



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

Email: mult.chair@co.multnomah.or.us

Deborah Kafoury, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: district1@co.multnomah.or.us

Jeff Cogen, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5219 FAX (503) 988-5440

Email: district2@co.multnomah.or.us

Judy Shiprack, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

Email: district3@co.multnomah.or.us

Diane McKeel, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: district4@co.multnomah.or.us

On-line Streaming Media, View Board Meetings

www2.co.multnomah.or.us/cc/live_broadcast.shtml On-line Agendas & Agenda Packet Material

www.co.multnomah.or.us/cc/agenda.shtml

Americans with Disabilities Act Notice: If you need this agenda in an alternate format, or wish to participate in a Board Meeting, please call the Board Clerk (503) 988-3277 or Assistant Board Clerk (503) 988-5274 or the City/County Information Center TDD number (503) 823-6868, for information on available services and accessibility.

JULY 21 & 23, 2009

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Free public access to wireless internet M-F from 6 AM to 9 PM while attending meetings in the Boardroom. Users must have a laptop or other wireless-enabled device with IEEE 802.11a, b or g; or WiFi compatible network card.

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	9:30 a.m. Tuesday Briefing on the 2009 Oregon Legislative Session with Respect to the County's Legislative Priorities and Agenda
Pg 3	9:30 a.m. Thursday Opportunity for Public Comment on non-agenda matters
Pg 3	9:30 a.m. Thursday Establishing Fees and Charges for Chapter 27, Community Services
Pg 3	9:40 a.m. Thursday Reappointment of Jim Middaugh Representing Multnomah County on the Columbia River Gorge Commission

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

(Portland & East County)

Thursday, 9:30 AM, (LIVE) Channel 30

Sunday, 11:00 AM Channel 30

(East County Only)

Saturday, 10:00 AM, Channel 29

Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media
(503) 667-8848, ext. 332 for further info
or: <http://www.metroeast.org>

Tuesday, July 21, 2009 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

IF NEEDED EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
-

Tuesday, July 21, 2009 - 9:30 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Briefing and Initial Assessment of the 2009 Oregon Legislative Session with Respect to the County's Legislative Priorities and Agenda. Presentation by Phillip Kennedy-Wong. 1 HOUR REQUESTED.
-

Thursday, July 23, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **DEPARTMENT OF COMMUNITY SERVICES**

- C-1 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to OLENA TURULA
- C-2 Approval of Auto Wrecker Certificate for Michael Doane of R.S. Davis Recycling, Inc, 28425 SE Orient Drive, Gresham

REGULAR AGENDA

PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

DEPARTMENT OF COMMUNITY SERVICES – 9:30 AM

- R-1 PUBLIC HEARING and Consideration of a RESOLUTION Establishing Fees and Charges for Chapter 27, Community Services, of the Multnomah County Code and Repealing Resolution No. 09-062

DEPARTMENT OF COMMUNITY JUSTICE – 9:35 AM

- R-2 BUDGET MODIFICATION DCJ-02 Restoring Three Parole and Probation Officer Positions per the Approved COLA Freeze for Fiscal Year 2010

NON-DEPARTMENTAL - 9:40 AM

- R-3 Reappointment of JIM MIDDAUGH as Multnomah County's Representative on the COLUMBIA RIVER GORGE COMMISSION

BOARD COMMENT

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 07/21/09
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 07/15/09

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(d),(e)and/or(h)

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: July 21, 2009 Amount of Time Needed: 30 mins
Department: Non-Departmental Division: County Attorney
Contact(s): Agnes Sowle
Phone: 503 988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): Agnes Sowle and Invited Others

General Information

1. What action are you requesting from the Board?

No final decision will be made in the Executive Session.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.

3. Explain the fiscal impact (current year and ongoing).

4. Explain any legal and/or policy issues involved.

ORS 192.660(2)(d),(e)and/or(h)

5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

Elected Official or
Department/
Agency Director:

Date: 07/09/09



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 07/21/09
Agenda Item #: B-1
Est. Start Time: 9:30 AM
Date Submitted: 07/14/09

Agenda Title: Briefing and Initial Assessment of the 2009 Oregon Legislative Session with Respect to the County's Legislative Priorities and Agenda

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: July 21, 2009 Amount of Time Needed: 1 hour
Department: Non-Departmental Division: Chair's Office
Contact(s): Phillip Kennedy-Wong
Phone: 503 988-5895 Ext. 85895 I/O Address: 503/600
Presenter(s): Phillip Kennedy-Wong

General Information

1. What action are you requesting from the Board?
No action requested.
2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.
The briefing will be an initial assessment of the 2009 OR Legislative Session with respect to the County's legislative priorities and agenda
3. Explain the fiscal impact (current year and ongoing).
N/A
4. Explain any legal and/or policy issues involved.
N/A
5. Explain any citizen and/or other government participation that has or will take place.
N/A

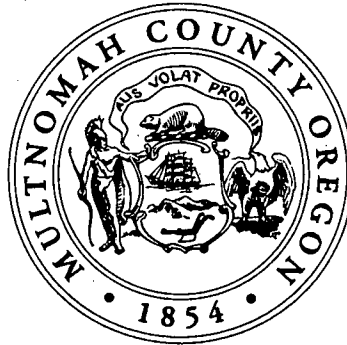
Required Signature

Elected Official or
Department/
Agency Director:

TED WHEELER

Date: July 14, 2009

Multnomah County Oregon
2009 Oregon Legislative Session Report



Received ?

BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE, SUITE 600
PORTLAND, OREGON 97214
(503) 988-5895

TED WHEELER • CHAIR
DEBORAH KAFOURY • DISTRICT 1
JEFF COGEN • DISTRICT 2
JUDY SHIPRACK • DISTRICT 3
DIANE MCKEEL • DISTRICT 4

Background

2009 Oregon Legislative Session

The national economic recession and the state's high unemployment rate affected Oregon's 75th Legislative Assembly. Balancing the state's budget was the Legislature's most important priority and challenge. Legislation was viewed through the filter of fiscal impact and job creation in crafting the state budget and deciding which bills were priorities. The state's General Fund was significantly reduced by one-fifth as a result of the recession, roughly \$4.2 billion less revenue to maintain existing services. The state unemployment reached 12.5 percent, second highest in the nation.

Democrats controlled both chambers of the Legislature with a three-fifths majority and the Governor's Office. With a strong majority, Democrats were able to pass the majority of its agenda. The majorities made it less difficult to pass tax increases that were keys to the Democrats' budget balancing plan. Republicans seemed to get very little in terms of passing their priority bills but did influence the contents and passage of several high profile pieces of legislation.

The Ways and Means Committee Co-Chairs' budget called for a combination of methods to balance the state's budget. This included cutting roughly \$2 billion in state services, increasing taxes on upper income earners and raising the corporate minimum, utilizing federal stimulus dollars, reducing some tax credits, and accessing the Rainy Day Fund. The Republicans issued their own budget that relied more on reserve funds in lieu of tax increases. Their budget had very little traction or political leverage. In the end, the Democratic Legislature adopted essentially the Co-Chairs' budget recommendation with slight modifications.

The budgets for public safety agencies and education were the most controversial. These budgets were part of the endgame high profile posturing of the 2009 session. How Measure 57 was to be implemented, mandatory minimum sentencing for property crimes, affected the public safety budgets. The controversy over the education budget centered on the use of reserve funds, a showdown between the Legislature and the Governor.

Many of the politically controversial bills that the Legislature took up this session either had no impact on Multnomah County or very little effect. The topics of few of these bills included the Metolius River, virtual schools, murder of pregnant women, wind farms tax credits, greenhouse gas emissions, ballot titling, field burning, and use of reserve funds. Some of the bills ended up as part of the eleventh hour negotiations between the two chambers and party caucuses.

Highlights of significant pieces of legislation passed by the 75th Legislative Assembly were:

- \$175 million state stimulus package;
- A new tax bracket for upper income earners;
- The first increase of the corporate minimum tax since the 1930's;
- \$300 million transportation package that included an increase in the gas tax,;
- Creation of the Oregon Health Authority to reduce health care costs for Oregon residents;
- Health coverage for uninsured children through an increase in provider and managed taxes;
- Phase-in of Measure 57 after February 2010; and
- A DEQ commissioned study on possible regulations to reduce greenhouse gas emissions.

Notable proposed legislation that did not pass included:

- An increase of the beer tax and cigarette tax;
- Removing the preemption on local tobacco taxes; and
- Changes in collective bargaining laws to include temporary workers and prohibition of replacement workers.

The Legislature adjourned on June 29th, one day ahead of its planned date. Missing from previous sessions was the uncertain passage in the final days of various bills, especially the controversial ones. Many of the deals were already struck three or four days prior to Sine Die. The timing of Sine Die was dictated by the procedural mechanics of floor votes rather than last minute deal making.

Anti-tax activists will most likely attempt to repeal the corporate minimum and income tax bills by referring them to voters for a January 26, 2010 special election. If repealed, the state 2009-11 budget will be reduced by roughly \$565 million.

Summary of the 2009 Session for Multnomah County

As expected, the Session brought some surprises, opportunities and challenges for Multnomah County. The 2009 Legislature passed several significant pieces of legislation that affect Multnomah County in various areas. Multnomah County was able to affect content and outcomes of most of these bills despite not being the primary stakeholder. This included HB 2001 (transportation package), HB 2726 (menu labeling), SB 192 (historic preservation property tax exemptions), HB 2074 (the tax supervising conservation commission), HB 3056 (urban renewal reform and the state's 2009-2011 agency budgets). (For a complete list, please see Appendix B.)

Multnomah County staff and commissioners were very active during the session. County staff contributed to the passage or defeat of various bills. This included providing testimony, participating in legislative work groups, meeting with legislators, and researching and analyzing legislation.

Below are highlights of legislation that Multnomah County played a significant role

- Enacting statewide nutritional labeling requirements in chain restaurants;
- Acquiring funding to replace the Sellwood bridge;
- Creating accountability on use of the historic preservation property tax exemption program;
- Promoting equity and fairness under Measure 50 property tax limitation reform;
- Correcting state law on bridge tolling authority;
- Promoting cost sharing of Multnomah County Tax Supervising Conservation Commission;
- Permitting Expedited Partner Therapy to reduce the spread of STDs;
- Encouraging purchase of local food products for public institutions; and
- Contributing to state standards on public contracting practices.

Outcome of Multnomah County Priorities and Legislative Agenda

Multnomah County Legislative Priorities

Multnomah County adopted three priorities for the 75th Legislative Assembly: 1) preventing of cuts to programs that serve vulnerable populations; 2) closing the service gap in the mental health system, and 3) seeking local control by removing state preemptions.

In terms of the state budget, the County was able to acquire most of the funding it requested in human services and public safety agency budgets for 2009-2011, thus meeting the priority to protect programs that serve vulnerable populations. The County worked closely but not exclusively with state legislators from Multnomah County who served on the Ways and Means Committee, most notably Senator Margaret Carter who was Co-Chair of the full committee, Rep. Chip Shields (Co-Chair of the Public Safety Subcommittee), and Tina Kotek (Co-Chair of Human Services Subcommittee). (See Appendix A)

Although closing the service gap in the mental health system was also a top priority for the Legislature, the approach adopted does not have any immediate effect or clear benefit to Multnomah County, especially in terms of operational funds for a county mental health crisis treatment and evaluation center. There were two vehicles in that the Legislature used to address mental health: HB 5529 (DHS budget) and HB 2009 (Oregon Health Policy Board/Oregon Health Authority). The human services budget (HB 5529) included funds for two to three pilot projects that would test integrating physical and mental health care through fully capitated managed care providers. HB 5529 also included a budget note that directs DHS to develop an "equitable" distribution formula for psychiatric acute care funds. The note was at the request of Washington County. HB 2009 transferred the state Addictions and Mental Health Division to the new Oregon Health Authority. The Oregon Health Policy Board will oversee the Authority and develop recommendations to the 2011 Legislature on how to reduce Oregon's uninsured population and health care costs.

In area of local control, results for the County were mixed. Multnomah County succeeded in removing state preemptions or restrictions to imposing a county vehicle registration fee and to tolling the County's Willamette River bridges. The County was unsuccessful in removing state preemptions on beer and tobacco taxes. There was no attempt made by the County on the real estate transfer tax preemption due to the level of opposition from the Housing Alliance.

Multnomah County Legislative Agenda

The County's legislative agenda included a range of policy items for the session. Below are the legislative outcomes of the County's adopted agenda for 2009.

RESTORE LOCAL CONTROL

ISSUE:	<i>State preemptions and other restrictions on local government discourage creative solutions to local problems and undermine local authority. Multnomah County needs to have all the tools in its toolbox to meet the needs of its residents.</i>
---------------	--

PRIORITY: Multnomah County supports lifting current preemptions and ensuring that no new preemptions are adopted.

LEGISLATIVE OUTCOMES

Passed:

- *HB 2001 – removes requirement that imposition of county vehicle registration fees be subject to an automatic vote of the electorate. Also exempts Multnomah County from the 4-year preemption of county imposed vehicle registration fee.*
- *SB 36 – provides Multnomah County the legal authority to toll the five Willamette River Bridges under its responsibility.*

Failed:

- *HB 2616 – provides counties with authority to levy tobacco tax*
- *SB 768- provides counties with authority to level beer tax*
- *HB 2493/SB 396 – removes county preemption on real estate transfer taxes*

FUND STATE MANDATES

ISSUE:	<i>Multnomah County is bearing the brunt of underfunded services required by the State in corrections, health and human services, and other areas including court facilities. As a result, Multnomah County has supplemented what it receives from the state with County General Funds in order to meet its legal obligations. Given the economic situation and growing community needs, the General Fund is not able to sustain these services.</i>
---------------	--

PRIORITY: Multnomah County supports adequate funding to cover actual costs of providing state required services. This includes:

- 95 percent funding level of transfer area agencies on aging and disabilities;
- incorporation of workload staffing standards and utilization rates as basis for funding human services;
- funding adequately mental health involuntary commitment investigators and emergency holds in acute care;
- funding implementation of Measure 57 treatment services, sanctions and local corrections options; and
- funding for planning Urban and Rural Reserves;

LEGISLATIVE OUTCOMES

Passed:

- *SB 646- requires DHS to submit its agency requested budget for area agencies on aging and disability at 95 percent of what it would cost DHS if it were to provide the service directly.*
- *HB 2123- requires DHS to report on staff workload and staffing needs.*
- *HB 5529 – funded at requested levels. involuntary commitment investigators and emergency holds*
- *HB 3508 – phases implement of Measure 57*

Unfunded:

- *SB 5531- Funding in the DLCD budget for Urban and Rural Reserves planning. State grant level remained flat at \$2.2 million w/ no specific earmark for reserves planning.*

PUBLIC SAFETY

ISSUE: *The passage of Measure 57 added another unfunded mandate to Multnomah County. The costs of corrections are increasing and without adequate funding or a different approach, the state corrections system will be compromised.*

PRIORITY: Multnomah County supports innovative state policies that enable counties to be more effectively utilized in the corrections system. This includes:

- *discretionary immunity for juvenile detention directors;*
- *direct contracting for close custody, secure beds and community based placements,*
- *local control arrangements to utilize the Wapato Jail facility;*
- *funding for drug and alcohol addiction treatment services for county jail prisoners; and*
- *seed funding for the Multnomah County Regional Justice Network.*

LEGISLATIVE OUTCOMES

Passed:

- *HB 2393- permits county juvenile director to release juveniles under specific circumstances*
- *HB 5005- includes a budget note to require DOC to study purchase or multi-year lease of Wapato Jail to state prison capacity needs.*

Failed:

- *Agreement among key legislators could not be reached on direct contracting for close custody, secure beds and community placements.*

REINVEST IN TRANSPORTATION INFRASTRUCTURE

ISSUE:

Multnomah County lacks the resources to adequately maintain 6 regional bridges and over 300 miles of road.

PRIORITY: Multnomah County supports a state transportation funding package that provides the

funding and tools to maintain its roads and bridges on a long term basis. This includes:

- an increase in revenues for operations and maintenance of transportation infrastructure;
- a 50/30/20 revenue formula among state, counties, and cities; and
- an increase of the gas tax;

LEGISLATIVE OUTCOMES:

Passed:

- *HB 2001- provides new funds from increases in the gas tax, title and vehicle registration fees. A 50/30/20 revenue sharing formula was adopted as part of the bill. In addition, the bill directed \$30 million for reconstructing the Highway 43 portion of the Sellwood Bridge. The bill also imposed a 4-year preemption on local gas taxes and vehicle registration fees but provided an exemption for Multnomah County for the latter fee.*

CLOSE GAPS IN MENTAL HEALTH SYSTEM

ISSUE 1:

Since the 2001 closure of a Portland mental health triage center operated by Providence, first responders that treat persons suffering a mental health crisis do not have a viable and cost effective alternative to hospital emergency rooms or the County jail to take these persons for proper treatment. This has led to improper care and expense to emergency responders and local area hospitals. The lack of a sub-acute crisis evaluation and treatment facility in Multnomah County is a huge gap in the mental health system.

PRIORITY: Multnomah County and the City of Portland seek state funding for capital costs and operations of a 16-bed sub-acute mental health crisis evaluation and treatment facility.

LEGISLATIVE OUTCOMES:

Unresolved. *The Legislature did not provide any additional funding for the operational costs for a mental health crisis assessment and treatment center. Instead, the Legislature adopted the DHS budget with instructions for the department to develop an "equitable" distribution formula for acute care funds and report to the Legislature by February 2010. The DHS budget also calls for two to three pilot projects on physical and mental health integration. The pilot projects would be based managed by participating fully capitated managed care organizations in an effort to consolidate funding streams.*

REDUCE UNINSURED POPULATION

ISSUE:

Since the 2002 recession, the state has reduced significantly the Oregon Health Plan Standard population, leaving thousands of Oregonians without health care coverage. The consequences have dramatically driven up costs for the county's health clinics and for hospital emergency rooms. Changes to enrollment have resulted in a loss of matching state and federal dollars to Multnomah County to pay for residential treatment services.

PRIORITY: Multnomah County supports:

- steps to increase OHP's Standard and Plus populations including the coverage of single males in need of residential addictions treatment. Increasing OHP enrollment is the key to reducing overall costs in health and human services for the state, counties, and hospitals by increasing federal matching dollars.

- the recommendations of the Oregon Health Fund Board in the Aim Report including the creation of an Oregon Health Authority.

LEGISLATIVE OUTCOME:

Passed:

- *HB 2116 –establishes a 1% health insurance premium assessment and an assessment on hospitals. Funds will be used to modestly restore the OHP increase the monthly average of the OHP Standard adult population from 25,000 to 50,000 and the provide coverage for nearly 80,000 children for the 2009-11 biennium.*
- *HB 2009- establishes the Oregon Health Policy Board to oversee the development and implementation of health care policy, specifically in the areas of the uninsured and cost containments. The Board is to develop a plan for the 2011 Oregon Legislature. Several existing state agencies will be transferred to be under the jurisdiction of the Board. The grouping of these agencies will be combined into a single agency call the Oregon Health Authority. Further, the bill abolishes the Oregon Health Fund Board.*

REMOVE BARRIERS TO SUSTAINABILITY INITIATIVES

ISSUE:

Specific state laws inhibit Multnomah County residents and county operations from being environmentally sound and sustainable. Small changes to state law will allow county operations and residents to promote the local economy, reduce pollution and the carbon footprint, and conserve natural resources.

PRIORITY: Multnomah County supports changes to state law that:

- give local governments the option to prefer local food products in the procurement process; and
- allow local governments to establish local improvement districts (LIDs) for energy efficiency and renewable energy improvements to property, where property owners could voluntarily participate in a loan program for sustainable energy upgrades; and
- creates a legal definition of "grey" water for non-potable purposes such as irrigation to encourage water conservation.

LEGISLATIVE OUTCOMES:

Passed:

- *HB 2763- Provides government agencies with flexibility to purchase agricultural products produced and transported in Oregon when procuring food services.*
- *HB 2626- Establishes a small loan program for residential and commercial for energy efficiency improvements and permits the creation of local improvement districts for the same purpose.*
- *HB 2080- Creates legal definition of gray water as waste water from baths, showers, bathroom, kitchen sinks, and laundry. Directs the Environmental Quality Commission to adopt rules for gray water reuse and disposal system permits.*

REFORM PROPERTY TAX LIMITATION

ISSUE:

Measure 50 created a permanent structural deficit for local government in Oregon. Multnomah County cannot afford to provide services with revenues generated by a property tax rate that grows slower than real market inflation. Further, the Measure 50 property tax system is inequitable to homeowners with equal valued homes but taxed unequally.

PRIORITY: Multnomah County supports a legislative referral to voters of a ballot measure that reforms property tax limitation. In particular, Multnomah County favors reform that:

- supports equalizing assessed values to make taxes proportionate to market values;
- provides tax relief for seniors on fixed incomes and low-income renters; and
- provides adequate revenues for essential public services.

LEGISLATIVE OUTCOME:

***Unresolved.** The Senate Revenue Committee introduced three bills and held a public hearing on behalf of the county. The bills and the hearing were intended to keep attention on the critical need of reforming property tax limitation under Measure 50. A diverse group of stakeholders were recruited to participate in the hearing. There was brief consideration for creating a legislative task force. Ultimately, the Chair of the Committee agreed to make the reform the top priority for the interim. Multnomah County will work with the Chair to planning this effort.*

Preview
February 2010 Supplemental Session

The Legislature plans to convene in February 2010 for a month-long supplemental session and will most likely focus on rebalancing the 2009-2011 state budget. The Legislature will take up around 150 bills in addition to rebalancing the budget. Hearings for the bills will begin in late fall 2009 or January 2010.

For Multnomah County, there will be at least three issues of interest the Legislature might address in the supplemental session.

- The Dept. of Corrections will report to the Legislature on its feasibility analysis of purchasing or entering into a multi-year lease of Wapato Jail.
- The Dept. of Human Services will report on a new method of distributing Regional Acute Psychiatric Inpatient Treatment funds to all counties.
- Last but not least, how the Legislature responds to the outcome of January 2010 election on the voter referrals of corporate minimum and income taxes passed in 2009 will determine what County programs are affected.

If Oregon voters repeal the tax increases, the 2009-11 biennium budget will be less \$733 million. The Legislature will have to cut state services, use additional reserve funds, and reduce tax expenditures or do a combination. The likelihood of another tax increase seems very unlikely. The Legislature will also decide whether Measure 57, the mandatory minimum sentencing law for property crimes that was passed in 2008, will be phased-in or be implemented fully.

Deadline for submitting legislative requests for the supplemental session is November 13 for the Senate and December 30 for the House. Each senator can pre-session file two bills and each State Representative can pre-session file only one bill each.

APPENDIX A

Multnomah County Service *Estimated* Impact
State Adopted Budget FY 2009-2011

[illegible]

APPENDIX B

Association of Oregon 2009 Legislative Summary

County Finance

AOC Staff: Gil Riddell, Ann Hanus

The legislature stayed focused this session on the state of the economy and its impact on state budgets and school funding. In spite of the well publicized findings of the Governor's Task Force on Federal Forest Payments & County Services and Task Force on Comprehensive Revenue Restructuring, the immediate crisis the legislature addressed was the State's. Federal forest-dependent counties had a short-term reprieve with adoption of PL 110-343, extending diminishing federal payments for four years. Moreover, the legislature had no appetite this session to deal with the constitutional structural handcuffs counties wear while trying to finance public services through the property tax.

The legislature was aware of the joint state-county public services, and under the circumstances did an admirable job protecting the systems of human services and public safety. But to do that and to feed the \$6 billion school fund, the legislature swept – purportedly one time – some state 'pass-through funding to counties', notably \$5 million of video lottery revenue and \$5.2 million of property assessment and taxation grant funds.

The legislature addressed its direct funding source with increases in the personal income tax (House Bill 2649) and corporate tax (HB 3405), and put income tax expenditures on a rotating sunset schedule (HB 2067). Nevertheless, in spite of recommendations by the Governor's Task Force, the legislature did not remove preemptions on new county real estate transfer taxes or full use of revenue from transient lodging taxes, fund the Property Tax Expenditure Compensation Account, direct follow-up work on the structural inadequacies of the property tax, or beef up the County Assessment Function Funding Assistance Account. It did remove a property tax exemption (Senate Bill 495), but added two more as part of deals for income tax increases (HB 3112 and 2904).

In recognition that a county finance crisis is on the horizon, the legislature passed HB 2920, which will create a task force to focus on delivery and funding of joint public services.

A. Property Tax and Assessment

HB 2161

Central Assessment; Appeal Of Delinquency Penalty; Other Provisions.

Effective Date: January 1, 2010

Chapter: 128 (2009 Laws)

Permits an appeal to waive or reduce a delinquency penalty within 30 days of mailing of the notice. Updates language. Changes lien date for taxes levied on mutual and cooperative electric distribution systems from February 1st to March 1st. Applies to tax years beginning on or after July 1, 2010.

HB 2162

Board Of Property Tax Appeals; Appeal Of Order When Delivered By Hand.

Effective Date:

Chapter:

SB 394**Property Taxes, Refund Of Overpayment and Cancellation Of Uncollected.**

Effective Date: September 28, 2009

Chapter: 52 (2009 Laws)

Changes mandatory minimum refund of overpaid property taxes from \$5 to more than \$10.

Requires tax collector to cancel uncollected deficient property taxes of \$10 or less, rather than \$5 or less, when taxes are collected in advance of extension on the tax roll.

SB 495**Property Tax Expenditure, Elimination Of; Out-of-State Public Entity With Property Interest In Pacific Northwest AC Intertie.**

Effective Date:

Chapter:

Eliminates property tax exemption for out-of-state public entity with a property interest in the Pacific Northwest AC Intertie. Applies to tax years beginning on or after July 1, 2009.

Exemption granted in 2005 benefited only Seattle City Light, Tacoma Power, and Snohomish County PUD. Revenue Impact: Increases revenues to the 12 counties effected by about \$250,000 annually.

SB 594**Property Tax Expenditure For Qualified Cemetery And Crematory Property.**

Effective Date: September 28, 2009

Chapter: 455 (2009 Laws)

Permits property tax exemption claim for qualified cemetery and crematory property, regardless of claimant's organizational structure or state of organization, for tax years beginning on or after July 1, 2008. Permits late filing for the exemption claims and specifies late filing procedure.

Eliminates requirement for non-profit entity to list, appraise, and describe personal property qualified for the exemption, for tax years beginning on or after July 1, 2009. Revenue Impact: Minimal.

SB 5540**Department Of Revenue Budget**

Effective Date: July 1, 2009

Chapter: 655 (2009 Laws)

Two items of particular note. 1) The budget eliminates the \$5.2 million General Fund distribution to the County Assessment Function Funding Assistance Account for biennium 2009-11. The Summary of the General Government Subcommittee Action includes this note: 'The Subcommittee acknowledged that this loss of funding could be burdensome on counties and that county tax administration capacity should be closely monitored during the interim'. 2) The budget adds \$5.12 million in General and Other Funds and 35 FTE to support compliance efforts for payroll tax, income tax, and other programs. This is estimated to generate an additional \$19.3 million in General Fund revenues for biennium 2009-11.

B. Other Taxation and Finance**HB 2014****School Construction Excise Tax; Makes Collection Mandatory; Increases Collection Fee; Makes Other Changes.**

Effective Date:

Chapter:

Requires collection of school district construction excise tax by the government entity that issues a permit for structural improvements. Exempts construction of nonprofit long term and residential care facilities and nonprofit continuing care retirement communities. Increases maximum administrative collection fee from one percent to four percent of tax revenue. Retains as negotiable local issues, such as design of the tax and start up costs. Permits the Department of Consumer and Business Services to establish by rule an administrative fee of 0.25% within the four percent of tax revenue only for the 2009-11 biennium. Clarifies collection to be at the time permit is issued. Applies to construction taxes on or after the effective date.

HB 2067**Tax Expenditures, Income And Corporate Excise; Sunset Dates On Six-Year Cycle.**

Effective Date:

Chapter:

Assigns most income and corporate excise tax credits one of three sunset dates: January 1, 2012, 2014, or 2016. Excludes the personal income tax credit, credit for taxes paid to another state, claim of right of income credit, and corporate surplus refund credit. Permits a taxpayer claiming the rural medical credit at the time of sunset to continue to claim the credit for an additional 10 years. Creates a default sunset date for new tax credits of six years after credit is first effective, unless the statute specifies a different date or states that no sunset is required.

HB 2073**Rainy Day Fund, Directs Revenue To.**

Effective Date:

Chapter:

Directs revenue collected from corporate income and excise tax rates above 6.6% to the Oregon Rainy Day Fund. Directs Department of Revenue to estimate collections resulting from corporate rates above 6.6% before the end of each biennium and then deposit estimated amount into Rainy Day Fund on or before June 30 of each odd numbered year. First applies to biennium 2013-15. Revenue Impact: Transfers \$69 million from state General Fund to Rainy Day Fund in biennium 2013-15.

HB 2074**Tax Supervising and Conservation Commission; Funding; Budget; Opt Out.**

Effective Date:

Chapter:

Divides responsibility for funding the Tax Supervising and Conservation Commission between Multnomah County and other local taxing districts within the county. Increases the TSCC's maximum operating budget by three percent per year, beginning in FY 20011-12. Permits a local district with a population not exceeding 200,000 to opt out of TSCC jurisdiction. Revenue impact: Increases revenue to Multnomah County by about \$100,000 annually.

HB 2105**Purchase and Holding of Bonds**

Effective Date:

Chapter:

Authorizes state agencies and public bodies to purchase and hold bonds issued by state agency or public body, respectively, without causing automatic cancellation or extinguishment of bonds.

HB 2107**Bonded Indebtedness for County Road Improvements**

Effective Date:

Chapter:

Modifies maximum limit on amount of bonded indebtedness counties may incur for road improvements in unincorporated areas.

HB 2349**Construction Liens**

Effective Date:

Chapter:

Oregon law provides for a contractor or subcontractor lien on property to protect against non-payment. In the event of a dispute, ORS 87.076 - 87.088 permits the owner to remove the lien by depositing with the county a bond or money representing 150% of the amount in dispute. The county holds that pending resolution of the claims.

Counties have been placed in the middle of disputes especially if court orders are not clear and there are conflicts with expectations for account management of the amount in dispute. The result is a time consuming and costly situation for counties. This bill clarifies the role of counties and management and disbursement of accounts. As a result, the process will be clearer and disputes can be settled faster while minimizing the need for lawsuits.

HB 2349 resolves problems and ambiguities in current statute by:

- Clarifying the depositor's entitlement to interest earned on the deposited funds.
- Ensuring counties will not be brought into the suit to foreclose the lien or be liable for errors, absent a finding of malfeasance.
- Describing the contents of the court's order necessary to disburse the funds.
- Establishing a process for the county treasurer to follow when releasing the lien or in the event the court's order is unclear.

HB 2649 Personal Income Tax Rates Increased On Higher-Income Taxpayers.

Effective Date:

Chapter:

Increases marginal personal income tax rates on higher-income households. Creates a 10.8% tax bracket for joint filers with taxable income between \$250,000 and \$500,000 (between \$125,000 and \$250,000 if single) and creates an 11% tax bracket for joint filers with income above \$500,000 (above \$250,000 if single); applies to tax years 2009 through 2011. Reduces top rate to 9.9% for joint filers with income above \$250,000 (above \$125,000 if single) for tax years 2012 and later. Phases out the federal tax subtraction for joint filers with adjusted gross income above \$250,000 (above \$125,000 if single). Excludes up to \$2,400 of unemployment compensation for tax year 2009. Revenue Impact: Increases general fund revenue to the State of \$472 million in biennium 2009-11; and \$375 million in biennium 2011-13.

HB 3405 Corporate Tax And Certain Secretary Of State Fees, Increase Of.

Effective Date:

Chapter:

Increases the corporate minimum tax, other corporate taxes, and certain Secretary of State fees. Increases the C-corporation minimum tax from \$10 to an amount that ranges from \$150 for corporations with less than \$500,000 in Oregon sales to \$100,000 for corporations with Oregon sales of more than \$100 million. Increases the minimum tax on S-corporations from \$10 to \$150. Imposes a \$150 entity tax on entities filing a partnership return. Creates a second marginal corporate tax rate of 7.9% that is applied to taxable income greater than \$250,000 for tax years 2009 and 2010; reduces the rate to 7.6% for tax years 2011 and 2012. For tax years after 2012 the top rate of 7.6% applies to net income greater than \$10 million. Other tax changes are applicable beginning with tax year 2009. Increases Secretary of State filing from \$50 to \$100 for domestic corporations and to \$275 for foreign corporations. Increases fee to file a five-year uniform commercial code financing statement from \$10 to \$15 and increases the application fee for a four-year notary public commission from \$20 to \$40. Revenue Impact: Increases state general funds by \$261 million in biennium 2009-11.

HJR 13 Capital Costs, Financing Of; Constitutional Revision.

Revises Oregon Constitution subject to voter approval at the May 2010 primary election. Exempts taxing districts from Measures 5 (1990) and 50 (1997) bond limitations, if bonded indebtedness is incurred after January 1, 2011, to finance capital costs. Defines capital costs and limits life of bonds.

SB 832 Collateral Risk Pool for Public Funds in Banks

Effective Date:

Chapter:

In the 2007 legislative session, the Association of County Treasurers worked with the State Treasurer's office and the Oregon Bankers Association to make sweeping changes that improved the security of public funds in depository institutions. At that time, the current economic crisis was still looming, and there had not been a bank failure in this area in a long time. Oregon's law was crafted to mirror a similar law in the state of Washington, and it created a collateral pool to spread the risk of a public funds loss to all banks with public fund deposits.

In 2008, a Washington bank with public fund deposits failed. This provided a test of the system that was created in Oregon. As a result of the experience in Washington, SB 832 fine-tunes the Oregon collateralization law to improve the system and provide more security for the banks holding those public fund deposits.

SJM 12 Federal Tax Refund Intercept Legislation.

Urges Congress to enact tax refund intercept legislation permitting the States to obtain tax refunds of persons who owe court-ordered financial obligations.

County Governance

AOC Staff: Ann Hanus, Mike Eliason, Gil Riddell

This session resulted in bills that will provide more flexibility, revise antiquated laws, and resolve some specific issues for county governments. HB 2920 will set the stage for how counties and the state will deal with county-state partnerships during a time of severe fiscal distress. Changes to local budget law (SB 916) will revise outdated local budgeting law and include provisions for cost saving measures.

With the severe economic downturn, laws were passed to decrease risk and improve the security of public funds in depository institutions. Other bills will make it easier for counties to dissolve defunct county service districts and form radio and data districts and special districts. Clarifying the process for construction liens will reduce conflicts when dealing with disputes between homeowners and construction firms. Responding to public employee unions, the legislature passed HB 2867 requiring an analysis before the state and local governments may contract specific types of services.

A. Administration

HB 2920 Task Force on Effective and Cost-Efficient Service Provision

Effective Date: Chapter:

The Task Force on Effective and Cost-Efficient Service Provision will build on the recommendations of the Governor's Task Force on Federal Forest Payments and County Services and include key players involved with shared state-county services with regard to:

- Assessment and taxation
- Elections
- Human Services; and
- Criminal Justice

It will examine inter-governmental relationships and agreements, encourage effective fiscal planning for counties managing the phase-out of federal forest safety net payments and recommend appropriate state fiscal support to counties.

SB 77 Fiscal Distress Of County In Public Safety Services; Specifies Procedure For Declaration And Actions To Follow.

Effective Date: Chapter:

Establishes process for a county governing body or the Governor to declare a state of fiscal distress that compromises the ability of the county to provide a minimally adequate level of

public safety services. Directs Governor or county governing body to request review and analysis of public services in the county by the Oregon Criminal Justice Commission. Requires Commission to establish by rule minimal standards for public safety services. Specifies procedures for establishing a fiscal control board to develop a recovery plan for restoring minimal service level. Specifies membership of fiscal control board. Provides process for county governing body to accept or reject recovery plan recommended by the fiscal control board. Requires board to monitor progress of recovery plan. Directs board to issue termination of emergency recommendation when it concludes that minimally adequate public services have been restored. Provides that when Governor declares end to emergency, fiscal control board is dissolved.

[COUNTY GOVERNANCE; cross PUBLIC SAFETY]

SB 344 Change in County Surveyor Position

Effective Date: June 24, 2009 Chapter: 491 (2009 Laws)

Requires county surveyor to be appointed by the county governing body rather than elected, unless the county charter or a county ordinance specifies otherwise. The bill becomes applicable to county surveyor vacancies on or after January 1, 2010. Also, contains a provision allowing Multnomah County Sheriff Bob Skipper to avoid having to re-take a 16-week basic training course after coming out of retirement to become sheriff. *[Cross??]*

SB 916 Changes to Local Budget Law

Effective Date: January 1, 2010 Chapter: 477 (2009 Laws)

Current local government law is antiquated and contains out-dated, rigid provisions. Further, it does not provide for uniform collection of county financial summary data information necessary for the Legislature's SB 5520 project. SB 916 makes the following changes:

- Require that County budgets contain a summary of revenue and expenditures for major programs funded in part by state resources. This will result in more uniform county data collection necessary to highlight state-county partnerships and identify impacts to programs.
- Allow changes to fees to occur every six months rather than only once a year in order to respond to changing conditions subject to approval by the governing body.
- Include Post Office Box and Rural Route numbers as mailing options.
- Increase flexibility to transfer appropriation authority among funds.
- Remove the prohibition to transfer appropriations from any special revenue fund to the general fund or other special revenue fund.
- Increase the time period for repayment of an interfund loan from five to ten years.
- Apply the "reasonable person standard" to estimating revenues and expenditures during the budget preparation.

Local Governments and the Department of Revenue have also agreed to meet during the interim to develop more comprehensive changes to local budget law for the 2011 Legislative Session.

B. Public Contracting

HB 2867 Additional Standards for Public Agency Procurements

Effective Date: June 29, 2009 Chapter:

Requires a public agency to conduct a cost analysis when contracting out a personal service on a contract over \$250,000 to determine whether it would be more cost effective to perform the service in-house. Does not allow a public agency to contract out for the personal service if the sole reason conducting the procurement would be cheaper than performing the work with public employees is based on the wages and benefits paid to the contractor. Does not apply to public improvement contracts, client services (including mental health and human services, among others) or situations where the public agency does not have the staff available or expertise on staff necessary to perform the service.

HB 2953 Standards of Responsibility for Lowest Responsible Bidder

Effective Date: January 1, 2010

Chapter: 368 (2009 Laws)

Current statute requires a contracting agency, while determining the lowest responsible bidder, to determine whether the bidder has met the standards of responsibility. This bill expands the standards to include holding current licenses necessary to undertake or perform the work required in the contract, as well as show proof of being covered by workers' compensation insurance, liability insurance, and other insurance required in the solicitation documents.

HB 2955 Retainage in Public Improvement Contracts

Effective Date: January 1, 2010

Chapter:

Requires a contracting agency to accept general obligation bonds, irrevocable letters of credit, or other forms of financial security from a general contractor in lieu of moneys held as retainage in connection with public improvement contracts. However, an agency can make a finding that the alternative security offered poses extraordinary risk and withhold a percentage of the contract price instead.

SB 50 Deadlines for Notice of Claim on Public Contracts

Effective Date: May 26, 2009

Chapter: 160 (2009 Laws)

The deadline for filing notice of claim against construction bonds is tied into the last day of work for each individual worker on a project. BOLI frequently receives complaints where the previous 120-day filing deadline is imminent for some workers, but not for others. This bill extends the notice of claim filing deadline from 120 to 180 days, providing additional time for resolving complaints without filing claim notices on contractors' bonds, as well as filing more accurate claim notices when necessary.

SB 51 Elimination of Sunset on BOLI Prevailing Wage Fee

Effective Date: June 29, 2009

Chapter:

Eliminates the sunset on the BOLI prevailing wage fee paid by public agencies, keeping the fee at the current level of a \$250 minimum and \$7,500 maximum. Without the bill passing, the prevailing wage fee would have reverted to the pre-2007 level of \$100 minimum and \$250 maximum. Also maintains the current fee rate at .01% of the project.

SB 53 Changes Time Contracting Agency Pays Prevailing Wage Fee

Effective Date: May 26, 2009

Chapter: 161 (2009 Laws)

Changes the time at which a contracting agency must pay the required prevailing wage fee to BOLI from the time the agency enters into the contract to the time BOLI has been notified of the contract being awarded. Also removes the current requirement that reference to the required fee be included in a public works contract and specifies that contractors and subcontractors must pay all wages due on the regularly established payday.

SB 54 Certified Payroll Reports

Effective Date: January 1, 2010

Chapter: 7 (2009 Laws)

Modifies required language in weekly certified payroll reports for projects covered under Oregon's prevailing wage rate law from "actual wages paid" to "gross wages earned."

SB 55 Contractor Ineligibility for Falsifying Information

Effective Date: May 21, 2009 Chapter: 107 (2009 Laws)

Establishes that a contractor or subcontractor is ineligible to receive any public works contract or subcontract for three years for intentionally falsifying information in certified statements concerning payment of prevailing wages on a public works contract.

SB 894 Increasing Diversity in Highway Construction

Effective Date: June 29, 2009 Chapter:

Requires ODOT to use one-half of one percent of federal funds, up to \$1.5 million, to increase diversity and involvement of women and minorities in highway construction and requires a biennial report to the legislature.

C. Miscellaneous

HB 2434 Construction Contract Statute of Ultimate Repose

Effective Date: Chapter:

Decreases statute of ultimate repose for large commercial structures from ten years to six years. Exempts large commercial structures owned or maintained by homeowners association or associations of unit owners. Exempts state, local and special government bodies. Applies to causes of action on or after January 1, 2010.

HB 3254 Radio Communication Special Districts

Effective Date: Chapter:

Allows radio and data districts to be formed as special districts. Immediate impact on Umatilla and Morrow Counties to set up special district for emergency communication. Other counties can take advantage of legislation and form special districts for emergency communications. [*Cross Telecommunications and Elections*]

SB 344 Appointment of County Surveyor

Effective Date: June 24, 2009 Chapter: 491 (2009 Laws)

Unless an adopted county charter or ordinance provides otherwise, the governing body of a county shall appoint the county surveyor.

SB 560 Dissolution of County Service Districts

Effective Date: January 1, 2010 Chapter: 496 (2009 Laws)

Allows dissolution of county service districts without an election if the district is no longer necessary for its purpose.

SB 663 Filling Vacancy of Board of Directors of Irrigation District

Effective Date: January 1, 2010 Chapter: 282 (2009 Laws)

Changes the method for filling the vacancy on the board of directors of irrigation district. [*Cross Records and Elections*]

SB 915 Building Inspection Program/Civil Penalty Assessment

Effective Date: January 1, 2010 Chapter: 476 (2009 Laws)

Requires a municipality that administers building inspection program under state building code to assess a violation of program as civil penalty.

For the Judicial Branch, this session was characterized by two significant landmarks. The one of greatest importance to counties is that, for the first time, the Legislature has demonstrated in action its recognition that the problem of deteriorating court facilities is one shared by the state and counties together. In HB 5054, the legislature committed \$12 million to finance deferred maintenance projects in several county courthouses. The second landmark came in the form of a joint effort by the Judicial Department and key legislators to find a temporary revenue stream to offset potential cuts to courts budgets – without thereby hurting justice courts and county courts in the process. HB 2287 created surcharges on all filing fees and fines. It dedicated the state share of those revenues to backfill judicial functions, but also dedicated the local share to local treasuries.

Chapter

Extends to October current surcharges that would otherwise sunset in June. Establishes new surcharges and fees on offenses, increases filing fees, probation fees, probate accounting fees and other existing fees. Provides that surcharges collected in justice, county or municipal courts are retained in the treasuries of those jurisdictions. Sunsets surcharges and returns fees to their current levels in July 2011. Establishes Interim Committee on State Justice System Revenues to report to 2011 regular session of legislature.

Chapter:

This is the “Christmas Tree Bill” described periodically throughout this report. Section 56 of the bill appropriates approximately \$12 million to the Department of Administrative Services for court facilities. The appropriation is associated with the Federal Stimulus Package and includes deferred maintenance projects in the following counties: Coos, Marion, Polk, Umatilla, Columbia, Josephine, Lane, Jackson, Douglas, and Yamhill. Other projects may also be funded if those above come in under budget.

Chapter:

Allows Oregon Judicial Department (OJD) to enter into agreement with the federal government to intercept federal tax refunds to offset debt owed to OJD for past-due liquid and delinquent accounts for crime victim restitution, compensatory fines, other fines, costs and assessments.

Chapter: 484, (2009 Laws)

Authorizes Chief Justice to establish procedures for closing courts in emergencies. Provides that presiding judge of a circuit has similar authority. Allows Chief Justice to authorize courts to waive or suspend court fee added on a judgment and authorizes recovery of more of the costs associated with collecting judgments. Allows judge to waive sheriff's fee under ORS 21.410(1)(a) for service of process if judge finds party is unable to pay.

SB 311**Increase in Tort Claim Damage Limits**

Effective: July 1, 2009

Chapter: 67 (2009 Laws)

Increases the per claim damage limits recoverable under the Oregon Tort Claims Act (OTCA) from the current \$200,000 to \$1.5 million for the state of Oregon, and to \$500,000 for local governments. Increases the per occurrence damage limits under the OTCA from current \$500,000 to \$3 million for the state of Oregon, and to \$1 million for local governments. For counties, the per claim limit will be raised by \$33,333 for each year until 2015 and the per occurrence limit will be raised by \$66,666 for each year until 2015. Also increases all property damage limits from the current \$50,000 per claim to \$100,000 per claim, and \$500,000 per occurrence. Following 2015, the tort limits will rise yearly based on the Consumer Price Index, with a maximum cap of 3% per year.

In addition, the bill contains several other important provisions. The bill removes the distinction between economic and non-economic damages, and creates a Tort Claims Task Force to revisit the issue of tort liability of public bodies to convene in the year 2014. Also allows direct appeal to the Supreme Court for challenges to the constitutionality of the damage limits.

SB 609**Tax Court, Protective Orders of Confidentiality In.**

Effective Date: September 28, 2009

Chapter: 457 (2009 Laws)

Permits decisions of the magistrate involving orders to protect confidentiality of business records, tax returns, or documents containing trade secrets, to be appealed to the regular division of Tax Court. Permits the magistrate to stay the case on merits until the request for a protective order is resolved. Requires that certain appeals to the regular division of the Tax Court be expedited and determined within 90 days, unless the Tax Court determines that additional time is needed.

Economic Development
AOC Staff: Doris Penwell

Traditional economic development funding of services and programs had difficulties surviving during the 2009 session because of the severe reductions in available General Fund and Lottery dollars due to the economic downturn. Together with reduced funding from federal and local sources, counties and communities are left with stretching every dollar and putting on hold some popular programs. Legislative decisions included: a biennial cut to the already flat funding to counties from video lottery earnings, continued to fund half of the Governor's Economic Revitalization Team with counties' video lottery earnings, eliminated the 20-year old Regional Investment program, cut in half the Small Business Development Centers, moved money from the Special Public Works Fund corpus to cover other state government economic development program costs, etc. Also, a troublesome cut in the Business Energy Tax Credit level jeopardizes rural renewable energy production projects at a time when the projects are about the only positive note to a dim rural economic development picture.

There were also some major successes with saving programs and retooling others. The Urban Renewal program and the Historic Properties programs were both retooled to adapt to long-time

critics of excessive property tax abatements while maintaining incentives for development. The Oregon Solutions program at PSU was funded again, capable of helping many of our counties and communities with projects moving forward. **Of special note:** Two enterprise zone bills that faced opt out provisions and disallowed public bodies to possess confidential business records in enterprise zones (HB 2429) and statewide prevailing wage requirements for construction (HB 2699) failed in the final weeks, leaving local decision making authority intact for operations of the program.

HB 2067 **Assigns most income and corporate tax credits to a sunset date by 2016**

Effective Date: Chapter:
Assigns sunset dates for legislative review before 2012, 2014 and 2016. For economic development programs sunset dates include: (before January 1, 2012, Film Production Development Contributions, Long-term Rural Enterprise Zone, Electronic Commerce Enterprise Zone, Business Energy Facilities; before January 1, 2014, the Reservation Enterprise Zone Program).

HB 2152 **Reorganizes and renames Economic Development Dept. to Business Development Dept.**

Effective Date: Chapter:
Renames OECDD to Oregon Business Development Department and establishes an Infrastructure Finance Authority (with county representation) as a separate and distinct part of the agency; discontinues Regional Investment Boards and replaces it with a Local Economic Opportunity program, but with no funding identified in the current biennium.

HB 2180 **BETC Report on Cost Benefit and Need**

Effective Date: Chapter:
Requires that ODOE (in consultation with PUC and Oregon Business Development Dept.) prepare a report on the financial aspects of wind energy and conservation projects certified in the business energy tax credits to wind energy projects. Direct the study to include capital investments, federal and state tax incentives, revenues, costs, and return on investment. States that the purpose of the report is to determine the extent to which facilities depend on state incentives for initial and continued operation. Requires a report to the Legislature by February 1, 2011.

HB 2472 **Business Energy Tax Credit (BETC) Reductions for Larger Renewable Projects**

Effective Date: Chapter:
Reduces allowable Business Energy Tax Credits for large energy production projects (over 10 MH) from \$10 million to \$3.5 million maximum; increases electric vehicle manufacturing tax credit to \$20 million maximum; provides for other accountability measures by ODOE in certifying projects for the tax credit. The bill is being reviewed by AOC, private sector and Governor for possible veto because of technical issues and possible harm to further development of large wind and biomass projects in Oregon's rural counties.

HB 2809 **Allows Conversion of Urban Renewal Plan for The Dalles and Lake Oswego**

Effective Date: September 28, 2009 Chapter: 317 (2009 Laws)
Allows The Dalles and Lake Oswego to convert their urban renewal plans to a reduced rate plan so that the taxing districts can receive their property taxes from general obligation bonds and

local option levies, outside the urban renewal plans for years following the election of the urban renewal district. This reduces the cost to the taxpayers over time.

HB 2940

Biomass and Solid Waste Facilities in RPS

Effective Date:

Chapter:

Allows electricity generated from a biomass facility or a municipal solid waste facility that was operational before 1995, to comply with Oregon's renewable energy standard under certain conditions; allows ODOE to certify these facilities eligible for RECs after January 2011.

This bill is being considered for possible veto by the Governor because including these facilities lowers the amount of renewable energy needed to reach the goal by 2025.

HB 3056

Urban Renewal Reform

Effective Date:

Chapter:

Reforms Oregon's urban renewal program to: provide for limitation on maximum indebtedness, based on the size of an urban renewal district (small, medium and large) according to the amount of assessed value in the district that serves as the frozen base; provides a mechanism to recalculate the division of tax (or release of value by sharing a portion of the tax increment with overlapping taxing jurisdictions; limits substantial plan amendments increasing indebtedness by more than 20% of the original plan by requiring concurrence by all taxing jurisdictions (if less than 20% a consult-and-confer process is to be used); and provides a slightly different variation on these provisions for Multnomah County and the City of Portland due to the size of their district. New provisions apply to all new urban renewal plans and all substantial amendments to existing plans.

HB 3199

Program Changes and Allocations

Effective Date:

Chapter:

Among many program changes and changes to funding from other bills, authorizes the newly renamed OBDD to use \$10 million of Special Public Works Fund balances for other permitted department operations this biennium; reduces \$5 million biennial allocation to counties to be used for State purposes (from 2 ½ percent video lottery allocations to counties); allocates \$3,043,303 Lottery Funds for county fairs; allows Oregon Progress Board to accept contributions for operations and to enter into agreements with state agencies or nongovernmental entities to perform services.

HB 5008

Oregon Business Development Department Budget

Effective Date:

Chapter:

Authorizes OECDD, now Oregon Business Development Department, to receive lottery and general fund moneys and expend federal funds for their various business and infrastructure programs, as well as the Oregon Arts commission, the Film and Video Office and authorizes the Cultural Trust to expend moneys from contributions and license plate sales. Lottery Funds, which are the principal source of funding for the department programs, are not authorized in HB 5008, but in the Lottery Allocation bill (SB 5534). The bill approves a one-time fund shift of \$10 million from fund balances of the Special Public Works Fund and the Water Fund to be used for other purposes of the department. It also approves funding for specific Oregon Innovation Council initiative including: Oregon Nanoscience and Microtechnologies institute (\$5.6 million), Oregon Translational Research and Drug Development Institute (\$2.5 million), Built Environment and Sustainable Technologies Center (\$2.75 million), Oregon Wave Energy Trust (\$3 million), Northwest Food Processors Innovation Productivity Center (\$1.6 million), and Community Seafood Initiative (\$450,000).

HB 5054**Budget Reconciliation/Christmas Tree Bill**

Effective Date:

Chapter:

Economic development highlights: Allocates \$415,000 to Jefferson County Economic Development Fund; \$1.5 million Lottery Funds for Department of Forestry to acquire the Gilchrist Tract forest lands and other lands in Klamath County; increased expenditure authority for OECD infrastructure funding recapitalization; authorizes sale of \$3.6 million Lottery Bonds for grants for the Umatilla Basin critical ground water projects; Allocates \$10 million General Funds to ODOT for Senior and Disabled Transportation operating grants to counties, tribes and transit districts; allocates \$20 million to ODOT for grants for purchase of streetcars for communities.

SB 192**Historic Properties Special Property Tax Assessment Program**

Effective Date:

Chapter:

Reauthorizes an Historic Properties Special Tax Assessment program in Oregon by including: reducing the benefit to 10 years (from current 15) for residential and commercial restorations; provides special handling by counties for condominium development in historic structures to capture appropriately higher level of property taxes; allows an additional 10 years (from current 15) of program for commercial or residential restorations related to special investment requirements to maintain property; requires 10 percent investment of original market value by owner of any property to receive tax benefit in the initial or additional period, and allows local historic property bodies to disallow property tax benefits for second terms of residential properties.

SB 217**Historic Preservation Revolving Loan Fund for Public Education and Enforcement**

Effective Date: May 14, 2009

Chapter: 89 (2009 Laws)

Allows the Historic Preservation Revolving Loan Fund to be used for promoting cultural preservation public education and to pay for enforcement of cultural resource protection. Allows program to accept gifts and grants.

SB 589**Repeals 5-year limit for exemption from taxation of Indian Tribal Land**

Effective Date: September 28, 2009

Chapter: 453 (2009 Laws)

Repeals five-year time limit for exemption from property taxation of Indian tribal land if acquisition of the land by the US in trust status (or fee-to-trust conversion) has been requested or is still in process. Repeals sunset of such exemption for tax years beginning on or after 7/1/2012; applies to property tax years beginning on or after 7/1/08.

SB 621**Oregon Production Investment Fund Increase**

Effective Date:

Chapter:

Increases the annual cap on the amount of tax credits available for the Oregon Production Investment Fund from \$5 million to \$7.5 million to encourage more film production in Oregon. Clarifies the kind of film producer expenses eligible for reimbursement from the fund.

SB 726**Reservation Enterprise Zones Expanded**

Effective Date:

Chapter:

Authorizes nine recognized Oregon Indian Tribes to request Oregon Business Development Department to designate Reservation Enterprise Zones; authorizes eligible tribes to cosponsor Reservation Partnership Zones with cities, counties or ports. Makes Enterprise Zone exemptions

and tax credits available for non-Indian businesses in the zones. Eliminates median income and unemployment rate requirements for the zones.

SB 5505

Authorizes Bonding Allocations for Various State Agencies

Effective Date:

Chapter:

Limits the maximum amount of bonds and COPs to be issued by agencies, including a total of lottery revenue bonding limit for the State at \$274,300,000. Limits include: \$17,526,252 for OBDD infrastructure loan programs; \$100 million for Connect Oregon projects; \$11,271,656 for County Court Facilities infrastructure projects; \$7.8 million for FEMA projects at Tillamook; \$5 million for HB 2626 purposes; \$3,552,399 for the Coos Bay Railway project, \$3.5 million for water development projects and administration; \$2 million for Port of Morrow Education Center; \$2.6 million for Lane Transit's West Eugene EmX project; \$1 million for Pendleton Roundup; \$22,355,000 for Higher Ed and \$13,700,000 for Community College projects authorized elsewhere.

SB 5534

Lottery Allocations to Various State Agencies

Effective Date:

Chapter:

Allocates Lottery Funds to various agencies including \$2 million to the Governor's ERT, with one-half (\$1,023,139) from counties' video lottery funding; authorizes allocation of video lottery moneys to the counties, with a reduction of \$5 million from total net revenues—estimated distribution is \$34,087,557, less one-half of ERT funding; allocates funding for debt service on outstanding lottery revenue bonds including all transportation bonding, OBDD infrastructure loan programs, loan programs at Oregon Dept. of Energy, Coos Bay Railway project, and water development projects and for development at Water Resources Dept. of an integrated water resources strategy, the Port of Morrow Education Center, Lane Transit's West Eugene EmX project, infrastructure improvement at the Pendleton Roundup.

SB 5535

Authorizes issues of Lottery Revenue Bonds for Identified Projects

Effective Date:

Chapter:

Authorizes issuance of lottery bonds for identified projects, including those in agency budget bills and in SB 5505 and lottery allocations of SB 5534

Environment and Energy

AOC Staff: Emily Ackland, Ann Hanus

A. Energy and Sustainability

Summing up the energy related bills this session, one could say there was a whole lot of hope, even expectation, but little outcome. It was a surprise for many, given all the task forces working during the interim, to see legislation fail or become drastically amended. The aim of the original bills was to promote renewable energy, green jobs, and energy efficiency and to reduce carbon emissions. The most contentious climate change bill was SB 80. This was a Governor's bill that initially proposed the development of a cap and trade system in Oregon. After several hearings and amendments, the bill was gut and stuffed with language to require state agencies to develop

Sustainability Action Plans. With no funding available and looming federal action on cap and trade, SB 80 did not make it out of the Joint Committee on Natural Resources.

There were however, successes that will keep Oregon leading the nation in renewable energy and energy efficiency standards including HB 2626 which allows for a low cost mechanism to fund energy efficiency projects and SB 79 which adopts a voluntary reach code, separate from the state building code, that standardizes construction standards and methods for energy efficient buildings.

HB 2080 Gray Water Systems

Effective Date: June 12, 2009 Chapter: 248 (2009 Laws)

Modifies public policy regarding waters of state and subsurface sewage disposal systems. Defines "gray water" as waste water from baths, showers, bathroom and kitchen sinks, and laundry. Prohibits construction, installation or operation of a gray water reuse and disposal system without a permit from the Department of Environmental Quality. Directs the Environmental Quality Commission (EQC) to adopt rules for gray water reuse and disposal system permits.

HB 2186 Green House Gas Emissions

Effective Date: upon passage Chapter:

Directs Department of Environmental Quality to conduct study of medium-duty and heavy-duty trucks for purpose of reducing greenhouse gas emissions. Authorizes Environmental Quality Commission (EQC) to adopt requirements to prevent tampering, alteration, and modification of original design or performance of motor vehicle pollution control system. Authorizes EQC to adopt requirements for motor vehicle service providers to check and inflate tire pressure that does not apply if primary purpose of service is fueling and does not require provider to purchase equipment to check and inflate tire pressure. Authorizes EQC to adopt restrictions on engine use by parked commercial ships while at port and requirements that ports provide alternatives to engine use such as electric power. Provides that rules do not apply to farm vehicles, implements of husbandry, and logging trucks. Authorizes EQC to adopt Low Carbon Fuel Standard (LCFS). Requires EQC to provide exemptions and deferrals as necessary to mitigate costs of complying with LCFS.

HB 2472: see ECONOMIC DEVELOPMENT

HB 2626 Energy Loan Program

Effective Date: Chapter:

Directs the Director of State Department of Energy to administer energy efficiency and sustainable technology loan program for purpose of encouraging investments in energy efficiency, renewable energy and energy conservation. HB 2626 allows for a low cost mechanism to fund residential, local government, and small business energy efficiency projects. The State Department of Energy enter into agreements with trade associations and other public and private entities (including counties) for the promotion and marketing of the energy efficiency and sustainable technology loan program. A local government, nonprofit, for-profit, tribal or state entity may be a project manager if certain qualifications are met. Local governments may also direct moneys to the Energy Project Supplemental Fund or Loan Offset Grant Fund for use within a limited geographic area of the state as a source of capital for financing energy efficiency and sustainable technology loans, small scale local energy program loans or loan offset grants. Certification requirements for contractors are specified. Liens may be recorded for loans. Local governments may form local improvement districts to make loans to owners of qualifying properties for the purpose of cost-effective energy improvements to the properties. HB 2626 may be especially beneficial for some rural areas of Oregon that are outside the Energy Trust's service

area and help residents, businesses, and local governments in rural areas by providing easier access to funds for energy efficiency and conservation projects.

HB 2763 Procurement of Agricultural Goods

Effective Date: January 1, 2010 Chapter: 214 (2009 Laws)

Allows contracting agency that uses public funds to procure goods for public use to pay up to ten percent more than lowest bidder, for agricultural products produced and transported entirely within Oregon.

HB 2940: see ECONOMIC DEVELOPMENT

HB 3037 Architectural Paint Stewardship

Effective Date: On passage Chapter:

Creates an architectural paint stewardship pilot program that would allow paint manufacturers to: (1) Establish an environmentally sound and cost-effective architectural paint stewardship program; (2) Undertake responsibility for the development and implementation of strategies to reduce the generation of post-consumer architectural paint; (3) Promote the reuse of post-consumer architectural paint; and (4) Collect, transport and process post-consumer architectural paint for end-of-product-life management.

HB 5013 Department of Energy Budget

Effective Date: Chapter:

There are still modifications being made to this budget due to provisions in the Christmas Tree bill. The department will receive an increase in Federal Funds as a result of the American Recovery and Reinvestment Act of 2009 (ARRA). The department is to receive two grants under the ARRA, \$42.2 million for the State Energy Program (SEP) and \$9.6 million for the Energy Efficiency and Conservation Block Grant Program (EECBG).

HJM 11 Carbon Sequestration Revenues

Urges President and Congress to ensure that revenues realized from carbon sequestration projects on federal lands are shared with state and county governments.

SB 79 Creates a Task Force on Energy Performance Scores

Effective Date: January 1, 2010 Chapter:

Requires the Task Force on Energy Performance Scores to develop recommendations regarding a voluntary energy performance scoring system for new and existing commercial and residential buildings. Requires the Task Force to make recommendations regarding the implementation of a statewide mandatory energy performance scoring system for new and existing commercial and residential buildings. Requires that the Director of the Department of Consumer and Business Services (DCBS) adopt, amend, and administer a reach code separate from the state building code. The measure defines "reach code" as a set of statewide optional construction standards and methods that are economically and technically feasible. Requires a municipality administering and enforcing a building inspection program to recognize and accept the standard, method, installation, product, equipment, or device if a person applies it to the construction, reconstruction, alteration, or repair of a building in conformance with the reach code. The measure requires the Director of DCBS, to adopt rules establishing uniform energy conservation standards for inclusion under the state building code.

SB 942 Oregon Climate Corps

Effective Date: January 1, 2010 Chapter: 480 (2009 Laws)

Requires University of Oregon to implement Oregon Climate Corps through University of Oregon Institute for Sustainable Environment Climate Masters program to extent funds are available.

B. Roads and Public Works

The session started out with bills that would pose challenges to county road departments. The Oregon Association of County Engineers and Surveyors took a stance to oppose changes that would expand the Removal/Fill Law definition of "intermittent stream" and an unfunded expansion of the ODA pesticide use reporting requirements.

Overall, changes to environmental laws resulting from this session will have minimal impact on county road departments. However, it is certain that legislation on greenhouse gas reductions will be present next session and will require the attention of county road and public works departments. Public Works Departments may expect a drop in service levels from the DEQ stormwater programs and hazardous waste programs due to general fund budget cuts. Overall program service levels from the Department of State Lands will not change since their budget was not impacted by General Fund reductions.

HB 2155 Department of State Lands Removal-Fill Rules

Effective Date: January 1, 2010 Chapter: 342 (2009 Laws)

Authorizes Department of State Lands (DSL) to assess a one-time fee for removal or fill permits valid over a period of more than one year. Authorizes DSL to adopt rule exempting from permit requirements voluntary habitat restoration projects. Clarifies definition of "converted wetlands." Clarifies exemption from removal-fill permits for agricultural lands.

HB 2185 DEQ 401 Certification Fees

Effective Date: Chapter:

Directs Environmental Quality Commission (EQC) to establish fees for state certification (401 certification) under Federal Water Pollution Control Act. Deletes existing exemptions from fees for 401 certification applications for certain activities. Directs the EQC to establish schedule of fees for 401 certification based on specified criteria.

HB 2999 Pesticide Use Reporting

Effective Date: upon passage Chapter:

Changes requirement for information on location of pesticide use from identification of third level hydrologic unit to fourth level hydrologic unit. Authorizes Department of Agriculture (ODA) to allow, by rule, for pesticide use on a utility or transportation right of way, a report on location of use by identifying fourth level hydrologic unit or by identifying right of way name and beginning and ending point of global positioning system coordinates or milepost numbers. Applies changes to pesticide use location information requirements on pesticide use that occurs on or after January 1, 2013. Extends sunset of reporting program to June 30, 2019. Prohibits ODA from expending moneys or department resources for purposes of operating or maintaining a pesticide use reporting system from October 1, 2009 until June 30, 2011.

SB 5521 Department of Environmental Quality Budget

Effective Date: July 1, 2009 Chapter: 648 (2009 Laws)

Appropriates moneys from the General Fund, the following amounts for the

following purposes: (1) Air quality - \$7,931,303 (20.9% reduction from 07-09) (2) Water quality - \$19,794,969 (4.6% reduction) (3) Land quality - \$1,048,787 (56% decrease; this program is mostly funded by fees) (4) Cross program - \$680,845 (reduced by \$169,000) (5) Debt service- \$4,592,353.

Aside from General Fund and Federal Funds, the department has a number of Other Funds revenue sources, mainly permit fees, as well as loan proceeds and charges for services. Fee increases in on-site septic, solid waste and composting fees are included. It also receives Measure 66 operating funds from the Oregon Watershed Enhancement Board. Lottery Funds for the agency are 7.2% greater than the 2007-09 biennium.

SB 5542

Department of State Lands Budget

Effective Date:

Chapter:

General Fund moneys for the Natural Heritage Program and economic revitalization team functions was eliminated. The programs will now be funded by the Common School Fund. Other Fund revenues provide most of the funding and some timber sales, land leases and sales, fees, donations and investment income from the Common School Fund. Other Fund revenue in the 2009-11 biennium also includes the remaining balance from the legal settlement following the wreck of the ship New Carissa. Federal Funds from grants and federal partners support the South Slough and some support for wetland projects.

Ethics

AOC Staff: Paul Snider

At the start of the legislative session, the Chair of the Senate Rules Committee and the Chair of the House Rules Committee agreed on the division of major workload: The Senate would deal first with ethics and the House would deal first with the initiative process. That agreement meant that Senator Devlin, who had spent a large part of his time during the interim hearing from local government officials about the problems with the 2007 ethics revisions would get first crack at reforming those same ethics laws. It saved local governments some time and trouble having to explain those problems. Although SB 30 took a little longer to come out of the Senate Rules Committee than first anticipated, the wait proved worthwhile. The bill included a number of welcome changes for county and city officials. It became the landmark ethics bill of the session.

HB 2518

Ethics Changes: Teachers Trips; Conferences; Contracts

Effective Date:

Chapter:

For ethics law purposes, exempts from definition of "gift" sums paid to school employees for expenses when accompanying students on educational trips. Adds "conference" to list of meetings which public official can attend that is excluded from gift limits. Adds program materials to list of materials excluded from definition of gift. Removes "domestic partner" from definition of "relative" for purposes of disclosure of potential conflicts. Changes prohibition on participation in contracts from two years after person held position to two years after authorization of the contract.

SB 30

Ethics Reform

Effective Date: April 15, 2009

Chapter: 68 (2009 Laws)

Substantive Changes:

- 1) Removes the ban on "entertainment"; treats entertainment like other gifts, subject to the \$50 limit.
- 2) Makes gift limits apply to sources with a legislative or administrative interest in the public official, not the public agency.
- 3) Clarifies that "legislative or administrative interest" lies in a "decision or vote" of the public official.
- 4) Makes clear that gift limits don't apply to gifts from private employment or volunteer work of the public official or relative when given as part of the usual and customary practice of that business, and bears no relationship to the official's holding of public office.
- 5) Changes the definition of "public official" slightly, by taking out the "or otherwise" language in the definition (whatever that meant/means).
- 6) Admission, cost of food and beverage consumed by a public official or member of household or staff accompanying the public official, at a public reception, meal or meeting held by an organization is no longer within the definition of "gift" when the public official is representing his/her governmental entity.
- 7) Defines "candidates", and makes their obligations similar to sitting public officials.

Process Changes:

- 1) Eliminates quarterly reporting requirements.
- 2) Removes requirement to list names of relatives and household members on Statements of Economic Interest (SEI's).
- 3) Increases number of public officials required to file SEI's.
- 4) Prohibits the Ethics Commission from disclosing names of any relatives or members of household provided from 1/1/08 until 1/1/10.
- 5) Prohibits the Ethics Commission from imposing a penalty (other than "letter of reprimand, explanation or education") on an official who relied in good faith on a staff advisory opinion, and prohibits any penalty for good faith action in reliance on the Ethics Commission Manual (the Manual and updates must now be approved by a majority of the Commission).

Effective Date:

The Act was passed with an Emergency Clause, but almost all amendments don't become effective until January 1, 2010.

SB 85

Ethics Commission – Confidential Information

Effective Date: May 26, 2009

Chapter: 163 (2009 Laws)

Requires Oregon Government Ethics Commission to keep confidential all information considered before approving a motion to proceed on its own motion. Under current law, the commission is required to keep confidential all information considered before proceeding on a complaint. This measure imposes the same requirement when the commission investigates without a complaint.

SB 577

Ethics Law Challenge-Expedited Appeal

Effective Date: June 16, 2009

Chapter: 277 (2009 Laws)

Requires constitutional challenges to government ethics provisions of SB 10 (2007) to be appealed directly to Supreme Court. Requires Court to expedite review.

Human Services

AOC Staff: Morgan Cowling

The 2009 Legislative Session was one of the most interesting in recent years in the area of human services. While there were huge state general fund shortfalls, the American Recovery and Reinvestment Act of 2009 helped protect human services budgets. Legislators on the Joint Ways and Means subcommittee on Human Services made a commitment to preserve the infrastructure in human services programs so that when the economy begins to rebound, programs will be available in which to re-invest.

Much of the session was focused on health care reform in HB 2009 and the Oregon Health Plan expansion in HB 2116. HB 2009 and HB 2116 were debated most of the session and were a couple of the highlights of the legislative session. HB 2009 will move the health care reform effort forward with the creation of the Oregon Health Policy Board, which will live within the Department of Human Services for the next two years, and then become a separate stand alone agency focused on health after that. It also contains many other provisions that will move health care forward with the development of an insurance exchange; developing a plan for accessible, affordable health care for all Oregonians; and insurance industry cost containment measures.

HB 2116 contained the provider tax and an insurance premium tax to fund the expansion of the Oregon Health Plan to an additional 35,000 people and to 95 percent of all Oregon children. HB 2116 also contained funding to expand School-based Health Centers and funding for community health centers.

A. General Budgets

While programs were retained there were budget cuts that will impact important programs such as drug and alcohol prevention, supported employment and the safe drinking water program. However, of the \$3.9 billion in American Recovery and Reinvestment Act of 2009 funding to Oregon, \$541.9 million was used to offset the General Fund with limited enhanced federal match for Medicaid. These funds were instrumental in keeping the human services safety net infrastructure intact. Many budgets in the human services area took some cuts, most significantly the Commission on Children and Families, however, the legislature was very deliberate in trying to preserve the infrastructure of the programs while directing the agencies to look at delivering the programs more efficiently.

HB 5004

State Commission on Children and Families

Effective Date:

Chapter:

HB 5004 includes an 18.2 percent general fund reduction for the agency. All of the program initiatives were preserved, although some at a much reduced level. The State Commission on Children and Families put together an inclusive Budget Work Group (BWG) of local commissions of different sizes and representatives of programs to make recommendations for budget reductions. The Co-Chairs followed very closely, but not exactly, their recommendations. Notable aspects of this budget include:

- Court Appointed Special Advocates (CASA) and Relief Nurseries were held harmless and had no reductions;
- Healthy Start was reduced by almost 22 percent;
- Juvenile Crime Prevention to Counties/Tribes was reduced by 20 percent;
- Basic Capacity funding to Counties/Tribes was reduced by 20 percent; and
- Total reduction of \$3.8 million Child Care and Development funds that have been transferred from the Employment Department. These funds will be redirected to DHS to support Employment Related Day Care.

There were two budget notes on HB 5004:

1. Healthy Start Restructuring

The State Commission on Children and Families is to work with local commissions and agency partners to review how Healthy Start services can be delivered more effectively and at a lower cost across the state. Options should include, but are not limited to, consolidating delivery at the local level through relief nurseries or other community partners, multi-county operations, State Commission program administration, increased focus on at-risk families and service cost caps for Healthy Start families. The Commission is to report to the Emergency Board before January 1, 2010 on this review, any changes proposed or implemented as a result of the review, any expected administrative savings, and the number of Healthy Start families expected to be served within the 2009-11 program funding allocations.

2. Oregon Commission System Review

The State Commission on Children and Families is directed to work with local commissions on children and families, its state agency partners, other community stakeholders, and representatives of the Senate, the House of Representatives and the Governor's Office, to review its statutory responsibilities, organizational structure, and potential service and administrative efficiencies at both the state and local level ("shared services"). The Commission is to report back to the Legislative Assembly during the 2010 legislative session on this review and its recommendations.

HB 5048

Oregon Department of Veterans' Affairs

Effective Date:

Chapter:

The Oregon Department of Veterans' Affairs (ODVA) budget bill, HB 5548 includes pass-through funding for the County Veteran Service Officers (CVSOs). The Essential Budget Level for CVSOs was reduced by 5.8 percent general fund for a total statewide reduction of \$210,118. [See HB 5054 – which restored the 5.8 percent general fund reduction taken in this budget.]

Also in this bill is funding for five Campus Veteran Service Officers to be placed on college and university campuses. This new program was established by HB 2178, which also passed the Joint Committee on Ways and Means. The Department and the Governor's office have both testified that there will be close communication and coordination with the County Veteran

Service Officers to ensure there aren't duplication of services in communities with college or university campuses.

Funding for this new program came from the elimination of unfilled positions within the Department and one-time funds from the War Veterans Home Loan Program. It is also important to note that these positions are limited duration for a two year test period and the Department will report back to the legislature next session on the success of the Campus Program.

HB 5054 End of Session Bill

Effective Date: Chapter:

The "Christmas Tree" bill, HB 5054, allocates end of session balances between important programs, in addition to the amounts mentioned previously in this report. The human services aspects of HB 5054 are:

- An additional \$3.2 million for Oregon Project Independence;
- An additional \$210,118 for County Veteran Service Officers;
- \$10 million General Fund for Senior and Disabled Transit;
- \$85,540 to fund media campaign for veterans.

SB 5529 Department of Human Services Budget

Effective Date: Chapter:

SB 5529, the Department of Human Services budget bill, contains the pass-through and program funding for many state-county shared services. Highlights of DHS budget reductions and investments, organized by division, include:

Public Health Division:

The Public Health Division was funded at \$513 million total funds, slightly less (.02 percent) than the reshoot Essential Budget Level. Only \$49.6 million of the total funds are general funds.

- Babies First! funding will continue at the 2007-09 funding allocation level;
- There will be reductions to the Other Funds budget for the Tobacco Prevention and Education Program (TPEP) based on the May Office of Economic Analysis forecast;
- \$400,000 reduction in communicable disease testing;
- The Safe Drinking Water program was reduced by \$500,000 for the biennium;
- Additional funding for School-based Health Centers of \$1.4 million (funded with taxes raised in HB 2116);
- Community Health Center Grants for vulnerable and underserved children of \$5 million; and
- Funding for State Support for Public Health will be continued at the 2007-09 level.

Addiction and Mental Health Division

The Addictions and Mental Health Division was funded with \$945.9 million total funds, 1.1 percent higher than the reshoot Essential Budget Level (EBL). General Fund in the budget was 3.2 percent higher than the 2009-11 reshoot EBL. Much of the increase in General Fund was a result of funding for the Oregon State Hospital increased staffing. This excerpt from the budget report sums up the changes:

"Because of limited resources, the Subcommittee did increase Oregon State Hospital staffing levels for the 2009-11 biennium and, for the most part, maintained (but could not increase) community-based mental health services. As a result, the Subcommittee approved funding for two policy option packages for the Oregon State Hospital (POPs 188 and 198) for a total of \$35.2 million General Fund, \$36.1 million total funds, and 527 positions (280,69 FTE)."

Other changes worth mentioning include:

- Almost \$2.3 million in alcohol and drug prevention funding was reduced, in effect eliminating all general fund support for the program;
- Cost of Living Allowances were not included in any part of the DHS budget;
- Supported employment was reduced by \$1 million; and
- Problem gambling and treatment was reduced by 15 percent, or \$2.1 million.

The Addictions and Mental Health (AMH) Division budget included two budget notes:

1. Integration Demonstration Projects

The Department of Human Services is directed to implement two or three demonstration projects with willing Local Mental Health Authorities, Mental Health Organizations, Fully Capitated Health Plans, Federally Qualified Health Clinics and mental health, addiction and health care providers in the communities, to develop an integrated management and service delivery system including physical health and addictions and mental health treatment and recovery services, by June 30, 2011. DHS shall report on the progress on implementing these demonstration projects at the last scheduled Emergency Board or Joint Committee on Ways and Means meeting prior to the 2011 Legislative Session.

2. Regional Acute Care Funding Distribution

Department of Human Services Addictions and Mental Health Division is directed to work with local mental health authorities and stakeholders to develop an equitable formula and distribution method for Regional Acute Psychiatric Inpatient Treatment funds for all Oregon Counties. DHS shall report to the Emergency Board or Joint Committee on Ways and Means by February 2010 on this new method and include a cost estimate for implementation.

Seniors and People with Disabilities Division

The Subcommittee approved a General Fund budget of \$949 million, a total funds budget of \$3.3 billion and 2,069 positions for the Seniors and People with Disabilities Division (SPD). The approved budget includes the adjustments requested in the DHS reshoot for caseloads, costs and revenue changes.

- Almost \$5 million of general funds were added to Oregon Project Independence (OPI) to bring the total funds to \$10 million (see also HB 5054);
- Reductions of \$6 million in the Developmentally Disabled Family Support Program; and
- Hiring freeze for Transfer AAA Aged and Physically Disabled field structure

The SPD Budget also included a budget note regarding OPI:

Oregon Project Independence

The Seniors and People with Disabilities Division is to work with its local offices, Area Agencies on Aging, and other program stakeholders to review how Oregon Project Independence services, given the limited funds available, can be delivered more effectively as part of Oregon's long-term care system. The agency is to report to the appropriate interim policy committees, before January 1, 2010 on this review, any changes proposed or implemented as a result of the review, any potential administrative

savings, and the number of persons expected to be served in the Oregon Project Independence program within the 2009-11 program funding allocation.

SB 5530

Department of Human Services Fee Bill

Effective Date:

Chapter

Approves certain new or increased fees adopted by Department of Human Services.

SB 5537

Office of Private Health Partnerships

Effective Date:

Chapter:

The Office of Private Health Partnerships currently administers the Family Health Insurance Assistance Program, which provides health insurance premium subsidies to low-income families and individuals. This budget includes \$22.6 million in Other Funds – premium tax established by HB 2116 for the Kids Connect portion of the Health Care for All Oregon Children. Kids Connect will provide insurance premium subsidies for children whose parents make between 200 – 300 percent of poverty.

B. Health Care Reform

HB 2009

Health Care Reform

Effective Date:

Chapter

The following description of HB 2009 was taken from the Staff Measure Summary (SMS) produced by the Legislative Fiscal Office:

HB 2009 makes four major changes to Oregon state governance of health care.

First, the measure establishes the Oregon Health Policy Board, a nine-member panel appointed by the Governor to oversee the development and implementation of health care policy in Oregon. The Board is to develop a plan for the Legislature by December 31, 2010 to provide and fund access to affordable health care for all Oregonians by 2015. In addition, the Board is to establish and continuously refine statewide health care quality standards; establish evidence based clinical standards, establish cost containment mechanisms to reduce health care costs; and to ensure Oregon's health care workforce is sufficient in numbers and training to meet demand for health care. The Board will carry out these duties through the Oregon Health Authority. A variety of state governmental agencies will move under the Board's jurisdiction, including the Division of Medical Assistance Programs, the Addictions and Mental Health Division and the Public Health Division within the existing Department of Human Services; the Oregon Medical Insurance Pool within the Department of Consumer and Business Services; the Office of Private Health Partnerships; and the Public Employees' Benefit Board and the Oregon Educators Benefit Board. The transfer of these agencies to the Board's jurisdiction must be completed by June 30, 2011, and the Governor's budget for 2009-11 must reflect the implementation of this transfer. The measure eliminates the Oregon Health Fund Board and the Oregon Health Policy Commission.

Second, HB 2009 directs the Oregon Health Policy Board to begin to implement (through the Oregon Health Authority) a variety of specific health care reform initiatives that will hopefully reduce health care costs and improve the quality of health care. These include the establishment and operation of a statewide Physician Orders for Life Sustaining Treatment registry; the creation of a Health Information Technology Oversight Council to promote the use of electronic health records and data exchange; the creation of the

Statewide Health Improvement Program to prevent chronic disease and reduce the utilization of expensive and invasive acute treatments; the establishment of a Healthcare Workforce database; and, the development of evidence-based health care guidelines for use by health care providers, consumers, and purchasers of health care in Oregon.

Third, the measure attempts to strengthen requirements for the collection of health market data including insurance company data, capital project investment data of certain health care providers, health care data for the purposes of determining the distribution of resources allocated to health care, identifying the demands for health care, evaluating the effectiveness of intervention programs, comparing the costs and effectiveness of various treatment settings, improving the quality and affordability of health care, and evaluating health disparities—including those related to race and ethnicity.

Fourth, HB 2009 (C-Engrossed) includes several sections that contain directives to the director of the Department of Consumer and Business Services concerning premium rate filings submitted by insurers who provide health coverage for individuals or small businesses. The director, is for example, required to open a 30-day public comment period on the rate filing; the director is to give written notice to an insurer approving or disapproving a rate filing; an insurer licensed by DCBS must include in the rate filing a statement of administrative expenses in a form prescribed by DCBS by rule; the director may, after conducting an actuarial review of the rate filing, approve a proposed premium rate for a health benefit plan for small employers or individuals if certain criteria are met.

AOC will continue to work with the Department of Human Services as the creation of the Oregon Health Authority proceeds. Also, one of the early iterations of HB 2009 included the creation of an insurance exchange into which *all* public purchasers of health care were added. While this section of the bill was removed, the bill does create a Health Benefit Purchasers Committee, on which counties and cities have a seat. It will be important to continue to work with this committee and the Oregon Health Authority as this agency develops and continues to put forward health reform initiatives to the legislature.

HB 2116 Oregon Health Plan Expansion

Effective Date: Chapter:

The following description of HB 2116 was taken from the Staff Measure Summary (SMS) produced by the Legislative Fiscal Office:

HB 2116 establishes two assessments: a one percent health insurance premium assessment on a specified group of health insurers, Medicaid managed care plans, and the Public Employee Benefit Board; and, an assessment on hospitals that are paid by Medicare under a diagnostic related grouping (DRG) reimbursement mechanism. In addition, the measure establishes the Health Care for All Oregon Children program. The health insurance premium assessment is paid into a newly created Health System Fund which is continuously appropriated to the Department of Human Services to implement the Health Care for All Oregon Children program. The Hospital assessment is paid into an existing fund, the Hospital Quality Assurance Fund, and proceeds from the assessment are primarily to be used to fund the Oregon Health Plan Standard program. The premium assessment is expected to provide funding for nearly 80,000 children during the 2009-11 biennium; the hospital assessment will allow the OHP Standard program to double from an average monthly caseload of approximately 25,000 low-income adults to 50,000 during the 2009-11 biennium. Both assessments end on September 30, 2013.

SB 936**Oregon Health Authority Process**

Effective Date:

Chapter:

SB 936 clarifies that the existing agencies which currently administer these programs shall continue to pay costs for the 2009-11 biennium for functions that have been transferred to the Authority. When the Oregon Health Authority is fully prepared to manage these programs, the Legislature can provide a budget and the Authority, can, itself, begin to pay program costs.

C. Mental Health, Drug and Alcohol Addictions and Developmental Disabilities

Community mental health was an important topic this legislative session. The majority of the session was spent working with the Ways and Means subcommittee on Human Services Co-Chairs on a proposal for mental health and physical health integration pilot projects. The product of this work is contained in a budget note on the DHS budget.

It is important to note that while legislative leadership prioritized raising revenue, the beer tax (HB 2461) was left on the table, as it has been since the last time it was raised 33 years ago. Late in the session there was some movement to try and resurrect the beer tax in a scaled back compromise. SB 768, which would have removed the preemption on local governments for a beer tax, was supported by the AOC, (intended as a back up plan if HB 2461 did not pass) but did not receive a hearing as proponents worked all session on the beer tax.

There were two other bills that AOC and AOCMHP worked hard to defeat: HB 2989 and HB 2736 would have allowed DHS to contract directly with mental health and addictions providers, further fracturing the community mental health and addictions system. Neither of these bills was scheduled for hearings on their content.

HB 2052**Psychiatric Security Review Board Siting Process**

Effective Date: January 1, 2010

Chapter: Chapter 121 (2009 Laws)

This bill requires a governmental entity establishing specified facilities to obtain advice from subcommittee of local public safety coordinating council. *[Cross Public Safety]*

HB 3353**Alcohol and Drug Policy Commission**

Effective Date:

Chapter:

The Alcohol and Drug Policy Commission is created in this bill to replace the Governor's Council on Alcohol and Drug Abuse Programs. This Alcohol and Drug Commission will have sixteen members appointed by the Governor (subject to confirmation by the Senate) including county representatives – a District Attorney, County Sheriff and a County Commissioner – and members from the treatment and prevention areas. The goal of this Commission is to bring together the public safety and drug and alcohol treatment communities in a more meaningful way than the Governor's Council to identify ways to fund and deliver prevention, treatment and recovery.

SB 37**Rural Health Clinics Payment**

Effective Date:

Chapter:

This bill requires the Department of Human Services to ensure that rural health clinics receive full reimbursement within 45 days for health services provided to persons enrolled in prepaid managed care health services organizations.

SB 165**Developmental Disabilities**

Effective Date: January 1, 2010

Chapter: 45, (2009 Laws)

SB 165 requires Department of Human Services to provide or to contract for mental retardation and developmental disabilities services if community mental health and developmental

disabilities program declines to offer services or to contract for services. This bill came as a result of the Governor's Task Force on Federal Timber Payments.

SB 275 Inmate Medical Assistance Upon Release

Effective Date: June 18, 2009

Chapter: 414 (2009 Laws)

SB 275 allows inmates with serious mental illness residing in public institutions to apply for medical assistance between 90-120 days prior to expected date of release and receive medical assistance upon release.

SB 529 PSRB Liaison

Effective Date: January 1, 2010

Chapter: 475 (2009 Laws)

This bill directs the Department of Human Services to establish a position to act as liaison between the department and communities that may become sites of certain housing facilities.

SB 911 PSRB

Effective Date: January 1, 2009

Chapter: 475 (2009 Laws)

This bill requires the Department of Human Services to adopt rules applicable to secure community facilities housing persons under the jurisdiction of the Psychiatric Security Review Board.

D. Public Health

Local public health did not receive that much direct attention this legislative session. There were, however, a number of bills aimed at limiting the accessibility, and increasing the cost, of tobacco products. For example, HB 2122 would have increased the tobacco tax and appropriated a portion to local public health departments; HB 2616 would have removed the preemption on local governments' ability to enact a local tobacco tax; and HB 2358 would have banned all sampling of smokeless tobacco products in Oregon.

The swine flu pandemic gave additional attention to the work that was being done locally in our public health departments and probably helped preserve public health funding in a way that no amount of advocacy could.

HB 2133 Eliminates cap on Public Health Laboratory Fees

Effective Date: January 1, 2010

Chapter: 200 (2009 Laws)

Eliminates statutory cap on fees charged for certain tests performed by state public health laboratory.

HB 2672 Moist Snuff

Effective Date:

Chapter

HB 2672 increases the rate of tax on distribution of moist snuff. This bill will raise roughly \$5 million in the 2009-11 biennium which will be allocated as other tobacco products are currently allocated: the Oregon Health Plan, the state General Fund and the Tobacco Use Reduction Account.

HB 2726 Menu Labeling

Effective Date: June 17, 2009

Chapter: 314 (2009 Laws)

HB 2726 requires chain restaurants to make certain nutritional information regarding menu items offered by restaurant available to customers. This bill also includes a strong preemption on local governments. The bill states, "A local government may not adopt or enforce a local requirement for the determination or disclosure of nutritional information by a restaurant."

SB 159**Communicable Disease Reporting and Inspecting**

Effective Date: June 16, 2009

Chapter: 268 (2009 Laws)

Authorizes certain public officials to inspect and obtain information pertinent to investigation of communicable disease. This bill clarifies Oregon Revised Statute as to who, when and how investigations of communicable disease can happen.

E. Veterans

There was quite a bit of attention around Veterans issues this legislative session. The Governor's office put together a Task Force on Veterans Services that proposed 39 recommendations to the 2009 legislature. In addition to the task force recommendations there were also proposals, such as HB 2926 which would have required every county to have a County Veteran Services Officer. While all of Oregon is currently covered by County Veteran Services Officers there was a concern about the mandate contained in the bill as introduced.

HB 2178**Campus Veterans' Service Officers Program**

Effective Date:

Chapter:

HB 2178 creates Campus Veterans' Service Officers Program in Department of Veterans' Affairs. HB 5048 provided funding for five positions to be placed on community college and university campuses on a limited-time basis. This program will act as a pilot program and will be evaluated at the end of the biennium.

HB 2718**Task Force on Women Veteran's Health Care**

Effective Date:

Chapter:

This bill creates a Task Force on Women Veterans' Health Care. This task force membership is comprised of people who are knowledgeable about health care and mental health issues. The task force is charged with consulting with federal, state and local entities including the Association of Oregon Counties and the County Veteran Services Officers Association.

HB 3104**Veterans Outreach**

Effective Date:

Chapter:

HB 3104 directs the Oregon Department of Veterans' Affairs (ODVA) to establish a website that allows members of the public to request information about veterans' benefits and services. ODVA will provide counties with post cards that they can use to collect information on Veterans to help ensure that veterans and their spouses are receiving the federal funds for which they qualify. This measure is intended to bring federal funds into our communities.

SB 98**Veterans Transportation Task Force**

Effective Date: May 26, 2009

Chapter: 167 (2009 Laws)

Creates Task Force on Veterans Transportation.

SB 700**Veterans Reintegration Task Force**

Effective Date:

Chapter:

This nine member task force on Veterans Reintegration will develop and design continuing regional veterans' reintegration programs. In developing these programs they will consult with federal, state, county and local entities, including but not limited to the Association of Oregon Counties and the County Veterans' Service Officers Association.

F. Seniors

There were quite a few bills introduced on behalf of the Oregon Association of Area Agencies on Aging to fund Oregon Project Independence. Most of these bills ended up in Ways and Means to die, including HB 2069, which would have increased the age requirement for taxpayers to take medical expense deductions.

HB 2123 Workload Staffing for Seniors and People with Disabilities

Effective Date:

Chapter:

HB 2123 requires the Department of Human Services to report to all relevant committees of the Legislative Assembly on staff workload and staffing needs.

SB 162 Protecting Seniors Confidential Information

Effective Date: January 1, 2010

Chapter: 44 (2009 Laws)

This bill prohibits the Department of Human Services and area agency on aging from disclosing confidential or protected information when providing public access to adult foster home complaint investigation report or findings.

SB 646 Seniors Budget Development

Effective Date: January 1, 2010

Chapter: 460 (2009 Laws)

SB 646 requires the Department of Human Services to determine and submit to the Oregon Department of Administrative Services budget level for type B area agencies calculated at 95 percent of costs to Department of Human Services if clients were served by Department of Human Services.

G. Children and Families

HB 2144 Children's Wraparound Initiative

Effective Date:

Chapter:

HB 2144 requires specified state agencies and commissions to participate in wraparound initiative for provision of youth services. For the past two years state agencies and local community mental health programs have been working on the children's wraparound initiative on a limited basis by Governor's Executive Order. This bill puts the Governor's Executive Order in law.

HB 2442 Establishes Quality Care Fund

Effective Date:

Chapter:

HB 2442 establishes the Quality Care Fund. Continuously appropriates moneys in fund to Department of Human Services for training, technical assistance, quality improvement initiatives and licensing activities to ensure that high standards for quality of care are met in accordance with rules adopted by the department. Modifies definitions related to abuse of elderly persons and persons with mental illness or developmental disabilities. HB 2442 requires the department or designee of the department to investigate reports of abuse of specified persons. It also establishes timelines for communications between department, law enforcement and district attorney concerning reports of abuse of adults. District attorneys are to establish a multidisciplinary team for developing protocol related to investigating and notifying persons of procedures related to abuse of adults. Declares emergency.

H. Other Human Service Issues

SB 200

Homelessness

Effective Date: January 1, 2010 Chapter: 407 (2009 Laws)
This bill establishes a state policy regarding homelessness.

=====

Land Use & Development
AOC Staff: Arthur J. Schlack

This session the Legislature's primary focus on land use was directed toward the recommendations of the Big Look Task Force to update Oregon's Land Use Planning Program and issues surrounding the development of destination resorts.

The legislative recommendations of the Big Look Task Force were contained in House Bill 2229. The House Land Use Committee, chaired by Representative Mary Nolan toiled for a number of weeks before settling on a series of amendments to the bill before it gained support of the Committee. The amended bill allows counties to conduct a legislative review of agricultural or forest lands to determine consistency with current Goal definitions, and to correct mapping errors or update these designations. The bill also amends and clarifies requirements in the "regional problem-solving process" statutes, and directs a policy-neutral review and audit of the land use system to reduce complexity. To the surprise of many, HB 2229 achieved almost unanimous support in the House and Senate.

No less than a half a dozen bills were introduced during the 2009 session dealing with destination resorts. Four bills were directly related to designation of the Metolius River Basin as an "Area of Critical State Concern," HB 2226, HB 3100, HB 3298 and SB 741. At the end of the day, the Legislature passed HB 3298 accepting the Land Conservation and Development Commission's recommendation to designate the Metolius River Basin as the first "Area of Critical State Concern". With the passage of HB 3298, the Legislature directed LCDC to adopt the management plan for the Metolius River Basin Area of Critical State Concern by administrative rule.

House Bill 2227, submitted by the governor on behalf of the Department of Land Conservation and Development proposed to remove the mapping criteria counties may use to identify potential areas to site destination resorts and development criteria and standards from statute and rely on Statewide Planning Goal 8 and administrative rules. The House Land Use Committee amended the HB 2227, retaining the mapping criteria in statute and adding lands within irrigation districts as off limits for potential destination resorts. The bill passed the House by a slim majority and moved to the Senate where the Senate Environment and Natural Resource Committee amended the bill to provide irrigation districts with the option of excluding the lands within their district from being eligible for the siting of a destination resort (note: an irrigation district would need to send the county written notice that they wanted to be excluded from potential mapping of potential destination resort areas). HB 2227 passed the Senate, however, the House failed to concur with the Senate amendments and a Conference Committee was formed to iron out the difference between the House and Senate. House Bill 2227 was still in the Conference Committee upon adjournment. It is worth noting that the issue of removing destination resort development

criteria and standards from statute and entrusting a state agency with the authority to establish criteria and standards for development of destination resorts was central to the legislature's inability to pass HB 2227.

The final piece of legislation associated with destination resorts was HB 2228 dealing with transfer of development rights. HB 2228 provides LCDC with the opportunity to establish a limited number of transfer of development right "pilot programs." The concept of transfer of development rights has been used in some states, however, has had very limited application in Oregon. The bill authorizes LCDC to adopt rules establishing process for selecting pilot projects and specified required findings. HB 2228 allows up to two pilot projects to be elected by the owners of land within the Metolius Area of Critical State Concern.

As in most legislative sessions, the Legislature amended the list of permitted and conditional uses allowed in an Exclusive Farm Use Zoning District. As a result, counties are required to amend their land use regulations to comply with state statute. House Bill 3099 contains two provisions to reduce the fiscal impact of the Legislature's action on the state and counties. First, the bill waves the requirement for Measure 56 notice to property owners within an Exclusive Farm Use Zone (note: state is required to reimburse counties for the cost of providing this notice). Additionally, HB 3099 allows a county to administratively amend its zoning ordinance to implement the changes in local regulations required by the changes in statute after providing notice to the Department of Land Conservation and Development.

The timely processing of Measure 49 claims by the Department of Land Conservation and Development was reviewed by the legislature in House Bill 3225. HB 3225 sets a deadline of June 30, 2010 for issuance of Measure 49 final orders by DLCD. It also provides a process for a number of claims to proceed that would otherwise be precluded from being considered due to technical issues. A processing fee of \$175.00 is required for the new claims that qualify under provisions of the bill.

HB 2228 Transfer of Development Credits (TDC) Pilot Program

Effective Date: Chapter:

HB 2228 was amended substantially in House Agriculture and Natural Resource Committee. The bill establishes a pilot program to conserve forest lands by facilitating a transfer of residential development credits. The bill also contains two elements unrelated to the original TDC bill. One amendment authorizes a "transfer of development opportunity" from an owner of a previously mapped resort site in the Metolius Basin to other limited areas in the state. The other new element provides that the owner of the "Skyline Forest" and "South Conservation Tract" in Deschutes County may transfer this forest land to a trust or land management agency and in return, may retain 3,000 acres of the land for certain residential uses, including development on 320 acres which would look much like a destination resort.

HB 2229 Big Look Task Force Recommendations

Effective Date: Chapter:

The recommendations of the Big Look Task Force to update the state land use planning program were forwarded to the Legislature in House Bill 2229. HB 2229 provides a clear process for counties to re-evaluate a county's rural and natural resource lands in a legislative process. A carrying capacity analysis is required for lands considered for re-designation to rural lands, i.e. no longer subject to Statewide Planning Goals 3 and/or 4. The measure also amends the regional problem solving process with parameters, deadlines, and criteria for identification of participants. The bill provides for acknowledgement review of revised county comprehensive plans resulting

from review of its existing comprehensive plan or a regional problem solving project. HB 2229 prioritizes dense urban development in high growth areas. Further, DLCD is authorized to perform a review of the land use planning program.

HB 2230 State Agency Coordination (Land Use Planning)

Effective Date:

Chapter:

State Agency Coordination and modification of Land Use Compatibility Statement (LUCS) requirements. Finds that DLCD rules regarding state agency land use coordination and state permit compliance and compatibility should be reviewed to eliminate unclear or conflicting provisions and updated regularly to maintain a high level of coordination between state agencies and local governments. Excludes from definition of "land use decision" a local government compatibility statement regarding a proposed state agency action compatible with acknowledged comprehensive plan and regulations implementing it if: a local government has already made land use decision authorizing use or activity that encompasses proposed state agency actions; use or activity that would be authorized, funded, or undertaken is allowed without review; or requires future review under comprehensive land use decision and state agency action concerning same use or activities unless federal or state law requires otherwise. Directs DLCD to periodically update and improve rules regulating effectiveness and efficiency of state coordination programs.

HB 3043 METRO Urban Growth Boundary

Effective Date: January 1, 2010 Chapter 216 (2009 Laws)

Annexes territory to Metro as that urban growth boundary (UGB) is expanded so that territory added to the UGB would automatically be added to Metro's jurisdiction.

HB 3099 Exclusive Farm Use Districts

Effective Date:

Chapter:

Modifies uses in Exclusive Farm Use Zoning Districts. Removes outright use for schools and greyhound kennels. Modified provisions for model aircraft uses to allow landowners to charge fees for use. Adds conditional use provision for schools that primarily serve the rural area. Modifies conditional use provisions for golf courses by prohibiting golf courses on high value farmland. Allows expansion of existing public schools, private schools on EFU lands that become nonconforming uses. Waives requirement for Measure 56 notice. Allows counties to amend its land use regulations by December 31, 2010 through an administrative procedure without public notice and hearing. Notice of the proposed amendments must be given DLCD. DLCD must confirm the proposed amendments are required to implement changes in statute.

HB 3225 Measure 49

Effective Date:

Chapter:

HB 3225 sets a deadline of June 30, 2010 for issuance of Measure 49 final orders by DLCD. It also provides a process for a number of claims to proceed that would otherwise be precluded from being considered due to technical issues. A processing fee of \$175.00 is required for the new claims that qualify under provisions of the bill. The bill also directs the department to investigate and report to the Legislature by the end of this year the approximately 900 claims filed only with a county but not with the state, and certain claims filed without required appraisals. The bill also allows DLCD to advance hardship cases, and to use existing county records in the processing of claims.

HB 3298 Metolius Basin Area of Critical State Concern

Effective Date:

Chapter:

This bill has become the vehicle for consideration of the proposed Metolius Basin Area of Critical State Concern. On June 3rd, the Senate Rules Committee amended HB 3298 by gutting the bill's earlier provisions and stuffing the provisions of HB 3100 into the bill.

HB 3298 defines the "Metolius Area of Critical State Concern." Approves the Land Conservation and Development Commissions recommendation that the Metolius Area of Critical State Concern be designated area of critical state concern. Approves management plan for the Area. Requires the Commission to change management plan to allow specific small scale community and to replace references to "annual average water use" with "annual average consumptive use". Requires LCDC to notify governing bodies of Jefferson County and Confederated Tribes of the Warm Spring Indian Reservation of proposed amendments to the management plan. Requires LCDC to make specified finds by clear and convincing standard in order to adopt amendments if written objection is made by notified governing bodies. Requires that in addition to the development limitations in the plan, new development allowed by amendment of the plan may not result in negative impact to Metolius River or fish and wildlife resources. Prohibits Jefferson County from approving siting of destination resort in Metolius Area of Critical State Concern. LCDC is directed to adopt management plan by administrative rule. Measure contains Emergency Clause - effective upon passage.

HB 3313

Amendments To HB 2228

Effective Date:

Chapter:

HB 3313 amends Section 3, 4, 5 and 9 of House Bill 2228 (2009). The measure extends the time limit for the owner of a Metolius resort to notify the Department of Land Conservation and Development of election to seek approval for a small-scale recreation community from 90 days to one year and extends the time limit from two years to three years for applying to a county for similar approval. Specifies that a small-scale recreation community authorized by HB 2228 must be sited on land that is either planned and zoned for forest use or rural and not subject to statewide land use planning Goals 3 or 4. The measure increases from 200 to 320 the maximum size for a tract on which a small-scale recreation community under HB 2228 may be formed. Clarifies development standards for small-scale recreation community. The bill further modifies definitions of Southern Conservation Tract from Section 3 of HB 2228. The measure also expands the list of types of development allowed in Skyline Forest Sustainable Development Area.

HB 3462

Building Inspector Education

Effective Date:

Chapter:

House Bill 3462 authorizes the Building Codes Division of the Department of Consumer and Business Services to establish pilot programs to cross train building inspectors for the purpose of providing inspections in more than one specialty code. The measure specifies duties of certified specialized building inspectors and training requirements. The bill authorizes fees for participation in the training programs, examination, application and renewal. The pilot program sunsets January 2nd, 2016.

SB 170

Rural Airports

Effective Date: January 1, 2010

Chapter 398 (2009 Laws)

Expands from four to six the number of airports eligible to participate in the Department of Aviation's "through the fence" pilot program. Revises the definition of "rural airport" for purposes of conditions used to determine eligibility for a pilot project.

SB 171

Rural Airports

Effective Date: January 1, 2010

Chapter 399 (2009 Laws)

Prohibits the construction of objects or structures that are physical hazards to air navigation. Designates Department of Aviation, in coordination with local land use jurisdictions, as responsible for determining what constitutes air navigation hazards. Allows exceptions for cell phone towers and for persons who have received or applied for approval from the Federal Aviation Administration or Energy Facility Siting Council on or before effective date of measure. Authorizes the Director of the Department of Aviation to establish standards for mitigating air navigation hazards.

SB 234 Land Use Board of Appeals

Effective Date: January 1, 2010 Chapter 25 (2009 Laws)

Allows service of an appeal of a Land Use Board of Appeals decision by first class mail.

SB 566 Priority For Land In Urban Growth Boundary

Effective Date: December 1, 2009 Chapter: 497 (2009 Laws)

Specifies that the Metropolitan Service District does not have to consider the capability classification system or the cubic foot class of land it designates as urban reserve within an urban growth boundary. Establishes effective date of December 1, 2009.

SB 691 Forest Land Regulations - Compensation

Effective Date: January 1, 2010 Chapter: 464 (2009 Laws)

Modifies provisions for claiming compensation for specified land use regulations that regulate forest practices on private real property. Allows claim by owner based on land use regulations under Oregon Forest Practices Act; administrative rule of the State Board of Forestry; or any other rule or law enacted solely for the purpose of regulating a forest practice which is enacted or adopted after the effective date of the bill. Allows forest practices claims by owner on the portion of the property affected by the regulation and not the entire parcel.

SB 763 Transfer of Development Credits

Effective Date: June 24, 2009 Chapter: 504

Authorizes cities, counties, metropolitan service districts and certain state agencies to establish transferable development credits system for purpose of allowing specified persons to transfer developmental interests within and across jurisdictional boundaries. Requires that parties execute intergovernmental agreements that include the Department of Land Conservation and Development if transfer involves different jurisdictions and different governmental units. Establishes Transfer of Development Credit system. Requires DLCD to report on transferable development program/system to the Seventy-seventh Legislative Assembly.

SB 915 Building Code Enforcement

Effective Date: January 1, 2010 Chapter: 476 (2009 Laws)

SB 915 establishes procedures for local jurisdictions to follow in regards to issuing penalties for building code violations. The measure requires that only civil penalties can be assessed, but does not prohibit a violator to be charged with an increased permit or investigative fee, or seeking injunctive relief or taking any enforcement action that does not include a monetary penalty. Additionally, the civil penalty can be issued only after the municipality provides notice to the violator that contains information such as description of the alleged violation, the intent and the amount of the civil penalty, and the administrative process available to challenge the penalty assessment.

SB 5531 Department of Land Conservation & Development Budget

Effective Date: July 1, 2009 Chapter: 652

The Department is the administrative arm of the Land Conservation and Development Commission. The Department staff assists the Commission in adopting standard land use goals, ensuring compliance of local land use plans with statewide goals, coordinating state and local planning. The Department budget is \$25,420,319.00 total funds, 90 positions (74.81 full-time equivalent). The 2009-2011 budget is 12.5 percent less than that legislatively approved budget for 2007-2009.

The Departments grant program provides General Fund grants to cities and counties to help with comprehensive plan amendments, and periodic review. The budget provides \$2,206,810.00 in grant funds.

Budget Note: The Department of Land Conservation and Development shall report on the Commission's policy agenda to a legislative committee no later than March 1, 2010. Depending on timing and interim activities, the report could be received by either a Joint Committee on Ways and Means or the Emergency Board.

The report should cover the status of existing programs and all agency related legislation from the 2009 session. Status reporting should include agency work plans, resources allocated, and potential impacts on local governments.

Natural Resources & Agriculture

AOC Staff: Gil Riddell

This session will be noted for its overdue focus on water – supply development, data gathering, strategic statewide planning, and appropriate funding for the Water Resources Department. Services provided by OWRD were recognized as critical to the future of this State, and agency funding began a transition from heavy dependence on state general funds to fees for service, giving it the stability to implement longer term strategic objectives. The optimism of the Umatilla Basin Project added impetus to the funding transition.

The issue of invasive species gained a higher profile, but only limited additional funds, due to the severe state revenue shortfall.

There were two developments of note related to State Forests/County Forest Trust Lands. The Governor's Recommended Budget included appropriations from the Forest Development Fund for purposes not permitted by statute and the underlying Forest Acquisition Program agreements. A showdown was avoided by the shrinkage of the FDF due to the sharp fall of the timber market.

The second development was the increased awareness of key legislators about the state-county forest agreements and extended inaction by the Board of Forestry to balance the State Forest Plans and to respect the history of the Forest Trust Lands. Early movement of House Bill 3072, to explicitly provide that timber production is the primary purpose of the trust lands, prompted positive movement by the Board.

HB 2020

Invasive Species Control Account, Creation Of; Specifies Uses Of Account; Transfers Funds From All-Terrain Vehicle Account.

Effective Date: July 1, 2009

Chapter:

Creates Invasive Species Control Account, to be used for surveys, inspections, diagnosis, planning, coordination, administration, eradication, treatment, disposal, cleaning, and payments to

owners for materials destroyed by treatment or eradication. Permits balances from the All-Terrain Vehicle Account to be used for invasive species eradications related to all-terrain vehicle use. Establishes a \$350,000 Other Funds expenditure limitation for the Department of Agriculture, using funds from the All-Terrain Vehicle Account.

HB 2212 Noxious Weeds; Reorganization And Update Of Laws.

Effective Date: January 1, 2010 Chapter: 98 (2009 Laws)

Broadens statutes applicable to tansy ragwort to all noxious weeds. Revises quarantine authority of Department of Agriculture. Prohibits possession or movement of plant pests except under compliance with federal or state permit. Clarifies that no compensation is made for destruction of plants infested with pest or disease deemed to be public nuisance.

HB 2214 Forest Products Harvest Taxes, Extension Of.

Effective Date:

Chapter:

Extends period for which forest products harvest taxes are imposed, and establishes rates for the extended period. Maintains current \$0.625 rate for fire suppression. Provides \$0.77 rate temporary forest products harvest tax to forest products harvested in calendar years 2010 and 2011 to maintain current cost-share between the general public (60%) and forestland owners (40%). Adds additional \$0.37 rate for field program expenses during biennium 2009-11. Extends tax rate for forest research and experimentation. Changes rate for administration of Forest Practices Act.

HJR 35 Federal Forestland Advisory Committee, Support For Findings Of.

Effective Date:

Chapter:

Expresses support for findings of Federal Forestland Advisory Committee, appointed by the Oregon Board of Forestry to articulate the State's vision for sustainable federal forest management. Expresses support for the effort by the Governor to appoint a stakeholder group to pursue implementation of the findings.

SB 2216 Board Of Forestry, Acquisition Authority Of; Gilchrist Property, Potential Purchase Of.

Effective Date:

Chapter:

Authorizes the Board of Forestry to hold and manage lands alone or in cooperation with other entities, including community forest organizations. Authorizes Board to acquire lands or partial interest in lands, including conservation easements. Authorizes Board to sell lands or partial interest in lands, if the Board determines that other parties are better situated to manage lands for the long term. Creates Forest Development Revenue Bond Fund. Renames Sinking Fund Account the State Forest General Obligation Fund. Authorizes use of the fund in the following order: For deposit to State Forest General Obligation Fund to pay bond-related costs for outstanding bonds; subject to approval of State Treasurer, to State Forestry Department account for distribution to counties. Establishes State Forest Acquisition Fund to acquire parcel in Gilchrist area, Klamath County. SB 5506 contributes \$15 million in lottery bonds toward the purchase price; HB 5054 adds \$1.5 million in lottery funds for bond issuance and debt service..

HB 2231 Well Driller Start Card, Fee Increase For.

Effective Date: July 1, 2009

Chapter:

Increases start card fee for well driller from \$125 to \$225. Revenue Impact: Increases Other Funds to Water Resources Department by \$800,000 in biennium 2009-11.

HB 2232**Geotechnical Holes, Report Required After Drilling Certain Types Of; Sets Fee; Establishes Fund; Makes Other Provisions.**

Effective Date: July 1, 2009

Chapter:

Requires driller of certain types of geotechnical holes to submit report to Water Resources Department within 30 days of drilling. Geotechnical holes are drilled to evaluate subsurface data for a variety of reasons, including testing soils and ground water for contaminants; they are not considered to be wells. Applies to geotechnical holes greater than 18 feet deep, within 50 feet of a water supply or monitoring well, used to determine water quality and open less than 72 hours, or drilled in an area known or reasonably suspected to be contaminated. Authorizes Department to adopt rules prescribing form of report. Sets recording fee for each report of \$25; except if more than one geotechnical hole is drilled within seven days at the same project site, sets fee of \$10 for each subsequent hole. Establishes Department Geotechnical Fund and directs that fee revenue be appropriated to the Department for duties, functions, and powers related to geotechnical holes. Revenue Impact: Increases Other Funds to Water Resources Department by \$135,000 in biennium 2009-11.

HB 3013**Marine Reserves; Implementation Of Recommendations Of Ocean Policy Advisory Council.**

Effective Date: July 1, 2009

Chapter:

Directs relevant state agencies to implement the November 29, 2008, recommendations of the Ocean Policy Advisory Council, concerning six sites as pilot or potential marine reserves. Directs Oregon Department of Fish & Wildlife to develop work plan for implementation. Specifies content of work plan. Directs ODFW to report to appropriate interim legislative committee no later than November 30, 2010. Directs Department of State Lands to transfer \$1 million of Other Funds to ODFW for implementation. ODFW anticipates another \$1 million for implementation from donations and grants.

HB 3369**Water Investment Act; Water Development Funds, Creation And Use Of; Umatilla Basin ASR Project; Statewide Water Strategy, Development Of.**

Effective Date: July 1, 2009

Chapter:

Directs the Water Resources Department to use the constitutional Water Development Loan Fund. Narrows constitutional provisions for applicants for loan by excepting municipal water users, and narrows projects to the Columbia River Basin. Specifies application process, including content, priorities, conditions for approval, and repayment of loans. Note: SB 5505 authorizes the State to issue \$10 million in general obligation bonds to provide the loans. Creates the Water Investment Grant Fund within WRD. Provides that eligible applicants exclude municipal water users and eligible projects are limited to the Columbia River Basin. Provides funding of \$1 General Fund. Specifies the same application process as for the Loan Fund. Requires that grant recipients must adhere to certain standards related to withdrawal of new stored water, including that 75% be used for agriculture and 25% be used for environmental or in-stream benefits. Allocates funds for the next phase of the Umatilla Basin Aquifer Recovery Project. Requires that the Project meet the same standards related to withdrawal of new stored water as the Grant Fund, if it accepts state loans or grants beyond \$2.5 million, provided in SB 5535. Note: SB 5535 authorizes the State to issue \$2.5 million in lottery-backed bonds for the Umatilla Basin AR Project, plus \$500,000 for water development feasibility studies, \$217,000 to operate loan and grant programs, and \$283,000 for two full-time equivalent positions related to the statewide integrated water resources strategy. Directs WRD to develop a statewide integrated water resources strategy, funded in SB 5535. Requires WRD to report to the 2011 legislature about progress, outcomes, and suggested improvements to these projects.

HB 5014**Department of Fish and Wildlife Budget.**

Effective Date: July 1, 2009

Chapter:

Adds \$1 million Other Funds expenditure limitation and four limited duration full-time equivalent positions to provide a year of funding for evaluation of six marine reserve sites recommended by the Ocean Policy Advisory Council (see HB 3013). Provides that these funds will be from the New Carissa shipwreck settlement. Provides that the Department will pursue additional funding from donations or federal grants for the second year of the program. Reduces general fund payments to federal Wildlife Services for predator control efforts from \$220,000 to \$120,000. Provides \$90,000 to Wildlife Services from license fees for bear and cougar control. Adds \$877,960 Other Funds, from an increase in the fish screen surcharge on angling licenses, and 5.91 full-time equivalent positions for maintenance and management of fish screens. Adding to three permanent positions, continues with federal funds 4 FTE limited-duration positions for Endangered Species Act recovery planning and implementation. Adds 1.5 FTE limited-duration positions from a grant from the Oregon Watershed Enhancement Board to work on recovery of wild Coho salmon in the Salmon River Basin. Adds \$66,273 General Fund for a federal match that will allow the Department to continue the Oregon Conservation Strategy at a minimal level.

SB 788**Water Resources Department, Recovery Of Costs By:
Exempt-Use Wells, Recording Of New.**

Effective Date: July 1, 2009

Chapter:

Increases cost recovery by Water Resources Department of customer transactions from 28% to 50%. Sunsets these increases on June 30, 2013. Requires owner of new exempt well (i.e., watering a lawn or non-commercial garden not exceeding one-half acre; single or group domestic purposes not exceeding 15,000 gallons per day; or any single industrial or commercial purpose not exceeding 5,000 per day) to submit a map of well location by tax lot to WRD, as well as a one-time \$300 recording fee. Directs recording fees to support a variety of WRD groundwater activities. Adds two staff positions.

SB 5502**Department of Agriculture Budget.**

Effective Date: July 1, 2009

Chapter: 643

Reduces the Natural Resources Program by 4.4 full-time equivalent positions, including suspending the Pesticides Use Reporting System and eliminating two Agricultural Water Quality program positions. Reduced support for federal Wildlife Services from \$443,000 to \$120,000. Provides \$200,000 Other Funds and \$350,000 Federal Funds for the Oregon Invasive Species Council to increase statewide education efforts on risks of invasive species introduction.

SB 5522**Department of Forestry Budget**

Effective Date: July 1, 2009

Chapter:

Decreases nearly \$15 million Other Funds and eliminates 39.01 full-time equivalent positions from the State Forest Lands program to bring expenditures in alignment with projected State Forest timber sales revenue for the 2009-11 biennium. Shifts costs to operate and maintain All Terrain Vehicle/Off Highway Vehicle trails in the Tillamook State Forest from the state share of timber harvest revenues to the ATV account by a revenue transfer from the Parks and Recreation Department. Provides \$3.3 million Other Funds and \$7.3 million Federal Funds and establishes 12 full-time equivalent positions to expend American Recovery and Reinvestment Act revenues expected through the U.S. Forest Service and the National Oceanic and Atmospheric Administration. Provides \$2.9 million Other Funds and establishes 16.5 full-time equivalent positions to utilize interagency personnel agreements with the U.S. Forest Service and Bureau of Land Management to permit state employees to work for and be paid by those agencies but retain state-employee status. Budget note: "The Forest Fire Protection budget is approved with a \$10 million annual expenditure limit on the Forest Land Protection Fund. The Department of

Forestry is directed to report to the Legislature during the special session planned for February 2010, the actual costs of the 2009 Fire Season and liability for the General Fund. If costs appear to exceed the availability of General Fund resources, the Legislature may revisit the annual expenditure limit on the Oregon Forest Land Protection Fund”.

SB 5551

Water Resources Department Budget

Effective Date: July 1, 2009

Chapter:

Specifies two new Key Performance Measures: Fully implement the Water Resources Commission 2000 Water Measurement Strategy; increase water use reporting. Directs Department in two budget notes to work with stakeholders to evaluate the adequacy and equity of new fees; and to make significant progress in addressing backlogs in water rights and services. Removes six full-time positions.

Personnel
AOC Staff: Ann Hanus

The legislature, particularly in the House, kicked off the session with hearings on a flurry of labor bills that would have tipped the balance more toward public employee unions. The most significant bill, HB 2831, would have included temporary and seasonal workers in unions, locked in supervisory status, and barred the hiring of permanent workers during a lawful strike. HB 2831 went down to the wire but failed in the final days of the Senate. In the end, several bills impacting laws related to military leave, public safety officer discipline, prohibiting deputy district attorneys from striking, and PERS were passed by the Legislature. A bill allowing the establishment of voluntary Retirement Medical Trusts and Healthcare Reimbursements was approved. In addition, the Legislature approved bills updating discrimination laws, requiring reasonable accommodation for victims of domestic violence, providing for human trafficking victims to qualify for the address confidentiality program, prohibiting the requirement for employees to attend meetings on religious or political matters and requiring posting of this prohibition.

HB 2197

Workers Compensation Changes

Effective Date: January 1, 2010

Chapter: 36 (2009 Laws)

Eliminates certain statutory conflicts and redundancies. Removes requirement that parties must submit medical services dispute in workers' compensation claims to the Director of the Department of Consumer and Business Services. Limits exemption from insurance premiums and assessments for employer to three years after preferred worker is hired.

HB 2298

Includes Overtime in Calculation of Amounts of Donated Leave

Effective Date: January 1, 2010

Chapter: 12 (2009 Laws)

Includes overtime in calculation of amounts of donated leave an employee of State of Oregon, county, municipality or other political subdivision may receive.

HB 2510

Public Employee Retirement System Changes

Effective Date: January 1, 2010

Chapter: 370 (2009 Laws)

Deletes 15-year limit on veteran's use of preference in public employment.

HB 2713**Public Safety Officer Bill of Rights**

Effective Date:

Chapter:

Requires employers to adopt written procedures for investigating public safety officers. Defines "public safety officer" to include police officer, parole and probation officer, corrections officer, and youth corrections officer. Creates process and safeguards for public safety officers under investigation. Provides procedure for officer to request and receive a copy of personnel records. Creates procedure for placing, reviewing and challenging an adverse comment in public safety officer's personnel file. Provides that investigation into officer misconduct must be completed within six months of allegation. Allows for extension to maximum of 12 months if the employer provides officer with written notice and explanation for the delay. Clarifies that a collective bargaining agreement controls if it provides for similar protections.

HB 2744**Leave for Military Spouses**

Effective Date:

Chapter:

Requires an employer to provide leave to certain employees who are spouses of members of military forces that are on active duty during periods of military conflict. Makes failure to grant leave or discrimination against spouse exercising right to military family leave unlawful practice. Requires BOLI to enforce provisions of Act. Declares emergency, effective on passage.

HB 2790**Board on Public Safety Standards and Training Membership**

Effective Date:

Chapter:

Adds one non-management parole and probation officer to Board on Public Safety Standards and Training. Adds two non-management positions to Corrections Policy Committee and Police Policy Committee. Requires notice of denial or revocation following policy committee vote. Requires review by policy committee if the Department proposes to amend a proposed order issued by Administrative Law Judge.

HB 2963**Prohibits Deputy District Attorneys from Striking**

Effective Date: January 1, 2010

Chapter: 376 (2009 Laws)

Adds deputy district attorneys to the list of public employees that cannot strike and are subject to binding arbitration.

HB 3162**Discrimination against employees who report violation of laws, rules, regulations**

Effective Date:

Chapter:

Makes discrimination against employee who reports a violation of state or federal laws, rules or regulations an unlawful employment practice.

HB 3256**Unlawful Employment Practices involving the Uniformed Services**

Effective Date: January 1, 2010

Chapter: 378 (2009 Laws)

Establishes as unlawful employment practice certain actions by employer related to service performed by person in uniformed services.

HB 3401**PERS Excess Amounts in Side Account**

Effective Date:

Chapter:

Allows public employer participating in PERS system to request that excess amounts in side account established for lump sum payment to be refunded to employer or applied to offset contributions to individual account program if PERS Board determines that amounts in account exceed amounts necessary to fund employer's actuarial liabilities.

HB 3462**Training and Certifying Building Inspectors**

Effective Date:

Chapter:

Allows Director of Department of Consumer and Business Services to establish temporary programs to train and certify specialized building inspectors to enforce portions of specialty codes.

SB 112**PERS**

Effective Date: June 18, 2009

Chapter: 390 (2009 Laws)

Allows member of PERS who has been retired from service for more than six months, and who elected to receive lump sum payment or installment payments, to be reemployed by public employer without repayment of lump sum or installment amounts received by member. Allows retired member who elected to receive lump sum payment or installment payments to be reemployed by public employer subject to limitations on number of hours of employment.

SB 399**PERS Deferred Compensation Plan**

Effective Date:

Chapter:

Allows certain members of PERS who participate in deferred compensation plan to request, within 60 days of effective date of Act, that payment of all or part of deferred amount be paid to PERS Board for purpose of restoring forfeited creditable service, or acquiring retirement credit for probationary period of employment, or both.

SB 519**Prohibits Requirement for Employees to Attend Meetings on Religious or Political Matters**

Effective Date: January 1, 2010

Chapter: 658 (2009 Laws)

Prohibits employer from taking adverse employment action against an employee who declines to attend meeting or participate in communication concerning employer's opinion about religious or political matters. Requires the employer to post notice. Provides exceptions for religious organizations, political organizations and certain meetings and communications. Creates cause of action.

SB 821**Establishment of Retirement Medical Trusts and Healthcare Reimbursements**

Effective Date: June 23, 2009

Chapter: 467 (2009 Laws)

Permits collective bargaining units to agree with public body employers to establish retiree medical trusts, voluntary employees' beneficiary associations, health reimbursement arrangements or other agreements for health care expenses of employees or retirees if provisions of agreement comply with Insurance Code.

SB 839**Victim of Human Trafficking Eligible for Address Confidentiality Program**

Effective Date: January 1, 2010

Chapter: 468 (2009 Laws)

Includes victim of human trafficking as person eligible for Address Confidentiality Program.
[Cross Records]

SB 874**Update to Discrimination Law**

Effective Date: January 1, 2010

Chapter: 508 (2009 Laws)

Updates and clarifies discrimination laws related to individuals who have disabilities.

SB 897**PERS Changes (Note: SB 897 is under consideration for a veto)**

Effective Date:

Chapter:

The final version of the bill will expand the criteria for the member representative who serves on the Board to be either an active or retired member, but no longer expands the size of the Board from 5 to 7 members.

The original version of the bill would have required PERS, upon request by a member, to verify creditable service, final average salary (FAS), account balances, the amount of unused sick leave, and the monthly service retirement allowance – using the data “as reflected in the records” held by PERS. The original version also provided that once PERS provided the verification, the member’s final creditable service and FAS may not be less than what was provided in the verification request under the bill. The final version of the bill defines what retirement data will be subject to a verification request and removes the requirement for PERS to provide an estimated benefit calculation, but still requires that the retirement allowance be based on the data in the verification, subject to specific adjustments stated in the bill.

SB 897 would allow OPSRP members to participate in the PERS Health Insurance Plan. (OPSRP members participation in the PERS Health Insurance Plan was specifically left out of the reform legislation.)

Under the current definition of retroactive payment and the rules that are attached to the provision dealing with retirement credits for retroactive payments, some types of retroactive payments (by an award of a court or a body responsible for enforcing federal or state employment laws) can be accepted by PERS and credited to the member’s account. If the agreement, however, was one entered into by the employer and employee as a settlement, for example – then the back pay award cannot be accepted by PERS. This encourages people not to settle in order to make sure the payments are credited to the member’s PERS accounts. And, in no case can creditable service be awarded under the current statute. PERS is allowed to accept make whole orders and settlements to make employees whole and put them in the place they would have been in but for the separation in service. This will result in cost savings to employers in legal and administrative fees and result in what is intended by the parties.

SB 928 Prohibits Certain Employment Actions toward Domestic Violence Victims

Effective Date: January 1, 2010 Chapter: 478 (2009 Laws)

Prohibits employer from taking certain employment actions toward individual who is victim of domestic violence, sexual assault or stalking. Requires reasonable safety accommodation.

SB 971 Reimbursement of Public Safety Training

Effective Date: Chapter:

Requires a government agency that hires employee who voluntarily leaves employment of original employing governmental agency to reimburse original employing governmental agency for certain costs incurred by training employee. Applies to state police officers, police officers, deputy sheriffs, state or local corrections officers or parole and probation officers who are required to complete training and who begin training after January 1, 2010.

Public Safety
AOC Staff: Paul Snider

The public safety landscape this legislative session included some needed substantive improvements, including notably creation of some new roadblocks to metal thieves. But it was dominated by close encounters with fiscal train wrecks that were ultimately avoided. SB 5552 was the overall budget reconciliation measure for the 2007-09 biennium. It was necessitated by a significant revenue shortfall late in the biennium. That measure made a number of cuts to public safety agencies, some of which were rolled up into the 2009-11 biennium for the affected agencies. When the Co-Chairs of the Ways and Means Committee presented their proposed budget for 2009-11, they expressed the hope that the Public Safety Subcommittee would find an additional \$75 million in savings. They said the savings would have to come from public safety budgets, but any additional savings beyond the \$75 million could be kept in the public safety silo for possible add-backs. A work group from the Public Safety Subcommittee developed HB 3508 in response. It was designed to create savings primarily with a phase-in of the voter-passed sentencing changes contained in Measure 57 (November, 2008). But to pass, it needed 40 votes in the House and 20 in the Senate. And the alternative was to be additional cuts to public safety budgets. Although there were several days of uncertainty and forceful lobbying by a host of interest groups, HB 3508 ultimately passed, further cuts were avoided, and some programs were restored.

HB 2052 Psychiatric Facility Siting, Notice to LPSCC.

Effective Date: January 1, 2010 Chapter: 121 (2009 Laws)

Requires certain public agencies to inform local public safety coordinating council (LPSCC) of intent to site residences for individuals under the jurisdiction of the Psychiatric Security Review Board (found guilty but insane). Notice must include certain information about the proposed facility, residents, staffing and other details. Directs LPSCC to create subcommittee to provide advice to the public agency. Lists membership of the subcommittee. This measure is intended to improve communication with the local public safety community and agencies that site residential treatment facilities before and during the siting process.

HB 2299 Capacity Limits for Juvenile Detention Facilities

Effective Date: January 1, 2010 Chapter: 293 (2009 Laws)

Allows county governing body to establish of juvenile detention facility and adopt standards for releasing juveniles when capacity is exceeded. Allows county, through juvenile director, to release sufficient number of juveniles to reach capacity; requires notice to judge of releases. Declares that bill does not create a cause of action for releases.

HB 2393 Sheriff's Civil Process Fees

Effective Date: January 1, 2010 Chapter:

Increases fees collectible by sheriff for serving legal documents and performing other legal duties. Removes requirement that advertising the sale of property under writ of garnishment be in newspaper. Requires establishment and maintenance of website for purpose of posting legal notices relating to writs of execution issued to sheriffs if all sheriffs enter intergovernmental agreement to establish and maintain website. Requires law enforcement agency seizing certain property to hold property rather than delivering to sheriff. Allows notice to be given by posting on website.

HB 2738 Abandoned Vehicle, Disposal by Tow Company

Effective Date: January 1, 2010 Chapter: 371 (2009 Laws)

Provides that disabled or abandoned vehicle taken into custody by public body will be sold or disposed of by person engaged to tow the vehicle.

HB 2874 **Victim's Right to Speedy Trial**

Effective Date: January 1, 2010 Chapter:

Allows crime victim to assert right to speedy trial. Establishes procedure for asserting that right. Provides that victim's right to speedy trial does not supersede defendant's right to due process.

HB 3021 **Emergency Responder and Search and Rescue Volunteer
Actions and Protections**

Effective Date: January 1, 2010 Chapter:

Provides that qualified emergency service volunteer is agent of public body under Oregon Tort Claims Act (OTCA) for purposes of acts and omissions that are within course and scope of volunteer's duties if they occur during state of emergency or state of public health emergency and while volunteer is performing emergency services under direction of public body or is engaged in training approved by public body. Provides that qualified search and rescue volunteer is agent of county under OTCA for purposes of acts and omissions of volunteer that occur while performing search and rescue activities under direction of sheriff or sheriff's designee. Provides that county must provide workers' compensation coverage for qualified search and rescue volunteer who performs those activities under direction of sheriff or designee. Allows self-insured county to obtain workers' compensation insurance for those volunteers through assigned risk pool without having to insure all county employees.

HB 3157 **NORCOR Juvenile Oversight Committee**

Effective Date: January 1, 2010 Chapter:

Allows a juvenile director oversight committee to assume the duties and powers of a juvenile director by written agreement, if certain conditions are met. Designed to allow the juvenile directors of Gilliam, Hood River, Sherman and Wasco Counties to become a recognized oversight committee to be included in the Board of Directors of their regional facility (NORCOR).

HB 3255 **Ambulance Response Time Waivers during Emergency**

Effective Date: June 17, 2009 Chapter: 332 (2009 Laws)

Under current city and county contracts, 9-1-1 emergency ambulance service providers operate under response time and staffing requirements. This measure prohibits cities and counties from penalizing them when they're unable to meet staffing levels as a result of responding to declared states of emergency.

HB 3466 **Medical Health Database at State Police**

Effective Date: January 1, 2010 Chapter:

Requires Department of State Police to create medical health database to aid law enforcement agencies in assisting persons with mental illness in obtaining services. Directs Department of Human Services to develop enrollment and revocation forms for submitting personal medical diagnosis, medication and contact information to the database. Directs Department of Public Safety Standards and Training to include at least one hour of training in use of database for certification as police officer.

HB 3508 **Ballot Measure 57 Phase-In**

Effective Date: Chapter:

Continues unchanged the current full implementation of Measure 57 (M57) until February 15, 2010. Then suspends it for most property crimes until January 1, 2012. Increased sanctions would still apply to committing fraud on elderly, delivery of controlled substance to minor or sale of significant quantities. Limits incarceration for probation revocation to 60 days without new

crime. Increases earned time for non-violent offenders from 20% to 30%, with provision for disallowing it when district attorney or court object. Allows certain offenders under supervision for probation or post prison supervision to transition to inactive status. Streamlines commutation process for inmates subject to US Immigration and Customs Enforcement hold. Increases penalty for assault resulting from driving under influence. Increases penalty for kidnapping with the purpose of committing sex crime against victim under age 12. Allows Parole Board to hold less frequent parole hearings for certain offenders. Appropriates \$8.1 million to State Police to add 39 troopers to patrol division. Creates \$100 assessment of persons convicted of drug offenses to be paid to Oregon Criminal Justice Commission for drug court funding.

HB 5005

Corrections Department Budget

Effective Date:

Chapter:

Note: This budget must be read together with HB 3508 (Measure 57 phase-in), HB 5055 (appropriations bill based on HB 3508) and HB 5054 (the overall budget reconciliation, also known as the "Christmas Tree" bill) to finally identify what cuts and add-backs ultimately were adopted.

Overall Budget: Although the budget anticipates adding an estimated 1,300 new inmates to the prison system during the 2009-11 biennium, this projection is reduced as a result of passage of HB 3508. The budget also delays the opening of the Deer Ridge facility and the expansion at Shutter Creek. It postpones until at least the 2010 Special Session the decision as to when to build the facility at Junction City.

Possible Jail Bed Use: The budget narrative identifies a need for the Department of Corrections to explore alternatives to new construction, including use of county jail beds. A budget note directs the department to specifically work with Multnomah County in exploring either the purchase or multi-year lease of the Wapato facility, and to compare the short and long-term costs to other alternatives, including new construction and rental beds. The department is to report its findings to the Emergency Board or appropriate legislative committee prior to March 1, 2010.

Community Corrections: Although HB 5055 anticipates a reduction in community corrections funding because of a reduction in the April population forecast for the community corrections population, that forecast is also modified by HB 3508. The Department of Corrections initial calculation of the final numbers indicates that statewide funding for community corrections will be about \$215 million, plus \$10 million in enhancement funds, \$10 million in treatment and intensive supervision of measure 57 offenders and about \$575,000 in subsidy funding. The \$215 million and \$575,000 are expected to be distributed according to the workload formula for community corrections, while the \$10 million is expected to involve a separate application process.

HB 5007

Criminal Justice Commission Budget

Effective Date:

Chapter:

The Oregon Criminal Justice Commission (OCJC) administers sentencing guidelines, administers a drug court start-up or expansion program begun in 2006, provides technical assistance to public safety coordinating councils, staffs the Forfeiture Oversight Advisory Committee and calculates the fiscal impact of legislation and ballot measures.

Drug Courts: The budget bill reduces funding for drug courts by \$853,207 or 17%. The budget narrative directs the agency to focus on those drug courts that are more expensive per offender (often more in the rural areas) and those not seeing as successful outcomes as possible places to accomplish those cuts. Note that HB 5054 disappropriates an additional \$700,000 from drug

court funding, but that cut appears to be restored by a commitment from the Governor to use federal Justice Assistance Grant funding.

HB 5037

State Police Budget

Effective Date:

Chapter:

The Oregon State Police (OSP) performs a number of functions vital to both counties and the public safety system. Among those functions are patrol, criminal investigations, forensics labs, fish and wildlife law enforcement, and the Oregon Wireless Interoperability Network (OWIN).

Patrol: In 2007, the legislature added a number of trooper positions to the agency to assure 24/7 patrol across the state. But with the precipitous downturn in the economy, the continued funding for that patrol level appeared many times during the session to be in jeopardy. When the economic downturn hit, there still remained to be added another 39 trooper positions. They were originally to be filled toward the end of the 2007-09 biennium, but the hiring schedule was pushed back when the budget shortfalls for that biennium were reconciled. Then the hope was that they would be added back with the savings from passage of HB 3508, phasing-in the implementation of Measure 57 (penalties and treatment for property crime offenders). Passage of HB 3508, however, was in doubt several times during the closing days of the session, primarily because of the need that it pass by 2/3 in each chamber (as a reduction in the penalties that were established by a vote of the people). HB 5037, the budget bill for OSP, eliminated those positions, but the budget narrative stated that if HB 3508 and HB 5055, the companion budget bill, were to pass, those positions would be restored. Ultimately, HB 3508 did pass, and HB 5055 restored the patrol function along with the other restorations to investigation, fish and wildlife, and forensics described below.

Criminal Investigation; Fish and Wildlife; Forensics: HB 5037 eliminated 29 positions in the Criminal Investigations Division that had been assigned to identity theft, meth-related, and major crimes investigations. HB 5054 and 5055 restored 18 of those positions. HB 5037 eliminated eleven trooper positions from the Fish and Game Division. HB 5054 and HB 5055 restored four of those positions. HB 5037 eliminated 18 positions in the Forensics Division. The budget narrative stated that the Ontario lab may be closed with this reduction. HB 5054 and HB 5055 restored all of those positions.

Wireless Interoperability: HB 5037 includes \$21.8 million and 8 positions to continue to build out the statewide interoperability network. Federal law requires that all public safety communication systems convert to narrowband technology by January 1, 2013. The state plan is to develop OWIN in partnership with local jurisdictions so that both state and local public safety systems comply with the deadline and do so by creating an interoperable system with which they can communicate with each other.

HB 5041

Department of Public Safety Standards and Training Budget

Effective Date:

Chapter:

This agency is responsible for training and certification of police, sheriff deputies, correctional officers, parole and probation officers, 9-1-1 telecommunicators and emergency medical dispatchers. The budget reflects reductions in resources for training personnel (primarily police and corrections officers) including basic, regional and instructor development related training. It also transfers training of state correctional officers to the Department of Corrections. The budget assumes sufficient funding for 14 basic police 16-week training classes. It acknowledges that federal stimulus funding may increase the demand for these classes, but it also assumes that the economy may suppress demand from local jurisdictions which have been adversely affected by

the economy. It indicates the agency may return to the Emergency Board if the demand for classes exceeds capacity.

HB 5051 Oregon Youth Authority Budget

Effective Date: Chapter:

Significant cuts in service levels were taken to this agency in the 2007-09 overall budget reconciliation that occurred mid-session (HB 5552). That bill eliminated mandated caseload increases in close custody beds, community placements, foster care beds and parole and probation. It reduced individualized services, juvenile crime prevention (JCP) basic and diversion funding, eliminated statewide gang funding, and eliminated 25 close custody beds at MacLaren. Those cuts were rolled out for the 2009-11 biennium in HB 5051. An additional \$8.3 million in "unspecified reductions" will also have to be absorbed by the agency.

But it could have been worse. Additional cuts contained in HB 5051 to close custody beds at Hillcrest (76 beds or \$7 million), Multnomah County gang funding (\$772,000) and elimination of the entire Eastern Oregon Youth Correctional Facility (\$6.2 million) in Burns were restored by HB 5054 and HB 5055 with part of the funds that were saved by passage of HB 3508 (phase in of Measure 57). Even with the cuts from the 2007-09 budget period and those to the 2009-11 budget period, the agency does not currently anticipate having to lay off employees or make further program reductions

SB 92 Research to Improve Public Safety Services

Effective Date: January 1, 2010 Chapter: 165 (2009 Laws)

Allows Department of Public Safety Standards and Training to conduct research to improve police, fire, parole, probation, emergency medical dispatch and telecommunications professional services.

SB 100 Community Corrections Actual Cost Studies

Effective Date: January 1, 2010 Chapter: 168 (2009 Laws)

Directs the Department of Corrections, beginning in 2012 and every six years thereafter, to conduct study to determine actual costs incurred by each county in providing management, support services, supervision and sanctions of felons under county supervision.

SB 233 Victims Constitutional Rights, Framework for

Effective Date: May 26, 2009 Chapter: 178 (2009 Laws)

Establishes procedures for crime victims to assert violation of constitutional rights in criminal and juvenile delinquency proceedings, including procedures authorizing expedited appeal, suspension of matters related to asserted violation and Attorney General intervention on behalf of State of Oregon. Authorizes Attorney General to adopt rules to create nonjudicial process to effectuate crime victims' rights and condition provision of victim assistance funds or support on compliance with model rules, policies or procedures. Clarifies when a district attorney or supervisory authority must give notice to crime victim of probation revocation or violation proceeding. Creates task force to review implementation of procedures. Sunsets task force on June 30, 2013.

SB 275 Inmate Application for Medical Assistance on Release

Effective Date: June 18, 2009 Chapter: 414 (2009 Laws)

Allows individual with serious mental illness to apply for medical assistance between 90 and 120 days prior to his or her release from a public institution (state hospital, jail, prison, juvenile detention facility) and to receive assistance upon release if found eligible.

SB 310 DNA Evidence, Preservation of

Effective Date: June 24, 2009

Chapter: 489 (2009 Laws)

Requires law enforcement agency in aggravated murder, murder, manslaughter I or II, criminally negligent homicide, aggravated vehicular homicide, or sex crime to preserve biological evidence in amount sufficient to develop a DNA profile. Allows exception if certain characteristics of evidence make retention impracticable. Sunsets January 2, 2012.

SB 356

Asset Forfeiture Law Revision

Effective Date: April 28, 2009

Chapter: 78 (2009 Laws)

After Ballot Measure 3 (2000) was found unconstitutional by the Oregon Court of Appeals in 2003 for containing more than one subject, the Legislative Assembly in 2007 referred SJR 18 to the voters for approval. The voters approved it in 2008 as Ballot Measure 53. That measure provided that property forfeited constitutes the proceeds of the crime for which the claimant has been convicted; was instrumental in committing or facilitating the crime for which the claimant has been convicted; constitutes proceeds of one or more other crimes similar to the crime for which the claimant was convicted; and was instrumental in committing or facilitating one or more other crimes similar to the crime for which the claimant was convicted. Measure 53 allows forfeiture without conviction of claimant if the forfeiting agency proves the property constitutes proceeds or the instrumentality of a crime committed by another person and: (1) The claimant took the property with the intent to defeat forfeiture of the property; (2) The claimant knew or should have known that the property constituted proceeds or an instrumentality of criminal conduct; or (3) The claimant acquiesced in the criminal conduct in that the person knew of the criminal conduct and failed to take reasonable action to terminate the criminal conduct. It sets the standard of proof as the preponderance of the evidence if the property is personal property and at clear and convincing evidence if the property is real property.

SB 356 re-enacts the civil forfeiture laws in accordance with Measure 53. It covers inventory and receipt of property, manner of seizure, delivery of the property, effect of seizure on liens and security interests of financial institutions; care and custody of the property; hearing on probable cause; forfeiture notice; process for asserting claims; ex parte forfeitures; procedure for forfeiture actions; standards of proof and defenses; disposition of forfeited property; creation of the Asset Forfeiture Oversight Committee; and directs the use of funds in the Illegal Drug Cleanup Fund.

SB 401

Mentally Ill Offenders under PSRB, Resources in Underserved Areas

Effective Date: January 1, 2010

Chapter: 426 (2009 Laws)

Directs Department of Human Services to develop and implement a plan to increase supervision and treatment options in underserved areas for individuals released under the jurisdiction of the Psychiatric Security Review Board. Requires department to submit to the Legislature the plan, an assessment of department's progress and a description of the financial or legal impediments to implementation.

SB 512

Juvenile Offender, Notice to School

Effective Date: June 23, 2009

Chapter: 426 (2009 Laws)

Replaces some provisions of SB 1092 (2008) and requires notice of certain offenses to school administrator or superintendent of district for youth within jurisdiction of juvenile court. Specifies contents of notice. Identifies offenses for which notice is required. Requires that documents or information relating to petition that is set aside or dismissed be removed and destroyed. Specifies July 1, 2009 operative date.

SB 529

Mentally Ill Offenders, Facilities for, Department of Human Services Liaison when Planning.

Effective Date:

Chapter:

Directs Department of Human Services to establish a position to act as liaison between department and communities in which department plans to establish housing for persons conditionally released by Psychiatric Security Review Board or for person with mental illness.

SB 570

Metal Theft Law Revision

Effective Date:

Chapter:

Requires scrap metal business to create and maintain certain records pertaining to purchase and transfer of metal property. Requires payment for all metal property in the form of a check mailed to seller's home address. Creates process for metal scrap business to retain metal property suspected to be lost or stolen. Requires consignment and second-hand stores to comply with provisions of the measure. Creates immunity for landowner where an injury or damage occurs as a result of theft of metal property. Creates misdemeanor crimes of unlawfully altering metal property; making false statement on metal property record; unlawfully purchasing or receiving metal property; and unlawfully possessing metal property. Provides that scrap metal business must wait three business days before mailing payment for scrap purchased. Requires scrap metal business to report to law enforcement within 24 hours any purchase of metal property that the person knows or has reason to know is subject of theft or burnt metallic wire from which insulation has been removed. Provides that auto dealers, towers and dismantlers are exempt from recording requirement. Requires auto dealers, towers and dismantlers to comply with recording requirements if they buy private metal property (such as catalytic converters not attached to vehicles) or other metal property not attached to a vehicle. Adds forestry and logging equipment to definition of "commercial metal property." Requires information regarding individual's criminal history be provided to scrap metal businesses in writing or electronically by law enforcement.

SB 759

Public Safety Coordinating Council vote of Majority

Effective Date: June 16, 2009

Chapter: 286 (2009 Laws)

Allows a public safety coordinating council to conduct business pursuant to a vote of the majority of the quorum present, rather than a majority vote of the members of the council.

SB 5518

District Attorneys and their Deputies Budget

Effective Date:

Chapter:

Provides funding only for compensation of the 36 district attorneys and state government service charges. Eliminates funding for prosecutorial assistance (deputy district attorneys).

Records and Elections

AOC Staff: Ann Hanus

The Legislature considered and passed significant election legislation. HB 3451 will allow electronic scanning seven days in advance of elections resulting in efficiencies and cost savings. Further, an electronic voting system for the military, on-line registration, easing nomination of independent candidates, and "fusion lite" which allows up to three political parties on a ballot for

a candidate were approved. A major focus of the Legislature was reform of the ballot measure process. The County Clerks were successful in having the Legislature pass HB 2621 which deals with how to handle vacancies for purposes of the ballot and HB 3451 allowing advance scanning of ballots.

The Legislature passed a number of bills affecting recordings, some of which will have significant impact and cost to County governments. Within the first month of the session, the Legislature passed HB 2436 aimed at providing increased funding for low income housing. This bill increased the recording fee but did not include the 5 percent for county clerk costs. Other bills adopted by the Legislature prohibits disclosure of information on military discharge records and for district attorneys. The Legislature did approve the County Clerks' bill to remedy correction of erroneously recorded reconveyance or trustee's deeds.

A. Elections

HB 2005

Election Petitions

Effective Date:

Chapter:

Expands on the 2007 HB 2082 (Initiative Reform Modernization Act) that required paid signature gatherers to register and complete training with SOS.

HB 2082

Conservation Districts

Effective Date: January 1, 2010

Chapter: 220 (2009 Laws)

Petitions for Conservation District Formations are filed with the State Department of Agriculture and Section 9(1) allows the State Department of Agriculture to enter into an agreement with county election official to prepare ballots and administer the election process.

HB 2095

Secretary of State Housekeeping Bill

Effective Date:

Chapter:

Prohibits registering an elector if certain information printed on a registration card is altered; effective date of updated voter registration is date county clerk received written evidence of address change; minor party status; candidate eligibility; revises statement on ballot regarding recall; written letter describing reason for challenge mailed to each elector voting a challenged ballot; election board workers may not be related to candidate; administrative recount deadlines extended; recall procedures; contested recall results; vacancies in a state office; clarification between a replacement ballot and a reissued ballot.

HB 2414

Prescribes Ballot Language for HJR 7 and HJR 13

Effective Date:

Chapter:

Prescribes ballot titles and explanatory statements for House Joint Resolution 7 (2009) and House Joint Resolution 13 (2009). HJR 7 amends the constitution to expand availability of home ownership loans for veterans. HJR 13 revises the constitution to allow the state to issue bonds to match voter approved bonds for school capital costs.

Calls for a January 26, 2010 election if HB 2615 (increased state income tax) and HB 3405 (increased corporate taxes) are referred to the people by petitions.

HB 2511

Military E-Voting System

Effective Date:

Chapter:

Allows long term absent electors to cast a ballot using a facsimile machine if the ballot is received in the office of the county clerk no later than 8:00 p.m. on Election Day. It must include a signed identification envelope and waiver.

HB 2621**Death of a Candidate**

Effective Date: June 18, 2009

Chapter: 366 (2009 Laws)

Requires elections filing officer to modify ballot when vacancy occurs before 47th day before date of election. The timeframe is moved from 30 days before an election to 47 days before an election to remove a candidate's name from the ballot if the candidate withdraws, dies, or becomes disqualified.

HB 2667**Verifying Residence of State Candidates**

Effective Date:

Chapter:

The Secretary of State must verify the residence of state candidates if the county clerk determines that the candidate's address is less than 100 radial yards from the boundary of the district in which the candidate has filed candidacy.

HB 2895**State Measure Statements**

Effective Date:

Chapter:

Directs Secretary of State to designate organizations to establish citizen panels to review and create statements on specified number of initiated state measures. Each appointed citizen panel will review not more than three initiated state measures. The citizen panels will then file with the Secretary of State a Citizen Statement on each measure reviewed. This Statement will be included in the State Voters Pamphlet. HB 2895 sunsets on January 2, 2011.

HB 2941**Ballot Titles for Similar Measures**

Effective Date:

Chapter:

Directs Attorney General to provide identical draft ballot title for state measure to be submitted if Attorney General determines two or more state measures are substantially similar.

HB 3033**Limits Signature Gathering to Two Years for County/City Measure**

Effective Date:

Chapter:

Signature gathering to initiate a county or city measure cannot exceed two years. A petition must be filed no later than 90 days before the election. It does not apply to petitions to initiate a measure for which an election is to be held on or before January 1, 2011.

HB 3043**Annexes Territory within Urban Growth Boundary**

Effective Date: January 1, 2010

Chapter: 216

Annexes territory within an urban growth boundary to metropolitan service district by operation of law.

HB 3116**Community College Districts**

Effective Date:

Chapter:

Financing for Blue Mountain Community College District, Columbia Gorge Community College District, Southwestern Oregon Community College District and Rogue Community College District through bonded indebtedness for benefit of districts upon approval of voters in district.

HB 3237**Ballot Title and Envelopes**

Effective Date:

Chapter:

Requires ballot title and outer envelope in which ballot title is delivered to specify whether measure authorizes renewal of current local option taxes. If it is a renewal, the language "This

measure renews current local option taxes” must be added to the statement. The outer envelope must say “renewal of current local option taxes.” Each precinct must be part of the same Congressional and Legislative district. Precincts must be contiguous. Precincts cannot exceed 5,000 electors. As soon as possible after an election, county clerks must send election results electronically to the Secretary of State. Observers are allowed to watch signature verification of state petitions.

HB 3254 Radio Communication Special Districts

Effective:

Chapter:

Allows radio and data districts to be formed as special districts. Immediate impact on Umatilla and Morrow Counties to set up special district for emergency communication. Other counties can take advantage of legislation and form special districts for emergency communications. [Cross Governance and Telecommunications]

HB 3451 Electronic Scanning of Ballots Prior to Election Day

Effective Date:

Chapter:

If the county clerk has early scanning as a part of their approved security plan, clerks may, not sooner than seven days before the election, begin scanning ballots.

HB 3473 High School Plans to Encourage Voting

Effective Date:

Chapter:

High schools must adopt a plan to encourage students to register to vote and to vote in elections.

**SB 326 Independent Candidate Nominating Process/Up to Three
Political Parties per Candidate**

Effective Date:

Chapter:

Repeals provision prohibiting elector from participating in more than one nominating process for each partisan public office to be filled at general election. Allows names of three political parties for a candidate to be shown on the ballot (“lite fusion”).

SB 330 Filing Complaint Process in State Voters Pamphlet

Effective Date: January 1, 2010

Chapter: 232 (2009 Laws)

The Secretary of State is required to include the procedures for filing a complaint in the state voters pamphlet.

SB 344 Appointment of County Surveyor

Effective Date: June 24, 2009

Chapter: 491 (2009 Laws)

Unless an adopted county charter or ordinance provides otherwise, the governing body of a county shall appoint the county surveyor. [Cross ??]

SB 560 Dissolution of County Service Districts

Effective Date: January 1, 2010

Chapter: 496 (2009 Laws)

Allows dissolution of county service districts without an election if the district is no longer necessary for its purpose.

SB 663 Filling Vacancy of Board of Directors of Irrigation District

Effective Date: January 1, 2010

Chapter: 282 (2009 Laws)

Changes method for filling the vacancy on the board of directors of irrigation district. *[Cross Governance]*

SB 775

Ballot Title Summary

Effective Date: January 1, 2010 Chapter: 247 (2009 Laws)

The first statement of a ballot title summary "This measure may be passed only at an election with at least a 50 percent voter turnout" does not apply to a measure subject to Section 11k, Article XI.

SB 839

Victim of Human Trafficking Eligible for Address Confidentiality Program

Effective Date: January 1, 2010 Chapter: 468 (2009 Laws)

Includes victim of human trafficking as person eligible for Address Confidentiality Program.

SB 944

Lane County Commission on Transportation

Effective Date: January 1, 2010 Chapter: 509 (2009 Laws)

A Lane County Commission on Transportation must be developed no later than September 30, 2010. *[Cross Transportation]*

B. Records

HB 2085

Notaries

Effective Date: January 1, 2010 Chapter: 338 (2009 Laws)

Modifies the list a Notary may rely on for satisfactory identification. Allows the Notary fee to be paid to the employer and allows the governing body to charge a fee to defray costs.

HB 2162

County Board of Property Tax Appeals

Effective Date: Chapter:

Includes "personal delivery" to the types of delivery of County Board of Property Tax Appeals Orders, providing the date the petitioner can base his deadline to appeal to the magistrate court.

HB 2339

Non-Disclosure of District Attorney Public Information

Effective Date: Chapter:

Expands exemption from disclosure of certain personal information to include personal information of the district attorney, deputy district attorney, Attorney General or assistant attorney general, United States Attorney for District of Oregon or assistant United States attorney for District of Oregon, city attorney who engages in prosecution of criminal matters or deputy city attorney who engages in prosecution of criminal matters.

HB 2349

Recording of Surety Bond or Deposit

Effective Date: Chapter:

Moderate changes to the recording of a surety bond or deposit. HB 2349 still requires the owner of interested party to file (record) a surety bond with the county clerk or post bond with the county treasurer related to the value of a lien for release of the lien.

HB 2436

Low Income Housing Recording Fee

Effective Date: Chapter:

Requires \$15 recording fee for Low Income Housing. Specifies that the Low Income Housing fee does not apply to (a) instruments that are otherwise exempt from recording fees; (b) Satisfaction

of Judgment or Certificate of Satisfaction of Judgment; (c) Internal county government instruments not otherwise charged a recording fee; (d) Mining Affidavits of Annual Labor (assessment); (e) Employment Department warrants; (f) Certified copy of judgment; (g) Lien Record Abstract; and (h) all Department of Revenue instruments.

HB 2470 Possession of Dogs/Puppy Mills

Effective Date: January 1, 2010 Chapter: 297 (2009 Laws)

A person may not possess, control or otherwise have charge of at the same time more than 50 sexually intact dogs that are two years of age or older for the primary purpose of reproduction.

HB 2560 Alteration of Certified Copies

Effective Date: January 1, 2010 Chapter: 302 (2009 Laws)

Prohibits altering certified copies. Allows correcting and re-recording of a certified copy using a cover sheet and adds "at the request of" to the re-recording certificate. The re-recorded document may include attachments identified on the cover sheet that are necessary to make the corrections.

HB 2626 Energy Loan Program

Effective Date: Chapter:

Directs the Director of State Department of Energy to administer energy efficiency and sustainable technology loan program. The department shall record a lien on the real property benefited by the loan for those indebtedness amounts that are not secured by a fixture filing (Section 36 of the bill). The department may record a filing or lien under this section only on a property for which the property owner has agreed to the installation of a base efficiency package or optional package benefiting the property. See the Energy and Environment Section for more details.

HB 2759 Remedy for Correcting Reconveyance or Trustee's Deed

Effective Date: Chapter:

Provides a remedy for correcting an erroneously recorded Reconveyance or Trustee's Deed. Changes the index of long-term care liens from "deeds" to "liens"

HB 2839 Domestic Partnerships

Effective Date: Chapter:

Allows either party entering into domestic partnership to retain surname or to change surname to surname of other party or hyphenated combination of surnames of both parties. Forms and computer programs must be in compliance by January 1, 2010. The remainder of the bill becomes effective September 28, 2009.

SB 235 Probate Clerks/Value of Estate

Effective Date: January 1, 2010 Chapter: 413 (2009 Laws)

Increases the value of estates for which a small estate affidavit may be filed.

SB 239 Recording of Affidavit of Mailing

Effective Date: June 4, 2009 Chapter: 229 (2009 Laws)

Trustee to record "Affidavit of Mailing" with respect to the notice required to be sent to the grantor.

SB 618 Exempts Military Discharge from Public Disclosure

Effective Date: June 24, 2009

Chapter: 500 (2009 Laws)

Exempts Military Discharge from public disclosure unless a written request is received by the county clerk from the veteran or the spouse, legal guardian or personal representative of the veteran, a county veterans' officer, representative of the Department of Veterans Affairs, or licensed funeral establishment for the purposes of burial benefits. Requests must be maintained by the county clerk no later than 10 years.

Telecommunications & Utilities

AOC Staff: Eric Schmidt

The 75th Oregon General Assembly made a stab at making broadband more available and attractive in Oregon, but for the most part, telecommunications issues were not a priority. The session began with the knowledge that the Oregon Telecommunications Coordinating Council (ORTCC) will sunset in January, 2010. For nearly a decade, ORTCC advised the Legislature and the Governor on telecommunications issues, particularly broadband. Oregon counties were well represented and actively involved with ORTCC.

During the interim, the House Committee on Government Accountability and Information Technology dropped a bill (HB 2803) extending the sunset on ORTCC. However, there was virtually no interest from the Governor's office in keeping ORTCC alive. Instead, Representative Jefferson Smith, D-Portland, and Representative Brian Clem, D-Salem, introduced a bill (HB 3158) creating an Oregon Broadband Advisory Council. This Council will have many of the same responsibilities ORTCC had, but with a different membership. A representative of Oregon counties will sit on the new Council along with representatives from the cities, state agencies and industry. ORTCC will sunset January 2, 2010 as a result of inaction on HB 2803.

HJR 6, a resolution stating that it is state policy to improve broadband availability and to encourage utilization of broadband applications for Oregonians and Oregon communities failed to make it out of committee.

The Oregon Wireless Interoperability Network (OWIN) once again came under legislative scrutiny, especially after the *Oregonian* published a front page story questioning the need for the state to spend hundreds of millions dollars to build a radio communication system. OWIN is in the State Police budget, and was zeroed out in the first budget that went to the Legislature. That would have effectively ended the project.

OWIN had established a Project Steering Committee to guide OWIN staff as the system is built out. Yamhill County Commissioner Kathy George is AOC's representative on that committee. Commissioner George, along with Lane County Sheriff Russ Berger, representatives of several fire districts and other first responders urged the Ways and Means Subcommittee on Public Safety to restore funding for OWIN. In the end, OWIN will receive \$3.5 million from the General Fund for operating and a Capital Construction budget of \$192.9 million. If \$76 million of bonding for Phase I work approved in January and \$74.5 million in ODOT transfer funding is included, the Legislature actually authorized \$346.9 million for the OWIN project.

OWIN staff have pledged to continue to work on strengthening partnerships established with local governments and private firms through the Project Steering Committee.

On the utility front, Verizon, Skype and a coalition of voice over internet protocol (VOIP) providers and telecommunications companies, tried to push a bill (HB 2405) that would have prohibited counties and local governments from regulating VOIP services now and in the future. Counties and cities argued that the bill would have eliminated local authority to manage rights-of-way, decrease local revenue and prevent oversight at the state or local level of a broad range of telecommunications services, some of them not yet invented. In effect, the bill would have kept counties from any local regulation, including franchise requirements on new telecommunication technology.

Telecommunication interests could label their services VOIP and get around any current regulations as well. The bill was heard several times in the House Committee on Business and Labor, but never made it to the House floor.

HB 2097 Telecommunications Service Exemption

Effective Date: May 26, 2009

Chapter: 124 (2009 Laws)

Provides that Public Utility Commission may exempt telecommunications utility, cooperative corporation or municipality from carrier of last resort obligations if commission finds that owner or developer of property with four or more single-family dwellings uses alternative service provider to provide local telecommunications service.

HB 2146 State Government Electronic Connectivity

Effective Date:

Chapter:

Creates Electronic Government Portal Advisory Board for purposes relating to development of electronic information delivery system accessible by Internet and by which state agencies deliver information, products or services.

HB 2167 Distribution of 9-1-1 taxes

Effective Date:

Chapter:

Modifies timing of payment of certain administrative expenses of Office of Emergency Management from moneys in Emergency Communications Account.

HB 2168 9-1-1 Communications

Effective Date: January 1, 2010

Chapter 203 (2009 Laws)

Relating to 9-1-1 communications by removing outdated, unnecessary or incorrect language. The legislation was sponsored by the Governor for the Oregon Military Department.

HB 2252 Sunset Extension for RSPF

Effective Date:

Chapter:

Extends sunset for Residential Service Protection Fund from January 1, 2010 to January 1, 2020.

HB 2377 Hands Free Cell Phone Driving

Effective Date:

Chapter:

Prohibits person of any age from operating motor vehicle while using mobile communication device except under certain circumstances.

HB 2500**State Government Website for Public Records**

Effective Date:

Chapter:

Directs Oregon Department of Administrative Services to develop and make available Oregon transparency website for purpose of allowing people to view information that is public record and not exempt from disclosure.

HB 3158**Oregon Broadband Advisory Council**

Effective Date:

Chapter:

Creates Oregon Broadband Advisory Council within Economic and Community Development Department for purposes relating to broadband communication and technology. One member of council will represent Oregon counties.

HB 3254**Radio Communication Special Districts**

Effective Date:

Chapter:

Allows radio and data districts to be formed as special districts. Immediate impact on Umatilla and Morrow Counties to set up special district for emergency communication. Other counties can take advantage of legislation and form special districts for emergency communications. [Cross Governance and Elections]

SB 24**Telemedical Health Service**

Effective Date: January 1, 2010

Chapter: 384 (2009 Laws)

Requires health benefit plans to provide coverage of medically necessary telemedical health services that meet specified criteria if health service is otherwise covered by plan.

SB 590**SIEC Membership**

Effective Date: January 1, 2010

Chapter: 454 (2009 Laws)

Permits Indian tribe member of State Interoperability Executive Council to be designee of Indian tribe.

Transportation & Public Works

AOC Staff: Arthur J. Schlack, Mike Eliason, Jon Oshel

If there was a bright spot during the 2009 legislative session, it was that the Legislature passed a comprehensive transportation funding package. The 2009 Jobs and Transportation Act passed by the Legislature will increase transportation funding by approximately \$300 million annually when fully implemented in 2011. The package also contains \$100 million of lottery backed bonds for multi-modal transportation project in the form of Connect Oregon III. Connect Oregon III is an extension of Connect Oregon II approved in 2007.

The vehicle, House Bill 2001, received bi-partisan support in the House and Senate thanks primarily to the work of the "Group of 9" who guided the package through the legislative process. The "Group of 9" consisted of Senators Courtney, Metsger, Starr, and Johnson and Representatives Hunt, Beyer, Bentz, Burger and David Edwards.

Passage of House Bill 2001 represented nearly two years of work as the Governor established three work groups in the fall of 2007 to assist in development of a funding package for his

consideration. The three work groups were: Vision Committee, Governance Committee and Public Awareness Committee. Representatives of AOC participated on each of these Committees.

Additional revenue for transportation funding is achieved by increasing user fees (vehicle registration and title fees) and a 6 cent increase in gasoline taxes. This is the first time since 1993 that the Legislature has increased the state's gas tax. The additional transportation revenue from this package will be shared 50% to the State, 30% to Counties and 20% to Cities, after \$27 million is taken off the top of the package – \$24 million to replace federal flexible funds at the state and \$3 million to be used for the maintenance and preservation of road side rest stops on I-5 and I-84. When fully implemented in 2011, the funding package is projected to provide counties with an additional \$82 million annually. It is worth noting, that the Legislature chose to direct how additional state transportation revenues are to be allocated.

House Bill 2001 contains a number of policy elements that impact the state, counties and cities. The Legislature imposed a four year moratorium on local vehicle registration fees and gas taxes. The measure provided an exception for Multnomah and Clackamas Counties which may implement a local vehicle registration fee to help pay for the replacement of the Sellwood Bridge. Additionally, after expiration of the moratorium counties with a population of 350,000 or more may enact a local vehicle registration fee without first having it approved by the voters.

Cities and Counties are allowed to retain local gas taxes that exist on the effective date of the measure. However, after the moratorium is lifted, all new local gas taxes would need to be submitted to the voters for approval.

HB 2001

Transportation Funding Package

Effective Date:

Chapter:

HB 2001, the Jobs and Transportation Act of 2009, provides comprehensive transportation policy direction and increases to the state highway fund. The measure directs interim legislative committees on transportation to review state and local responsibilities for state highway system and resources available to each level of government, and to prepare legislation to implement recommendations. Requires the Department of Transportation (ODOT) to develop one or more congestion pricing programs in the Portland area and to report to interim transportation committees. Defines "least cost planning" and directs ODOT to develop a least cost planning model for decision-making in projects at state and local level and to report on the model to the Legislature. Directs ODOT to incorporate environmental performance standards in state highway construction and design, including local government projects funded by the department. Provides guidelines for project selection criteria for the State Transportation Improvement Program.

Increases vehicle title fees, annual vehicle registration fees, plate manufacturing fees, trip permit fees, custom plate fees (to raise money for Passenger Rail Fund), and ID Card fees. Increases gasoline and diesel taxes, weight-mile taxes, and flat fee taxes. The bill specifies distribution for revenues resulting from the fee and tax increases.

Authorizes \$840 million in Highway User Tax Bonds for 2009 transportation projects and requires use to fund transportation projects specified in the measure.

Section by Section Summary of House Bill 2001: [See next page]

HB 2001 B-Engrossed

Section	Description
	Task Forces and Studies
1	<ul style="list-style-type: none"> • Directs the House and Senate Interim Transportation Committees in consultation with the Oregon Transportation Commission (OTC), local governments, planning organizations, and stakeholders to: <ul style="list-style-type: none"> ○ Review the responsibilities given to the state, counties and cities for improvement, maintenance and management of the highway system and the resources available to each level of government and make recommendations to better align resources and responsibilities. ○ Review best practices for stakeholder involvement in transportation decision making. ○ Identify opportunities to achieve greater program efficiency in the delivery of transportation services and programs through intergovernmental cooperation. ○ Study national best practices for improving the delivery of metropolitan transportation services through enhanced regional decision making. • Directs the committees to prepare legislation for introduction in the 2010 Legislative session..
2	<ul style="list-style-type: none"> • Sunsets the Task Forces and Studies provisions in January 2012.
	Congestion Pricing Pilot Programs
3	<ul style="list-style-type: none"> • Directs ODOT, in cooperation with Clackamas County, Multnomah County, Washington County, the City of Portland and Metro, to develop one or more pilot studies in the Portland metro area to study the effect that congestion pricing may have on traffic congestion. • Allows pilots to include time-of-day pricing with variable tolls, but does not limit pilots to this type of congestion pricing. • Requires at least one pilot to be implemented by October 2012. • Limits the application of congestion pricing fees to light vehicles (under 10,001 gross vehicle weight). • Directs ODOT to report on the design and implementation of pilot programs to the House and Senate interim committees on transportation and revenue by December of each year.
4	<ul style="list-style-type: none"> • Repeals direction to OTC to conduct congestion pricing pilots in January 2016.
	Transparency
5	<ul style="list-style-type: none"> • Directs ODOT to provide information about every transportation project funded by HB 2001 on its website. Access to the information must be directly from the department's home page.

May 26, 2009

1

HB 2001 B-Engrossed

Section	Description
	<ul style="list-style-type: none"> Requires specific information describing the project, its purpose, cost and timelines, including changes with an explanation of the reason for the changes. Requires that the information be updated weekly until all the projects are completed. Requires a report to the House and Senate transportation committees on progress toward meeting the goals of this section.
	Least Cost Planning
6 & 7	<ul style="list-style-type: none"> Defines "least cost planning" to mean a process of comparing direct and indirect costs of demand and supply options to meet transportation goals and / or policies where the intent of the process is to identify the most cost-effective mix of options. Directs ODOT to develop a least cost planning model for use in decision making in cooperation with local governments and metropolitan planning organizations. Directs ODOT to make a progress report to the 2011 session with recommendations for legislation, if needed, by February 2011.
	ConnectOregon III
8, 9, & 10	<ul style="list-style-type: none"> Makes the Legislative finding that lottery funds may be used to finance multimodal transportation facilities because a strong multimodal transportation system supports economic development. Authorizes \$100 million in lottery-backed bonds for the <i>ConnectOregon III</i> program. Requires that 5 percent (\$5 million) of the bond proceeds be allocated to rural airports. Requires that each region of the state receive no less than 10 percent (\$10 million) of the <i>ConnectOregon III</i> money, provided that there are qualified projects in the region. Defines the five regions.
	Medium Speed Electric Vehicle
11 to 14	<ul style="list-style-type: none"> Defines a new vehicle class: "medium speed electric vehicle." Creates a traffic offense for operating a medium speed electric vehicle on a road with a speed higher than 45 mph, excepting that a city or county may allow medium speed electric vehicles on roads with speed limits higher than 45 mph. Requires ODOT to adopt minimum safety standards for medium speed electric vehicles that are consistent with, but may exceed federal vehicle safety standards.

May 26, 2009

2

HB 2001 B-Engrossed

Section	Description
	<ul style="list-style-type: none"> • Authorizes ODOT to deny registration for vehicles that do not meet the minimum safety standards that the department adopted.
	Co-Location of State and Local Facilities
15	<ul style="list-style-type: none"> • Directs ODOT to prepare a budget request to facilitate the sharing of offices and facilities with local government in addition to its biennial capital construction request.
	Selection Criteria for Statewide Transportation Improvement Program (STIP) Projects
16 & 17	<ul style="list-style-type: none"> • Directs the OTC to work with stakeholders to review and update the criteria used for STIP project selection. When it revises the project selection criteria, the OTC must consider the following principles to: <ul style="list-style-type: none"> ○ Improve the state highway system or major access routes to the state highway system on the local road system to relieve congestion by expanding capacity, enhancing operations or otherwise improving travel times within high-congestion corridors. ○ Enhance the safety of the traveling in support of decreasing traffic crash rates, promoting the efficient movement of people and goods and preserving the public investment in the transportation system. ○ Increase the operational effectiveness and reliability of the existing system by using technological innovation, providing linkages to other existing components of the transportation system and relieving congestion. ○ Is capable of being implemented to reduce the need for additional highway projects. ○ Improve of the condition, connectivity and capacity of freight-reliant infrastructure serving the state. ○ Support improvements necessary for the state's economic growth and competitiveness, accessibility to industries and economic development. ○ Provide the greatest benefit in relationship to project costs. ○ Foster livable communities by demonstrating that the investment does not undermine sustainable urban development. ○ Enhance the value of transportation projects through designs and development that reflect environmental stewardship and community sensitivity. ○ Is consistent with the state's greenhouse gas reduction goals and reduces the state's dependence on foreign oil.

May 26, 2009

3

HB 2001 B-Engrossed

Section	Description
	Environmental Stewardship / Green Standards
18	<ul style="list-style-type: none"> • Directs ODOT to adopt rules that take into consideration environmental stewardship approaches developed for the 2003 Oregon Transportation Investment Act, including: <ul style="list-style-type: none"> ○ Incorporating environmental performance standards into the design and construction of all state highway construction projects, including local government highway construction projects funded by the department. ○ Improving the environmental permitting process for state highway construction projects in order to: <ul style="list-style-type: none"> ▪ Reduce the time required to design projects. ▪ Reduce the cost and delay associated with re-designing projects to meet environmental permits. ▪ Maintain strong commitment to environmental stewardship. ▪ Reduce Oregon's dependence on foreign oil.
	Practical Design
19 & 20	<ul style="list-style-type: none"> • Directs ODOT to follow design practices that incorporate the maximum flexibility in the application of standards to reduce cost while preserving and enhancing safety and mobility. • Requires ODOT to report to the interim House and Senate Transportation Committees by November 2010 on the new design practices that it has implemented.
	Design Alternatives to Improve Safety for Hazardous Material Routing
21 & 22	<ul style="list-style-type: none"> • Directs ODOT, in consultation with local government, to develop design alternatives to improve safety for at least one county road that is used for hazardous materials routing in lieu of a state highway.³ • Directs ODOT to report to the Legislature by February 2011. • Sunsets this requirement on January 2, 2012.
	Asset Management Pilot
23 & 24	<ul style="list-style-type: none"> • Directs ODOT to develop and implement a six year pilot program to contract for all maintenance activities on a segment of state highway between 10 and 30 miles in length. The department must advertise the procurement by February 2010 and enter into contracts by June 2010. • Encourages ODOT to study such programs in other states to determine and adopt best practices. • Requires ODOT to report biennially to the House and Senate business and labor committees and to the Ways and Means committee. • Sunsets this requirement on January 2, 2018.

May 26, 2009

4

HB 2001 B-Engrossed

Section	Description
	Four Year Moratorium
25 to 28 & 69	<ul style="list-style-type: none"> Prohibits a city, county or other local government from enacting or amending any ordinance imposing a tax on motor vehicle fuel from October 2009 to January 2014. Requires a city, county or other local government to first seek voter approval before levying a tax on motor vehicle fuel on or after January 2, 2014.
	Car Rental Surcharge
29	<ul style="list-style-type: none"> Prohibits a car rental company from imposing a surcharge for the purpose of recovering the cost of titling and registering a rental vehicle that is greater than the amount reasonably calculated to recover the cost incurred by the company.
	"Efficient Fee" Highway Cost Allocation Study
30	<ul style="list-style-type: none"> Requires the Department of Administrative Services (DAS) to prepare a second, alternative highway cost allocation study for presentation to the next legislative session. The alternative study will consider the actual costs highway users impose, including the cost of replacement, traffic congestion, and greenhouse gas emissions. Requires DAS to present the results of both the highway cost allocation study and the alternative study to the next session with recommendations to implement the alternative methodology.
	Urban Trail Fund
31	<ul style="list-style-type: none"> Creates an Urban Trail Fund which consists of private donations, grants and legislative appropriations. Appropriates the Fund to ODOT to develop and maintain multi-use trails within urban growth boundaries for non-motorized vehicles and pedestrians that supplement or provide links to roads, highways, footpaths, bike trails and public transit.
	Management of Roadside Rest Areas
32 to 34	<ul style="list-style-type: none"> Requires ODOT to enter into an agreement with the Travel Information Council to manage, maintain and improve seven rest areas on I-5 and I-84 in addition to others that may be mutually agreed upon. ODOT will retain ownership of the rest areas. Allows the Travel Information Council to grant permits to nonprofit organizations that provide coffee and cookies at rest areas. Sunsets these provisions on January 2, 2020.

May 26, 2009

5

HB 2001 B-Engrossed

Section	Description
35 & 36	<ul style="list-style-type: none"> • Directs ODOT and TIC to work with the private sector to develop a plan for installing electric motor vehicle recharging stations at rest areas. • Directs ODOT and TIC to report to the interim House and Senate transportation committees on the plan. • Repeals this requirement on January 2, 2012.
	Planning to Reduce Vehicle Miles of Travel and Greenhouse Gas Emissions
37	<ul style="list-style-type: none"> • Defines "comprehensive plan," "land use regulation," and "metropolitan service district." • Requires metropolitan service districts (Metro is the only one) to develop two or more land use and transportation scenarios designed to reduce greenhouse gas emissions from light vehicles while accommodating population and economic growth. • Requires Metro to adopt one scenario after consulting with local governments within its boundaries and the public. • Requires the local governments within the Metro boundaries to adopt comprehensive plans and land use regulations consistent with the adopted scenario. • Requires ODOT and the Department of Land Conservation and Development (DLCD) to provide technical and financial assistance so that Metro and other local governments can meet the requirements above. • Allows Metro and local governments to not comply with the requirements if they do not receive adequate funding to carry out their responsibilities. • Requires the Land Conservation and Development Commission (LCDC) to adopt rules for Metro that identify the amount that the greenhouse gas emissions by light vehicles must be reduced within Metro's boundaries by 2035 by June 2011. ODOT and the Department of Environmental Quality (DEQ) must provide DLCD the information needed to determine the amount of the proposed reduction. • Requires ODOT to provide data to DEQ and the Department of Energy (DOE) with estimates of the mileage traveled by light vehicle within Metro's boundaries and vehicle replacement rates. • Requires DEQ and DOE to estimate greenhouse gas emissions in 1990 caused by light vehicles. DEQ and DOE will provide the estimates to ODOT. • Requires DEQ and DOE to estimate greenhouse gas emission in 2035 caused by light vehicles, taking vehicle replacement and reasonable estimates of new vehicle technology into account. • Requires DEQ and DOE to recommend to LCDC the amount of the reduction in light vehicle emissions needed to achieve the 2050 goal for Oregon's greenhouse gas emission reduction. DEQ and DOE must explain why their recommendation is different from the mid-point of trend line in

May 26, 2009

6

HB 2001 B-Engrossed

Section	Description
	<p>reductions between 2020 and 2050, if they recommend any deviation.</p> <ul style="list-style-type: none"> • Requires DEQ and DOE to estimate the reduction in vehicle miles of travel needed within Metro needed to achieve the 2035 reduction. • Requires ODOT, DEQ and DOE to recommend to LCDC modeling tools and other methods to adjust Metro's target vehicle mileage reduction. • Requires ODOT, DEQ and DOE to submit the information they are required above to LCDC by March 2011. • Requires LCDC, in consultation with the Oregon Transportation Commission, to adopt rules by January 2013 for the adoption of regional and local plans required to implement the scenario adopted by Metro. The bill requires the rule to cover specific topics. • Allows LCDC to delay the adoption of its rule by 90 days, provided that the delay will not delay Metro's completion of the planning scenarios.
38	<ul style="list-style-type: none"> • Defines "metropolitan service district." • Requires DLCD and ODOT to report to the interim transportation committees before February 2012 on progress toward implementing the land use and transportation strategies described in the previous section. • Requires DLCD and ODOT to report to the interim transportation committees before February 2014 on the rules that were adopted and on remaining work needed. DLCD and ODOT will also recommend whether the requirements placed on the area with Metro's boundaries should be applied to metropolitan planning organizations in the state.
38a	<ul style="list-style-type: none"> • Defines the term "metropolitan planning organization" (MPO). • Requires the Lane Council of Governments (the Central Lane MPO) to develop two or more transportation and land use scenarios that accommodate population growth and economic development while achieving reductions in greenhouse gas emission by light vehicles with assistance from ODOT and Metro. • Requires the local governments within the MPO to cooperatively select one scenario after public review and comment. • Requires ODOT and DLCD to provide financial and technical assistance in land use and transportation planning. • Requires Metro to make its land use modeling capabilities available to LCOG with financial assistance from ODOT. • Requires ODOT to provide financial assistance to LCOG, Metro, and the local governments within the MPO. • Allows LCOG and local governments to not comply with the requirements if they do not receive adequate funding to carry out their responsibilities. • Requires LCOG to report to the interim House and Senate transportation committees by February 2014. The report must cover the implications for land use and transportation planning of the adopted scenario and must include recommendations for a cooperative process to make and enforce land use rules.

May 26, 2009

7

HB 2001 B-Engrossed

Section	Description
39	<ul style="list-style-type: none"> Sunsets the planning provisions in sections 38, 39 and 39a on January 2, 2016.
County Vehicle Registration Fee	
40 & 68	<ul style="list-style-type: none"> Allows Multnomah County (a county with population greater than 350,000) to adopt a county registration without first obtaining voter approval for the purposes of financing the design and replacement of the Sellwood bridge (a bridge that crosses the Willamette River in the City of Portland). Requires Multnomah County to restrict use of the bridge to light vehicles (less than 26,000), except for publicly-owned vehicles. Removes the "spider web." The "spider web" is the requirement that counties enter into agreements with other jurisdictions concerning the use of the funds raised by a proposed county option fee.
40a, 40b, 40c, 41 & 68	<ul style="list-style-type: none"> Revises the county registration provisions to allow counties with population greater than 350,000 (now Clackamas, Multnomah, and Washington Counties) to adopt a local option vehicle registration fee without first obtaining voter approval. Removes provisions that require the money to be used to finance the design and replacement of the Sellwood Bridge. Requires a county that adopts a county registration fee to distribute 40 percent of the money raised by the fee to the cities within the county unless there is agreement for a different distribution Makes conforming changes in other statutes that reference ORS 801.041. Makes changes operative on July 1, 2013.
Vehicle Title Fees	
42	<ul style="list-style-type: none"> Increases vehicle title fees by: <ul style="list-style-type: none"> \$22 for vehicles weighing less than 26,001 pounds (from \$55 to \$77) \$10 for salvage titles (from \$17 to \$27) Allows customers who must have a duplicate title issued and have a title transfer made to pay \$77 to accomplish both transactions when the transactions are done at the same time.
Registration Fees	
43	<ul style="list-style-type: none"> Increases annual vehicle registration fees by: <ul style="list-style-type: none"> \$16 for cars, vans, pickups, and SUVs (from \$27 to \$43). \$9 for mopeds and motorcycles (from \$15 to \$24) \$16 for hybrid electrics (from \$27 to \$43) \$16 for two and three wheeled electric vehicles (from \$27 to \$43) \$16 for vehicles required to register by weight less than 8,000 pounds

May 26, 2009

8

HB 2001 B-Engrossed

Section	Description
	<p>(from \$27 to \$43).</p> <ul style="list-style-type: none"> ○ Reduces the registration fee for low speed electric vehicles by \$9 (\$54 to \$43). • Establishes \$43 per year registration fee for a medium speed electric vehicle.
43a & 43b	<ul style="list-style-type: none"> • Increases the registration fees for heavy commercial vehicles (vehicles over 8,001 pounds gross vehicle weight). The new fee for each 2,000 pound weight class is slightly more than twice the current fee. The new fee for an 80,000 pound truck is \$998 (was \$490). • Increases farm vehicle registration fees. The new fee for each 2,000 pound weight class is slightly more than 50 percent higher than the current fee. The new fee for an 80,000 pound farm truck is \$440 (was \$290). • Heavy vehicle registration fees become effective on January 1, 2010.
	Plate Manufacturing Fee
44	<ul style="list-style-type: none"> • Allows ODOT to increase the plate manufacturing fee to recover the cost of making plates. • Adds a fee of \$10 for a single plate and \$20 for a pair.
	Vehicle Trip Permits
44a	<ul style="list-style-type: none"> • Increases the fee for four types of trip permits: <ul style="list-style-type: none"> ○ Heavy vehicle trip permits to \$43 (was \$21). ○ Light vehicle trip permits to \$30 (was \$20). ○ Registration weight trip permits to \$7.50 (was \$5). ○ 10-day trip permits to \$15 (was \$10).
	Custom Plate Fee for Passenger Rail Fund
45	<ul style="list-style-type: none"> • Increases the custom plate fee from \$25 to \$50 per year to raise money for the Passenger Rail Fund.
	ID Card Fee
46 & 47	<ul style="list-style-type: none"> • Increases the fees for original issuance, replacement, renewal etc. of ID cards by \$10. The revenue from the ID card fee is transferred to the Elderly and Disabled Special Transportation Fund.

May 26, 2009

9

HB 2001 B-Engrossed

Section	Description
Gasoline and Diesel Tax	
48, 49 and 50	<ul style="list-style-type: none"> Increases the gasoline tax by 6 cents per gallon (from 24 cents per gallon to 30 cents per gallon). Increases the diesel tax by 6 cents per gallon (from 24 cents per gallon to 30 cents per gallon). This is the tax paid for diesel used in vehicles under 26,001 pounds in weight. The increases above become effective when the Department of Administrative Services determines that there has been an increase of at least 2 percent each quarter for two or more consecutive quarters in seasonally adjusted nonfarm payroll employment or January 1, 2011, whichever comes first.
Truck Taxes and Fees	
51	<ul style="list-style-type: none"> Increases the road use assessment fee to 7.1 cents (was 5.7 cents) per single axle equivalent mile to ensure the revenue raised from heavy vehicles remains in proportion to the revenue raised from light vehicles.
52	<ul style="list-style-type: none"> Increases the weight mile tax paid by heavy vehicles registered between 26,001 pounds and 105,500 pounds gross vehicle weight by about 24 percent to ensure the revenue raised from heavy vehicles remains in proportion to the revenue raised from light vehicles. For reference, a truck registered in the 78,000- 80,000 pound weight class will pay 16.38 cents per mile traveled in Oregon (was 13.16 cents per mile).
53	<ul style="list-style-type: none"> Increases the flat fee rates paid by some vehicles (log trucks, sand and gravel trucks, and chip trucks and similar vehicles) to ensure the revenue raised from heavy vehicles remains in proportion to the revenue raised from light vehicles: <ul style="list-style-type: none"> \$7.59 for log trucks per 100 pound declared weight (was \$6.10). \$6.23 for farm trucks per 100 pound declared weight (was \$5.00). \$7.53 for sand and gravel trucks per 100 pound declared weight (was \$6.05). \$30.65 for chip trucks per 100 pound declared weight (was \$24.62).
54	<ul style="list-style-type: none"> The road use assessment, weight mile tax and flat fee increases in sections 51 to 53 become effective on October 1, 2010.

HB 2001 B-Engrossed

Section	Description
	Revenue Distribution
55, 56 & 57	<ul style="list-style-type: none"> • Distributes the revenue attributable to the title fee, vehicle registration fee and plate manufacturing fee increases made in HB 2001 as follows: <ul style="list-style-type: none"> • \$24 million per year is allocated to ODOT for highway purposes in monthly installments. • \$3 million per year is allocated to the Travel Information Council for roadside rest areas on the first of the year. • The balance is distributed as follows: <ul style="list-style-type: none"> ○ 20 percent to cities ○ 30 percent to counties ○ 50 percent to the state highway program. • Allocates the money available to ODOT as follows: <ul style="list-style-type: none"> • 68 percent for maintenance, preservation and safety. • 32 percent for the State Modernization Program. • Allows money made available to ODOT to be used for debt service.
57 & 58	<ul style="list-style-type: none"> • Revises the distribution formula on January 1, 2011 to distributes the revenue attributable to the title fee, vehicle registration fee, plate manufacturing fee, gasoline tax, road use assessment, weight mile tax and flat fee increases made in HB 2001 as follows: <ul style="list-style-type: none"> • \$24 million per year is allocated to ODOT for highway purposes in monthly installments. • \$3 million per year is allocated to the Travel Information Council for roadside rest areas at the first of the year. • The balance is distributed as follows: <ul style="list-style-type: none"> ○ 20 percent to cities ○ 30 percent to counties ○ 50 percent to the state highway program. • Allocates the money available to ODOT as follows: <ul style="list-style-type: none"> • 33 percent for maintenance, preservation and safety. • 15.75 percent for the State Modernization Program. • 51.25 percent for bond repayments and the 2009 Transportation Projects Program (section 64). • Allows money made available to ODOT to be used for debt service.
59 & 60	<ul style="list-style-type: none"> • Revises the distribution formula on January 1, 2020 to distributes the revenue attributable to the title fee, vehicle registration fee, plate manufacturing fee, gasoline tax, road use assessment, weight mile tax and flat fee increases made in HB 2001 as follows: <ul style="list-style-type: none"> • \$24 million per year is allocated to ODOT for highway purposes in

May 26, 2009

11

HB 2001 B-Engrossed

Section	Description
	<p>monthly installments.</p> <ul style="list-style-type: none"> The balance is distributed as follows: <ul style="list-style-type: none"> 20 percent to cities 30 percent to counties 50 percent to the state highway program. Allocates the money available to ODOT as follows: <ul style="list-style-type: none"> 33 percent for maintenance, preservation and safety. 15.75 percent for the State Modernization Program. 51.25 percent for bond repayments and the 2009 Transportation Projects Program (section 64). Allows money made available to ODOT to be used for debt service.
	Bond Authorization
61	<ul style="list-style-type: none"> Authorizes \$840 million in Highway User Tax Bonds for the 2009 Transportation Projects Program (section 64).
	Transportation Projects Account
62, 63 & 63a	<ul style="list-style-type: none"> Requires ODOT to calculate how much money would be required to service any bonds issued for the 2009 Transportation Projects Program and to deposit the balance in the Transportation Projects Account. Requires the Oregon Transportation Commission to use the balance the purposes below in priority order: <ol style="list-style-type: none"> Projects in the 2009 Transportation Projects Program (section 64). \$15 million per year to supplement maintenance, preservation and safety. Other purposes chosen by the Oregon Transportation Commission. Creates the Transportation Projects Account within the State Highway Fund. Becomes operative on January 1, 2011.
	2009 Transportation Projects Program
64	<ul style="list-style-type: none"> Requires ODOT to use the \$840 million in Highway User Tax Bonds to finance a list of 37 specific projects and projects proposed by in 12 specific local governments that will be recommended to the Oregon Transportation Commission by the Area Commissions on Transportation for those areas.
	Protection for Holders of Highway User Tax Bonds
65	<ul style="list-style-type: none"> Protects the interest of the investors who hold Highway User Tax Bonds issued prior to the effective dates of HB 2001 under the department's Master Highway User Tax Revenue Bond Declaration.

May 26, 2009

12

HB 2001 B-Engrossed

Section	Description
State Biennial Bond Limit	
66	<ul style="list-style-type: none">Exempts any Highway User Tax Bond issued as provided in HB 2001 during the 2009-2011 biennium from the provisions of the biennial bond limit bill.
Pay as You Drive Insurance	
67	<ul style="list-style-type: none">Extends the sunset date by five years to 2015 for an income tax credit for companies that offer "pay as you drive" auto insurance.
Diesel Engine Tax Credit	
67a, 67b & 67c	<ul style="list-style-type: none">Allows diesel engines with a model year from 2003 to 2013 to qualify for the diesel engine tax credit.Sunsets the diesel engine tax credit on January 1, 2014.
Effective and Operative Dates	
68	<ul style="list-style-type: none">Applies the provisions that enable a Multnomah County vehicle registration fee (section 40) to county ordinances adopted on or after October 1, 2009 (the operative date for HB 2001).Applies the further amendments to county option registration fee (section 40a) to county ordinances adopted on or after July 1, 2013.
69	<ul style="list-style-type: none">Allows local option fuel taxes that were in effect on or before October 1, 2009 (the effective date of HB 2001) to remain in effect.
70	<ul style="list-style-type: none">Repeals the sunset date for the Road User Fee Task Force.
71	<ul style="list-style-type: none">HB 2001 B-Engrossed will become effective 91 days following adjournment (October 1, 2009 assumed).

May 26, 2009

13

HB 2041

Exemption for County Road Maintenance Vehicles

Effective Date: January 1, 2010 Chapter: 91 (2009 Laws)

Exempts road machinery operated at the direction of a road authority to operate on public roads without title or registration. Starting in 2005, the Oregon Department of Motor Vehicles no longer provides title and registration to road maintenance machinery, such as snow blowers, backhoes, etc. The exemption was necessary in order for this road equipment to legally operate on the roads of the state while travelling to and from construction or maintenance projects.

HB 2107 County Bonding for Road Improvements in Unincorporated Areas

Effective Date: June 25, 2009 Chapter:

The bill modifies the maximum limit on the amount of bonded indebtedness counties may incur for road improvements in unincorporated areas by eliminating the requirement that bonds cannot be issued in an amount greater than one-half of one percent of the real market value of all property within the taxing district. Also eliminates the provision authorizing domestic water supply districts to borrow money without voter approval.

HB 2235 ODOT Removal of Hazardous Trees Without Prior Notification

Effective Date: January 1, 2010 Chapter: 130 (2009 Laws)

Allows ODOT to go upon private property to cut down or remove trees located on the property without notifying the property owner if the department determines the trees pose an immediate or substantial risk of damage or injury. The department must locate and notify the property owner within a reasonable amount of time following doing so, and the notification process may be established by ODOT by rulemaking.

HB 2377 Hands-Free Cell Phones in Vehicles

Effective Date: January 1, 2010 Chapter:

Requires the use of hands-free accessory to use mobile communications device while operating a motor vehicle. Expands the list of exceptions to include public safety and emergency personnel, persons using device within the scope of employment, and persons using a device allowing for one-way voice communications. Designates violation as a primary offense punishable as a Class D traffic violation with a maximum fine of \$90.

HB 2562 Increase in School Bus Length

Effective Date: March 26, 2009 Chapter: 31 (2009 Laws)

Increases the maximum allowable length of school buses from 40 feet to 45 feet to accommodate a newly-designed model that is 40 feet nine inches.

HB 2654 Clarification of Tax Apportionment of Local Option Taxes for Roads

Effective Date: January 1, 2010 Chapter: 146 (2009 Laws)

Clarifies that the property tax apportionment provisions in ORS 368.710 apply only to a countywide local option tax imposed by a county for road improvement, repair or maintenance, and not to local option taxes imposed in general.

HB 3379 Transportation Planning Rule and HB 2001 Severability

Effective Date: Chapter:

House Bill 3379 allows cities to apply for extensions or submit alternatives if unable to meet transportation funding requirements when amending comprehensive plans in compliance with the Transportation Planning Rule (TPR). Prohibits Oregon Transportation Commission from defining criteria for local government to meet funding requirements of the TPR. Adds severability and operative date provisions for HB 2001-B in case HB 2001-B is subject to referendum.

SB 36 Willamette River Bridge Tolling Authority for Multnomah County

Effective Date: January 1, 2010 Chapter: 385 (2009 Laws)

Provides authorization to Multnomah County to establish and collect tolls for the use of bridges across the Willamette River that are under the jurisdiction of the county. There are five bridges that are within the boundaries of the City of Portland but under the jurisdiction of the county. The bill is designed to give Multnomah County options in raising revenue to pay for improving or replacing the Sellwood Bridge, the only direct link between Lake Oswego/SW Portland and Milwaukie/SE Portland.

SB 269 Coordinating with Utilities for Highway Projects

Effective Date: January 1, 2010 Chapter: 444 (2009 Laws)

Requires public bodies to coordinate with utilities in the planning of highway projects to minimize costs. Allows utilities to seek and receive reimbursement from private parties or customers and allows a telecommunications utility not subject to rate-of-return regulation to request authorization from the PUC to recover relocation costs from customers. Prescribes procedures for the PUC in determining the level of authorized cost recovery.

SB 599 Exclusion from Surface Mining Permits for Road Work

Effective Date: January 1, 2010 Chapter: 279 (2009 Laws)

Modifies definition of surface mining to exclude grading operations and excavation of aggregate material from within the highway right of way that is reasonably necessary for construction or maintenance of the highway. Through the years, the statute related to surface mining had been modified in a way that required ODOT to obtain permits to perform grading along highways. This bill exempts such activities to relieve counties, cities, and ODOT from having to obtain such permits.

SB 794 Attorney Fees in Condemnation Proceedings

Effective Date: January 1, 2010 Chapter:

Changes the method of awarding attorney fees in condemnation proceedings by requiring government to pay attorney fees and costs if judgment exceeds the highest offer rather than the initial offer. Ensures that a property owner will receive attorney fees and costs incurred on or before an offer of compromise if the owner accepts offer of compromise, or owner rejects offer and does not achieve a better result.

SB 944 Lane County Area Commission on Transportation

Effective Date: January 1, 2010 Chapter 509 (2009 Laws)

SB 944 directs the Lane County governing board to develop a proposed charter for the formation of an area commission on transportation for Lane County. The measure outlines requirements for the proposal. SB 944 specifies a completion deadline of September, 30, 2010, and directs the county to report to appropriate interim legislative committees by October 31, 2010. The bill directs the Department of Transportation to provide staff support for the development and submission of the proposed charter. SB 944 stipulates that the proposed charter may not be rejected based on composition of membership and directs the Oregon Transportation Commission to schedule meeting with governing body of Lane County, local elected officials and transportation stakeholder to discuss proposed charter. *[Cross Elections]*



Board of County Commissioners Adoption Schedule
February 2010 Supplemental Session State Legislative Agenda

Date	Activity
July 22 to August 13, 2009	<u>Internal Department/Commissioner</u> Departments and Commissioners are encouraged to use this time to discuss internally what legislative requests to pursue in the February 2010 Supplemental Session. This includes consulting with Commissioners and the County Attorney's Office.
Friday, August 14, 2009	<u>First Deadline:</u> Departments and Commissioners are to submit their initial legislative requests to Chair's Office using the state legislative request forms found on the MINT.
Wednesday, September 09, 2009	<u>Direct Report Managers Review</u> DRM will review the requests and forward recommendations for BCC review.
Tuesday, September 22, 2009	<u>BCC Work Session:</u> The BCC will discuss w/ Department representatives the DRM's recommendations.
Thursday, September 24, 2009	<u>BCC Adoptive Priority Policy Areas</u> The BCC will adopt a set of priority policy areas for the county to base its agenda for the February Supplemental Session. Departments are to work w/ County Lobbyist to add further details to those policy areas for a legislative agenda for the BCC to adopt.
Wednesday, December 09, 2009	<u>Direct Report Managers Review</u> DRM will review a draft legislative agenda and provide comments and final recommendations to the BCC.
Thursday, January 07, 2010	<u>BCC Adoption of February 2010 Supplemental Session State Legislative Agenda</u>

DRM= County Department Directors
BCC= Board of County Commissioners



Evaluation of Multnomah County Legislative Services



Information will be provided to the Chair's Office in order to improve quality of legislative services.

Department/Commissioner Information

Department/Commissioner:

Director:

Review Period: **FY2009**

Service Evaluated: ☐ State Legislative Services

☐ Federal Legislative Services

Evaluation

Describe your general expectations for Multnomah County Legislative Services.

What worked well and what didn't work well this year. Please distinguish between state and federal legislative services.

What improvements or changes to the county's legislative services would you like to see in the future? Please be detailed.

Are the volume, quantity and quality of legislative communications adequate, helpful or not helpful to you?
What suggestions do you have for improvements?

The following questions are only for County Departments:

What is your department's internal policy for responding to legislative requests?

What internal changes or improvements will your department make in the future to improve its legislative requests, coordination, bill review, and communications to the county's lobbyists?

Please send to mail stop 6/503 – Chair's Office, Attention Tom Rinehart by July 31, 2009.

Bill Tracking and Legislative Trainings

What improvements would you like to see in Bill Track OR, the county's bill tracking services? Response will be provided to the county's bill tracking vendor?

How often do you use the county's bill tracking software? Daily, weekly, monthly?

What types of trainings would your department like to see? E.g. Legislative process? Lobby guidelines and reporting? Bill tracking? Lobbying strategy and tactics? How often would you like to have these trainings? Once a year? Every other year?

Development of Legislative Agenda

Please describe what of kind assistance you need in order to develop a legislative agenda request for the Board of County Commissioners to adopt? Private consulting with county's lobbyists? Support from Commissioners?

General Comments