

W.L.B.

Memorandum Date: February 11, 2011
Order Date: February 16, 2011

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

I. MOTION

Move to approve recommendations of the Lane County Legislative Committee regarding certain bills before the 76th 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 February 11, 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 for a discussion of specific bills.

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 February 11, 2011 meeting.
- Attachment B—Addendum to spreadsheet
- Attachment C—Minutes of February 11, 2011 Legislative Committee.
- Attachment D—Junction City Hospital resolution

ATTACHMENT A

Lane County, Oregon

Board of County Commissioners

Spreadsheet for Legislative Review

76th Oregon Legislative Assembly

16-Feb-11

Item	House	Bill #	Depart	Recommendation	Sponsor	Bill Summary	Staff Analysis
1)	SB	20	CAO	Support	State Treasurer for Municipal Debt Advisory Commission	Authorizes governments to issue refunding bonds to "purchase" its outstanding bonds. Includes procedural changes. Also makes some changes regarding bonds and hospital facility authorities and sanitary districts.	Support – The authorization to "purchase" outstanding bonds is added at the request of issuers like Ports and Hospitals that had wanted to "purchase" their variable rate auction bonds during the market meltdown because the market had collapsed. Bond counsel said it wasn't clear that issuers could issue refunding bonds to "purchase" their own existing bonds, hence the new language. Overall, it provides governments with more flexibility to manage their debt. The other issues dealing with governmental hospitals and sanitary districts don't apply to us.
2)	SB	43	HR	Monitor	Attorney General, DOJ	Eliminates minimum amount obligor must retain as disposable income from amount withheld for payment of arrearages for support. Increases amount subject to withholding.	This bill will increase the amount of withholding for support obligations to 1/2 from 1/4. Dependent on the type of funds recouped it could result in increased collections for the county. It may also provide additional support to those within the community who are seeking to receive funds due to garnishments. Limitation of the disposable income amount could result in the need for county services by those whose income is garnished.
3)	SB	75	SO	Support	Governor for DOC	makes permanent temporary provisions relating to post prison supervision for inmates sentenced to 1 year or less; length of supervision may be extended	Limited fiscal impact
4)	SB	76	HR	Monitor	Governor for DOC	Expands definition of corrections officer to include officers who supervise other corrections officers.	Would require that our supervisors be certified by DPSST (definition of corrections officer is broad) includes anyone who is charged with and primarily performs the duty of custody, control or supervision or incarceration other than detention of juveniles. Potential increased training costs if our supervisors are not certified, institutes the rules around citizenship for officers, provides training deadlines.
5)	SB	82	PW	Oppose (unless provision is added that prohibits dropping collection sites	Governor for DEQ	assigns collection credits to programs when they collect more than required. allows programs to sell, trade credits and to apply them to following years.	Last year Lane County was dropped by the program we are collecting for because they had reached their annual collection requirement. No other program would sign us up, because they all were near enough to their required pounds collected for the year. This credit system served to benefit the manufacturers, but continues a system that puts collectors at risk of being dropped. The "Fix" to this problem is not credits, but to apply market share responsibility to a percentage of total collected in a given year instead of a fixed number of pounds.

6)	SB	<u>108</u>	HHS	Support	Governor for Oregon Health Authority	Requires OHA to establish and administer injury and violence prevention program and to accept grants, gifts, contributions and distribute those.	This bill is also supported by the Conference of Local Health Officials, and provides for technical support and training to local health departments and communities on injury and violence prevention. This directs attention toward preventing these often very costly injuries, and promotes collaborative planning and action toward decreasing the occurrence of violence and injury.
7)	SB	<u>302</u>	A&T	Oppose	Senate Interim Comm on Finance and Revenue	Extends eligibility for amended repayment schedule of additional property taxes to those that fall within a very narrow window of time.	HB3612 in the 2010 special session created a significant change to the law governing the collection of back property taxes owed. They used to be due and payable as a lump sum on the next certified tax statement. HB3612 (which just went into effect in May of 2010) extended the repayment of the taxes for up to 5 years with no interest. It created another layer of complexity to the accounting and billing process for property taxes and delayed the cash flow to districts. This bill appears to try to "fix" this law again to address a specific individual's complaint that they did not qualify for the extended repayment schedule as they may have thought when the 2010 special session bill was pushed through very quickly with very little discussion. HB3612 was opposed by assessors and tax collectors and new attempts to tweek it some more is also opposed on the basis that we should not be making a complex system even more complex and inefficient for the entire state just to satisfy the complaints of a few. It is contrary to the efforts of the Government Efficiency and Effectiveness Task Force (HB2920). The Governor also expressed concerns about the bill on this basis and refused to sign it. The bill become law by default because he did not veto it either.
8)	SB	<u>413</u>	HHS	Oppose	Senate Interim Comm on Judiciary for OHCA	Modifies definition of abuse of residents in care facilities. Limits duration of disqualification from direct care services due to certain criminal convictions; allows employment following disqualification of found fit. Removes right of complainant to accompany investigator to site of alleged abuse. Removes authority of investigator to photograph victim of abuse for purpose of preserving evidence. Removes immunity from civil and criminal liability for person reporting resident abuse in good faith. Authorizes civil penalties against facilities for certain substantiated claims of resident abuse or neglect.	The bill weakens the current patient protection rules regarding whether certain convicted offenders are permitted to work with some of the most vulnerable clients in the system--those who need long term residential care. It also deletes many of the timelines and requirements for investigations. While some of these changes may lessen the burden on County protective services workers, it also lessens the protections afforded to very vulnerable clients
9)	SB	<u>416</u>	SO	Monitor	Senate Interim Comm on Judiciary	allows the Court to sentence offenders to probation with intensive supervision. Provides funding for this intensive supervision	increase workload of already overburdened PO's

10)	SB	<u>423</u>	DYS	Support	Senate Interim Comm on Judic for DOC	Authorizes Department of Corrections and Oregon Youth Authority to certify employees for purposes of providing mental health services to inmates and persons in custody of authority. Validates provision of mental health services provided on or after January 1, 2011, and before date 30 days after rules adopted by department or authority become effective.	This bill will facilitate youth in correctional facilities in getting appropriate treatment. The bill ensures that qualified staff, qualified mental health professionals (QMHPs), provide the assessment, diagnosis and treatment services. QMHPs are appropriately supervised. This bill will not impact the county directly as it just covers DOC and OYA facilities. Allowing QMHPs to deliver these services mirrors what happens in the community and should decrease costs for OYA.
11)	SB	<u>476</u>	PW	Oppose	George	Allows exception to statewide land use goals without demonstrating statutory stds have been met for use necessary to employ 10 or more employees.	Appears to be written for specific employer in Portland area. Would allow state-wide for big business offering jobs to trump land use. Not a good idea.
12)	SB	<u>536</u>	PW	Monitor	Sens Hass, Atkinson, Reps Cannon, Gilliam	Prohibits use of single use check out bags except in certain cases	<p>It does not appear that this bill enacted will have much affect on WMD's activities, however I am concerned that section 2 (1)(b) allowing retail outlets to provide reusable bags for free, may result in reusable bags ending up in the wastestream as they are unlikely to be recyclable (handle construction usually uses a different material than the bag) My second concern is Section 4 which prohibits any local government from imposing fees of any kind on check out bags. Since this has been a subject of the BCC in recent years, I must wonder if they should be given a chance to respond.</p> <p>I have responded as I see appropriate to this request for analysis. However, while this legislative action appears to affect predominantly retail activity and will have little or no affect on our division's activities, other Departments or Policy Makers within Lane County Government may have an interest in this Bill and I am not qualified nor have the authority to represent their interests.</p> <p>I would be inclined to recommend "support if amended", as it is an extremely positive move toward waste prevention, however the concerns outlined above and in analysis below lead me to recommend "monitor" for now</p>

13)	SB	598	PW	Oppose	Sen Atkinson	<p>If a public body discharges storm water into a "district facility," the public body must have an IGA with the district. The IGA must include:</p> <ul style="list-style-type: none"> (a) A program of monitoring and testing the quality of the water. (b) Allocation of liability for the discharge of the water. (c) An emergency response plan for an improper discharge. <p>If the public body cannot obtain an IGA with the district by September 1, 2012, shall:</p> <ul style="list-style-type: none"> (a) within one year, establish a program of monitoring and testing the quality the water. (b) Within two years, complete a detailed plan for infrastructure improvements that provides an alternative to use of the district's facilities. (c) Within five years, implement the plan so the public body no longer discharges any water into district's facilities. 	<p>Complexity of drainages & water quality issues:</p> <ul style="list-style-type: none"> · The bill would require the County to complete a detailed assessment of the points of interconnectedness between County discharges and Districts' facilities, and to determine the feasibility of installing monitoring points. Depending on the complexity of the system, this could get very expensive. Would every privately owned slope adjacent to a District owned drainage ditch become the monitoring responsibility of the County? · Who would determine what parameters to be tested, frequency of monitoring, and trigger levels for action? What would constitute an "improper discharge." Would districts have authority to set water quality standards above existing state/fed standards? DEQ already regulates through NPDES. This bill creates the potential for two sets of regulators and standards. · Water quality problems may originate upstream of County control! (e.g. city/agricultural drainages emptying into County conveyances prior to entering district facilities. How would liability be assessed? . If County would be potentially liable, County would then also need to assess and monitor at those incoming points of connection. A monitoring program of this scale would be very expensive. Where would these funds come from? <p>Timeframe</p> <ul style="list-style-type: none"> · Beyond points of conflict listed above, Districts may insist on other controls (e.g. volume controls) in the mandated IGA's. Given this complex nature of these issues, reaching agreement by September 2012 is unlikely. County should not be bound to timeframes for monitoring or rerouting discharges if Districts' requests for the IGA's are unreasonable. · Rerouting entire drainages may be physically impossible. This would require acquiring land to create new drainages, extensive excavation and pump stations. · Districts' facilities were likely created or enhanced out of pre-existing natural drainages. Could Districts lawfully require naturally occurring storm drainage to go elsewhere? · Given the monumental expense to reroute discharges and the short time frame to reach agreement, County would be at the "point of the gun" to settle favorably to the District. Who would mediate/arbitrate potential disputes likely to arise in developing the IGA's? <p>Current list of potential Districts in Lane County include: JUNCTION CITY WATER CONTROL DISTRICT RIVER ROAD WATER CONTROL DISTRICT</p>
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14)	HB	<u>2122</u>	PW	Oppose unless Amended	Governor for Dept of Ag	<p>Prohibits importation of untreated firewood into state. Prohibits sales of unlabeled firewood. Requires State Department of Agriculture to adopt rules regulating importation, supplying and sale of firewood. Makes violation of statute or department rules subject to civil penalty, not to exceed \$10,000. Directs deposit of civil penalty moneys into Invasive Species Control Account. Applies to importation or other nonretail supplying of firewood, and to wholesale selling of firewood, that occurs on or after July 1, 2012. Applies to sales of firewood that retail seller acquires on or after July 1, 2012.</p> <p>Would require Lane County Parks (LCP) or any wholesale or retail seller of firewood to provide documentation (labeling firewood) certifying all firewood sold [at campgrounds for us] was not imported from outside of Oregon, from quarantined areas, or that it has been treated.</p> <p>I believe the purpose of this proposed bill is agricultural, to prevent the spread of pests that may impact</p>	<p>This would create an unfunded burden on LCP. LCP sells firewood at campgrounds as a convenience for paying campers. While providing bundles of firewood is an important service, it is not a net revenue center. Additionally, some firewood sold in parks comes from trees downed in parks due to weather or improvements. Labeling each bundle of firewood would create a significant demand on labor resources for something that is a service and not a money-maker, and it would do little to protect state-wide agricultural resources.</p> <p>County support for this should be contingent upon an exemption for public campgrounds, or a simple requirement for a single document certifying that all firewood sold by LCP is not imported or is in compliance with the rules (we could maintain records of the sources of firewood, or something as simple as that rather than labeling firewood. If no exemption or modification of documentation/certification requirements, then County should oppose.</p>
15)	HB	<u>2142</u>	SO	Support	Governor for ODOT	<p>Provides that partial or complete drug recognition evaluation is admissible as evidence and may be used to determine whether person was driving under influence of intoxicants.</p>	<p>This bill is supported by the Oregon State Sheriff's Association and the Lane County Sheriff's Office. This bill expands the available resources to investigate and prosecute DUII crimes in Oregon. Drug Recognition Experts are highly trained law-enforcement officers who are exceptionally skilled in detecting drivers impaired by controlled substances. This bill may not have the full support of some groups representing District Attorneys, only because some prosecutors like being able to take the time to more fully establish the credentials and expertise of DRE witnesses in front jurors or prospective jurors.</p>
16)	HB	<u>2181</u>	PW	Monitor	Reps Krieger, Esquivel, Schaufler	<p>Awards attorney fees of decision before LUBA to prevailing party if prevailing party was applicant before local gov't.</p>	<p>Would help decrease harassment appeals that are just to delay</p>

17)	HB	<u>2214</u>	HR	Oppose	Reps Buckley, Thompson and Sens Edwards, Bonamici	Adds new definitions and requirements for health insurance coverage of autism spectrum disorders.	This bill will add a additional cost to the health insurance plans the County offers its employees. While the intentions are admirable, I believe County is not in a financial position to be adding additional coverage for conditions such as this.
18)	HB	<u>2246</u>	CAO	Monitor	House Interim Comm on Health Care for SOS	The bill as creates a state government waste hotline and provides that counties may establish a hotline as well. Creates rules surrounding the investigation of complaints if entities set up such a hotline.	There is no provision for funds for counties to create or staff this hotline. It is a good idea in concept, but hard to add when resources are so tight. My concern is that this will be modified to require counties to create such a hotline and then investigate any subsequent complaints.
19)	HB	<u>2256</u>	CC	Monitor	House Interim Comm on Health Care for SOS	Relates to elections and clarifies the nonpartisan election provisions in ORS 249.088, county judges with judicial function filings, notices, filings and the conduct of district election matters.	This bill may have limited impact on the county, although it helps clarify responsibilities for the district related elections. It may become a vehicle for other election law revisions, so keeping track of its progress and impacts on the clerk election functions makes good sense.
20)	HB	<u>2321</u>	CAO and A&T	Monitor	Reps Barnhart, Nathanson, Read, J Smith, Sen Dingfelder	Requires public body to send notice by electronic mail if public body has person's electronic mail address and person has not made request for mailing of paper copy of notice. Requires that forms used by public bodies that require mailing addresses for purpose of giving notice must include space for electronic mail address.	I've recommended "monitor" as there would be an impact to Lane County should this pass in that various forms/processes would need to be changed and some level of community education needed. Additionally, there may be cost savings if this change resulted in fewer hard copy mailings. However, I'm not able to determine if it would result in any savings. I talked to the DAS representative who is coordinating comments/fiscal for all agencies on the email requirement bill (HB2321). She said that the agencies have many concerns with the bill as it is written. In her conversation with Representative Barnhart she shared some of the concerns. He realizes that more people will need to be involved in conversations (including representatives from local governments) and the bill was drafted primarily as a starting point for these conversations. It is extremely unlikely that this bill has any legs as written.
21)	HB	<u>2344</u>	PW	Monitor	House Interim Comm on Ag, Natural Resources and Rural Communities	Modifies authority for conduct of special events in areas zoned for exclusive farm use or mixed farm and forest use. Modifies authority for activity conducted in wineries or at farm stands established in areas zoned for exclusive farm use. Establishes standards for consideration of temporary and special use permits for one-time and multiple events in areas zoned for exclusive farm use	This bill seems to try and create language for reviewing special events in an EFU zone, either one-time events or multiple events that are temporary in nature. It also modifies language regarding wineries and farm stands. In general I like the idea to give more flexibility to the type and number of events, particularly with regard to wineries, however this language, as written, is confusing and seems to need additional work before it will be ready for prime time. I could not support it as written. Guidance for local governments to review special events in an EFU zone is needed. However, HB 2344 is using this vehicle to limit restaurants in association with wineries. Section 8 (6) of the proposal would specifically prohibit conditional approval of a restaurant as a "commercial use in conjunction with farm use". This prohibition is inappropriate if the specific application can demonstrate that it meets the compatibility standards.

22)	HB	<u>2351</u>	PW	Support	House Interim Comm on Business and Labor	Increases maximum fee for recording certain county documents.	This increases the fee when recording property deeds from \$10 to \$20. This fee will significantly help the budget of the Lane County Surveyor Office located within LMD.
23)	HB	<u>2401</u>	HHS	Support	House Interim Comm on Health Care for OR Academy of Family Physicians	Directs Area Education Center residency network to facilitate an increase in the number of family medicine residency positions in the state.	Through the Community Health Centers we are continuing to expand our provision of primary care, and therefore are always recruiting for high quality family practice physicians. This Center would increase the opportunities and quality of family practice residency programs, and hopefully increase the number and quality of applicants interested in working at the CHC.
24)	HB	<u>2411</u>	CAO	Support	Reps Read, Hunt, Bailey, Barker, Doherty, Gelsner, Sens, Edwards, Hass	Establishes corporate income and excise tax credit for certain facility costs of business firms that construct facilities and engage in business operations in which average annual gross payroll and increase in number of employees meet specified requirements.	Provides state tax credits to business that hire people. New employment will benefit Lane County.
25)	HB	<u>2460</u>	HHS	Monitor	Gelsner	Exempts alcohol or drug treatment providers in residential facilities from requirement for criminal records check. Repeals sunset on exemption of A&D treatment providers from disqualification based on criminal conviction.	In general this criminal records check is in place to protect vulnerable clients, however in the A&D treatment field many employees are recovering addicts and might have criminal histories. The County does not directly operate residential facilities, so our employees are not impacted, but we do have subcontractors who would be impacted.
26)	HB	<u>2543</u>	A&T	Monitor	House Interim Comm on Revenue	Increases interest rate on repayment of Senior/Disabled Property Tax deferral program from 6% per year to 8%.	The Senior/Disabled Deferral program is a state fund that pays the property taxes for qualified individuals. In exchange, the state places a lien against the property to ensure repayment of those taxes plus interest in the event it is sold or the recipient dies. The fund has run out of money and the DOR has proposed several solutions at the Revenue Committee's request to bring it back to solvency. This bill will have a Public Hearing on Feb 11th along with a presentation on the Deferral Program's financial status. While this concept and other options are being evaluated by the committee, I recommend we monitor. There is no direct impact to the county unless the DOR cannot make the annual tax payments as required due to lack of \$\$ in the fund next November 15th.

27)	HB	2545	CAO	Oppose unless amended	House Interim Comm on Revenue	Creates a state wide car 12.5% rental tax. Money goes to the State Highway Fund.	This tax will conflict with Lane County's 10% car rental tax in Lane Manual 4.200. The tax is fine if the State excludes rental taxes in locations that already have a car rental tax. Otherwise the tax will be excessive in our County.
28)	HB	2546	A&T	Monitor	House Interim Comm on Revenue	Creates a new "late filing" deadline for property tax exemption applicants up to 5 years out from the first date they should have filed under existing law.	Exemption applicants already have 3 late filing opportunities under the law if they miss the standard deadline. It will create significant work for assessors and lost revenues for districts if applicants can retroactively apply for exemptions up to 5 years later than the date they should have originally applied. If the state feels that it is good public policy to have districts forgo up to 5 years of taxes due to such late filers, then they should make the criteria to be eligible for such treatment consistent with existing law that grants an extra late filing window to "first time filers". They should not open this up to regular filers who already know what their responsibility is under the law.
29)	HB	2561	CAO	Oppose	House Interim Comm on Revenue	Directs public officials to deposit public funds in certain community banks, no later than 1/1/2013	This bill is an attempt for small banks and credit unions to force governments to use them. Governments like Lane County choose banks via an RFP that provide the best service for the price. The fact is, small community banks cannot provide the level and sophistication of services we require. It's like requiring Lane County to stop using the PeopleSoft ERP system and install Quickbooks because they are local. This bill is a terrible idea. If they want our business, respond to our RFPs. If they are the best, we will select them.
30)	HB	2579	HR	Oppose	Reps Gelsler, Doherty	Requires health benefit plan coverage of wigs for insureds who are 25 years of age and younger and who have baldness resulting from specified causes.	This requirement will add additional cost to the County's health insurance plan. There are organizations in the community that provide help for this issue.
31)	HB	2620	PW	Oppose	Schaufier	Requires Department of Consumer and Business Services and municipality that assumes responsibility for administering and enforcing building and specialty codes to charge one-third of fee for permit upon issuing permit, one-third when construction of building or installation of equipment begins and one-third when construction or installation is complete. Prohibits municipality from charging amount other than amount of fee specified at time municipality issued permit. Declares emergency, effective on passage.	The Lane County Building Program's current methodology of collecting fees for office review of permit applications at the time of application submission and collecting fees for field work at the time of permit issuance has proven effective and agreeable to its customers. Changing to the "one-third" methodology proposed by the bill would create several issues, including: - Unnecessary delay to inspection work if fees to be paid mid-construction are outstanding. - Applicants making application without any monetary commitment. Expending staff resources on the review of permit application for which no fee has been collected exposes the Division to the risk that the application may be abandoned prior to issuance without any compensation to the County for work performed. - Expected difficulty collecting the remaining one-third of fees due once the permitted work is completed and the contractor has fulfilled terms of contract with owner. - Simple trade permits that currently require a single payment and where work is completed over the course of just a few days will now require three payments over the course of those few days in order to adhere to the letter of the bill. - Additional credit card transaction fees associated with the proposed permit fee payment schedule. - Requirement that jurisdiction may not collect an amount other than the fee specific for the permit at the time of issuance raises several concerns over the County's ability to accommodate project amendments and off-hours

32)	HB	<u>2635</u>	HHS	Oppose	Rep Roblan	Provides that person may not administer immunization against hepatitis B to child under 10 years of age unless person has provided parent or guardian with vaccine package insert containing information on risks of immunization and parent, or guardian has consented in writing to immunization of child.	Anyone giving immunizations already is required to provide Vaccine Information Statement (VIS) that has the pros and cons of the vaccine and the potential side effects. Parents or guardian also have to give written consent before an immunization can be given. This appears to be a redundant bill - doesn't appear to be a reason to provide package insert of hepatitis B vaccine to the parent or guardian. Such action would require additional printing of paper and redundancy in that the package insert information is provided in the VIS.
33)	HB	<u>2648</u>	SO	Monitor/Study closely	Barker	Parole & probation officers-use of force/arrests	<p>This bill authorizes PO's to detain and arrest persons who are NOT under our supervision. The circumstances when a PO can arrest a non-client would be if the person committed a crime that the PO observed while performing their official duties. It goes on to propose that the PO could use physical force if necessary, when arresting.</p> <p>Some of this makes sense. Right now, if a PO is on official duty and sees a citizen committing a crime, they need to call a police agency; they cannot arrest citizens who are not on parole or probation. However, I am concerned that this might be the first step in expanding a po's duties pertaining to non-clients.</p> <p>I am curious about how the Bill was proposed. Perhaps FOPPO, the PO's union is involved? If so, Linda Hamilton is the president of the Lane County PO's union.</p>
34)	HB	<u>2650</u>	HHS	Support	Reps Barker, Olson	Requires OHA and DHS to develop systems that run criminal history checks quarterly and to update the information on required workers in order to minimize the administrative burden on agencies and individuals in conducting subsequent criminal records checks.	Most employees in H&HS are required to pass state criminal history checks when hired and anytime there are major changes in duties and responsibilities. Currently, this means the employee completes and the departments reviews and submits new paperwork whenever someone is reassigned or promoted. The bill would eliminate that paperwork burden, and by running quarterly "re-checks" could identify new crimes that current employees might not have reported.

35)	HB	2710	CC	Oppose Unless Amended and Monitor	House Interim Comm on Judiciary/Joint Interim Comm on State Justice System Revenues	Revises laws relating to court fees. Declares emergency effective July 1, 2011. Reduces fees to county law libraries from a pro-rata formula to a fixed rate formula without the ability to increase said formula over time. Moves library funding to the State General Fund of the Treasury and requires implementation of a new program via the Association of Oregon Counties (AOC) to award grants for library funding. No criteria for grants set, or fiscal impacts for running the AOC program outlined.	HB2710, if enacted as currently written, will substantially decrease the amount of funding that the County Law Library System currently obtains. The result of the decrease in funds to law libraries may force counties to close the doors to their libraries, reduce staff hours, cut jobs and overall decrease the level of service to the public at large. Although the purpose of this bill is to give greater access to justice, in fact, Section 105 (pertaining to law libraries) will have just the opposite effect. Converting funding to the State general fund, and requiring each county to prove need via a grant request, will result in limited access by attorneys, pro se litigants and the public at large to legal resources within the law library system, because each County will face a reduction in revenues based on this approach.
36)	HB	2712	CAO	Oppose	House Judic for Joint Interim Comm on State Justice System Revenues	Reforms criminal fine distributions	BCC opposed this during Interim when it was a developing LC and expectation is that opposition continues
37)	HB	2787	SO	Support	Reps Barker, Thatcher, McLane, Witt (at request of OR Sheriff's Association)	Prohibits public body from releasing information that identifies holder of or applicant for concealed handgun license. Authorizes disclosure for criminal justice purposes or pursuant to court order	Alex Cuyler spoke briefly with the Sheriff's Association lobbyist

38)	HB	<u>2803</u>	CAO	Oppose	Rep Thatcher	Requires county to verify immigration status of person incarcerated in county correctional facility. Authorizes law enforcement agency to enforce federal immigration law pursuant to agreement with federal government.	County is already required to conduct a national criminal history check. This would require that we also verify their immigration status through the Law Enforcement Support Center of the US Dept of Homeland Security. The state is required to pay us back for conducting the criminal history check, but this bill does not require them to pay us back for conducting this additional check. I don't know if there is a cost, but there certainly is as far as personnel are concerned. Prior to this bill, law enforcement agencies could not enter into agreements with the federal government to enforce immigration laws. This bill would allow for IGA's which authorize local law enforcement to perform the functions of an immigration officer. This mostly comes down to a policy decision by the BCC. It's a 180 degree change from current law This could cause operational difficulties since it sometimes takes over 24 hours for immigration status checks to return from the feds and we need to release people prior to that in many cases. Secondly, although reimbursement is promised, it has previously been promised for such checks with no associated funding mechanism. This bill should include a funding mechanism.
39)	HB	<u>2804</u>	MSD	Monitor	Thatcher	Requires evidence of citizenship for persons registering to vote for first time in the state. Specifies when registration of qualified person occurs.	This bill will be discussed at the clerk's conference this week. We have opposed this requirement in the past, but will revisit it.
40)	HB	<u>2854</u>	PW	Support	Reps Nathanson, Doherty	Requires Oregon Department of Administrative Services, in cooperation with other state agencies and public agencies, to establish policies, methods and means by which department, other state agencies and public agencies can acquire, share, maintain, use, repair and dispose of motor pool resources cost-effectively and efficiently.	We strongly support this bill and have been moving forward with our own efforts to establish a regional interagency fleet cooperation agreement that will aid in exchanging services with other government fleets in maintenance, purchasing and other areas where cooperation is possible. I will write Rep. Nathanson directly expressing my support for this bill.
41)	HB	<u>2860</u>	CAO	Support	Reps Nathanson, Barker, Barnhart, Berger, Dembrow, Doherty, Geiser, Hunt, Kennemer, Sen Monroe	Creates a Rail Advisory Council to advise ODOT and the OTC on matters related to state rail systems; directs the council to study development of a bi-state rail authority to plan improvements and operations of passenger rail system that serves Cascadia Corridor. Directs Commission to solicit recommendations from council prior to selecting rail projects to be funded with moneys from Multimodal Transportation Fund.	No impact on the County, but does coincide with the interest at least some BCC members have shown in supporting rail.

42)	HB	<u>2884</u>	MSD	Monitor	Rep J Smith	Allows governing body of county to adopt ordinance to allow county to pay all or part of expense of postage for return identification envelopes for ballots sent to electors registered in county.	The Clerk's Association and SOS has asked all counties to comply with ORS 254.470(6) which states that the elector must provide the postage of a return identification envelope. This insures consistency in all counties in Oregon. Paying for insufficient postage creates additional costs to the county. It is the voter's responsibility to provide sufficient postage or utilize a drop site within the county. (Lane County has paid for insufficient postage at the request of the BCC since 2008. However, we are purchasing a new election system which means our ballot weight will be the same as other Oregon counties and consequently, we should no longer pay that insufficient amount.)
43)	HB	<u>2885</u>	MSD	Oppose	Rep J Smith	Directs landlords of four or more dwelling units or of facility to supply new tenants with voter registration cards with written rental agreement or, for oral agreement, on first day of occupancy. Directs SOS to supply voter registration cards to landlords.	The trend is to update online so that the current registration card is always available to people. It is costly to provide reg cards to target specific groups. Updating through DMV is more effective.
44)	HB	<u>2886</u>	MSD	Monitor	Rep J Smith	Directs Dept of Transportation and designated voter registration agency to provide SOS each month with list of individuals who have changed address. Requires SOS to provide change of address information received from dept. or agency to county clerk. Requires county clerk to send notice to elector.	We are asking for more information on this bill to determine if the county clerk could update voter registration from this list or strictly inactivate the voter and mail out a VCC to them. It costs approximately .2997 to mail a VCC (printing and postage costs). It is better for us if we can update from these records which leads to more accurate voter registration records and less undeliverable ballots during an election.
45)	HB	<u>2951</u>	CAO and DA	Oppose	Reps Frederick, Dembrow, Gelser, Greenlick, Kotek	Expands rules regarding officer use of deadly physical force to incidents that result in serious physical injury. Requires law enforcement agency to pay for 6 mental health sessions. Requires DOJ to investigate deaths or serious physical injury caused by officers, and requires DA's offices to pay not only for the investigation, but also any prosecution of officers. Requires psychological testing periodically of all law enforcement officers.	<p>LR: Expansion of the rules to incidents that result in serious physical injury is fine. Requiring 6 mental health sessions instead of the 2 now required and requiring the officer to attend all of them will be a drain on the resources of the departments, not only for the cost of the sessions if health insurance doesn't cover them, but also for the OT the departments need to pay out if it is a requirement of the job that the officer attend the sessions. Takes away the decision making from elected officials and instead puts it on to the DOJ, but requires DA's offices to pay for the cost of investigation and prosecution. We would have no control over the costs, but would have to pay. There is also no clarification as to how often the psychological testing would have to occur, or who absorbs this cost.</p> <p>AG: This is unnecessary, as are the balance of Mr. Fredericksburg related bills. I met with him and spoke to him at length. These bills are responsive to problems he said he's experienced with Portland Police Bureau. The IDFIT protocols we developed were collaborative and developed with substantial input from the public, law enforcement unions and various political bodies. (The Lane County plan served as the template for most other jurisdictions in Oregon, as we got on top of the process very quickly following the passage of SB-111. We have since processed 15 officer-involved shootings with these protocols. IDFIT has worked very well, by all accounts.)</p>

ATTACHMENT B

7) SB 302 Staff Analysis

HB3612 in the 2010 special session created a significant change to the law governing the collection of back property taxes owed. They used to be due and payable as a lump sum on the next certified tax statement. HB3612 (which just went into effect in May of 2010) extended the repayment of the taxes for up to 5 years with no interest. It created another layer of complexity to the accounting and billing process for property taxes and delayed the cash flow to districts. This bill appears to try to "fix" this law again to address a specific individual's complaint that they did not qualify for the extended repayment schedule as they may have thought when the 2010 special session bill was pushed through very quickly with very little discussion. HB3612 was opposed by assessors and tax collectors and new attempts to tweek it some more is also opposed on the basis that we should not be making a complex system even more complex and inefficient for the entire state just to satisfy the complaints of a few. It is contrary to the efforts of the Government Efficiency and Effectiveness Task Force (HB2920). The Governor also expressed concerns about the bill on this basis and refused to sign it. The bill become law by default because he did not veto it either.

13) SB 598 Staff Analysis

Complexity of drainages & water quality issues:

- The bill would require the County to complete a detailed assessment of the points of interconnectedness between County discharges and Districts' facilities, and to determine the feasibility of installing monitoring points. Depending on the complexity of the system, this could get very expensive. Would every privately owned slope adjacent to a District owned drainage ditch become the monitoring responsibility of the County?
- Who would determine what parameters to be tested, frequency of monitoring, and trigger levels for action? What would constitute an "improper discharge." Would districts have authority to set water quality standards above existing state/fed standards? DEQ already regulates through NPDES. This bill creates the potential for two sets of regulators and standards.
- Water quality problems may originate upstream of County control (e.g. city/agricultural drainages emptying into County conveyances prior to entering district facilities. How would liability be assessed? . If County would be potentially liable, County would then also need to assess and monitor at those incoming points of connection. A monitoring program of this scale would be very expensive. Where would these funds come from?

Timeframe

- Beyond points of conflict listed above, Districts may insist on other controls (e.g. volume controls) in the mandated IGA's. Given this complex nature of these issues, reaching agreement by September 2012 is unlikely. County should not be bound to timeframes for monitoring or rerouting discharges if Districts' requests for the IGA's are unreasonable.

- Rerouting entire drainages may be physically impossible. This would require acquiring land to create new drainages, extensive excavation and pump stations.
- Districts' facilities were likely created or enhanced out of pre-existing natural drainages. Could Districts lawfully require naturally occurring storm drainage to go elsewhere?
- Given the monumental expense to reroute discharges and the short time frame to reach agreement, County would be at the "point of the gun" to settle favorably to the District. Who would mediate/arbitrate potential disputes likely to arise in developing the IGA's?

Current list of potential Districts in Lane County include:

JUNCTION CITY WATER CONTROL DISTRICT
 RIVER ROAD WATER CONTROL SUBDISTRICT 1
 DEARBORN WATER CONTROL DISTRICT
 BLACHLY WATER CONTROL DISTRICT
 CRESWELL WATER CONTROL DISTRICT

Note: Cities are also likely oppose this bill - LOC should be talking to AOC for a unified response.

14) HB 2122 Bill Summary

Prohibits importation of untreated firewood into state. Prohibits sales of unlabeled firewood. Requires State Department of Agriculture to adopt rules regulating importation, supplying and sale of firewood. Makes violation of statute or department rules subject to civil penalty, not to exceed \$10,000. Directs deposit of civil penalty moneys into Invasive Species Control Account. Applies to importation or other nonretail supplying of firewood, and to wholesale selling of firewood, that occurs on or after July 1, 2012. Applies to sales of firewood that retail seller acquires on or after July 1, 2012.

Would require Lane County Parks (LCP) or any wholesale or retail seller of firewood to provide documentation (labeling firewood) certifying all firewood sold [at campgrounds for us] was not imported from outside of Oregon, from quarantined areas, or that it has been treated.

I believe the purpose of this proposed bill is agricultural, to prevent the spread of pests that may impact living trees in Oregon.

31) HB 2620 Staff Analysis

The Lane County Building Program's current methodology of collecting fees for office review of permit applications at the time of application submission and collecting fees for field work at the time of permit issuance has proven effective and agreeable to its customers. Changing to the "one-third" methodology proposed by the bill would create several issues, including:

- Unnecessary delay to inspection work if fees to be paid mid-construction are outstanding.

- Applicants making application without any monetary commitment. Expending staff resources on the review of permit application for which no fee has been collected exposes the Division to the risk that the application may be abandoned prior to issuance without any compensation to the County for work performed.
- Expected difficulty collecting the remaining one-third of fees due once the permitted work is completed and the contractor has fulfilled terms of contract with owner.
- Simple trade permits that currently require a single payment and where work is completed over the course of just a few days will now require three payments over the course of those few days in order to adhere to the letter of the bill.
- Additional credit card transaction fees associated with the proposed permit fee payment schedule.
- Requirement that jurisdiction may not collect an amount other than the fee specific for the permit at the time of issuance raises several concerns over the County's ability to accommodate project amendments and off-hours inspections once construction has begun if staff costs cannot be addressed by additional fees assessed on the permit after issuance.

The Oregon Building Officials Association strongly opposes HB 2620.

38) HB 2803 Staff Analysis

County is already required to conduct a national criminal history check. This would require that we also verify their immigration status through the Law Enforcement Support Center of the US Dept of Homeland Security. The state is required to pay us back for conducting the criminal history check, but this bill does not require them to pay us back for conducting this additional check. I don't know if there is a cost, but there certainly is as far as personnel are concerned. Prior to this bill, law enforcement agencies could not enter into agreements with the federal government to enforce immigration laws. This bill would allow for IGA's which authorize local law enforcement to perform the functions of an immigration officer. This mostly comes down to a policy decision by the BCC. It's a 180 degree change from current law.

This could cause operational difficulties since it sometimes takes over 24 hours for immigration status checks to return from the feds and we need to release people prior to that in many cases. Secondly, although reimbursement is promised, it has previously been promised for such checks with no associated funding mechanism. This bill should include a funding mechanism.

45) HB 2951 Staff Analysis

Expansion of the rules to incidents that result in serious physical injury is fine. Requiring 6 mental health sessions instead of the 2 now required and requiring the officer to attend all of them will be a drain on the resources of the departments, not only for the cost of the sessions if health insurance doesn't cover them, but also for the OT the departments need to pay out if it is a requirement of the job that the officer attend the sessions. Takes away the decision making from elected officials and instead puts it on to the DOJ, but requires DA's offices to pay for the cost of investigation and prosecution. We would

have no control over the costs, but would have to pay. There is also no clarification as to how often the psychological testing would have to occur, or who absorbs this cost.

This is unnecessary, as are the balance of Mr. Fredericksburg related bills.

I met with him and spoke to him at length. These bills are responsive to problems he said he's experienced with Portland Police Bureau. The IDFIT protocols we developed were collaborative and developed with substantial input from the public, law enforcement unions and various political bodies. (The Lane County plan served as the template for most other jurisdictions in Oregon, as we got on top of the process very quickly following the passage of SB-111. We have since processed 15 officer-involved shootings with these protocols. IDFIT has worked very well, by all accounts.)

ATTACHMENT C

**Draft Minutes
Lane County Legislative Committee Meeting
February 11, 2011
2:00 PM
Cheryl McCawley Room**

Present: Madilyn Zike, Liane Richardson, Anette Spickard, Lynne Schroeder, Alex Cuyler, Roland Hoskins, Tom Turner, Commissioner Faye Stewart, Ben Nussbaum, Stephen Vorhes, Commissioner Jay Bozievich

The meeting began with a discussion of the Federal Work the County is doing. This included an update on the upcoming United Front trip, a discussion of how the NaCo resolution will be handled on the trip, the status of HR 1956 (federal tax offset bill) and who the county is getting to introduce it and finally the SAFETEA-LU reauthorization bill.

Next there was a discussion of a draft letter regarding Urban Renewal Districts and what to do with it. It was determined to bring it before the Board. Alex briefly discussed Sen. Prozanski's efforts regarding public records and the effort to get a House Joint Memorial regarding the Secure Rural Schools initiative moving quickly. There was a brief discussion and update on the proposed Junction City Hospital. It was decided to bring it to the Board.

Next there was a discussion of the Governor's proposed budget and how the county should work during the state budgeting process, identifying bills that impact the county and how to have more influence in the budgeting process. Lynne from DYS noted that they would be highly affected if the Governor's budget went through as planned. It was determined that the County should be proactive with local legislators to make sure they understand how the budget affects the different county departments. It was also determined that the Justice System Revenue issue should be taken to the Board again for review. There was a brief discussion regarding the format and function of the spreadsheets and other various materials that are part of the bill review process on Sharepoint.

Discussion moved to the consideration of certain bills before the 2011 Oregon Legislature that were pre-session filed. The Committee discussed each bill and made recommendations to support, oppose, monitor, or ignore each bill.

Meeting adjourned at 4:30 PM.

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 76TH
I LEGISLATIVE SESSION

WHEREAS, Lane County has a keen interest 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 slate of 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 76th Legislative session.

DATED this _____ day of February, 2011

Faye Stewart, Chair
Lane County Board of Commissioners