on staff.

The Bill does not require the County to sell to the State nor does it provide any timeline for negotiations – i.e., at what point would negotiations end and the County free to sell to anyone.

A clarification in the Bill language that refers to “leasing” may need to be tweaked. I'm thinking of the Jail property which is within 100 feet of RR right of way. Would leasing beds to the Feds require notice to ODOT or if we otherwise lease space to a non-profit, or lease the parking area, etc. Similarly, would granting of an easement trigger the need to notify ODOT (an easement is a conveyance of a property right). Public Works also has property along NW Expressway that is within 100' of RR.

Again, transactions of County property along railroad right of way is infrequent but if the Bill progresses we should make sure we don't have to notice ODOT every time something is done at the Jail property.

### **48) SB 420 Staff Analysis**

From a State budget perspective this will help move people from an expensive and unnecessary level of care to a more appropriate and lower cost level of care. The PSRB is a high control, high cost system.

Lane County does not provide PSRB services so this does not have a direct impact from the County perspective.

Lane County does provide commitment services and this may increase the number of commitment proceedings required by County staff.

This bill may shorten the period a person is in PSRB and may increase the number of persons discharged to the community. Without appropriate mental health services these individuals could have worsening conditions. These individuals may and perhaps should be referred to Lane County Mental Health. It is possible that some of these individuals will be indigent.

For the County resident I believe that this bill will help individuals that are not appropriate for PSRB or who have committed minimal offenses are not caught in the PSRB system. This supports people being discharged or moved to other community based levels of care and may help individuals return to a more normal and fulfilling life. From a service perspective this makes sense.

#### **49) SB 422 Measure Summary**

CC: SB 422 is about insurance coverage, and Annette Scarle should be weighing in on this one. SB 422 is an effort to limit insurance requirements for architectural, engineering and land surveying services or related services to a combined single limit of \$1 million (general or professional liability). A contracting agency, (like Lane County) may require over \$1 million in coverage if the County considers contract price, type of service, cost to the contractor of obtaining a higher combined single limit a number of factors (not including the Oregon Tort Claims Act) and if the County pays for the coverage that exceeds \$1 million.

HR: Prohibits contracting agency from requiring contractor in contract for architectural, engineering and land surveying services or related services to obtain and maintain in force liability insurance with combined single limit that exceeds \$1 million unless contracting agency makes determination after considering certain factors or unless contracting agency pays portion of premium cost that is attributable to increased combined single limit.

#### **Staff Analysis**

CC: We have funding sources which require the County to make sure any subcontractors have insurance coverage and limits specified by the funding source. Coverage and limits may be higher than \$1 million. If we can't "pass through" the funding source requirements, then we can't get the funds from the funding source or we have to buy insurance ourselves or not hire one of these consultants and the job won't get done. If this bill is passed, then every subcontractor doing business with the County will want coverage and dollar limits. This may place the County in the middle, a funding source which requires more coverage, a subcontractor who wants less coverage, and the County being responsible for the difference. The County can't afford paying for extra insurance coverage for any subcontractor. This may also be beyond what a public entity is required to have under its self-insurance fund. The County can't afford to buy additional insurance for itself.

HR: I agree with Trina's analysis. In addition, the tort limits are being adjusted annually and any fixed amount like this would not keep up well with the costs. It also does not address the aggregate limits or issues as to how it is written - claims made or per occurrence and would be hard to administer with the caveat of "unless the contracting agency makes a determination". When we disagree as to whether the certain factors warrant raising the limits - how will that be resolved? We should not pay a portion of a

premium for a contractor. It is the contractor's responsibility as a business to adequately insure itself. We do not have any control over the experience and exposures of a contractor that influence their premium rates. The cost of their insurance is already reflected in their bid rates. The RFP identifies the levels of insurance required.

## **ATTACHMENT C**

**Draft Minutes  
Lane County Legislative Committee Meeting  
April 8, 2011  
2:00 PM  
BCC Conference Room**

The meeting was called to order at 2PM

Attending: Commissioner Faye Stewart, Commissioner Jay Bozievich, Alex Cuyler, Ben Nussbaum, Administrator Liane Richardson (Leave 2:30pm), Sheriff Tom Turner, Captain Doug Hooley, Rob Rockstroh, Marsha Miller (Arrive 2:30pm), Stephen Vorhes (Arrive 3:00pm).

The meeting opened with a quick discussion of two federal issues. Alex began with a quick update on Secure Rural Schools. It is moving forward nicely in Washington, D.C., thanks in large part to the work of the Senators and Representatives from Oregon. Alex discussed drafting a thank you letter to the Oregon delegates to be presented to the Board. Then Commissioner Bozievich, after having spoken with representatives from freight rail, asked for the Committee's approval to have a letter drafted to the local delegation opposing the proposed increase in maximum truck weight for commercial trucks.

The Committee next moved on to State issues. Alex spoke on an item titled "Japan Disaster Assistance Team," which dealt with the issue of how Lane County and Oregon, in general, can provide a wood products assistance package to Japan. It could put some Oregonians to work and help out with the disaster relief efforts. There was discussion of what was the appropriate vehicle to support the relief aide package. It should be noted that Congressman DeFazio has expressed support for this concept. Next, the farm use assessment law issue that was brought up at the Board meeting on March 30 was discussed. It was determined that the County Assessor would be providing the Board with more information on the issue in the near future. The discussion then moved to the newly formed Joint Committee on Health Care Transformation in Salem. It was noted that there is no Lane County delegate represented on the Committee. Alex suggested that Lane County organize a small group to meet with some of the delegates to the Committee to make sure they understand Lane County's position on the issue. Then, Rob Rockstroh gave an overview of the Health Care situation in general.

Finally, discussion moved to the consideration of certain bills before the 2011 Oregon Legislature that were coming up for public hearings and work sessions, as well as a few bills that came back with strong staff opposition/support. The Committee discussed each bill and made recommendations to support, oppose, or monitor each bill.

Meeting adjourned at 3:15pm.