



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

AGENDA OF  
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
FOR THE WEEK OF  
December 18 - 22, 1989

- Monday, December 18, 1989 - 7:00 PM - Gun Safety Ordinance  
David Douglas Performing Arts Center  
1400 SE 130th . . . . . Page 2
- Tuesday, December 19, 1989 - 9:30 AM - Formal and  
Planning Items . . . Page 3
- Tuesday, December 19, 1989 - 1:30 PM - Informal Meeting . . Page 4
- Thursday, December 21, 1989 - 9:30 AM - Gun Safety Ordinance  
World Trade Center Auditorium  
121 SW Salmon  
Portland . . . . . Page 5
- 1:30 PM - Formal . . . . . Page 6

-2-

Monday, December 18, 1989 - 7:00 PM

David Douglas Performing Arts Center  
1400 SE 130th

Continued First Reading - An Ordinance to regulate the possession of firearms in public places, to establish a safety training course for firearms users and to impose fees

Tuesday, December 19, 1989 - 9:30 AM

Multnomah County Courthouse, Room 602

1. Continued Public Hearing on the boundaries of the proposed Rockwood Water Peoples Utility District

\* \* \* \* \*

C 1-88 PERIODIC REVIEW

2. Resolution In the Matter of Submitting to the State the County's Local Review Order under ORS 197.640 (C 1-88)
3. First Reading - An Ordinance amending Multnomah County Comprehensive Framework Plan to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development
4. First Reading - An Ordinance amending Multnomah County Code Chapter 11.05 to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development
5. First Reading - An Ordinance amending Multnomah County Code Chapter 11.15 and selected Sectional Zoning Maps to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development
6. First Reading - An Ordinance amending Multnomah County Code Chapter 11.45 to comply with the Periodic Review requirements of the Oregon Department of Land Conservation and Development

-4-

Tuesday, December 19, 1989 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL

1. Informal Review of Formal Agenda of December 21
2. Briefing concerning the 1989 Legislative Report Summary -  
Fred Neal

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS .

NOTE CHANGE OF LOCATION

9:30 AM

WORLD TRADE CENTER AUDITORIUM  
121 SW SALMON  
PORTLAND, OREGON

ORDINANCES - NONDEPARTMENTAL

- R-1 Continued First Reading - An Ordinance to regulate the possession of firearms in public places, to establish a safety training course for firearms users and to impose fees

\* \* \* \* \*

Thursday, December 21, 1989, 1:30 PM

Multnomah County Courthouse, Room 602

Formal Agenda

CONSENT CALENDAR

DEPARTMENT OF JUSTICE SERVICES

- C-2 Liquor License Renewal applications submitted by Sheriff's Office with recommendation that same be approved as follows:  
a) Package Store - Super Market Express, 16100 SE Stark;  
Portland City Florist and Catering, 13607 SE Powell  
b) Retail Malt Beverage - Velvet Keg, 12131 SE Holgate

REGULAR AGENDA

BOARD OF COUNTY COMMISSIONERS

- R-3 In the matter of the appointment of Luana Shipp and Laura Woodruff to the Community Health Council, term expiring June, 1992
- R-4 In the matter of the appointment of Thomas Mason and Marc Sussman to the Community Corrections Advisory Committee, terms expiring July, 1992

- R-5 In the matter of the appointment of Martha J. White to the Portland Multnomah Commission on Aging, term expiring June, 1990
- R-6 In the matter of the appointment and reappointments to the Integrated Pest Management Advisory Committee:  
Appointment: Bruce A. Nelson, term expiring July, 1992.  
Reappointments: Dr. David Dunnette, Marua Doherty, Albert J. Warren, Dr. David G. Adams, and David Reggiani, terms expiring July, 1992

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-7 Order in the Matter of Offering to Surrender Jurisdiction to the City of Portland all County Roads within the areas annexed to the City of Portland between January 1, 1989, and June 30, 1989
- R-8 Order in the matter of the Conveyance to the City of Portland Various One (1) Foot Strips (Street Plugs) and Road Fund Related Property adjacent to Former County Roads Previously Surrendered to the City of Portland Owned by the County, Item 88-164 (And Bargain and Sale Deed)
- R-9 Request approval of private sale of Tax Foreclosed property as provided by ORS 275.200 of LOMA ACRES, Exc S 62' & Exc N 70' of E 147' of Lot 7, located north of 747 SE 148th Ave.
- R-10 Notice of Intent to apply for a \$300,000 grant from the Oregon Department of Fish and Wildlife by the Parks Services Division, to be used for the construction of Chinook Landing Boating Facility on the Columbia River

DEPARTMENT OF GENERAL SERVICES

- R-11 Resolution in the matter of the approving of the issuance and negotiated sale of \$4,100,000 Series 1989B Taxable Certificates of Participation; approving and authorizing the Certificate Purchase Agreement, the Lease-Purchase and Escrow Agreement, and the Preliminary Official Statement and Official Statement; and designating an Authorized Officer
- R-12 Budget Modification DGS #8 making an appropriation transfer in the amount of \$19,643 from General Fund Contingency to Assessment & Taxation (Tax Collection/Information Section), establishing one position of Finance Specialist 1, with funding being offset by revenue the County will receive from HB 2338

- R-13 Budget Modification DGS #9 making an appropriation transfer in the amount of \$200,000 from Data Processing Fund Contingency to Information Services, Capital Equipment, for the purchase of an upgrade to the County's existing Central Processing Unit (CPU)

DEPARTMENT OF HUMAN SERVICES

- R-14 In the matter of ratification of an Intergovernmental Agreement with the 6255th United States Army Reserve Dental Service Detachment, whereby reserve personnel will provide dental service to County prisoners at Corrections Health Clinic
- R-15 In the matter of ratification of an Intergovernmental Agreement between Tri-Met and Developmental Disabilities Program Office, for transportation services for Multnomah County residents only, for period July 1, 1989 to June 30, 1990
- R-16 In the matter of ratification of an Intergovernmental Agreement with the Regional Research Institute at Portland State University for \$41,873 and Aging Services, for evaluation of two demonstration projects (The Oregon Partners in Energy Chronic Arrearages Project funded by the State Community Services, and the Homeless Family Self Sufficiency Project funded by the U.S. Department of Health and Human Services), for period July 1, 1989 to June 30, 1990
- R-17 In the matter of ratification of 3 Intergovernmental Agreements to the State Community Services Contract, adding a total of \$188,894 to the County's omnibus contract, for period October 31, 1989 to June 30, 1990
- R-18 In the matter of ratification of an Intergovernmental Agreements with a) Gresham Elementary School, and b) Barlow-Gresham Union High School, to reimburse the County for performing semi-annual inspections of food service operations until August 31, 1991
- R-19 In the matter of ratification of an Intergovernmental Agreement amendment between Alcohol Treatment and Training Center, OHSU, and Multnomah County Alcohol and Drug Program Office, to pay for interpreter for hearing impaired DUII clients, for period July 1, 1989 to June 30, 1990

- R-20 Budget Modification DHS #25 making an appropriation transfer in the amount of \$2,400 within Juvenile Justice from Materials & Services to Capital Outlay, for the purchase of a Wang Word Processing System upgrade
- R-21 Budget Modification DHS #26 making appropriation adjustments for net total of \$40,460 in the Social Services (Children's Clinical Services) budget, reflecting actual program operating costs, and making adjustments in Personnel, related Materials & Services, telephone and building management line items

DEPARTMENT OF JUSTICE SERVICES

- R-22 Budget Modification DJS #12 reflecting additional revenues in the amount of \$117,562 (ROCN Anti Drug Grant) and \$39,188 (Equitable Sharing) to the the District Attorney's Office, to apprehend and prosecute drug offenders

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers

Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

DATE SUBMITTED 12/14/89

(For Clerk's Use)  
Meeting Date 12-19-89  
Agenda No. pm Jnt #2

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: 1989 Legislative Report

Informal Only\* 12/19/89  
(Date)

Formal Only \_\_\_\_\_  
(Date)

DEPARTMENT Nondepartmental

DIVISION County Chair's Office

CONTACT Fred Neal

TELEPHONE 248-3308

\*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Fred Neal, Howard Klink

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

1989 Legislative Report Summary

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY     PRELIMINARY APPROVAL     POLICY DIRECTION     APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 30 minutes

IMPACT:

PERSONNEL  
 FISCAL/BUDGETARY  
     General Fund  
 Other \_\_\_\_\_

1989 DEC 14 AM 10:43  
CLERK OF COUNTY COMMISSIONERS  
MOLLAHOAH COUNTY  
OREGON

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: *Melody McCaff*

BUDGET / PERSONNEL \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES  
7th FLOOR J. K. GILL BUILDING  
426 S.W. STARK STREET  
PORTLAND, OREGON 97204  
(503) 248-3782

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
CAROLINE MILLER • DISTRICT 3 COMMISSIONER  
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

## MEMORANDUM

TO: County Chair Gladys McCoy  
Commissioner Rick Bauman  
Commissioner Pauline Anderson  
Commissioner Gretchen Kafoury  
Commissioner Sharon Kelley

VIA: Duane Zussy, Director *Duane Zussy*  
Department of Human Services

FROM: Howard Klink, Public Affairs Director  
Department of Human Services

DATE: July 25, 1989

SUBJECT: 1989 Legislative Human Resources Budget Highlights

During the 1989 Legislature members of the Ways and Means Human Resources Subcommittee witnessed the presentation of no fewer than 4 different versions of the original Governor's budget. On the positive side, the Legislature approved a level of human resources funding significantly above that proposed by the Governor and avoided what would have been a significant loss of services for Oregon's poor and disabled citizens. The approved budget included across the board caseload and consumer price index increases and maintained existing programs at current levels.

On the negative side, end-of-the session funding constraints imposed by the Governor and the Ways and Means Committee Co-Chairs reduced many human services program expansion proposals to insignificant levels.

For purposes of this memo, no distinction is made between above and below the spending limit appropriations. Dollar amounts reflect biennial state general fund allocations and in most cases are rounded to the nearest \$100,000. Federal matching funds are indicated where appropriate. Specific allocations and benefits to Multnomah County are indicated if known. (\*) items reflect Multnomah County's legislative priorities.

I. PROGRAMS

- \* A. CHILDREN'S MENTAL HEALTH COMMUNITY CRISIS AND EMERGENCY SERVICES \$.8 million  
(.2m FF)  
This funding will provide community crisis, inpatient, shelter, evaluation, case management and family treatment services for children and adolescents. Multnomah County will receive 20% to 30% of these funds.
  
- \* B. FAMILY PRESERVATION PROGRAM (Total) \$2.5 million
  - . Family Alcohol and Drug Treatment \$.9 million
  - . Specialized Foster Care (.1m FF) \$.6 million
  - . Psychiatric Day Treatment (.2m FF) \$.9 million

This funding will provide 40 additional day treatment slots statewide. The A&D treatment and foster care funds will be distributed statewide. Multnomah County will receive 20-30% of these funds.
  
- \* C. GREAT START \$5 million  
This funding will create and expand public and mental health prevention and early intervention programs for young children. The funding will be distributed on a per capita basis through a grant allocation process. Multnomah County will receive approximately \$500,000 per year.
  
- \* D. MENTAL HEALTH EARLY INTERVENTION PROGRAM EXPANSION \$260,000  
This funding will provide 2 new early intervention and treatment programs for children at risk of mental illness.
  
- E. DAY AND RESIDENTIAL TREATMENT (DART) PROGRAM EXPANSION \$.3 million  
(70,000 FF)  
This funding will provide 15 new DART slots, likely to be allocated to Washington County.
  
- F. PROTECTIVE SERVICES CASE WORKER TRAINING \$.6 million  
This funding will provide certification training for all of CSD's protective services workers.
  
- \* G. DEVELOPMENTAL DISABILITY COMMUNITY WAIT LIST \$2 million  
This funding will provide a yet to be identified level of service for 400 community wait list clients statewide. 50-100 Multnomah County clients will be served by this funding.
  
- \* H. DEVELOPMENTAL DISABILITIES EARLY INTERVENTION CASELOAD INCREASE \$1.5 million  
This funding will allow a 15% increase in early intervention caseloads and nearly eliminate the waiting list for services in Multnomah County and statewide.

* I.	<u>TEEN CLINIC PROGRAM EXPANSION</u> This funding will add 6 new teen clinics statewide. The 5 currently operating clinics were cut in the Governor's budget, but approved for continued funding by the Legislature.	<u>\$.7 million</u> (340,000 FF)
* J.	<u>HIGH RISK INFANT TRACKING PROGRAM</u> This funding will establish a statewide system for identification and coordination of services to high risk infants.	<u>\$.6 million</u>
K.	<u>COMMUNITY HEALTH PRENATAL SERVICES ENHANCEMENT</u> This funding will provide expanded home visits, nutritional counseling, WIC, outreach and case management services for local health clinic clients receiving prenatal care.	<u>\$.8 million</u> (1.3m FF)
L.	<u>FAMILY PLANNING SERVICES INCREASE</u> This funding will eliminate family planning services waiting lists at local health clinics in Multnomah County and statewide.	<u>\$1 million</u> (150,000 FF)
* M.	<u>COMMUNITY PROGRAMS FOR GANG-AFFILIATED YOUTH</u> This funding will provide an increase in the number of parole officers and support services for gang-involved youth paroled from McLaren. Multnomah County will receive nearly all of this funding.	<u>\$.6 million</u>
* N.	<u>RUNAWAY AND HOMELESS YOUTH PROGRAM EXPANSION</u> This funding will provide shelter, crisis, family support, transitional housing, independent living skills, training, and case management services to runaway and homeless youth. Multnomah County will receive 20-30% of this funding.	<u>\$.5 million</u>
* O.	<u>SENIOR MENTAL HEALTH PROGRAM</u> This funding will support 2 pilot projects to address mental health needs of the elderly.	<u>\$.2 million</u>
P.	<u>AFS BUDGET HIGHLIGHTS</u>	<u>(Total) \$39.5 million</u>
	. ADC-UN (two-parent family welfare)*	<u>\$ 6.8 million</u>
	. Medically Needy*	<u>\$ 2.3 million</u>
	. New Jobs Pilots*	<u>\$ 4.8 million</u>
	. Administration	<u>\$ 1.8 million</u>
	. Welfare Reform Mandates	<u>\$23.8 million</u>

The above \* items are included in this report because they are existing programs that were cut in the original Governor's budget and restored by the Legislature. ADC-UN was restored for only 9 months per year, until federal welfare reform requires a 12 month program. Medically Needy and New Jobs will be continued at current operating levels.

Administration funding will add 49 field positions to reduce caseload ratios. Welfare Reform Mandates will fund, beginning in October 1990, the minimum required by federal law: statewide implementation of New Jobs, a 12-month ADC-UN program, expanded day care services and extension of medical benefits for welfare recipients.

II. PROVIDERS

- \* A. COMMUNITY PROVIDERS WAGE/RATE INCREASE \$3 million  
(4.8m FF)  
This funding will allow DHR community service providers to increase employee wages by a yet to be determined amount. DHR will report to the E-Board on inequities in staff wages and recommend a balanced distribution formula.
- B. NURSING HOME REIMBURSEMENT RATE INCREASE \$19 million  
(31m FF)  
This funding will provide an increase in state reimbursement rates for nursing homes. Nursing homes will receive a 13% increase during the first year of the biennium and 4% during the second year.

III. INSTITUTIONS

- A. FAIRVIEW TRAINING CENTER \$45.2 million  
This funding will address institution and program costs related to federal mandates and lawsuit requirements. Included in this amount is funding to move 300 Fairview residents (mostly children) to community placements. The number to be located in Multnomah County is under discussion.
- \*B. REGIONAL ACUTE CARE CENTERS \$3.4 million  
(1.3m FF)  
This funding will phase-in 2 new 12 bed local psychiatric inpatient units: one in southern Oregon and one in the Portland metro area. Included in this amount is funding for expanded residential and community mental health services.
- C. FORENSIC PROGRAM STAFFING INCREASE \$.8 million  
This funding will add 14 new staff positions to Oregon State Hospital's Forensic Unit.
- D. STATE HOSPITAL STAFFING INCREASE \$2.7 million  
This funding will add 69 positions to Oregon's 3 psychiatric hospitals.
- E. NURSING HOME QUALITY INCENTIVE PROGRAM (QUIP) EXPANSION \$.5 million  
This funding will allow 12 additional nursing homes to participate in the QUIP program. The 3 homes currently participating are involved in a special program that sets patient care standards, provides technical assistance, and financial incentives towards the goal of meeting those standards.

#### IV. BUDGET NOTES AND EMERGENCY BOARD RESERVATIONS

A. GREAT START

The Legislature approved an Emergency-Board reservation of \$250,000 to accommodate the administration costs of the newly formed state Children and Youth Services Commission (CYSC).

B. SERIOUS JUVENILE OFFENDERS

The Legislature continued funded for the 40 additional McLaren beds added during the interim for gang-involved youth and maintained funding for programs for 18-19 year olds at current levels. No funding was made available to increase institutional had space. 1.9 million, however, was reserved in the Emergency-Fund for "close custody needs." The legislative record indicates an intent to use this funding for local detention space and community correctional alternatives for serious juvenile offenders. Allocation of this funding is contingent on an interim report to the Emergency Board.

C. DEVELOPMENTAL DISABILITIES (DD) PROGRAM RATE EQUITY

The Legislature adopted a budget note that directs the Mental Health Division (MHD) to implement a study of DD residential and vocational rates towards development of a model rate calculation. Contingent on available funding, this study will expand to include MED and A&D residential and vocational programs.

D. MENTAL HEALTH SYSTEM FUNDING EQUITY

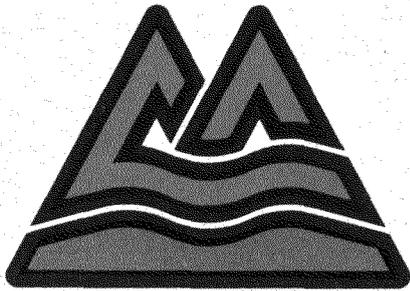
The Legislature adopted a budget note that directs the MHD to develop and implement a plan to improve equity in statewide distribution of funding for outpatient and crises services for Priority One mentally ill persons. The Division was directed to report to the E-Board prior to any action to reallocate funds.

E. EMERGENCY HOLDS OF MENTALLY ILL PERSONS

The Legislature adopted a budget not that specifies if the regional acute care facilities do not significantly reduce the impact of emergency hold costs on local government the Mental Health Division and Community Mental Health Directors shall report to the E-Board by July, 1990. The purpose of the report is to determine the impact of E-hold costs, resulting service level reductions, and request funding to restore service levels, if appropriate.

F. TEEN CLINIC EXPANSION

The Legislature adopted a budget note that directs the Health Division to work cooperatively with other state agencies to pursue funding to expand the teen clinic program.



**MULTNOMAH COUNTY  
OREGON**

**LEGISLATIVE REPORT**

**1989  
SESSION**

Gladys McCoy, County Chair

Board of Commissioners:

Pauline Anderson  
Rick Bauman  
Gretchen Kafoury  
Sharron Kelley

Dan Ivancie, Auditor

Michael Schrunk, District Attorney

Robert Skipper, Sheriff

The 1989 Session enacted several major new measures which will have a profound impact on Multnomah County. A multi-million dollar state-wide effort to bring every county into compliance with property tax appraisal standards will not only bring much-needed new dollars to the County to upgrade its operations, it will dramatically alter the relationship with the State in budgeting for and management of the Assessment and Taxation Division. Felony Sentencing Guidelines will affect every segment of the criminal justice system and force renewed vigor to coordinate law enforcement, corrections, prosecution and judicial data and programs. The County will benefit from a reduced strain of sentenced State felons in County facilities. A broad-based initiative dealing with children is engendering a coordinated approach at the local level towards child and youth programs, with some new State dollars made available. The State, cities and counties were granted new powers to deal more effectively and quickly with the plague of vacant and abandoned buildings, thus adding impetus to revitalization efforts. Transportation funding for both roads and mass transit was continued and strengthened.

Much progress was made by the legislature and the Governor, and County concerns taken into account, on these and a substantial number of other issues summarized in this Report. On the other hand, human resources funding and administration once again failed to gain adequate State support and commitment of resources. Although a majority of legislators expressed support for an increase in beer and wine taxes to fund health, mental health and alcohol and drug rehabilitation, leadership was lacking to bring the necessary legislation to a vote, thus putting service providers, needy citizens and the County further behind than the previous Session.

Once again, Multnomah County's legislators and elected officials must be thanked for the extra efforts they made and make on behalf of the County's legislative concerns. The people and programs within Multnomah County continue to be handicapped by the peculiar restriction against having a lobbyist.

This 1989 Legislative Report reports on the bills enacted by the Oregon Legislative Assembly which have an identifiably significant impact on Multnomah County. These new laws are arranged in chapters according to the overall structure of the County. (No 1989 measures affect the Auditor's operations.) Within each chapter, bills are ordered numerically, Senate bills first, then House bills. The Chapter number for Oregon Laws 1989 follows each bill number (in parentheses). Advance Sheets for Oregon Laws 1989 are available for reference in the Office of the County Chair. Effective dates are included only where a measure takes effect on a date other than October 3, 1989.

Of the 3,020 measures introduced in the 1989 Legislature, the County reviewed 1,212 and closely tracked over 335. Those measures which became law were then analyzed by the County employees most responsible for the programs affected. The County Chair requested an analysis which stated: 1) the general impact of the measure on County operations; 2) the fiscal impact, if any; and 3) the impact the measure might have on citizens and clients in light of Multnomah County's mission to serve the public. This Report represents that analysis. Measures relevant to more than one County operation are cross-referenced.

Thanks are extended to the County's departmental Legislative Liaisons for their invaluable assistance in working the "Paper Mill" during the Session and gathering up the final measure analyses contained in this Report. Their names are listed in the front of their respective chapters, (along with their phone numbers for further information). Much help has also been provided by Jerry Orrick, Executive Director, Association of Oregon Counties, and his staff, and Colleen Hoss, Executive Director, Local Government Personnel Institute. Thank you.

Fred R. Neal, Intergovernmental Relations Officer  
Donna M. Peterson, Legislative Assistant  
Submitted to the Board of County Commissioners  
December 1989.

## TABLE OF CONTENTS

Foreword.....	i
Table of Contents.....	iii
Board of County Commissioners.....	l
Environmental Services.....	
Animal Control.....	8
Community Development.....	9
Emergency Management.....	15
Facilities and Property Management.....	19
Parks.....	23
Planning.....	25
Transportation.....	34
General Services.....	
Generally.....	43
Assessment and Taxation.....	47
Budget.....	59
Elections.....	62
Employee Services.....	68
Finance.....	74
Information Services.....	80
Labor Relations.....	81
Human Services.....	
Aging Services.....	82
Health .....	85
Juvenile Justice.....	98
Social Services.....	103
Justice Services.....	
Generally.....	115
Civil Courts.....	117
Corrections.....	121
Law Enforcement.....	134
Probation.....	148

BOARD OF COUNTY COMMISSIONERS

Fred R. Neal, III, Legislative Liaison

Telephone: 248-3308

SENATE BILLS

210 (C. 92) - BOUNDARY COMMISSIONS REVISION

Requires chief petitioners to include an economic feasibility statement for the basis of a proposed tax base before circulating a petition for the formation of a new district. Requires that the proposed tax base must be sufficient to support the services and functions of the proposed district and that the feasibility statement must declare the rate of taxation which would be necessary to raise revenue equal to the tax base. Allows rejection of a petition filing if it fails to include an economic feasibility statement. Requires an election, unless no tax base is required for the district formation, if the petition includes all required information and is approved by the county board or boundary commission. Requires that elections involving district formation requiring a tax base, be held on the next regular statewide primary or general election at least 40 days after the order calling for the election. Specifies information which must be included on the ballot for district formation with a tax base. Includes a statement of intent indicating that developing urban areas requiring full services are best served by a single governmental agency and that each boundary commission shall establish policies and exercise its authority to create governmental structures which promote efficiency and economy while providing the widest range of services possible. Requires boundary commissions to first consider acknowledged comprehensive plans before considering statewide planning goals when making determinations. Determinations should be made with a focus on reducing a fragmented approach and encouraging single agency delivery. Expands definition of district to include domestic water supply districts, other districts providing water, library districts and special road districts. Prohibits assessments by a boundary commission against vector control districts. Prescribes notification procedures for both minor and major boundary change modifications. Removes time limits for recovering a public hearing which has been adjourned or continued. Requires that petitions for major boundary changes involving formation, consolidation or merger of districts include a tax rate from the feasibility study and an analysis which includes a first year and projected third year line item operating budget. Provides time requirements for signatures on petitions for incorporation, formation or mergers. Provides that if the voters approve at an election a petition for merger, consolidation, incorporation or formation, that the tax base included in the original petition and on the ballot becomes the tax base for the new unit.

IMPACT ON COUNTY: Eliminates the 45 day "do nothing" period prior to effective dates of certain annexations and district formations. Future difficulties may arise from exempting utility lines which provide no extraterritorial service from Boundary Commission review when the lines have the ability to provide service at a future date. This has become a problem in some areas of the West Hills where lines outside the urban growth boundary may pass to areas inside the UGB. Boundary Commission review of these issues of extending future urban growth is both appropriate and necessary.

FISCAL IMPACT: It does not appear that these changes will cause a fiscal impact on the County.

IMPACT ON CITIZENS: The requirements to analyze and provide a feasibility study including tax rates, tax bases and proposed budgets will provide citizens with a comprehensive view of the effects of the changes which they are considering at the polls.

#### 215 (C. 937) - COMMUNITY FACILITIES GRANTS

Allows the Economic Development Department to make grants for the improvement, expansion and construction of facilities necessary to provide a greater range and variety of economic, recreational, cultural, social and educational attractions. Provides minimal contents of a grant contract. Limits to 85% the amount of the total cost of a project which can be paid with grant money and prohibits a grant from being used for the payment of administrative costs, preliminary planning, legal, fiscal and economic investigations or feasibility studies, or for maintenance of a facility. Provides criteria to be used in giving preference to certain projects in making grants. Requires 33% of grant funds be disbursed to finance projects in rural areas. Repeals Act effective June 30, 1991.

IMPACT ON COUNTY: The first half of this Act relates only to county fairs and special events outside Multnomah County. However, \$8 million appropriated under HB 3075 is available for community facilities this Biennium and offers a means to augment other economic endeavors, such as the Oregon Tourism Alliance.

#### 528 (C. 504) - BUDGET PREVIEWS

For analysis refer to the chapter on General Services, Budget.

744 (C. 470) - SIGNING FOR PUBLIC MEETINGS

Provides for deaf and hearing impaired individuals to obtain sign language interpreters and communications devices upon request to assist them when dealing with state agencies and political bodies. Requires establishment of an 18-month committee by the Commission for the Handicapped to study the availability and need for sign language services and to develop recommendations based on the study for training, programs, and qualifications for interpreters. Requires the Commission to report on the study to the 66th Legislative Assembly and to provide a report on its activities at least biennially to the Legislative Assembly.

IMPACT ON COUNTY: Will require the County to provide services for sign language interpretation at public meetings. Currently, there are headphone devices available in the County Board room to assist the hearing impaired. Also, the Court Administrator's office maintains a complete file of resources for all types of interpretation which could be made available for use at other public meetings. Development of standards for qualifications of interpreters should establish some uniform requirements, thus ensuring trained and qualified professionals providing this service.

FISCAL IMPACT: Any fiscal impact would most likely be limited to retaining an occasional sign language interpreter.

IMPACT ON CITIZENS: Multnomah County's policy has always emphasized access by the handicapped. Initial recognition and provisions already exist in terms of assistive communicative devices at Board hearings. Expansion of service to include provision of interpreters is consistent with the County's policy of providing full access for involvement by any individual with a handicap.

890 (C. 1019) - PUBLIC MEETINGS DISCRIMINATION AGAINST DISABLED

Prohibits holding public meetings in places that discriminate against the disabled as evidenced by the inaccessibility of the building or the failure to make a good faith effort to obtain an interpreter for the hearing-impaired when a request for one is made 48 hours in advance.

IMPACT ON COUNTY: Multnomah County already complies with a policy of nondiscrimination against the handicapped and actively works at providing access to both buildings and meetings for the disabled.

1029 (C. 941) - COUNTY COMPENSATION BOARD

Requires each county to appoint a 3-to-5 member compensation board to annually recommend a compensation schedule for elected county officials. Establishes criteria for compensation review. Specifies that county civil service law prevails over state statute in cases of conflict. Requires that the Sheriff's salary must not be less than the highest paid employee under Sheriff's supervision.

IMPACT ON COUNTY: Employee Services will continue to maintain position, classification and compensation control. Compensation is fixed by the voters under the Multnomah County Charter.

FISCAL IMPACT: It is the opinion of County Counsel and asserted in the legislative record that these requirements do not impact counties governed by a Home Rule Charter with contrary provisions.

IMPACT ON CITIZENS: Home rule counties' citizens have direct control over the compensation of elected county officials. With this Act, citizens in other counties will have greater assurance that any proposed increases in compensation are valid and necessary and that compensation is fair enough to attract capable individuals to office as these standards will be determined by an independent board.

SJR 2 METRO CHARTER

Proposes a Constitutional Amendment to authorize the Metropolitan Service District to adopt its own Charter, similar to county constitutional "Home Rule" powers. If the measure is adopted by the people in the November 1990 General Election, the Legislative Assembly would be responsible for establishing the procedure for the district's electors to adopt, amend, revise or repeal the district charter. The Amendment would grant Metro jurisdiction over matters of metropolitan concern as set forth in the Charter.

IMPACT ON THE COUNTY: Subject to powers prescribed to Metro by an approved Charter, there will be no conflict between County Home Rule powers over matters of County concern and Metro powers over matters of metropolitan concern.

IMPACT ON CITIZENS: A Home Rule Charter for Metro would give Portland Metropolitan Area residents more direct control over the structure, powers and financing of regional government by eliminating the need for statutory enactments of the Legislative Assembly.

HOUSE BILLS

2757 (C. 544) - PUBLIC MEETING LAW ENFORCEMENT

Requires voiding a decision made by a public governing body when other equitable relief is not available if a court finds that the decision was made as the result of intentional disregard of the law or wilful misconduct of the quorum and is a violation of public meeting law. Applies to decisions rendered on or after October 3, 1989. Requires that any suit brought for violations of public meeting laws must be initiated within 60 days following the date the decision became a matter of public record.

IMPACT ON COUNTY: Strengthens remedies for public meeting law violations by requiring voiding decisions which are made under circumstances which constitute intentional defiance of the law. In the past, this has not been the case even when other equitable remedies did not exist.

FISCAL IMPACT: The County has not experienced many problems with the public meeting law. No expense should occur.

IMPACT ON CITIZENS: Strengthening public meeting laws expands the right of the public to be informed and involved in public decision making process. Expanding the time frame to file suit to sixty days from the date the decision becomes public record allows citizens adequate time to discover the information and to take action.

3075 (C. 909) - LOTTERY FUNDS DISTRIBUTION

Allocates \$127,000,000 total, or 34% of expected lottery sales, and establishes as the maximum limit on expenditures, various amounts from the Economic Development Fund for a range of activities for the Biennium beginning July 1, 1989, as follows: \$23,850,000 for the Regional Strategies Fund; \$15,000,000 for the Special Public Works Fund; \$18,000,000 for identified and future projects paid for through the Strategic Reserve Fund; \$6,700,000 for Workforce Development; \$400,000 for county fairs and special event grants; \$8,000,000 for grants for community facilities; \$263,000 for the administrative costs of the Office of Educational Policy and Planning for the implementation of the Ed-Net program; \$1,800,000 for the Oregon Institute of Technology - Metro Campus in Clackamas County; \$6,000,000 for grants to community colleges for equipment; \$1,750,000 for fisheries enhancement programs; \$325,000 for mineral exploration; \$1,000,000 for the Governor's Watershed

Enhancement Board; \$320,000 for state parks; \$500,000 for the Agricultural Opportunities Fund; \$500,000 for forest products marketing; \$1,000,000 for program enhancement for Small Business Development Centers; \$250,000 for a small business assistance and regulatory information system; \$2,500,000 for the Oregon Resources and Technology Development Corporation; \$1,750,000 for the Oregon Business Development Fund; \$1,506,000 for the capital access program; \$250,000 for statewide marketing; \$3,000,000 for tourism promotion; \$400,000 for the Oregon Partnership Program; \$350,000 for downtown development activities; \$750,000 for contracting for a marketplace program. Includes continuing appropriations for the Oregon Convention Center. Requires Metropolitan Service District to provide first opportunity for available jobs related to the Convention Center to economically disadvantaged residents within the immediate vicinity of the Center. Requires Workforce Development funds to be used for Targeted and Key Industry Employee Training, Occupational Program Planning and Workforce Inventory, Statewide Literacy Hotline, Community College Advanced Technology and Skill Training Centers, and Public School Partnerships. Requires that the Oregon Partnership Program provide professional and technical services to communities to assess their economic needs and opportunities and to develop economic development action plans. Stipulates that in the event of revenue shortfall, the first reductions are to be made in allocations for community facilities and then proportionately for other allocations. Limits to \$500,000 the amount from the Strategic Reserve Fund which may be used to retire the debt of a public entity as part of a regional strategy. Effective August 2, 1989.

**IMPACT ON COUNTY:** Ensures continued State funding of the Oregon Convention Center and reinforces the need to benefit the economically disadvantaged citizens living in proximity to the Convention Center. Continues lottery funding of programs for economic development for which the County and jurisdictions within the County are eligible.

**FISCAL IMPACT:** No direct fiscal impact on County.

**IMPACT ON CITIZENS:** The Workforce Development program is a new effort which, if effectively implemented, will better prepare citizens in Multnomah County and elsewhere for the highly-skilled jobs of the coming decade.

### 3262 (C. 828) - VIDEO POKER GAMES

For analysis refer to the chapter on Environmental Services, Transportation.

3400 (C. 882) - CIVIL ENFORCEMENT OF LOCAL ORDINANCES

Allows a city or county to enforce ordinances by civil proceedings against any person or property regardless of whether the activity which is the subject of the ordinance is defined as a crime by state statute. Provides that remedies are in addition to those defined by state statute. Effective July 27, 1989.

IMPACT ON COUNTY: Allows the County to regulate or prohibit by ordinance collection of fees or charges, enforcement of forfeitures, requirements or enjoinders of activities affecting real property, enjoinders of continuance of violations which have existed for at least 10 days, enjoinders of further activities constituting violations affecting the public morals, health or safety. Clarifies state law which has been held by the courts to foreclose local remedies for acts specifically defined as crimes by state statute, particularly when any variance existed between state and local regulation, thus placing in jeopardy all civil enforcement devices. Provides the County with much broader authority in the enactment of ordinances.

FISCAL IMPACT: No direct fiscal impact at this time although it may result in fewer ordinances being subject to litigation and appeal.

IMPACT ON CITIZENS: Allows the citizens through their local elected officials to maintain local control through the development of ordinances designed to affect problems specific to their areas. Provides some respect within the governmental structure for the decisions made at the local level by not subjecting them to constant state level oversight and overrule.

ENVIRONMENTAL SERVICES

Maria Rojo de Steffey, Legislative Liaison

Telephone: 248-5001

Animal Control

HOUSE BILLS

3469 (C. 349) - ANIMAL CONTROL POSSESSARY LIENS

Allows for lien for expenses arising from transporting, feeding, caring for or providing treatment for an impounded animal.  
Allows for retention of animal until charges are paid.

IMPACT ON COUNTY: None.

FISCAL IMPACT: State law already allows for collection of these expenses upon conviction of the owner.

IMPACT ON CITIZENS: None.

Community Development

SENATE BILLS

310 (C. 1051) - PROPERTY TAX EXEMPTIONS FOR HOUSING

For analysis refer to the chapter on General Services, Assessment and Taxation.

1078 (C. 1016) - HOUSING REVITALIZATION

Requires the State Housing Council to adopt rules to develop and administer a housing revitalization program for low and moderate income housing to be developed from an existing stock of vacant and abandoned housing. Specifies parties and projects eligible for program funds. Limits housing created by the program to units where the rent levels are no more than 30% of 80% of median income levels. Specifies what projects should be given priority. Requires State Housing Council to assure a reasonable geographic distribution of funds across the state and special emphasis on rural areas. Requires the Housing Council to report to the 66th Legislative Assembly on the progress of the program in meeting its goals. Appropriates \$1.00 for establishment of a fund to receive federal or Emergency Board appropriations for the program. Effective August 4, 1989.

IMPACT ON COUNTY: Several pieces of legislation were passed this year to deal with the problem of vacant and abandoned housing prevalent in Multnomah County. A program to revitalize these units rather than demolish them would provide an added measure of security to the public, provide a source of neighborhood stability by providing low and moderate income families an opportunity to own and rehabilitate these houses, and provide a stock of much needed affordable housing for the County's low income population.

FISCAL IMPACT: No true appropriations were made in this Act. The County has eight years of experience financing home repair loans and managing related construction. Some 378 separate projects were financed for a total value of \$2,201,481. Some 40 units of housing were made available to lower income families through a home ownership program established in 1986 for a value of \$1,615,850. With sufficient funding and carefully established, meaningful criteria for underwriting, there is little doubt that this program would be most successful, as the County's experience is eight years without a single loan default.

IMPACT ON CITIZENS: Lower and moderate income families are often the community's most stable residents.

Provided with the opportunity to own their own homes and invest in their communities through rehabilitating available housing, the County's experience is that these families are a stable, low-risk investment venture.

## HOUSE BILLS

### 2060 (C. 803) - FOR-PROFIT LOW-INCOME HOUSING TAX EXEMPTION

Allows cities and counties to adopt property tax exemption programs for low-income rental housing provided by for-profit businesses. Prescribes criteria for exemption, application process, content of applications, content of resolution or ordinance and approval process to be used by local governments adopting the program. Includes among potentially eligible businesses corporations receiving any state financial assistance. Provides that final decision regarding qualification for exemption and the amount of the exemption lies with the county although a process for review and appeal is provided. Allows for recovery of triple the amount of actual damages by a tenant whose landlord has violated the rent provisions. Provides termination process and criteria and penalties and fees for violations. Exemption would apply to housing units constructed after January 1, 1990, and eligibility to apply would sunset in the year 2000. Provides exemption for certain housing for the elderly. Exemption would apply for 10 years.

**IMPACT ON COUNTY:** Currently, 65 properties have gained exemptions for the 1989-90 tax year. The exemptions range from 46% to 100% nontaxable for these accounts with a majority of 50 of the properties being 100% exempt from property tax. This should increase the availability of affordable housing for low-income households, primarily the elderly.

**FISCAL IMPACT:** A conservative estimate for the 65 properties currently exempted is \$20,000,000 in property value exempt from ad valorem taxation, however, this applies only to non-profit corporations. It is uncertain whether applying this exemption to for-profit corporations will have a major impact on revenue for future tax years but it may be more than offset by the benefit of increased availability of low-income housing. The County has the discretion of terminating any County exemption, which should prevent abuse of the program.

**IMPACT ON CITIZENS:** A great demand exists for affordable, safe and decent low-income housing, particularly for families.

The 10-year exemption should stimulate the construction of needed housing. Although an exemption generally raises the tax burden on other property tax payers, the limited amount of public assistance provided is considerably less expensive than other programs designed to meet this need.

2826 (C. 1045) - LOW-INCOME HOUSING TAX CREDITS

Provides tax credits as incentives to encourage financial institutions, except credit unions, to provide financing for housing projects sponsored by non-profit corporations or local governments for the benefit of lower income households or to provide financing for households certified to participate in community rehabilitation programs. Tax credits apply to loans made between the years 1990 and 2000 and may be carried forward for up to 15 years as an offset to future tax liability.

IMPACT ON COUNTY: Should stimulate the improvement and repair of owner-occupied and rental housing occupied by lower income households. This may assist in encouraging owners to invest in the upkeep and maintenance of their properties, thus preventing or reducing the physical decline of urban neighborhoods.

FISCAL IMPACT: These tax credits apply only to corporate excise taxes. The County's ongoing problem with vacant and abandoned housing may be alleviated with an incentive to provide improvements to these properties instead.

IMPACT ON CITIZENS: If the definition of lower income is based upon the generally accepted level of 80% of the median area income then the tax credits should provide some real assistance to the neediest families in the County.

2855 (C. 649) - VACANT AND ABANDONED HOUSING RECEIVERSHIPS

Allows counties and cities the authority to apply to the courts for appointment of receivers for residential properties that are abandoned or are a threat to the health, safety, or welfare of the general public when no interested party has begun foreclosure proceedings or agreed to take corrective action to make the property habitable. Requires an interested party to post security sufficient to make repairs in a timely fashion if a local governing body has already applied for appointment of a receiver. Stipulates who may be appointed a receiver and the permitted actions which a receiver may take with regard to the property. Exempts rehabilitation work from public contracting

statutes. Allows for liens to be placed against the property by the receiver for the costs of all court-approved necessary and reasonable expenses associated with improvement of the property. Specifies conditions for terminating a receivership.

IMPACT ON COUNTY: Receiverships may inhibit the demolition of available residential housing when a severe shortage of affordable housing for the needy exists. The housing for which Multnomah County becomes a receiver is frequently in such bad condition that demolition is the only feasible action to take. Yet much of the deteriorating condition is due to the length of time which it takes to have a receiver appointed. Additional legislation passed this Session shortens the redemption period available to interested parties (HB 3395, OL'89, Chapter 687, infra). With the availability of the County to have these properties placed in receivership, intervention and repair will occur much earlier than was previously allowed.

FISCAL IMPACT: Research shows that the cost of demolition when added to delinquent taxes usually exceeds the value of the remaining land which can be sold to offset these costs. On those properties which can be rehabilitated, the cost of providing the repairs is such that any revenue which the County does recognize from a public sale is greatly reduced. The ability to apply for appointment of a receiver should assist the County in saving many more properties from demolition and should increase the revenues from public sales by reducing the amount of necessary repairs to the property.

IMPACT ON CITIZENS: Should increase the stock of available and safe housing for the County's low-income citizens. Improvements on properties placed in receivership should improve the quality of life in many troubled neighborhoods and maintain or improve the value of property surrounding them, once the repairs have been made.

#### 3285 (C. 1030) - COMMUNITY DEVELOPMENT CORPORATIONS

Allows State Housing Agency to establish programs to increase the local capacity of low and moderate income housing. Requires Housing Agency to provide technical assistance and initial planning grants for the initiation of community development corporations for projects designed to increase construction, rehabilitation, purchasing, leasing and refinancing of housing for persons who are generally unable to obtain adequate dwellings otherwise. Provides specific geographic service areas to be given preference. Increases the appropriations made to the Housing Agency (HB 5007) by \$500,000 for the Biennium beginning July 1, 1989, for the above purposes.

IMPACT ON COUNTY: Currently, there are several community development corporations serving a variety of needs in the County. Some serve a small enough population that they will qualify for preference in grant allocations. The technical assistance provided to the community development corporations may assist in coordinating the efforts between and the services provided by the various existing organizations.

FISCAL IMPACT: The increase in funding to the Housing Agency for community development corporations will strengthen existing community development corporations and allow for establishment of new corporations in the County and will be used primarily for the administration, development, and expansion of these organizations. This funding is not for providing actual housing units. One of the functions of a CDC is to locate a mix of funding sources for construction of housing units and activities aimed at strengthening neighborhood relationships and programs.

IMPACT ON CITIZENS: One of Multnomah County's most successful attempts at community development is a 30-unit townhouse project, Lincoln Place, developed by the Multnomah County Housing Opportunity Program. The activities of these non-profit development corporations benefit many of the County's citizens by providing transitional and permanent housing for low and moderate income citizens.

3395 (C. 687) - WASTED OR ABANDONED PROPERTIES

For analysis refer to the chapter on Environmental Services, Facilities and Property Management.

3478 (C. 916) - STATE HOUSING FUND

Requires real estate brokers and property managers to hold certain refundable deposits in interest-bearing client trust accounts, the interest on which is to be payable to the Housing Agency Low Income Rental Housing Fund. Allows for voluntary participation by any interested person by notifying the Housing Agency and complying with the established rules. Requires the Real Estate Agency to apply sanctions for violations. Creates the Housing Agency Low Income Rental Housing Fund for providing housing for lower income persons and families. Requires the State Housing Council to adopt criteria for use of the Fund including specified restrictions. Requirements regarding interest-bearing trust accounts and sanctions apply effective January 1, 1990. Repeals Act June 30, 1993.

IMPACT ON COUNTY: No direct impact on the County although it may result in some additional resources for lower income households as opposed to the very low income households which already have some programs in place to assist them.

FISCAL IMPACT: No fiscal impact on the County.

IMPACT ON CITIZENS: Provides some guarantee that tenants who pay refundable deposits will get them back if they have met the conditions required of them. At the same time, the Fund, if it receives sufficient monies, will assist the working poor and others of limited income who are not quite poor enough to qualify for other assistance programs.

**Emergency Management**

SENATE BILLS

38 (C. 6) - RADIOACTIVE TRANSPORT

Allows imposition of additional safety conditions on the transport and disposal of radioactive materials and waste. Requires serving an order to halt transportation or disposal in cases of clear and immediate danger to public health or safety. Requires permit to transport certain radioactive materials. Requires annual report on shipment of radioactive materials in preceding year. Requires Health Division to maintain a trained and equipped radiation emergency response team to be available at all times. Requires inspection of highway route controlled shipments entering or transported within the state. Requires the use of identifying placards on vehicles carrying these materials. Requires transporters to indemnify state and political subdivisions against claims and to pay for accident responses. Allows for civil penalties up to \$25,000 per day for violations. Establishes Interagency Hazard Communication Council. Provides list of public records exempt from disclosure.

IMPACT ON COUNTY: Currently all known radioactive materials shipments through the County are escorted, providing for immediate response to emergencies. This legislation will not require a change in County operations as it treats radioactive material shipments consistently with other hazardous material shipments.

FISCAL IMPACT: Will allow State and political subdivisions to bill responsible parties and to receive payment for the cost of accident responses.

IMPACT ON CITIZENS: Provides for realistic response to radioactive transport accidents by providing an on-call emergency response team. Provides additional protection for public health and the environment and protects taxpayers from bearing the cost of accidents.

SJR 41 - HAZARDOUS WASTE SPILL BONDS

Allows, upon voter approval at the May 1990 Primary Election, the sale of pollution control bonds for facilities and activities related to collection, treatment, dilution, and disposal of all forms of air, water, and land waste. Exempts facilities and activities dealing with hazardous substances from the requirement that they be 70% self-supporting and self-liquidating.

IMPACT ON COUNTY: In many cases, Multnomah County is a generator of hazardous waste but budgets only a minimal amount for collection and disposal. Other new legislation (HB 3515) will require the county to correct this imbalance.

FISCAL IMPACT: Funding will be available for collection and disposal of hazardous waste through the sale of bonds provided for in this legislation, if the constitutional amendment is approved by the voters.

IMPACT ON CITIZENS: Provides an additional avenue of funding to clean up any potentially toxic waste areas in the County which pose threats to the environment and public health and safety. Funding clean-ups through bond sales should be more acceptable than increased taxes.

#### HOUSE BILLS

##### 2235 (C. 793) - 9-1-1 Funding

For analysis refer to the chapter on Justice Services, Generally.

##### 3493 (C. 859) - OIL SPILLAGE CONTROL FUND

Makes the intentional or negligent discharge of oil into Oregon waters a Class A misdemeanor punishable by a fine of \$2,500 and imprisonment for one year. In addition, imposes civil penalty equivalent to the amount of damage. Penalties are to be paid into the Oil Spillage Control Fund to be used by the Department of Environmental Quality for clean-up of oil spills and rehabilitation of affected fish and wildlife. Effective July 26, 1989.

IMPACT ON COUNTY: Provides a source of funding for clean-up of accidental spills in local waters.

FISCAL IMPACT: By requiring violators to pay damage costs as well as fines, this Act should provide a continuous source of funding for spills when the responsible parties cannot be located and will provide a source of State funding for accidents occurring within the County.

IMPACT ON CITIZENS: Requires those responsible for oil spill accidents to pay the full cost of repairing damages to the physical environment and to wildlife and habitat rather than the burden for clean-up falling on the taxpayers.

3515 (C. 833) - OMNIBUS HAZARDOUS WASTE BILL

Makes provision for the development of several programs aimed at hazardous waste reduction, recycling of toxic wastes, emergency spill responses, clean-up of leaking underground storage tanks, statewide orphan site clean-up, protection of groundwater and provision of public information. Establishes various fees to provide funding sources for these programs. Imposes a fee on users and generators of toxic waste based upon the tonnage of materials which each employer or government unit has in its possession. Exempts products required by state or federal law. Provides \$528,000 for the hazardous waste reduction program to provide technical assistance in the development of reduction plans for users and generators. Revenues generated from a \$.50 per ton landfill fee will provide funding for the solid waste reduction program aimed at providing technical assistance to local governments for development of recycling and solid waste plans and programs focused on households and small toxic waste generators. Approves and provides equipment for the establishment of ten regional teams for emergency spill response under the authority of the State Fire Marshall. Funding for the Underground Storage Tank program will derive from a continuation of the \$25 permit fee and \$1.1 million from an anticipated federal Environmental Protection Agency grant. Appropriates \$155,000 for meth lab clean-ups. Creation of a Superfund for orphan site reclamation will be provided through a \$20 per ton fee on hazardous waste disposal and by a toxic user fee imposed on the petroleum and chemical industries. Local governments are exempt from contributing to the Superfund. Establishes a comprehensive groundwater protection program to be funded from \$1.4 million in General Fund dollars and \$115,000 derived from permit fees for industrial and municipal waste. Funding for a public information program will result from a \$25 to \$2,000 fee per employer holding toxic materials on the work site. Revenues from this fee will also fund the toxic waste reduction program and the resource conservation and recovery program. An additional allocation of \$254,000 was made for resource and conservation recovery activities. Funding for the solid waste superfund will be derived from an additional \$.50 per ton fee on solid waste, but requires approval of the Emergency Board or the next Legislative Assembly before implementation. Requires the Department of Environmental Quality to study the hazardous waste and solid waste superfund proposals for report to the Legislature late in 1990 before activating either superfund. If the superfunds are implemented, a local government wishing to participate will be required to impose a \$12 per capita annual fee for up to five years on its residents to offset clean-up costs. Allows local governments to apply for a \$100,000 grant for site assessment. Effective July 24, 1989.

IMPACT ON COUNTY: Currently no inventory exists of the toxic products which various departments in the County may be using. The County may need to survey the departments to produce a definite inventory and to develop a plan for use of alternative products. Requires development of a comprehensive plan for toxic use reduction by September 1, 1991. Removes County oversight of the scene and response team by placing authority for hazardous spill response with the State Fire Marshall. Provides protection from liability for the County with regard to the actions of the emergency response team. Requires applications for permits for new uses of groundwater.

FISCAL IMPACT: May require the County to pay a \$.25 per ton fee for fertilizer, agricultural minerals, amendments and lime if the County is a first purchaser. Provides grants for up to 90% of the cost of equipment for response teams which may allow the County to enhance its current program. Removes responsibility for billing identifiable parties to a spill from the County and places it with the State Fire Marshall which will reduce the amount of time County personnel must spend on these billings and allows for the County to be reimbursed for costs of responding. Requires all permit holders for underground storage tanks to pay an annual fee of \$25, including the County.

IMPACT ON CITIZENS: Represents a well-balanced approach to waste reduction by requiring actual plans and providing technical assistance for plan development. Imposes heavier fees on users as an incentive to find alternative products and to fund clean-up of sites which pose a threat to public health and safety, thus decreasing the need for the spending of tax dollars when responsible parties cannot be identified. Also provides additional protection of citizens by development of a defined plan for emergency hazardous spill responses and a central authority for oversight of response teams and clean-up and a mechanism to require reimbursement of costs paid by taxpayers for the response team by the parties to the accident.

Facilities and Property Management

SENATE BILLS

378 (C. 703) - ARCHITECTURAL BARRIERS

Removes construction of government and public buildings from the requirement that 25% of total project cost expenditure be used for removal of architectural barriers. Makes the state Structural Code Advisory Board the appeals board for state and local corrections facilities.

IMPACT ON COUNTY: Multnomah County's current policy on removal of architectural barriers to provide handicap access is consistent with Federal regulations, so this change will have little impact.

FISCAL IMPACT: Providing handicap access to public buildings is an ongoing policy for the County, consequently, county owned and leased buildings and spaces already meet requirements and are up to code. Any fiscal impact will be negligible.

IMPACT ON CITIZENS: The handicapped citizens living and working in Multnomah County have long been served by the County's commitment to this policy.

1022 (C. 305) - SALE OF UNUSABLE REMNANTS

Allows counties to dispose of property by private sale if the parcel is unbuildable under current zoning ordinances and building codes and is valued at less than \$5,000 per the most recent assessment roll. Requires publication of notice of intent to sell property by private sale and must include the parcel's assessed value.

IMPACT ON COUNTY: This will simplify the procedure for disposing of parcels having little value except possibly to people owning property which abuts a county-owned parcel.

FISCAL IMPACT: Savings in the cost of operations will occur due to the elimination of the costs of the appraisal and advertising process formerly required.

IMPACT ON CITIZENS: No impact.

1094 (C. 558) - EDGEFIELD SALE

Allows counties over 400,000 in population to sell or convey any substantially undeveloped tract of land not acquired by foreclosure for nonpayment of taxes, provided more than 50% of the tract is zone for commercial or industrial uses. Allows County to dispose of land at either public or private sale after publishing notice in the local newspaper. Requires appraisal by a licensed appraiser to determine market value not earlier than 180 days prior to notice publication. Allows the property to be sold whole or in part. Effective June 30, 1989.

IMPACT ON COUNTY: This Act was requested by Multnomah County to enable the County to negotiate the sale of county-owned land in Troutdale known as the Edgefield property, rather than being required to offer it through a public Sheriff's sale.

FISCAL IMPACT: As the Edgefield property consists of 5 parcels which are subject to 3 types of zoning requirements, without this Act the County would be unable to sell the entire tract to one purchaser or to negotiate the sale of all the property at one time and would have been required to use different processes to sell the variously zoned parcels. The County now has the flexibility to dispose of this property in whatever manner will be most beneficial to the citizens of the County.

IMPACT ON CITIZENS: The Edgefield property, which is of substantial size, has been vacant since 1982 and as it is county-owned, it does not generate property tax revenues. It would be beneficial to the citizens of Multnomah County to dispose of this property as quickly as possible and return it to the tax rolls. Whenever a large portion of land is not being assessed for taxes it places a disproportionate burden on other property owners.

HOUSE BILLS

3395 (C. 687) - WASTED OR ABANDONED PROPERTIES

Allows counties to adopt ordinances shortening the redemption period following foreclosure of a property tax lien if the property is subject to waste, abandonment, or substantial continuing depreciation of value. Requires public hearing and notification of property owner. Allows property to be deeded to county upon expiration of a 30-day period following the date the property was determined to be subject to forfeiture. Maintains two year redemption period for all other real property held by the county by foreclosure. Effective July 11, 1989.

IMPACT ON COUNTY: Measure, allowing the County to shorten the period between property tax foreclosure actions and the date the county takes possession, will preserve the value and condition of the property for public sale or for donation to qualifying organizations for rehabilitation.

FISCAL IMPACT: Although the county may lose a small amount of taxes, it may gain revenue due to the less deteriorated conditions of these properties when they are offered at public sale.

IMPACT ON CITIZENS: Citizens should benefit indirectly as deteriorating abandoned property in their neighborhoods has a depressing effect on the value of the occupied dwellings. The accelerated process for taking possession of these properties should also reduce the amount of time they are vacant and thus subject to further damage or criminal activity.

3396 (C. 688) - NEGOTIATED SALE OF FORECLOSED PROPERTY

Allows county to sell foreclosed property at a private negotiated sale without further notice after the sheriff has been unable to sell the property by the public sale and bidding process. Requires that property sold at a private sale be sold for an amount not less than the highest bid offered at any sale or, in the absence of a bid, not less than 15% of the minimum bid set for the sheriff's sale.

IMPACT ON COUNTY/FISCAL IMPACT: Under the new simplified procedure, some cost savings for the County will occur because prior requirements such as appraisals and advertising have been eliminated. It should also allow for these properties to be returned to the tax rolls much earlier than was possible under the old requirements.

IMPACT ON CITIZENS: No impact.

3397 (C. 223) - ASSESSED VALUE FOR SHERIFF'S SALE

Allows the market value of property subject to a sheriff's sale to be set at the last equalized value on the assessment roll for the property rather than by an independent certified appraiser. Allows County to set a minimum price which may be other than the last equalized value.

IMPACT ON COUNTY/FISCAL IMPACT: Savings from \$100 - \$200 per parcel formerly spent for independent fee appraisals in preparation for public sale will accrue to the County. At 3 sales per year and 50 parcels per sale, an estimated savings of \$22,500 per year should occur using \$150 as the average cost per appraisal.

IMPACT ON CITIZENS: No impact.

Parks

SENATE BILLS

57 (C. 177) - "IMMEDIATE DISPOSITION FACILITIES"

Requires licensing of limited funeral service practitioners and of immediate disposition facilities and their operators. Expands requirements of funeral establishments to include access to refrigeration. Subjects limited funeral service practitioners to same licensing and apprenticeship requirements as full service practitioners. Requires certificate of authority for operating cemeteries for which a fee is charged. Requires registration without fee for non-operating cemeteries.

IMPACT ON COUNTY: Adds regulatory burden to County facilities, but does provide for listing in statewide directory, copies of law changes and quarterly newsletters.

FISCAL IMPACT: Based on 1988 figures for interment and number of operations, cost to County will be: \$840 (\$60 each for 14 cemeteries, initial registration and licensing); \$280 (\$20 each, renewal fees); \$404 (\$2 each for 202 interments).

IMPACT ON CITIZENS: Ensures that all operating cemeteries are regulated and professionally run.

HOUSE BILLS

3482 (C. 917) - RESOURCE CONSERVATION TRUST FUND

Creates the Resource Conservation Trust Fund, separate from the General Fund, and divided into two separately managed subaccounts and a Sinking Fund, to provide funding for projects related to habitat conservation and waste reduction. Creates boards to provide advisory and technical assistance for projects and to manage funded activities designed to mitigate the adverse environmental impact of resource extraction and solid waste disposal. Requires certain related state agencies to provide staff support for the boards and to develop proposed long-range plans. Specifies basic plan content, reporting requirements, project nomination process and minimum required criteria for project approval. Allows investment of Sinking Fund and Trust Fund but holds the principal perpetual and inviolate. Allows Sinking Fund to fund projects, match federal funds, and purchase land. Permits certain state agencies to construct, hold or acquire land or buildings necessary to a project if the owner is willing to sell. Prohibits use of funds as replacements for traditional funding sources.

IMPACT ON COUNTY: May provide some additional resources to County Parks Division for habitat conservation.

FISCAL IMPACT: Possibility exists for some limited additional revenues.

IMPACT ON CITIZENS: This Act provides a balance between conservationists and waste producers, as it provides funding for research and education in waste reduction and technology while providing additional funds for conservation, including the purchase of lands supporting delicate ecosystems.

5035 (C. 163) - MARINE BOARD BUDGET

Sets maximum limits for payment of expenses by the State Marine Board from all sources except federal funds to the following: \$1,870,304 for administration; \$2,247,626 for marine enforcement; \$6,014,237 for facilities construction/maintenance and land acquisition. Sets maximum limit from federal funds at \$880,454 total. Effective July 1, 1989.

IMPACT ON COUNTY: Provides direct funding for river patrol, facilities maintenance assistance program and facilities development program.

FISCAL IMPACT: Appropriates \$6 million for construction. County construction estimates for Chinook Landing Marine Park near Blue Lake are \$3.3 million for the 1989-91 biennium.

IMPACT ON CITIZENS: Completion of the Chinook Landing project will provide much demanded additional boating facilities.

Planning

SENATE BILLS

3 (C. 837) - WETLANDS DEFINITION AND INVENTORY

Requires compilation of a comprehensive statewide wetlands inventory according to a uniform system for identification, delineation, and mapping by the Division of State Lands. Allows counties to develop and to adopt wetland conservation plans subject to approval by the Division of State Lands. Requires counties upon receipt of the inventory, to notify the Division, permit applicant, and owner of record, of any development permit applications for alterations of the land or new construction planned within identified wetlands. Allows approval by counties of permits in the absence of a response by DSL to the notice, with the requirement that permit applicants be notified of the potential need for state or federal permits. Exempts normal agricultural activity, minor drainage work on a farm, removal or filling for farm land and road maintenance, and removal or filling for maintenance of dikes, dams, levies, drainage and irrigation ditches if the structures were serviceable within the last five years from the permit requirement. Requires that maintenance not adversely affect wetlands beyond what would occur from the original structure. Requires estuarine resource replacement as a condition for approval of a permit to fill or remove material from an intertidal or tidal marsh area, with certain exceptions. Provides for contested case hearings for estuarine management plans but does not extend this provision to wetlands conservation plans. Provides for review of orders issued by the DSL by and appeal to the Land Use Board of Appeals. Provides that violation of orders is a public nuisance. Requires DSL to develop a public education program and to conduct a study of potential incentives for property owners to provide voluntary wetland protection. Appropriates \$212,200 for the purpose of carrying out the Act.

IMPACT ON COUNTY: It does not appear that the County will need to enact any ordinances or make any policy changes to implement the requirements of the Act, but this will be better assessed when the wetland inventories are received. Will need to notify property owners and other applicants that certain State permits may be required for activities which did not require permits in the past. Will also require notification of the Division of State Lands on a variety of land use actions when they involve wetlands. The County may wish to adopt a wetlands conservation plan at some future date after examining the feasibility of doing so with regard to rural planning situations.

FISCAL IMPACT: Some staff time will be involved with the additional documentation and notifications now required and to transfer state compiled wetlands maps to property base maps to identify the affected properties.

IMPACT ON CITIZENS: Will provide a more coordinated system of wetlands identification and protection. The improved identification will assist with informing landowners regarding any potential conflicts between their plans for developing their property and the new State requirements.

358 (C. 772) - LAND PLATTING REVISION

Standardizes partitioning process for survey and creation of parcels. Prescribes requirements for size and monumentation of partitions and process for approval and recording of subdivisions and plats. Exempts acquisition of rights of way from partition process. Requires recording plat of subdivision or partition before sale of a lot or parcel and approval of County Surveyor before recording occurs even for parcels contained within city limits. Requires any additional conditions for partition plat approval be established by ordinance. No longer allows use of stone for survey monuments. Effective January 1, 1990.

IMPACT ON COUNTY: There will be an increase in workload for County Surveyor. An ordinance will be necessary to establish a fee for review and approval of partition plats within city limits. The County Recording Section and Record Center will experience an increase in workload due to the increased amount of recordings of required.

FISCAL IMPACT: Establishing fees for work performed within city limits will help to offset the cost of increased workload. Currently a fee is charged for the recordings.

IMPACT ON CITIZENS: These new requirements should provide additional protection to prospective property buyers by ensuring consistency in methodology and reducing the risk of errors in determining property boundaries.

735 (C. 964) - MIGRANT WORKER HOUSING SITING

Limits definition of seasonal farm worker housing to that occupied by workers and their immediate families no more than nine months per year.

Requires counties in light of a demonstrated need to allow farm worker housing in rural areas with sufficient buildable land. Includes this type of housing among the required allowances within urban growth boundaries and among permitted uses in EFU zones. Holds rehabilitation of existing seasonal housing to lower standards for permit if it is outside city boundaries. Places final authority for seasonal housing applications and permits with the Building Codes Agency. Effective August 2, 1989.

IMPACT ON COUNTY: May require needs analysis by County and examination of EFU zoning ordinances to ensure that the nondiscrimination intent is met. Will require review for changes in the Uniform Building Code which our contract agencies will have to enforce.

FISCAL IMPACT: Should be limited to the staff time involved in performing the above analysis.

IMPACT ON CITIZENS: This requirement will benefit seasonal workers by assuring them access to safe and sanitary housing. It should indirectly benefit those types of agriculture dependent upon seasonal labor by providing a sufficient and qualified pool of workers attracted by the guarantee of decent living standards.

1101 (C. 409) - MOBILE HOME TRAVEL/PLACEMENT

Requires applicable building or land use permits be disclosed on trip permits for mobile homes. Exempts mobile homes being transported to a dealer or being moved out of state.

IMPACT ON COUNTY: Will not require any change in current County policy or operations.

FISCAL IMPACT: Will not have a fiscal impact on the County as trip permits are issued by the State Motor Vehicles Division.

IMPACT ON CITIZENS: This will limit the ability to move mobile homes onto lots illegally.

1125 (C. 1017) - ONE STOP PROCESS FOR MOBILE HOME SITINGS

Allows local governments to establish permit processes for siting mobile and manufactured homes but requires local governments to assume full responsibility for permit issuance and for all required inspections should they choose to provide this service.

HOUSE BILLS

2202 (C. 107) - FOREST LAND ANALYSIS

Expands Land Conservation and Development Commission report analyzing approved/denied applications for dwellings, land divisions, and designations to include land zoned for forest use under statewide planning goals. Requires county to report on forest lands to DLCD on a regular basis not less often than annually.

IMPACT ON COUNTY: No change in current policy.

FISCAL IMPACT: Will require 1 planner 1 week every 6 months to compile information on land use approvals in the County's two forest zones.

IMPACT ON CITIZENS: Will provide persons concerned with resource protection the County's forest land use application approval record.

2269 (C. 515) - LAND USE JURISDICTIONAL PROCEDURES

Makes filing and service of petitions in land use proceedings jurisdictional, not waivable, and not extendable. Allows filing of petition alone to institute land use decision review proceedings. Distribution of petition copies is limited to the adverse parties.

2288 (C. 761) - LAND USE DECISION PROCESS REVISION

Requires government bodies' land use decisions to be in compliance with acknowledged comprehensive plan provisions and land use regulations as well as Land Conservation and Development Commission goals. Provides for procedures, time frames, notices, and appeal process for enforcement orders and for hearings conducted by a hearings officer. Establishes new hearings procedures for quasi-judicial actions. Allows LCDC to revise plans, regulations or procedures of local governments, stay decisions, withhold funding, and to institute actions for legal or equitable remedies in court. Requires adoption of final order within 120 days of petition filing but extends the time frame when opposing parties agree to mediation and exempts continuances from the limit. Allows for judicial review of final order.

Expands basis upon which a person may petition the review board. Requires local governments to maintain registry of land use decisions made in the prior 12 months. In the absence of a comprehensive plan, allows state agencies issuing land use permits to rely on a local determination of compliance if supported by written findings. Allows for acknowledgement of an adopted amendment to a plan or regulation upon expiration of the 21 day appeal period.

IMPACT ON COUNTY: Will require adoption of a new hearings procedure ordinance. Lengthens hearings process on controversial decisions by exempting continuances from 120 day time limit. May make impossible same-day planning decisions but should result in fewer successful appeals of County land use decisions.

FISCAL IMPACT: May reduce costs of defending County decisions at the Land Use Board of Appeals. Will require staff time for ordinance changes and planning commission deliberations in addition to rewriting reports when records remain open. County may need to consider hiring a hearings officer.

IMPACT ON CITIZENS: One area of concern involves citizens without legal representation who may not know to preserve their rights to appeal legitimate claims. Will be favorable for opponents of decisions due to the requirement to leave records open to receive new evidence and due to the exemption of continuances from the 120 day time limit for final decisions.

2289 (C. 564) - LAND USE POLICY FOR RESIDENTIAL FACILITIES

To prevent segregated housing patterns, requires local government zoning ordinances to allow residential care, treatment or training facilities, as licensed by the Department of Human Resources, and homes in any zone where other multi-family or single family residential dwellings are permitted and to hold these facilities and homes to identical standards and conditional uses as those currently allowed. Prohibits denial of siting application if criteria is met. Permits local governments to allow homes in any existing dwelling in any farm use zone, and facilities in any zone allowing single family dwellings. Requires amendment of zoning ordinances by the time of periodic land use review.

IMPACT ON COUNTY: Will require amending zoning ordinances and possibly some plan policies.

FISCAL IMPACT: These requirements will be administered as any other zoning ordinance requirement so there will be no additional cost to the County.

IMPACT ON CITIZENS: Clearly states requirements for residential homes and facilities and thus should expand housing opportunities for the elderly and disabled.

2530 (C. 653) - SICK LEAVE FOR EFU LAND

Expands definition of "current employment" of farm use land to include land lying idle for not more than one year due to illness of the farmer or an immediate family member including injury or infirmity whether or not the illness results in death. Requires the Department of Revenue to adopt rules to accomodate this change.

IMPACT ON COUNTY: This will not require a change in County policy. It will require changing the definition in County zoning code and also in the assessment program for EFU lands.

FISCAL IMPACT: Not much revenue impact will occur as this property is subject to a six year appraisal cycle which allows for continuing an EFU assessment as long as the potential for farming the land continues.

IMPACT ON CITIZENS: This should assist any citizen who farms by protecting their right to farm use assessment during a case of extended illness.

2639 (C. 739) - ROOM AND BOARD IN EFU

Expands allowed uses in EFU-zoned areas to include room and board arrangements for a maximum of five unrelated persons in existing residences.

IMPACT ON COUNTY: The impact is indeterminate as the granting of applications for this use of EFU land is discretionary and is to be determined by the County.

FISCAL IMPACT: There may be an impact if the County decides to exercise this option as amendments will be necessary to current zoning ordinances to permit room and board use.

IMPACT ON CITIZENS: This could open the way to the establishment of small bed and breakfast inns in areas currently zoned EFU: Sauvie Island, parts of Skyline area, Orient/Sandy River area and parts of the Columbia Gorge area.

2682 (C. 861) - MINING IN EFU

Allows counties discretion to permit exploration, production, mining, and processing of underground natural resources in exclusive farm use land as commercial activities in conjunction with farm use. Requires land use permits for mining based on volume and area, and that aggregate sites are those included in comprehensive plans. Prohibits these activities if an increase in the cost of or a change in accepted farm or forest practice occurs as a result. Prohibits cement or asphalt production within 2 miles of a vineyard. Exempts mining operations performed by owner or tenant as improvements to the site. Stipulates that these activities are not a basis for exemption to planning goals.

IMPACT ON COUNTY: Will require change in ordinances to reflect new standards for conditional approvals. There is some concern regarding violation and enforcement procedures for EFU land which are different from those used for other lands.

FISCAL IMPACT: Staff time to research impact on current zoning code and drafting changes required by the violation and enforcement section.

IMPACT ON CITIZENS: Increases protection of EFU land but will allow for mineral and aggregate industry development if the County so chooses.

2713 (C. 789) - LOCAL SITING PROCESS FOR PRISONS

Requires Department of Corrections to recommend to the Emergency Corrections Facilities Siting Authority, two corrections facilities sites from five nominations, which will be submitted to the Governor for binding approval. Requires that nominations be made based on specified criteria, including local jurisdictions' expression of interest. Requires detailed report on each nomination site, made available to all affected officials, agencies, organizations and individuals. Requires meetings with local officials and public hearings at each potential site. Allows one site to accommodate 1500-3000 inmates, some of which may be minimum security, providing 2/3 of capacity is suitable for medium security inmates. Requires streamlined siting procedures and amendment of land use goals and rules as needed. Allows any affected party to propose conditions on site and to petition for review of decisions. Exclusive jurisdiction for review is reserved to the Supreme Court which is prohibited from substituting its judgement where facts or issues are within the discretion of the Executive Branch. Effective July 24, 1989.

IMPACT ON COUNTY: Currently there are no proposed sites in Multnomah County.

FISCAL IMPACT: No requirement for funds from the County.

IMPACT ON CITIZENS: Although there are some objections to the "mega-prison" this Act does satisfy the public demand for more prison space.

2863 (C. 380) - MANUFACTURED HOUSING SITING

Includes mobile home parks and manufactured homes on lots zoned for single family residential use in the definition of "needed housing". Allows local governments to take exception. Allows for "needed housing" in one or more zoning districts or overlay zones within the urban growth boundary. Local governments retain the authority to set approval standards and procedures and to impose special conditions as long as the effect is non-inhibitive to the development of the needed housing. Specifies placement standards but allows local governments to adopt less restrictive ones. Allows manufactured homes to be subject to the same standards and requirements applicable to single family residential dwellings on the same lot. Becomes effective January 1, 1991, or upon the next periodic review whichever occurs first.

IMPACT ON COUNTY: An analysis is required to see if the current zoning code will meet this requirement.

FISCAL IMPACT: Any fiscal impact will not occur until 1990 but may be reduced if planning contracts with the city are reached. This should allow for consolidation of the required analyses for those areas within the Urban Growth Boundary.

IMPACT ON CITIZENS: Although this should expand home ownership opportunities for our citizens at the lower end of the income scale, there is some speculation that the siting of manufactured homes in an area of permanent, fixed dwellings can have a detrimental affect on the value of the fixed homes.

2903 (C. 525) - WINE SALES IN EFU

Includes wineries among the allowed but discretionary uses in areas zoned EFU. Stipulates qualifications based on volume of production and number of acres of grapes owned or obtained. Requires proof of qualifications prior to permit issuance.

Limits standards which local government can impose on a winery siting and states that they are solely to prevent conflict with accepted farm/forest practices in the area.

IMPACT ON COUNTY: Currently there are no vineyards in Multnomah County.

FISCAL IMPACT: There will be a fiscal impact only if current zoning code is change to allow this use.

IMPACT ON CITIZENS: There are some areas in the county which have climate favorable to vineyards. This opens up the possibility for future development of this industry should the County desire.

5032 (C. 56) - GORGE COMMISSION BUDGET

Appropriates from the General Fund, \$481,120 for administration expenses and \$77,308 for contracted services to the Columbia River Gorge Commission for the biennium beginning July 1, 1989.

IMPACT ON COUNTY: None.

FISCAL IMPACT: Insufficient funding for Multnomah County's role in Gorge management.

IMPACT ON CITIZENS: None.

Transportation

SENATE BILLS

24 (C. 394) - COUNTY SURVEYOR OMNIBUS BILL

Requires county surveyors to be registered professional land surveyors. Allows county surveyors to charge and collect fees to reimburse county for work performed at a court's direction or for the partition of real estate. Clarifies the establishment and witness of corners. Requires use of a registered professional land surveyor, in the absence of the county surveyor, for preservation of survey monuments when an emergency exists. Requires responsible party to pay for damaged or destroyed survey monuments and allows for recovery of costs and attorneys fees in a civil action and for injunctive relief when necessary. Clarifies required contents of survey maps.

IMPACT ON COUNTY: Utility companies are now responsible for replacement of property or government corners if they are disturbed or damaged. In the past, the County Surveyor's office has been required to perform replacements.

FISCAL IMPACT: Some revenues should occur now that fees can be charged for certain work. Some cost savings should also occur now that a remedy is provided for recouping costs from responsible parties for the repair of survey monuments.

IMPACT ON CITIZENS: Protects property owners from loss of boundary monuments.

29 (C. 219) - COUNTY VACATION OF ROADS WITHIN CITIES

Allows the governing body of a county to vacate property within the county's jurisdiction but within the limits of a city with the concurrence of the city.

IMPACT ON COUNTY: Will allow for more efficient vacation of County roads that lie completely within city limits.

FISCAL IMPACT: Transfer of jurisdiction over roads also transfers responsibility for maintenance of the road. In this case, it is unlikely to save the County any money as a companion bill (SB 30) was also passed which allows the city to transfer local access roads to County jurisdiction. Any dollar savings would result from a more logical division of responsibility for the maintenance of specific roads.

IMPACT ON CITIZENS: May allow for a smoother scheduling of road repairs and better planning for traffic problems as a result of the work.

30 (C. 220) - CITY TRANSFER OF LOCAL ACCESS ROAD

Allows city to transfer jurisdiction of any road within its boundaries to the county after public notices and hearings and with the agreement of the county.

IMPACT ON COUNTY: Allows County to accept jurisdiction over roads within a city and to perform maintenance, repair, and improvement of transferred roads. This would seem more important for maintenance of city roads or streets which provide access to more heavily traveled county roads.

FISCAL IMPACT: There will be additional costs for maintenance but as accepting jurisdiction is discretionary, the County should be able to limit any negative fiscal impact. Also, the County has the right under this legislation to levy and to collect assessments for maintaining transferred roads.

IMPACT ON CITIZENS: Quality maintenance of the infrastructure is important both in terms of personal automobile repair and maintenance and in terms of attracting more business investment and development. This change would seem to simplify the process of providing road repair.

475 (C. 868) - REGIONAL LIGHT RAIL EXTENSION CONSTRUCTION FUND

Establishes Regional Light Rail Extension Construction Fund. Allows Public Transit Division of the Department of Transportation to expend monies in fund for all phases of projects for extension of the Tri-County Metropolitan Transportation District's light rail system. Allows payment of anticipated funds upon written agreement between ODOT and the transportation district subject to actual available funds. Specifies allowed projects for funding. Prescribes conditions which must be met for certain phases of recommended projects to be approved for funding. Monies for fund to be generated by video poker games (HB 3262), with \$5 million authorized for the 1989 - 91 Biennium.

IMPACT ON COUNTY: Several of the corridors specified as approved extensions are in Multnomah County, although involvement in light rail projects would be limited to County representation in the Tri-County Metropolitan Transportation District and approval of any County land needed as a right of way.

FISCAL IMPACT: Financing of extensions requires agreements between and funds from the State and the Transportation District.

IMPACT ON CITIZENS: Availability of public transit is a major consideration for citizens living and working in the County. Affordable mass transit is particularly beneficial to citizens commuting to jobs in the County but provisions should be made to reserve some outlying areas for park and ride lots.

476 (C. 869) - TRANSIT PAYROLL TAX ON LOCAL GOVERNMENTS

Extends employers against whom a mass transit district, in a metropolitan area exceeding 400,000 in population, may levy a discretionary payroll tax to include the State of Oregon, local governments and special districts. Exempts school districts but requires a study to determine in what manner schools should assist in the financing of public transportation. Requires adoption of ordinance to extend tax at least 6 months prior to the beginning of the transit district's fiscal year. Provides a 5 year phase-in of tax and establishes schedule of applicable percentage of tax to be paid for each year following implementation.

IMPACT ON COUNTY: When the payroll tax is fully implemented, it will require .06% of County payroll from the County General Fund to be paid to the mass transit district to finance its operations. This will provide revenue for maintenance and improvement of public transportation in the County. The schedule for implementation for Multnomah County is:

<u>YEAR</u>	<u>TAX RATE FOR PAYROLL TAX</u>
1990	.0012
1991	.0024
1992	.0036
1993	.0048
1994	.006

FISCAL IMPACT: Extension of the payroll tax should raise an estimated \$600,000 in 1991 and \$3 million by 1995 for the transit district.

Although there is a definite fiscal impact on the County, the result is an indirect benefit to County employees who use public transportation and improved livability of the County by reduced dependency on automobiles.

IMPACT ON CITIZENS: In general, this will ensure current levels of transit service which attracts business and workers to the metropolitan area and provides commuter service to many County employees.

980 (C. 593) - COUNTY ROAD DISTRICTS WITHIN CITIES

Allows formation of county road districts for improving both public roads within city boundaries or drainage districts and county roads. Removes restriction that road district taxes must be expended within one year of collection. Provides that when a city constitutes a separate and entire road district then decisions regarding public roads are at the discretion of the city governing body.

IMPACT ON COUNTY: The impact on the County occurs from the provisions regarding city authority and control when the city is a separate road district. The provision dilutes County road authority without input from or consent of affected County agencies and the governing board.

FISCAL IMPACT: Allowing road taxes to be spent over a period greater than one year will allow the County to make expenditures on an as-needed basis and will allow for better planning and implementation of repairs.

IMPACT ON CITIZENS: Allowing the County to service roads within a city boundary should improve the quality of roads that are not major city access routes. Allowing expenditures to be spread out over a longer period of time should reduce the amount of traffic congestion and community complaints which occur when numerous road repair projects are in progress at the same time.

SJR 12 - LOCAL OPTION MASS TRANSIT FUNDING

Allows voters at the next Primary Election to amend the Constitution to allow counties and special transportation districts to use revenues from motor vehicle taxes for mass transit facilities and vehicles as well as roads. If the amendment is approved, requires additional local election for voters to approve the expanded use of these taxes. Limits amount of tax locally approved to amounts established by state law for motor vehicle taxes.

IMPACT ON COUNTY: Currently, Multnomah County has a gas tax but no registration fee, therefore, there is impact only following three events: Statewide approval of the constitutional amendment at the May 15, 1990, election; development of an intergovernmental agreement between Multnomah, Washington, and Clackamas counties, city of Portland, Tri-Met and Metro (HB 3446); and voter approval at a local election of the imposition of a vehicle registration tax (HB 3446).

FISCAL IMPACT: Should the County decide to pursue this use, there will be unknown costs relating to two elections, staff time for negotiation and development of an intergovernmental agreement, and the transfer of apportioned funds among the parties to the agreement.

IMPACT ON CITIZENS: Should the voters approve the local tax and its expanded use, more revenues will be available for expansion of light rail and continued improvement of the bus system which many citizens depend upon for transportation needs. It is anticipated that some portion of the revenues would be placed in an Urban Arterial Fund, to be allocated regionally to priority road projects. Thus, citizens could expect an improved and better coordinated arterial road system within the region.

#### HOUSE BILLS

##### 2782 (C. 429) - COUNTY SERVICE DISTRICT MASTER PLANS

Allows a county to adopt a master plan, coordinated with the comprehensive plans of affected cities and counties, for the development of service facilities for all areas served by the county service district, including those areas within a city. Effective June 26, 1989.

##### 3024 (C. 432) - NON-DMV-ISSUED VEHICLE VARIANCE LOAD PERMITS

Requires that variance permits issued by an authority other than the State for a divisible load of more than 80,000 pounds total weight be valid for a full year of continuous operation.

IMPACT ON COUNTY: The Transportation Division within the Department of Environmental Services issues over-dimensional permits in compliance with State statute, and County practice currently allows for the conditions provided for by these changes.

FISCAL IMPACT: No impact anticipated.

IMPACT ON CITIZENS: Will provide a less cumbersome process for businesses requiring these permits to apply for one annual permit rather than individual trip permits.

3056 (C. 867) - PUBLIC TRANSIT DIVISION FUND

Renames and expands allowable uses of the Department of Transportation Transit Acquisition and Construction Fund to include acquisition and construction of structures and facilities and for acquiring equipment or purchasing real estate for public transportation purposes.

3224 (C. 449) - SYSTEMS DEVELOPMENT CHARGES

Authorizes local governments to establish system development charges and to adopt administrative review procedures to provide for challenges of expenditures of revenues. Requires establishing a set methodology for calculating reimbursement and improvement fees. Provides for credits against fees for construction of a qualified public improvement. Restricts uses of revenues derived from these fees to capital improvements. Act applies only to system development charges established after July 1, 1991, and, as of that date, requires local governments to develop a plan with estimated costs and time frames for the capital improvements to be funded from these revenues.

IMPACT ON COUNTY: Allows County to offset costs of new facilities or added capacity arising from new development by assessing a fee at the time a building or development permit is issued or when connection to a capital improvement occurs. If the county opted for a SDC for transportation purposes, it would require an ordinance and establishment of a fee schedule in conjunction with cities for various land uses and development.

FISCAL IMPACT: Should the County impose a system development charge, it could provide a source of revenue for transportation, water and sewerage, drainage and flood control, or parks and recreation improvements necessary to accomodate growth and development.

IMPACT ON CITIZENS: System development charges are a more equitable means of funding necessary capital improvements arising from growth as the cost is borne by the parties creating

the need for improvement rather than imposing additional costs on existing homes and businesses which have already paid for the existing facilities. Further, it provides a realistic appraisal of costs associated with development.

3262 (C. 828) - VIDEO POKER GAMES

Creates the Intercollegiate Athletic Fund composed of two subaccounts, the Sports Lottery Account and Video Games Account. Funding for the Sports Lottery Account will derive from revenues generated by the establishment of a lottery game based on the results of sporting events and is to be used as follows: 88% for funding sports programs at state institutions; 12% for scholarships to be divided equally between academic achievement and need; after maximum allocation for the first two purposes, \$3 million annually to the State Scholarship Commission for community college financial aid to award economic self-sufficiency grants and loans to disadvantaged individuals; any additional revenue to be used by the State Scholarship Commission for the need grant program. Allows the Lottery Commission to develop games using video devices at particular geographic locations around the state. Revenues from the Video Games Account are to be used for the following purposes: the first \$12.5 million for higher education faculty recruitment and retention to be distributed as specified in the Act; the next \$5 million to regional light rail construction; the next \$12.5 million to higher education faculty recruitment and retention; the next \$5 million to transit programs. Effective July 1, 1989.

IMPACT ON COUNTY: Because the lottery statutes preempt local ordinances, the Lottery Commission could initiate state-run video poker games in jurisdictions where private video poker machines are prohibited. This could cause substantial law enforcement difficulties.

FISCAL IMPACT: The \$10 million for light rail and transit programs would augment the regional Transportation 2000 project, which the County has endorsed. However, it is problematic that those revenues would be generated or that they would be dedicated to light rail costs in future biennia.

3446 (C. 864) - LOCAL OPTION REGISTRATION FEE

Allows governing body of counties and mass transit or transportation districts over 400,000 in population to impose motor vehicle registration fees on vehicles registered to addresses within its jurisdiction.

Fees may not exceed total amounts imposed by state statute. Requires approval by voters of any ordinance imposing a registration fee and that fees be imposed on all vehicle classes. Requires intergovernmental agreement with Motor Vehicle Division for collection and disbursement of fees and with certain districts and cities over 300,000 in population contained within a county. Requires ordinance to provide for payment of at least 40% of collected fees to cities within the county unless a different distribution has been agreed upon. Restricts use of fees to those approved for motor vehicle registration fees and requires that fees raised for purposes related to roads be placed in a Regional Arterial Fund. Disbursements from the Fund are restricted to those recommended by a joint advisory committee on transportation comprised of local officials and state agency representatives. Allows Motor Vehicle Division to retain \$.50/registration for administrative costs and requires monthly payments to districts and counties of fees collected. Makes any fees approved effective January 1, 1990. Effective July 27, 1989.

IMPACT ON COUNTY: Allows County, with voter approval, to impose a vehicle registration fee but requires an intergovernmental agreement with Metro, Tri-Met, and the city of Portland, with regard to collection, apportionment, and use of fees.

FISCAL IMPACT: Should the County choose to impose a fee, costs will arise from the required election, development of an intergovernmental agreement and the potential cost of transferring funds between the county, city, and districts.

IMPACT ON CITIZENS: Although increases in registration fees have been historically unpopular, such a fee could be used to improve the heavily-used roads, and to expand the availability of mass transit in the metropolitan area if the voters approve SJR 12 (1989) at the May 15, 1990, statewide election.

3447 (C. 865) - GAS TAX INCREASE

Increases motor vehicle registration fee by \$5/year effective January 1, 1990, and the fuel tax by \$.02/gallon effective January 1, 1991. Changes allocation of these revenues to the counties to 24% and to the cities to, 16%.

IMPACT ON COUNTY: Increases Road Fund revenue available to Multnomah County.

FISCAL IMPACT: Assuming no further annexation of territory to the City of Portland and taking into consideration the existing intergovernmental agreement, estimates of the NET increase to the County Road Fund are:

1990: \$456,667	1992: \$1,897,954
1991: \$1,314,523	1993: \$2,273,928

IMPACT ON CITIZENS: Increased revenues should result in better maintenance and more improvement of the local road system with financing derived from those who use the system and will benefit from its enhancement.

3483 (C. 674) - UTILITY 'WAYS OF NECESSITY'

Allows counties to grant a way of necessity to routes established to provide utility service access from an existing service location to a service point that would otherwise have no access. Requires orders granting ways of necessity for provision of utility service to conform to affected utility policy and standards.

IMPACT ON COUNTY: Expands the County's ability to grant ways of necessity.

FISCAL IMPACT: There is no cost to the County as the petitioner pays for the cost of the proceedings.

IMPACT ON CITIZEN: Will allow access for utility service to properties surrounded by land which is owned by others.

GENERAL SERVICES

Barbara Simon, Legislative Liaison

Telephone: 248-3300

Generally

SENATE BILLS

40 (C. 572) - OVERTIME IN PERSONAL SERVICES CONTRACTS

Exempts personal services contractors from receiving time and a half for Saturday and Sunday overtime worked. Requires personal services contracts to contain a provision for payment of overtime at time and a half rates for work in excess of 40 hours per week or performed on a legal holiday. Effective July 1, 1989.

IMPACT ON COUNTY: Will require a change in administrative procedures to include the new provision and notification of department heads regarding the change. External communication with contractors will occur through contract specifications in Requests for Proposals and bids.

FISCAL IMPACT: May lower the cost of personal services contracts. Personal services contracts are usually for professional services and this change will allow the County to treat these contractors as it does its own professional and exempt personnel. All other necessary action will be handled routinely.

IMPACT ON CITIZENS: None.

767 (C. 508) - WAIVER OF THREE DAY MARRIAGE LICENSE WAIT

Allows county clerks or other officials responsible for issuing marriage licenses to waive the three day waiting period between application for and the effective date of the license.

IMPACT ON COUNTY: The ability to grant waivers is discretionary and requires application of criteria unfamiliar to County personnel who issue licenses. The County practice is to refer waiver requests to the appropriate judges and, until such time as otherwise directed, this will continue to be the policy.

FISCAL IMPACT: Should the County accept responsibility for granting waivers, training will be required.

IMPACT ON CITIZENS: County practice is somewhat inconvenient for the small number of couples applying for waivers, but it does ensure that waivers are valid as they are granted by judges qualified to make the determination.

924 (C. 1004) - OFFICER/EMPLOYEE TORT INDEMNIFICATION

Provides that once a public body accepts responsibility for the defense of an officer, employee or agent of the body in a tort action, it will pay any judgements levied even if it is deemed that the act was not a performance of duty or that it constituted wilful or wanton neglect of duty. Deletes requirement for reimbursement of the public body by the individual for expenses and attorney fees. Expands definition of public body to include certain non-profit corporations.

IMPACT ON COUNTY: Clarifies circumstances under which the County may reject accepting responsibility for the defense of an employee or officer's actions.

FISCAL IMPACT: Will require very careful investigation of tort cases against employees before accepting liability for their defense as there is no longer a provision for reimbursement of the County's outlay and there is a specific requirement for County liability to pay judgements even when it is later established that the employee was not performing a duty or that malfeasance on the part of the employee existed.

IMPACT ON CITIZENS: Will ensure payment of judgements to plaintiffs in any case where the governing body agrees to defend the employee or officer.

982 (C. 862) - INTERIM STUDY OF PRIVATE CONTRACTING OF PUBLIC SERVICES

Requires the Interim Labor Committee to study the issues of contracting out public services to the private sector to ensure continuous efficient operation of services and accountability for quantity and quality of contracted services. Requires report to be made to the 66th Legislative Assembly.

1189 (C. 1057) - DISADVANTAGED BUSINESS ASSISTANCE PROGRAM

Establishes a committee to recommend and implement a program through the Department of Transportation to assist emerging small businesses in applying and qualifying for public improvement projects and contracts. Establishes the Emerging Small Business Account to fund the program. Directs the Advocate for Minority and Women Business to encourage private sector assistance to emerging small business. Sunsets program effective June 30, 1991. Effective August 5, 1989.

HOUSE BILLS

2496 (C. 286) - PUBLIC WORKS PROJECTS EMPLOYEE BENEFIT NOTICES

Requires posting of notices in conspicuous places informing employees of available health and welfare and pension plans offered by contractors engaged in public works projects subject to prevailing wage requirements.

2561 (C. 655) - SETTLEMENT OF PUBLIC TORT CLAIMS

Allows the governing body of any local public body to settle tort claims of any amount without approval of the Circuit Court.

2609 (C. 752) - PREVAILING WAGES ON PUBLIC LEASE-OPTION PROJECTS

Clarifies the definition of a "public work" for purposes of applying the requirement to pay the prevailing wage rate. Includes work which has been contracted for by a public agency. Exempts the reconstruction or renovation of privately owned property leased by a public agency.

IMPACT ON COUNTY: Will require payment of the prevailing wage rate for construction of buildings which the County leases prior to their construction.

FISCAL IMPACT: May increase the cost of leasing buildings.

IMPACT ON CITIZENS: Guarantees a living wage to laborers involved in a public works project which is being paid for with their tax dollars.

3001 (C. 1043) - DISADVANTAGED BUSINESS ENTERPRISES

Amends definitions for programs which provide assistance to minority and women's local small business enterprises to those used by federal programs. Includes emerging small business, without requirements of gender or minority status of owners and bidders, as enterprises potentially qualifying for assistance and public contracts. Prescribes requirements of bidder, bidding process, and appeal procedure for certification denial. Establishes informal agency review for appeals of certification denials.

Allows public contracting agencies to impose civil penalties for certification fraud and to disqualify involved parties from receiving further assistance and from bidding on or receiving a public contract for up to three years. Defines fraud and prescribes requirements for a valid disqualification.

IMPACT ON COUNTY: Administrative rules must be developed by the Governor's Advocate on Minority, Women and Emerging Businesses before the full impact on the County, with regard to public contracts, can be determined.

FISCAL IMPACT: Expanding state assistance to emerging small businesses should stimulate some economic growth and provide some new jobs in the County.

IMPACT ON CITIZENS: Provides more opportunities for people to become small business entrepreneurs. Provides some help for those newly established small enterprises which typically fail in the first few years of existence. Restricts assistance provided through state tax dollars to Oregon businesses and contractors.

Assessment and Taxation

SENATE BILLS

161 (C. 267) - .0025 RULE IN TAX APPEALS

Provides that the one-fourth of one percent provision, which reserves from the tax roll disputed amounts that exceed .0025 of the total assessed value in the county, is triggered by a taxpayer's appeal to any court of competent jurisdiction, in addition to an appeal to the Department of Revenue or Oregon Tax Court. This amendment was made necessary by appeals of assessed valuations to federal court by railroads.

IMPACT ON COUNTY: Expands on the existing statute and will have little effect on the County. Protects taxing districts from unanticipated large refunds if appeal is resolved in the taxpayer's favor.

FISCAL IMPACT: None anticipated.

IMPACT ON CITIZENS: Citizens may also benefit from the possible reduction in the amount of time it takes for a final decision.

162 (C. 330) - BOARD OF EQUALIZATION TERMS AND TRAINING

Prescribes membership of boards of equalization, duties, and functions. Provides for alternates and additional boards to meet workload. Allows the use of alternates or members from other boards to achieve a quorum. Prohibits participation in a determination if the member was not in attendance at the presentation of evidence. Requires members to attend in-service training provided by the Department of Revenue. Requires boards to convene annually on March 1 and to adjourn by September 5. Prohibits changes in assessments after September 1. Limits issuance of amended orders to the annual session or within 30 days of adjournment. Extends period within which a taxpayer may file a petition if the taxpayer received a late notice. Places time limits on applications to excuse penalties for delinquent filing of returns. Requires data collection for ratio study from December 1 to November 30 and completion of certified study by the following March 1. Requires board to examine the assessor's certified ratio study. Requires county assessor to present current assessment roll to the board on May 1. Requires delivery of board orders to petitioners and the assessor on the same day. Requires county clerk to post public notices of board schedules and meeting locations.

IMPACT ON COUNTY: Sets a new date for preparation and presentation of ratio study but eliminates the requirement for a preliminary study. Could cause an impact on the County Assessor's workload if additional boards are appointed and the Assessor's office must provide support services. Allows greater flexibility for board and petitioners.

FISCAL IMPACT: A definite impact of \$1,500 annually will occur for training. The increase in training costs are minimal for the improvement in service to the public. Potential costs of \$5,000 exist should the Board decide to increase the amount of time available for each hearing.

IMPACT ON CITIZENS: Improved service to citizens by allowing expansion and commingling of boards to meet workload. Provision of additional boards may allow citizens extra time to present their cases at hearings.

243 (C. 415) - PERSONAL PROPERTY TAX WARRANT CERTIFICATION

Allows tax collector to retain proof of service by certified mail of a warrant issued to enforce payment of personal property taxes. Allows the County Clerk to make notation of service on the warrant recorded by the County Clerk's office rather than maintaining additional copies of the proof of service.

244 (C. 297) - MOBILE HOME TAX LIENS

Prohibits personal property taxes, except those for the current year, imposed on mobile homes from becoming a lien on the home if, on the date of a bonafide sale, the taxes were not a matter of public record. Prevents refund of property taxes on a mobile home if the sale occurs after a statement has been requested by a mortgagee and the taxes show as paid.

IMPACT ON COUNTY: Provides that mobile homes will be treated the same as real property.

FISCAL IMPACT: The County attempts to collect all liens regardless, so any impact will be extremely minor.

IMPACT ON CITIZENS: Protects careful buyers from future liability for tax liens of which they could not have been aware.

310 (C. 1051) - PROPERTY TAX EXEMPTIONS FOR HOUSING

Expands eligibility for property tax exemptions in distressed areas to include newly constructed structures and structures converted from other uses to multiple family use on or before January 1, 1998. Limits applied exemption in converted structures to the value added due to conversion. Extends exemption period for government-assisted low-income multiple units. Defines "distressed area" and limits the cumulative size to 20% of total land area of a city or county. Prescribes criteria, including expenditures equal to a specified percentage of true cash value, for residential property to qualify as rehabilitated. Removes qualification that eligible properties be non-owner-occupied in certain circumstances. Redefines "substantial compliance" with regard to building codes. Makes similar provisions for single-family units. Prescribes application and approval process for exemptions.

IMPACT ON COUNTY: This measure covers two exemption statutes. The first program affected is the Residential Rehabilitation program. The city is responsible for granting the exemption and then notifies the County for adjustments to the property tax rolls. The County receives fees for appraisals and administrative costs. It allows for providing an exemption on the value added to the property by remodeling for a period of ten years. Many of these properties also qualify for Portland Development Commission loans. The exemption for owner-occupied single-family units is the major change in the current program. The program is a good one. Only minor impact on the County will occur. The second program is Newly Constructed Multi-Family units. No taxes are assessed on improvements and new construction which qualifies, although the land itself continues to be taxed. Again the city approves the exemption but the County receives only an administrative fee in these cases.

FISCAL IMPACT: The drawback of the Multi-family program is the small percentage of units which are required to be low-income. Examples of units which have qualified for this exemption are the South Park Blocks apartments, McCormick Pier apartments and the University Park apartments. It should be noted that another financial drawback is that commercial ground space is also exempt in most cases. However, as the County continues to receive some property tax revenues on all property qualifying for the exemption, no revenue is lost. Property tax exemptions shift the tax burden to other properties and can therefore cause higher tax rates.

IMPACT ON CITIZENS: The provision for allowing owner-occupied single-family units to qualify should stimulate rehabilitation of depressed neighborhoods while ensuring that the residents are long-term and have a vested interest in the improvement of the neighborhood and in the quality of life in the community. The multi-family unit provisions do encourage development of needed housing in the downtown area.

772 (C. 1050) - VALUATION OF AIRCRAFT

Mandates comparison study by the Department of Revenue to be presented to the Interim Revenue Committee by March 31, 1990, of the evaluation methods used in appraising and apportioning the value of aircraft operating in the state for ad valorem property tax purposes with those used elsewhere. Allows for inclusion of recommendations made by the Multistate Tax Commission.

IMPACT ON COUNTY: May result in new rules for the Department of Revenue to apply in centrally assessing the value of aircraft. May result in a new apportionment formula for the values designated to the County for addition to the tax rolls.

FISCAL IMPACT: Will depend on the recommendations made and enacted as a result of the study. Would not affect revenues but may reduce assessments of aircraft companies which could cause a shift in tax burden to all other properties by virtue of higher mileage rates.

IMPACT ON CITIZENS: Any change in methodology which resulted in a decrease in assessed values or in apportionment to the County could cause an increase in the portion of revenue supplied by other property taxpayers.

864 (C. 1015) - OREGON ENTERPRISE ZONE ACT OF 1989

Provides for technical assistance and tax incentives to eligible business firms within one of the 30 enterprise zones designated by the Governor or within a federally designated enterprise zone, to stimulate private business investment in economically lagging areas of the state. Specifies the responsibilities of the Economic Development Department including assisting county and city sponsors to retain, expand, start, or recruit eligible business firms, processing sponsor requests for boundary amendments and designating or terminating enterprise zones.

Specifies the requirements of sponsors including appointing local zone managers, providing local tax incentives and local regulatory flexibility, assisting the assessor in reviewing tax exemption applications, preparing a plan for marketing and managing the enterprise zone, preparing a street index to identify job applicants within an urban enterprise zone, identifying property for sale or lease for eligible businesses, presenting an annual written progress report to the Economic Development Commission. Requires joint responsibility for duties when there is more than one city or county sponsor in a single enterprise zone. Requires that publicly owned property not in current use be made available for sale or lease to eligible businesses. Provides that adding an area under the jurisdiction of a city or county other than the requestor requires submitting a resolution by the affected governing body requesting the change and addition as a sponsor. Allows for the inclusion of binding proposals for local tax incentives and regulatory flexibility of the affected area. Specifies duties of assessors including assisting local zone managers and businesses in determining the qualification of property for tax exemption, taking appropriate action when property no longer qualifies for exemption, and providing an annual statistical report to the Department of Revenue on these activities and the qualifying properties. Allows for a three year exemption on 100% of the true cash value of qualified property for each of the exemption years and that the total cost of the property must be at least \$25,000. Provides conditions which must be met for a business firm to qualify for property tax exemption including hiring, retention, and location requirements. Requires eligible businesses to be engaged in the manufacture, assembly, fabrication, processing, shipping or storage of goods, products or services provided to other private businesses. Specifies what types of business property qualify for exemption. Provides process for application for tax exemption, content, deadlines, appeals procedure, and assessor's duties after granting the exemption. Terminates program effective December 31, 2002. Provides for loans from the Oregon Business Development Fund for projects approved by the Economic Development Commission in economically lagging areas. Creates the Economic Stabilization and Conversion Fund to assist communities and workers suffering from severe economic dislocations by providing financial assistance, feasibility studies, technical assistance and management consulting services to failing companies, preference to be given to employee-owned companies and those in traditional industries or competing in markets with national or international competitors. Exemptions first apply to the assessment year beginning January 1, 1990.

IMPACT ON COUNTY: Currently there are no properties within the enterprise zones in the County which qualify. Changes make the Act easier to administer and of shorter duration.

FISCAL IMPACT: Improvements worth \$27 million to property belonging to Nabisco are in the planning stages with the intention of applying for this exemption and if qualified will not go on the tax rolls for three years.

IMPACT ON CITIZENS: Assistance with attracting new businesses or converting the activities of failing businesses to areas and citizens suffering from economic dislocations should prevent the development of "ghost towns" in communities which are dependent upon a small number of businesses for their economic viability, particularly those dependent upon the traditional industries. Provisions requiring businesses to hire a specified percentage of their employees from within the designated zones which provide businesses with the basis for tax exemptions guarantees that the benefits from stimulating business activities by use of public funds will accrue to the residents in the area.

1072 (C. 706) - JUDGEMENT LIENS ON REAL PROPERTY

Provides that an order or warrant becomes a lien upon real property of the person against whom the order is issued in the county where it is recorded by the county clerk. Provides that interest begins accumulating from the date of the final order issuance. Prescribes procedures for satisfaction of the warrant and for release of a lien. Allows for transfer of the warrant to the County Clerk Lien Record for warrants docketed before the effective date of the Act. Provides for recording an order with any county clerk in the state for orders assessing a civil penalty after 10 days have elapsed from the date of the final order without payment.

IMPACT ON COUNTY: May cause a minor impact on Assessment and Taxation as it may be required that lien holders be notified of possible foreclosure on property.

FISCAL IMPACT: Any increase in lien notifications will have a dollar impact due to increased postage, printing, and staff time for research.

IMPACT ON CITIZENS: Will provide an additional means of collecting civil penalties with only a minor impact on the County office providing the service.

HOUSE BILLS

2060 (C. 803) - FOR-PROFIT LOW-INCOME HOUSING TAX EXEMPTION

For analysis refer to the chapter on Environmental Services, Community Development.

2266 (C. 760) - STATE TAX APPEALS

Provides for issuance of protective orders to prevent disclosure of confidential business information when cases come before the Tax Court. Allows for appeals upon granting or denial of protective order by the State Tax Court to be made to the Oregon Supreme Court. Increases the jurisdiction of the small claims division of the Tax Court. Reduces to nine months the time which a taxpayer must wait before presuming denial of an appeal by the Department of Revenue for failure to decide, thereby permitting an appeal to the Tax Court.

IMPACT ON COUNTY: May help to protect some County records, such as personal property filings, which are confidential by statute. Will accelerate the hearing process on appeals including the rendering of a decision. Few additional appeals are anticipated based upon the increase in value of cases which can be made in the small claims division.

FISCAL IMPACT: None anticipated at this time.

IMPACT ON CITIZENS: Public access to information is still guaranteed with the exception of information which could be considered a trade secret or other confidential business records, although these are available to the court for use in its decisions. Taxpayers will be able to appeal to the Tax Court earlier than previously allowed for Department Of Revenue denials which are based upon no action.

2281 (C. 628) - NOTICE OF REDEMPTION PERIOD EXPIRATION

Requires tax collectors to notify any party entitled to redeem property of the expiration of the redemption period if the party appears in the county records when foreclosure proceedings began.

IMPACT ON COUNTY: Clarifies which parties require notification and may reduce the number of notices sent by limiting notification to those appearing in records at the initiation of proceedings.

FISCAL IMPACT: Should reduce staff time for research and paper flow, but cost reduction will be minor.

IMPACT ON CITIZENS: Many parties fail to notify Assessment and Taxation of changes in their mailing addresses and, as a result, would not receive notice of the expiration in sufficient time to take appropriate action.

2338 (C. 796) - ASSESSMENT AND TAXATION FUNDING AND REGULATION

Requires counties to file by February 1 of each year, an estimate of expenditures for assessment and taxation for the upcoming fiscal year with the Department of Revenue for determination of adequacy of available resources to achieve compliance with state statutes established to provide statewide consistency in property tax assessments. Provides for counties' eligibility for quarterly grants based upon estimate approvals and for contents of notices to counties, including computations of grants. Provides appeal process for county if estimate is not approved. Provides process for certification of counties' eligibility and for payment of quarterly grants. Specifies which county expenditures may not be included in grant computations and provides for recomputation of grant amounts to eligible counties when expenditures of a county are disapproved. Allows for development of conference agreement between a county and the Department of Revenue in cases where it is evident that the county will be unable to meet the level of expenditure necessary to achieve adequacy in assessment and taxation within the period designated by DOR. Provides for DOR review and audit of each county at least every 6 years for compliance with statutes requiring uniformity and equality in property taxation system. Allows for withholding of grants for noncompliance or inadequacy as determined by DOR review. Creates the County Assessment Function Funding Assistance Account and specifies monies to be deposited in same to meet standards of Act including DOR audits and reviews, to carry out appraisals of certain secondary industrial properties valued at \$1,000,000 or more, and to make grant payments to counties. Sets rate of interest for unpaid property taxes to be paid into the account at 1 1/3% per month and provides for biennial legislative review of the rate used. Allows for retention of 25% of interest charged and collected. Requires that estimate of amount of interest deposited and credited to fund be maintained at \$10 million and provides for increases in the percent of interest being turned over to the State to provide funding if necessary. Requires a fee of \$20 for the recording or filing of any instruments conveying an estate or interest in real property, trust or power with certain exceptions.

Allows counties to retain 5% of amounts charged and collected. From January 1, 1990, to December 31, 1997, DOR may provide notice to counties of deficiencies and take action to remedy these including use of its own employees and equipment to bring the county into compliance and may charge counties for the expense of correcting deficiencies. Allows DOR to examine and test the work of county assessors and to provide notice to the governing body if work does not meet state standards. Requires DOR to conduct appraisals of principal industrial properties statewide at no cost to the counties and of secondary industrial properties, the cost of which will be reimbursed from the Funding Assistance Account, and to inform assessors of the true cash value. Allows DOR to delegate the appraisal duties to the counties. Requires continuing education program for appraisers to maintain certification and specifies minimum content of program.

IMPACT ON COUNTY: A major impact on the County will result from the requirements in this legislation. It establishes a dual budget process for the Division of Assessment and Taxation and gives the Department of Revenue authority to approve or disapprove the budget for A & T. It requires developing a completely new budgeting system, budget approval process, and an improved methodology.

FISCAL IMPACT: Additional appraisers will need to be hired to meet the requirements. Some funding from DOR will be available to the County but whether it will be sufficient to cover fully the costs of implementing these requirements without additional funds from the County itself remains to be seen. A plan is currently being developed that will cover all the required areas. Until the plan is complete, it is not possible to provide a firm estimate of the cost involved. If the amount of interest which must be turned over to the State is increased beyond the specified 25%, it could reduce revenues available for distribution to levying bodies.

IMPACT ON CITIZEN: The intent to achieve equality and uniformity in the county systems of property taxation statewide is worthwhile. The end result, if intent is achieved, may be a more just property tax system and could result in more stable funding for public services statewide which are dependent upon property taxes.

#### 2650 (C. 601) - LATEST YEAR PAYMENT OF TAXES

Allows mortgagee, trust deed beneficiary, or vendor paying property taxes on behalf of someone else to direct the tax collector to apply payments to the latest year for which taxes are due.

IMPACT ON COUNTY: Some computer programming changes may be required to ensure that computer tape exchange payments are applied to the correct year. Will not prevent the County from initiating foreclosure proceedings for prior years of unpaid taxes.

FISCAL IMPACT: Staff time will be required to make any necessary programming changes but the impact should be minor.

IMPACT ON CITIZENS: Any mortgage holder who has been paying the current taxes but finds the property subject to foreclosure will have to work out an agreement with the party responsible for the unpaid taxes.

2914 (C. 948) - INCOME TEST FOR SENIOR PROPERTY TAX DEFERRAL

Allows for placement of liens by the Department of Revenue based upon an estimate of the total amount of taxes deferred over the lifetime of the taxpayer, interest on the taxes and fees paid for the recording, release or satisfaction of the lien for tax years beginning July 1, 1990, when a property owner elects to defer taxes under the Senior Property Tax Deferral program. Allows for voluntary payment of deferred taxes to reduce the amount of lien and for an additional lien to be placed when taxes for an assessment year exceed the estimate. Allows maximum of 5% of total property value in unpaid taxes to be delinquent but not subject to foreclosure upon initial participation in the deferral program if application is made in 1988 or before January 1, 1990, unless the owner had a household income of more than \$17,500 in the calendar year preceding the year in which the application is filed. Limits deferral to those years following a calendar year where the combined federal adjusted gross income of the household is less than \$24,000.

IMPACT ON COUNTY: Deferrals are handled through the Department of Revenue, so the major impact of this Act will be experienced at the State level. However, the County does provide information on the deferral program and it is anticipated that there will be an increase in the number of requests for this information.

FISCAL IMPACT: Dollar impact will be restricted to the postage, envelopes, and printouts necessary to provide interested citizens with information on the deferral program. Taxes are paid by the State, in essence by loaning the amount of the tax payment to the homeowner.

IMPACT ON CITIZENS: Will expand availability of the program to more seniors as the income limits have been raised to a total of \$17,500 for current applicants, \$18,500 beginning January 1990, and to \$19,500 in 1991.

2977 (C. 678) - MANDATED ASSESSED VALUE

Requires counties to use for 5 years the cash value of property as determined by a Board of Equalization, the Department of Revenue, or a court for purposes of tax assessment. Provides exception to the 5 year requirement if a change in value occurs due to a routinely scheduled reappraisal, consistently applied annual trending, indexing, or depreciation, additions or retirements, or property improvements or damage.

IMPACT ON COUNTY: Will require the Assessor to maintain a separate account consisting of properties whose values have been fixed by an "appeal body" to ensure that only those changes in value allowed by this statute are applied.

FISCAL IMPACT: The fiscal impact should be minor with regard to the frozen property value as the bill provides for routinely scheduled reappraisals, and adjustments for trending, improvement, damage, retirements or depreciation. It has been estimated that approximately 225 individual appeals of personal property assessments occur annually but the Board tends to sustain the appraisers' values in these cases. However, approximately 4,765 individual appeals of real property assessments occur annually and in these cases the Board tends more toward making adjustments in the appraised values than in sustaining the original assessments.

IMPACT ON CITIZENS: Protects property owners from unanticipated increases in property value occurring shortly after an appeal decision but this is the currently accepted practice in Multnomah County.

3365 (C. 1062) - PROPERTY MANAGER LIEN NOTICE

Allows a property manager to obtain all legal notices regarding a parcel of property that would be sent to the owner, upon filing a request with the County Clerk. Requires the assessor upon receipt of the request to make appropriate notation on the tax rolls.

IMPACT ON COUNTY/FISCAL IMPACT: The impact on the County is the cost of staff time for preparing and the postage cost of sending an additional notice.

IMPACT ON CITIZENS: Allows property managers access to more complete information.

Budget

SENATE BILLS

476 (C. 869) - TRANSIT PAYROLL TAX ON LOCAL GOVERNMENTS

For analysis refer to the chapter on Environmental Services, Transportation.

528 (C. 504) - BUDGET PREVIEWS

Allows budget documents to be presented to members of a budget committee not more than seven days prior to the first public meeting or at the first public meeting. Provides that copy of the budget document must be made available to the public at the first time it is made available to the budget committee.

IMPACT ON COUNTY: Will allow the Board of Commissioners and other organizations needing to approve a budget additional time to review the budget information in preparation for discussion of the budget at the first meeting. Will slightly shorten time prior to first hearing at which the budget is given to the Board.

FISCAL IMPACT: No additional costs involved.

IMPACT ON CITIZENS: Extends the same courtesy to citizens, as the budget document must become available to both the committee members and the general public on the same day. Should improve discussion and questions at the first public meeting and shorten the deliberation process.

778 (C. 222) - TAX SUPERVISING AND CONSERVATION COMMISSION BUDGET INCREASE

Increases annual appropriations limit for the Multnomah County Tax Supervising and Conservation Commission by \$30,000 to a maximum of \$230,000.

IMPACT ON COUNTY: This item must be included in the County budget and is not discretionary in that the Board must include the TSCC request as long as it does not exceed the maximum and cannot reduce the amount of the request.

FISCAL IMPACT: Any increase in a non-discretionary budget item poses potential problems.

IMPACT ON CITIZENS: The potential increase in TSCC funding could possibly cause a minor reduction in services elsewhere.

HOUSE BILLS

2623 (C. 658) - FIVE YEAR SERIAL LEVIES

Allows local governments to propose levies, when the amount levied each year is uniform throughout the period during which the taxes are levied, for a period up to 5 years if the levy is for operating purposes. If the amount levied is computed annually, the 3 year limit on levies still applies.

IMPACT ON COUNTY: Will allow the County to request 5 year serial levies. Due to the possibility of levies for jails and the library being brought before the voters for approval, this change is very important to the County.

FISCAL IMPACT: Because a multiyear levy must compensate for inflation in the later years, the amount levied per year will probably be higher at first, but will increase the gap between the ongoing costs and revenue produced in the final year of the levy.

IMPACT ON CITIZENS: Citizens will not have to vote as often on serial levy funded issues. In the case of capital items, the annual cost will be lower. If the levy pays for operating costs the increase between one five year levy and its successor will be much greater than that between three year levies.

3032 (C. 1018) - ECONOMIC IMPROVEMENT DISTRICTS

Extends the length of time that cities are allowed to levy assessments against property benefitting from an economic improvement district from three to five years and stipulates that the authority to levy assessments is in addition to the authority of cities to create and finance economic improvement districts.

IMPACT ON COUNTY: The County generally benefits from any economic improvements occurring within its boundaries, but has no responsibility for the operation of these districts.

FISCAL IMPACT: All assessments levied for economic improvement districts are paid directly to the City.

Amendments to the original bill deleted the provision allowing government properties to be assessed the same as private property.

IMPACT ON CITIZENS: Protection of the taxpayers is provided through the limit on the amount of assessment which can occur. The stimulation of economic improvements in the urban area enhances urban living, provides jobs, and prevents the decay of infrastructure and environment which is typical in most major cities.

5037 (C. 714) - DEPUTY DISTRICT ATTORNEY AND WITNESS FEE FUNDS

For analysis refer to the chapter on Justice Services, Law Enforcement.

Elections

SENATE BILLS

132 (C. 173) - DISTRIBUTION OF VOTER REGISTRATION CARDS

Allows Secretary of State to grant permission for others to print, copy, or distribute voter registration cards. Allows registration of persons who have provided their name, address, and signature on a registration card even if other information is missing. Allows County Clerk to cancel a voter's registration if information is provided by the Postal Service that the individual's address is other than that provided on the registration card, but requires notification of the voter and inclusion of a new registration card with the notice. Allows anyone to request and receive permission from the Secretary of State to print official voter registration cards.

IMPACT ON COUNTY: The new purge process makes cancellation more cost efficient since it eliminates one previously required mailing. Some staff communication will be needed to ensure registration of voters submitting incomplete cards and follow-up to obtain the missing information.

FISCAL IMPACT: Minor cost savings with new purge process.

IMPACT ON CITIZENS: The availability of large quantities of registration cards on request may stimulate some voter registration drives. Allowing registration of voters who have filed incomplete cards and the required follow-up provides a direct service to citizens who are concerned enough to register.

222 (C. 175) - VOTING

Clarifies that a ballot is legally cast if the person voting is a qualified registered voter at the time the ballot is cast.

369 (C. 773) - DISTRIBUTION OF SAMPLE BALLOTS

Allows a sample ballot to be included in a county voter's pamphlet if one is published in lieu of publication of a facsimile ballot in the local newspapers. Requires printing of the name and address of the County Clerk or of the names and addresses of the county governing body if the County Clerk is not an elected official in all pamphlets produced until July 1, 1991.

IMPACT ON COUNTY: There is no additional workload impact on the Elections office.

FISCAL IMPACT: Printing a sample ballot in a local voters' pamphlet would provide significant offset to the cost of producing the pamphlet.

IMPACT ON CITIZENS: Sample ballots in a voter's pamphlet provide citizens with a comprehensive package of information to prepare them for voting and frequently reduces the amount of time needed at the polls.

370 (C. 503) - ELECTION LAW REVISION

Changes dates for appointment of election board members and the length of their service on the board. Requires that challenges to ballot titles be made by registered voters only. Provides that cities must certify their candidates to the county in which the city is located. Expands list of those eligible to receive a sample ballot. Specifies the earliest filing date for district election candidates. Clarifies requirements of the Contributions and Expenditures reports required of candidates serving as their own campaign treasurers. Clarifies time frame for candidates and committees who must file certificates of under \$500. Clarifies the date for a referendum for a city election.

IMPACT ON COUNTY: The changes made in this Act are of minor impact to the County. Some minor housekeeping changes were made by the Secretary of State's office. There should be no additional impact on the County Elections Office.

FISCAL IMPACT: None of the changes made will require expenditures by the County.

IMPACT ON CITIZENS: These simple clarifications of election laws will not take the place of major campaign reforms but do send a message to the general public that this is an area of concern to their legislators.

399 (C. 221) - 30 DAY DETERMINATION OF SPECIAL DISTRICT ELECTIONS

Expands time available to a special district to determine the results of a special district election from five days to thirty days after receipt of the abstract of votes.

IMPACT ON COUNTY: Will require a change in the office election calendar and to the letter which the Elections Division sends with the abstract of votes, to reflect the new time frames.

FISCAL IMPACT: No fiscal impact is anticipated.

IMPACT ON CITIZENS: Will allow special districts more time to canvass the vote following a special district election and allow districts the convenience of taking action at regular meetings. Historically, the prior 5-day deadline had been widely ignored.

## HOUSE BILLS

### 2159 (C. 20) - TIME OF VOTER REGISTRATION

Allows for the valid registration of a voter when a completed registration card is received by any county clerk or by the Secretary of State's office within the established time frame. Establishes registration process for aliens whose citizenship will become effective during the closure period prior to an election. Allows a registered voter whose mailing address only has changed to participate in one election before reregistering.

IMPACT ON COUNTY: Will require the development of an internal procedure to ensure that persons whose citizenship is pending and voters who have not moved but have changed their mailing addresses are allowed to vote the one time allowed by these provisions before completing standard registration. An internal procedure will also be necessary to efficiently handle the registration of citizens from other counties and to forward the appropriate information to the correct county.

FISCAL IMPACT: Staff time will be required to develop the necessary procedures and to register and forward information appropriate to other counties.

IMPACT ON CITIZENS: Provides protection of citizens who may register close to the deadline but send their registration cards to the wrong office and those citizens who may neglect to report changes in their mailing addresses because they have not moved. Allows persons becoming citizens during the 20-day cutoff period to exercise one of the greatest rights of their new citizenship.

2161 (C. 637) - LIST OF ELECTORS

Allows a county chair of the state central committee of a qualified major political party to request and receive at no charge a list of electors in the county. Prescribes minimal content of list and time frames for requests and delivery. Allows any individual to purchase a list of electors. Requires County Clerk to maintain a register of all persons receiving a list. Continues prohibition against using list for commercial purposes but clarifies that resale of a list which will be used for political purposes is not a commercial use.

IMPACT ON COUNTY: Will require a change in the office election calendar to reflect new time frames established. The County currently maintains records of persons and organizations ordering lists or labels. Clarifies past ambiguities regarding what sales of lists qualified as "commercial". Removes requirement that the County provide amendments to the list to major political parties.

FISCAL IMPACT: No fiscal impact should occur.

IMPACT ON CITIZENS: Expands availability of list to to any individual who is willing to pay the fee charged. Continues protection of information provided by registered voters by clarifying what constitutes a "commercial use" of these lists.

2830 (C. 923) - ELECTION AND FILING DEADLINE DATE CHANGES

Changes March election date to the fourth Tuesday of the month. Expands time frame for application of a special absentee ballot to 40 days before the election in question. Amends time frames for required special district elections called by order or following the filing of a plan of dissolution to that election for which the filing deadline can be met. Changes filing deadlines of candidates for office and of ballot measures. Lowers the number of affiliated electors required for consideration as a minor political party to two and one-half percent of all registered voters in an electoral district.

IMPACT ON COUNTY: Will require a change in office calendar to reflect changes in dates for availability of absentee ballots. The extension of filing deadlines and the change in the March election date will allow the County to meet the federal requirements regarding absentee ballots, which has been a problem in the past. The changes in requirements for minor political parties may result in an increased number of candidates on a General Election ballot.

FISCAL IMPACT: Minimal cost impact.

IMPACT ON CITIZENS: The extension of filing deadlines will allow adequate time for military and overseas voters to receive and return their absentee ballots. The lowered requirement for minor political party status will legitimize the growing number of alternative political organizations whose candidates do not wish to run as members of the two established major parties and may offer voters a greater choice of candidates.

2959 (C. 666) - VOTE FIRST - PROVE IT LATER

Allows individual who claims to be a registered voter, but for whom no record of registration can be found to vote upon completion of and signing a written statement and oath. Requires verification of registration before allowing the ballot to be included in the vote count.

IMPACT ON COUNTY: Additional verification is required at a time when workload at the Elections Division is heavy but overall impact should be minor.

FISCAL IMPACT: No foreseeable costs involved.

IMPACT ON CITIZENS: Will protect registered voters from potential errors which would otherwise prevent them from voting. Assures that only ballot casts by eligible voters get counted.

3221 (C. 1031) - COUNTY VOTER PAMPHLET FOR MARCH ELECTION

Allows counties discretion to produce a local voters' pamphlet for March special district elections. Prescribes minimum content of pamphlet and distribution requirements. Requires Secretary of State to establish fee schedules and procedures for charging candidates and individuals filing arguments for inclusion in the pamphlet. Provides for charging special districts for an apportioned share of the costs of the pamphlet as an election expense. Includes a sunset provision effective July 1, 1991.

IMPACT ON COUNTY: Will need to develop internal procedures to meet the provisions of the State's administrative rules which will apply to the March election pamphlet. Some training will be necessary to ensure that staff is familiar with correct deadlines, forms, filing officers, and petition requirements. Will require the purchase of software to typeset the pamphlet.

FISCAL IMPACT: Computer software to produce the pamphlet will cost less than \$500 and would allow the County to produce camera-ready copy for pamphlets. The estimated cost of preparing and distributing the March 1990 Special District Election pamphlet is \$25,000. However, these expenses will be charged back to the districts involved in the election, with fees collected for candidate statements and measure arguments credited to the appropriate district against the apportioned cost of the pamphlet.

IMPACT ON CITIZENS: Should the County decide to produce a March election pamphlet, it would meet the growing public demand for a source of comprehensive information on these least-understood special elections. As the cost is minimal, it is greatly outweighed by the substantial public benefit a pamphlet for these elections would provide.

Employee Services

SENATE BILLS

518 (C. 822) - PREGNANCY LEAVES AND TRANSFERS

Requires employers with at least 25 employees to provide temporary transfers or reasonable leaves of absence if necessary upon the request of a pregnant employee. Limits "reasonable leave time" to that period when an employee is unable to perform any duties offered to her. Does not require paid leave unless otherwise provided by policy, practice, agreement, or contract. Requires reinstatement of employee without loss of benefits or seniority accumulated. Requires posting of employee notices regarding this right. Provides for enforcement through the Bureau of Labor.

IMPACT ON COUNTY: The County commonly allows pregnancy leaves longer than the 12 weeks previously recommended and makes other provisions as necessary. Some supervisory education will be required. There are litigation risks involved in the definition of "reasonable accomodation".

FISCAL IMPACT: As this is already County practice, there will be only a minor cost for supervisory education.

IMPACT ON CITIZENS: Provides some additional protections for pregnant employees and indirectly to employers who might not provide these accomodations otherwise and then find themselves at risk for liability due to a disabling work-related condition arising from the worker's pregnancy.

573 (C. 757) - PERS RETIREMENT BENEFITS INCREASE

Increases monthly benefits to retired PERS members and to persons receiving benefits from the Judges' Retirement Fund by a percentage amount based upon the year of retirement. Effective July 22, 1989.

IMPACT ON COUNTY: Schedules indicate that this is a standard cost of living increase for retirees.

FISCAL IMPACT: This adjustment has already been included in projected calculations for retiree costs.

IMPACT ON CITIZENS: Will allow retirees on a fixed income to recapture some of their lost purchasing power due to inflation.

935 (C. 381) - EMPLOYER HEALTH CARE INSURANCE POOL

For analysis refer to the chapter on Human Services, Health.

1017 (C. 832) - INSURANCE COVERAGE FOR ACUPUNCTURISTS

Requires any insurance provider offering services in Oregon to provide payment to acupuncturists if acupuncture services performed by a physician are covered.

IMPACT ON COUNTY: It may require consideration when the County negotiates its next health contract, but it does not now apply.

FISCAL IMPACT: The County may experience an increase in premium costs in the future if insurers view this as increasing the cost of providing services.

IMPACT ON CITIZENS: Will allow insureds to seek alternative health care providers, but only if acupuncture services are already reimbursable under their plans.

1051 (C. 890) - WHISTLEBLOWERS

Prohibits public employers from taking any action against an employee for reporting information relevant to a public agency or body violating any law, rule, or regulation, or committing acts constituting gross mismanagement or abuse of authority. Requires public employees and their supervisors to inform appropriate law enforcement agencies when an applicant or recipient of services, benefits, or assistance is the subject of any outstanding felony or misdemeanor warrant. Allows public employees to bring civil action for injunctive relief or damages against an employer for violations. Makes violations an unlawful employment practice. Effective July 27, 1989.

1124 (C. 562) - STUDY OF MANDATED GROUP HEALTH INSURANCE COVERAGE

Requires Joint Legislative Committee on Health Care to report to the 66th Legislative Assembly on the scope of currently mandated health coverage, the extent to which benefits are provided, the costs, savings and benefits of mandated group coverage, and the possible effects of repealing or reducing mandates. Lists services which must be considered in the report and requires examination of the feasibility of sliding-fee scales for out-of-pocket expenses for the insured.

IMPACT ON COUNTY: The County is currently examining the benefits of preventive, as opposed to curative, health care coverage.

FISCAL IMPACT: Impact will depend upon the recommendations of the committee and whether these become mandated. Some fiscal impact is likely.

IMPACT ON CITIZENS: As this legislation works in conjunction with the Universal Health Care bill (SB 935), Oregon's citizens should see an improvement in affordable health care services made available to them.

1193 (C. 597) - PERS RETIREES' HEALTH INSURANCE

Repeals the Retirement Health Insurance Trust Fund and creates the Retirement Health Insurance Account within the Public Employees' Retirement Fund to pay the costs of health care insurance contract coverage which is supplemental to federal Medicare coverage. Redefines "eligible person" for purposes of participating in insurance coverage. Requires PERS Board to develop benefit plans which provide insurance coverage supplemental to federal Medicare coverage. Requires Account to pay \$50 per month toward the cost of supplemental coverage and allows for a deduction from monthly retirement checks for any amount which the retiree is liable to pay. Requires Account to be funded by employer contributions determined by actuarial studies performed by PERS with employer amounts computed with the same assumptions used to determine other employer contribution rates. Appropriates \$51,000 from the General Fund to repay the portion of the original fund which was used to provide benefits for retired judges.

IMPACT ON COUNTY: Corrects the legal status of the original Fund by dissolving it and replacing it with the Retirement Health Insurance Account within the PERS Fund.

FISCAL IMPACT: No increase in employer contribution should occur as this Act merely replaces one account with another. Also, appropriations were made to replace the amount used to provide benefits for judges when their retirement system failed to generate sufficient income to meet actuarial standards.

IMPACT ON CITIZENS: Expands definition of eligible person to include a retiree's spouse.

HOUSE BILLS

2049 (C. 799) - MINOR PERS MODIFICATIONS

Excludes inmates, aliens working through a training or educational visa, and student work-study employees from eligibility for participation in the Public Employee Retirement System even when employed by and receiving compensation from participating employers. Limits increases or decreases based upon the Consumer Price Index to 2% of any monthly retirement allowance in a year. Allows the Executive Department to withhold funds which have been apportioned to a public employer who has failed to remit any obligation owing to PERS. Allows charging a public employer a penalty of \$2,000 or 1% of total annual contributions for each month in which the employer is delinquent in making required reports. Allows examination of a delinquent employer's records by an auditor to obtain necessary information, with the costs of the audit to be charged against the employer in addition to any other charges or penalties. Defines qualifying service.

IMPACT ON COUNTY: Currently the County meets all time frames for filing which are required by PERS.

FISCAL IMPACT: A dollar impact could occur in the future if contributions are not remitted on a timely basis or if the County is delinquent in submitting required reports and information.

IMPACT ON CITIZENS: Protects an employee's retirement account by ensuring timely contributions and crediting of interest to the account. Reduces the likelihood of computational errors in benefit amounts.

2449 (C. 598) - LOST WAGES IN EMPLOYER-REQUIRED MEDICAL EXAMS

Expands the "related services" an insurer or self-insured employer must pay on behalf of an injured worker to include net lost wages for the period of absence necessary to submit to a required medical exam, if benefits are not being paid for the time lost.

IMPACT ON COUNTY: County policy currently includes this provision.

FISCAL IMPACT: No increased cost as this is current practice.

IMPACT ON CITIZENS: Provides protection from lost wages for requirements outside the worker's control.

2567 (C. 235) - UNEMPLOYMENT AND WORKERS COMPENSATION

Allows a four quarter extension of the base year used to establish a valid unemployment compensation claim for an individual who had been receiving workers' compensation benefits when the worker files an unemployment claim within a three-year period following the period of illness or injury and not later than the fourth week of unemployment following medical release.

IMPACT ON COUNTY: This is more likely to impact a smaller employer who does not have the variety of jobs available to offer an injured worker alternative duty assignments.

FISCAL IMPACT: A minor fiscal impact might result from the extension of base year quarters.

IMPACT ON CITIZENS: Provides protection of an unemployed worker who has experienced an on-the-job injury which results in insufficient wages or work weeks in the base year used to establish a valid claim for unemployment benefits. Ensures an equivalent amount of unemployment compensation benefits as would exist if the worker had been able to work during the period of injury.

2849 (C. 871) - 30 YEARS SERVICE RETIREMENT

Allows employees who are members of the Public Employee Retirement System to retire after 30 years of service regardless of age and with full retirement pensions effective April 1, 1990.

IMPACT ON COUNTY: Will require notification of employees. Little impact is anticipated as the County currently allows for early retirement at age 58 and it is expected that 30 years of service and the currently allowed age for early retirement would probably coincide. Most County employees are hired for their degree of specialization and technical expertise and, as these individuals tend to receive more satisfaction from working, it is not likely that many of them would opt for the earlier retirement age.

FISCAL IMPACT: The average age of a Multnomah County employee is 43.5 years. As no increase in the number of employees eligible to retire due to the new standards is anticipated, there should be no fiscal impact.

IMPACT ON CITIZENS: For individuals who began working for a public employer directly upon graduation from high school, the option to retire after 30 years of service allows them the opportunity to develop a second career.

3508 (C. 906) - PERS BENEFITS TAXATION

Repeals exemption of state and local public retirement income from state personal income taxation. Allows exclusion of the first \$5,000 of retirement income from taxation if the retiree is over 62 years old unless the retiree's income is over \$30,000, in which case the exclusion is reduced by the amount of income exceeding \$30,000. Provides for additional employer contributions to increase benefit amounts to offset the amount of state personal income tax liability. Establishes the Public Employees' Tax Account to pay the additional required employer contributions. Provides a tax credit for residents receiving PERS benefits equal to 40% of the credit allowed for the elderly and disabled and a similar prorated credit for nonresidents. Appropriates \$18 million to the Public Employees' Tax Account for the Biennium ending June 30, 1991, for contributions on behalf of employers. Makes provisions should the actions prescribed in the Act be declared unconstitutional. Creates a Task Force on Retirement Income to study methods of achieving equitable treatment of retirement benefits and to report to the 65th Legislative Assembly by September 1, 1990. Provisions of the Act apply to benefits paid during 1989 until December 31, 1990.

IMPACT ON COUNTY: Employees will need to be informed that their retirement benefits are now subject to state personal income taxes. Retirees will be notified by PERS.

FISCAL IMPACT: As the increase will be reflected in PERS assessment rates in future years, there will be a dollar impact on the County when PERS benefits are increased to offset the loss of the personal income tax exemption. PERS will conduct an actuarial study next year to determine the full impact.

IMPACT ON CITIZENS: PERS retirees were guaranteed by the State the exemption of their benefits from personal income taxes. Court decisions have required that all public employee retirement benefits be handled the same. The increase in benefits is an attempt to meet the original guarantee. Other public employees are not satisfied with this arrangement and it is likely that this issue is still not resolved.

Finance

SENATE BILLS

62 (C. 232) - LIEN CREDITORS FOR PUBLIC FUNDS

Allows public bodies to be lien creditors against the securities or assets pledged, when a savings or federal association pledges securities or other assets for the purpose of securing those public funds.

IMPACT ON COUNTY: Allows local governments to be able to place liens against pledged securities or assets when a savings and loan association fails and a federal body is designated as liquidator with primary security interest.

FISCAL IMPACT: State law allows the securing of public funds above the \$100,000 amount qualifying for federal insurance. This measure provides additional protection of uninsured public funds which have been secured by an association using a high-quality asset when the association fails and is rescued by FDIC by preventing FDIC from displacing the public body as a primary lien holder.

IMPACT ON CITIZENS: Provides some protection for citizens from the impact of losing the amount of their contribution in tax-paid funds or retirement funds which have been invested in a failed financial institution.

204 (C. 182) - COUNTY TREASURERS' OVERSIGHT OF SPECIAL DISTRICTS

Replaces the oversight authority of the Water Resources Commission over irrigation, drainage, and other districts with oversight authority performed by the County Treasurer. Allows a shareholder of a corporate owner to sit on the district board. Updates language to reflect the change in oversight authority.

247 (C. 1081) - COUNTY WRITS OF GARNISHMENT

Provides for continuing a writ of garnishment, issued on behalf of a county against an employer, until payment in full is received or until the writ is released by the county or a court. Requires payment of garnished property to county at least once every 30 days.

259 (C. 327) - METRO LOCAL GOVERNMENT DUES

Allows the Metropolitan Service District to continue collecting a service charge from cities and counties until July 1, 1993. Requires MSD and its advisory committee to study and propose alternative funding methods. Effective July 1, 1989.

IMPACT ON COUNTY: Extends the Metropolitan Service District's current ability to levy service charges on cities and counties for two additional years.

FISCAL IMPACT: No additional fiscal impact, but savings which would have been realized from the original sunset date of June 30, 1989, will now be delayed until July, 1993. Multnomah County is budgeted to pay Metro \$36,332 this fiscal year.

IMPACT ON CITIZENS: Extending the service charge on cities and counties while researching alternative sources of funding will allow MSD to continue providing services to the citizens of the County.

483 (C. 883) - SPECIAL DISTRICT DISSOLUTION FUNDS

Provides for the disbursement of surplus funds from the dissolution of a special district. Allows the County to retain \$6,000 of the funds for administration costs. Allows the balance to be credited to each property within the dissolved district, to be offset against a portion of each taxing unit's levy against the value of the property or to be credited through a minus levy rate on the tax statement of each property within the dissolved district.

IMPACT ON COUNTY: Currently the trend in the County is to annex special districts rather than dissolving them. Consequently, there would be little impact.

FISCAL IMPACT: Three methods of crediting the surplus funds to the appropriate taxpayer are provided. As it is at the discretion of the County to determine which method is used, the least costly method of crediting through a minus levy could be employed and should result only in some computer updating.

IMPACT ON CITIZENS: Ensures that citizens are returned taxes levied for special purposes when the district no longer exists. The ability of the County to choose the least costly method of returning the money to the taxpayers maximizes their credit.

721 (C. 925) - NONDISCLOSURE OF TRANSIENT LODGING DATA

Exempts disclosure of records, reports, or returns required by government bodies to determine the amount of tax liability for concerns providing transient lodging if information would allow identification of the concern. Requires immediate notification by certified mail of tax delinquency. Makes identity of concerns, the period involved, and amount of delinquent taxes public information after 60 days of delinquency. Effective August 2, 1989.

IMPACT ON COUNTY: Reinforces current County policy.

FISCAL IMPACT: No dollar cost involved.

IMPACT ON CITIZENS: Protects private enterprises from disclosure of information relevant to their business operations with the exception of delinquent property taxes which is information of public concern.

752 (C. 303) - NON-DEBT SERVICE RESERVE MATURATION

Allows investment by local governments of reserves for future construction projects or for uses other than as a reserve for debt service for maturity periods over one year.

IMPACT ON COUNTY: Will allow County to invest allowed reserved funds for longer terms than in the past, but requires a written investment policy subject to review and reoption annually.

FISCAL IMPACT: It is prudent investment policy to subject these funds to the same requirements as other long-term reserve funds to protect them from imprudent decisions and potential large losses and to guarantee the continued financial stability and credibility of the County governing body.

IMPACT ON CITIZENS: Provides an additional protection for taxpayers by ensuring that these funds will be available for the payment of debt service as losses of funds would not alleviate the financial obligation of the governing body and, consequently, of its citizens to meet debt service.

803 (C. 988) - STATE TAX EXEMPTION FOR MUNICIPAL BONDS

Continues the exemption of interest earned on state and local bonds for purposes of state personal income taxes. Expands exemption of investment fund dividends on federal securities interest to include all such funds in tax years beginning January 1, 1989.

IMPACT ON COUNTY: Government entities which offer bonds to fund services or capital construction must compete for investment funds in markets which frequently offer much higher rates of return than the interest which can be offered on state and local bonds. Historically, the benefit of purchasing state and local bonds has been the security of the investment coupled with the exemption of the interest earned from personal income taxation. The continuation of this exemption will allow the County to be reasonably assured of a market for any bonds it offers for sale without any sizable increase in the interest rate offered.

FISCAL IMPACT: Without the exemption local governments would be required to offer much higher rates of return to sell government bonds which in turn requires selling a larger volume of bonds to achieve the amount of revenue originally proposed.

IMPACT ON CITIZENS: Allows citizens a very safe investment opportunity free from state taxation which provides services or facilities from which they will also benefit.

HOUSE BILLS

2111 (C. 135) - LOCAL GOVERNMENT EMPLOYER BENEFIT TRUST FUND AND  
UNEMPLOYMENT COMPENSATION

Places responsibility for the Local Government Employer Benefit Trust Fund and the Unemployment Compensation Trust Fund with the Employment Division rather than the State Treasurer.

IMPACT ON COUNTY/FISCAL IMPACT: No impact on County as it is self-insured for unemployment compensation purposes.

IMPACT ON CITIZENS: May improve the coordination of benefit issuance and reduce duplication of effort to have both funds administered by the Employment Division which is responsible for the issuance of benefit amounts.

2142 (C. 369) - EMPLOYER REPORTING OF HEALTH COVERAGE TO EMPLOYMENT DIVISION

Effective January 1, 1990, expands employers' quarterly reports to the Employment Division on wages and weeks worked to include information on the availability of health insurance coverage, and specifics regarding the coverage of each employee and the employee's dependents. Allows Employment Division to release this information upon request of Adult and Family Services and the Office of Health Policy.

IMPACT ON COUNTY: Quarterly Employment Division reports are currently submitted by the Payroll department on magnetic tape. Including additional information may require a computer programming change. How extensive the impact will be is dependent upon how much information needs to be provided. Currently, Payroll does have information on employees with coverage but it is limited to which policy and whether it is 1-party, 2-party, or family coverage. If more specific information is necessary it will require coordination between Employee Services and the Payroll Department and more extensive programming changes by the Information Services Division.

FISCAL IMPACT: Should the Employment Division require specific health coverage information, significant staff time could be involved in coordinating the information between Divisions and in implementing the necessary programming changes. Once the program is implemented, there will be some ongoing staff time involved in updating the information.

IMPACT ON CITIZENS: With the information from the Employment Division, future Legislative Assemblies will be able to modify current health care programs designed to ensure some primary health care availability for all Oregonians and to identify areas which require additional action.

2226 (C. 792) - BROADCASTERS' INCOME

Establishes a formula for apportionment of an interstate broadcaster's income based upon a sales factor determined by gross receipts and the share of audience or subscribers located in Oregon, for the purposes of state income tax liability beginning January 1, 1990.

IMPACT ON COUNTY: Multnomah County's business income tax conforms to state law but application of this change will require action on the County's part to bring this portion of the business income tax in line with the new state law.

FISCAL IMPACT: The State General Fund may experience a decrease in revenues in the 1989-91 Biennium of \$100,000 and of \$200,000 in the 1991-93 Biennium. Legislative Revenue's projection for the decrease in revenue to Multnomah County is \$175,000 annually. If the efforts of the Multistate Tax Commission to challenge court interpretations of interstate broadcasters' tax liability to various states are successful, then the effect of this Act will be an increase in the amount of income subject to Oregon and Multnomah County taxation.

IMPACT ON CITIZENS: Results in a more just allocation of income subject to taxation since broadcasters earn money as a result of the activity occurring in this State and County and therefore should be subject to some taxation on that income even when their physical facilities are located outside the state.

2770 (C. 603) - ASSESSMENT CONTRACTS

Allows local governments which assess the costs of improvements against benefitted property and enter into agreements to accept installment payments to sell or assign the assessment contracts to third parties. Specifies discretionary actions of local governments with regard to assessment contracts. Requires holding an amount in irrevocable trust equivalent to the principal and interest owed by local governments for outstanding obligations when assessment contracts are used as security.

IMPACT ON COUNTY: Provides the County with an option regarding assessment contracts which it holds. By allowing the sale of these contracts the County can both save some administrative costs, recognize some additional revenue, and have immediate use of funds which otherwise would become available only gradually and over an extended period of time.

FISCAL IMPACT: Currently the County holds approximately \$1,000,000 worth of assessment contracts. With the availability of selling or factoring these contracts the County could realize a cost benefit when comparing discount with existing collection costs, but this is purely discretionary on the County's part.

IMPACT ON CITIZENS: Could reduce the overall combined costs of providing the improvements and assisting citizens by allowing them to pay for these assessments gradually. Any savings to the County is in turn a savings for the citizen.

Information Services

SENATE BILLS

737 (C. 546) - ACCESS TO ELECTRONIC PUBLIC DATA

Requires that public records maintained in electronic form be available for public access and when copies of these records are requested that they be made available in the form requested if available. Allows for the collection of reasonable fees for provision of copies.

IMPACT ON COUNTY: The Elections office and Assessment and Taxation currently meet these requirements. The requirement for access to electronic data may result in the need to provide viewing facilities for the public. An ordinance may be required to charge for copies. Currently, criminal justice data is not separated as confidential from other information which is a matter of public record.

FISCAL IMPACT: The actual cost of providing copies should be covered by whatever reasonable fees are established. Should viewing facilities be required there would be an indeterminate cost for a terminal but technically it appears that this cost could be apportioned based upon projected use and charged to the individual requesting on-line access. The problem of confidential criminal justice data will need to be resolved but can be achieved through a programming change which, again, the cost of may be included in an access charge.

IMPACT ON CITIZENS: Will continue to allow public access to information despite changes in the technology of data collection and storage. Will allow for on-line access to Assessment and Taxation information for Title companies who were the initiators of the Act.

Labor Relations

SENATE BILLS

953 (C. 1089) - EARLY STRIKES

Deletes requirement that proceedings for prevention of unfair labor practices be exhausted before public employees can participate lawfully in a strike.

IMPACT ON COUNTY: Although this does not limit the County's ability to file an unfair labor practice against a union, it does remove the County's ability to prevent a strike by using an unfair labor practice as the basis for deeming the strike illegal.

FISCAL IMPACT: Will only apply during a period of impending strike and is actually aimed at a past practice of school boards which file last minute ULPs to prevent teachers from going out on strike.

IMPACT ON CITIZENS: Although strikes in the public sector do cause a major inconvenience for citizens by disrupting provision of services, they are rare and strengthening one group of workers' rights generally contributes to strengthening all workers' rights.

HUMAN SERVICES

Howard Klink, Legislative Liaison

Telephone: 248-3782

Aging Services

SENATE BILLS

875 (C. 787) - SENIOR AND DISABLED SERVICES DIVISION

Transfers responsibility for services for disabled adults from Adult and Family Services to Senior Services Division, creating the Senior and Disabled Services Division. Prescribes responsibilities and functions of the new Division with regard to disabled individuals. Requires transfer of cases to the new division by October 1, 1990. Creates a planning and transition committee and prescribes its membership and duties. Prescribes what types of cases will be transferred and procedure for the transfer of any remaining funds. Requires transfer of AFS employees engaged primarily in providing service to the disabled but specifies that the Act does not supersede any collective bargaining agreement provisions in effect during the transfer. Establishes the Director of the Department of Human Resources as the final authority in any disputes over the transfer of property or employees between AFS and the new division.

IMPACT ON COUNTY: Estimates are that the transfer of cases provided for in this Act will quadruple caseload volume for Senior Services Division. Will add 9,000 cases to the caseload volume of 3,000 currently being served in Multnomah County. The only elderly clients currently being served through Adult and Family Services are those who do not require long-term care and services but receive financial and medical assistance only. It would be an understatement to say that this will have a significant impact on the ability of the County system to provide services. It was the opinion of the Central Advisory Board of the Department of Human Services in Multnomah County that there was insufficient input from affected seniors, advocate groups, and providers regarding such a monumental organizational change in the existing system. There are also many concerns regarding adequacy of funding to support the services needed for the disabled as well as continuing to provide services for the elderly. A Task Force is currently studying the transfer and estimates that it will have a feasibility study prepared for presentation to the Board of County Commissioners sometime in December.

FISCAL IMPACT: The feasibility study currently being prepared by the Task Force is examining the impact of the County accepting full responsibility for the program without any direct funds from the County. It is assumed however, that the County will not be able to recoup its full indirect costs. One current source of disagreement is over the percentage of administrative staff which should be transferred to the County if it accepts responsibility for the program.

IMPACT ON CITIZENS: There was intensive lobbying by advocates for the disabled for the transfer as they felt that the service oriented focus in SSD's mission resulted in better treatment of the disabled than the financial management focus of AFS. Acceptance by the County for provision of services to this group should result in much better coordination with Mental Health and the Developmentally Disabled programs as all are administered by the County. Further, it is recognized that many of the individuals currently being served through AFS are actually in need of more extensive services than the agency is able to provide and will be better and more appropriately served through SSD.

#### HOUSE BILLS

##### 2494 (C. 1022) - LONG TERM CARE INSURANCE ACT

Requires the Director of the Department of Insurance and Finance to adopt rules for the regulation of long term insurance policies. Restricts the sale of these policies to those issued in Oregon or from a state with substantially similar requirements. Rules to be adopted will regulate the sales, content and coverage of policies, the eligibility of applicants, and the loss ratios and reserves which must be maintained by the company. Prohibits policies providing less than 24 months of coverage. Prohibits waiting periods for conversion or replacement of an existing policy with the same company, cancellation or nonrenewal based on the insured's age or physical and mental condition, and exclusion for Alzheimer's disease. Provides time limits and notice requirements for cancellation or nonrenewal due to non-payment. Prohibits the sale of policies providing skilled care coverage only or those which provided a disproportionate amount of skilled care coverage as compared to lower level services after January 1, 1992. Prohibits the use of a stricter definition of "preexisting condition" than the one provided. Establishes the right of an insured to return a policy within 30 days of delivery for full refund of the premium payment. Provides minimum content of an outline of coverage which must be provided to prospective buyers. Effective December 31, 1989.

##### 2956 (C. 665) - SSD LONG-TERM HEALTH CARE STAFF-PATIENT RATIO STUDY

Appropriates \$25,000 to Senior Services Division to conduct feasibility study of establishing standardized staff-patient ratios in facilities providing long-term health care.

Requires development of standards comparing patient needs with staff time required to meet those needs as a model for inclusion in the study. Requires presentation of report and recommendations to the Joint Legislative Committee on Health Care within sufficient time for the Committee to prepare recommendations to be made to the 1991 Legislative Assembly.

5018 (C. 237) - SENIOR SERVICES DIVISION BUDGET

The Senior Services Division (SSD) budget includes caseload and consumer price index increases and maintains existing programs at current levels. SSD will receive a yet to be determined portion of the \$3 million allocated for community provider wage increases. Effective July 1, 1989.

SSD Budget highlights are:

<u>NURSING HOME REIMBURSEMENT RATE INCREASE</u>	<u>\$19 million</u> (31m FF)
---	---------------------------------

This funding will provide an increase in state reimbursement rates for nursing homes. Nursing homes will receive a 13% increase during the first year of the biennium and 4% during the second year.

<u>NURSING HOME QUALITY INCENTIVE PROGRAM (QUIP) EXPANSION</u>	<u>\$.5 million</u>
--	---------------------

This funding will allow 12 additional nursing homes to participate in the QUIP program. The 3 homes currently participating are involved in a special program that sets patient care standards, provides technical assistance, and financial incentives towards the goal of meeting those standards.

<u>SENIOR MENTAL HEALTH PROGRAM</u>	<u>\$.2 million</u>
-------------------------------------	---------------------

This funding will support 2 pilot projects, yet to be sited, to address mental health needs of the elderly.

Health

SENATE BILLS

27 (C. 836) - PRIORITIZATION OF HEALTH CARE COVERAGE

Establishes health care program, administered by Adult and Family Services, to provide services for anyone whose income is 100% or less of the federal poverty level. Establishes the Health Care Services Commission and a subcommittee on Mental Health and Chemical Dependency, to develop a list of prioritized health services to be covered. Requires a report by March 1, 1990, with contracts for prepaid managed care to be executed by July 1, 1990. Requires that any reduction in services due to reduced revenues will be achieved by eliminating covered services according to their priority rather than by reducing the number of eligible participants or the rate of payment to providers. Requires application for and provision of necessary federal waivers prior to implementation. Effective July 26, 1989.

IMPACT ON COUNTY: Currently the County Health Division provides medical care for 32,000 people who would be eligible to participate in this program based on their reported income. This population represents 46% of all clients for whom the Health Division provides primary care services likely to receive high priority ratings in the Commission's recommendations. However, successful implementation of this program is dependent upon receipt of federal waivers and more adequate funding than provided for by the current appropriations if the greatly increased number of eligible participants are to be served.

FISCAL IMPACT: Currently the County receives \$1.5 million in revenue for operating a Physician Care Organization Demonstration project. This legislation ends that project July 1, 1990. If the County is not awarded a contract to continue provision of these services that revenue will be lost. As the County is a proven critical provider of these services, it is likely that the project will be extended and expanded to accommodate the new requirements.

IMPACT ON CITIZENS: The required composition of the Commission is such that input from all affected parties, in particular citizens who have no health coverage, should be guaranteed in developing health care priorities. The expansion of eligibility for publicly assisted health care should also reduce the burden on citizens with insurance who, through increased premium costs or taxes, subsidize the much higher cost of acute care provided to those who did not have access to primary health care services.

398 (C. 65) - EMERGENCY SERVICES REPORTING OF CHILD ABUSE

Includes firefighters and emergency medical technicians to the definition of public or private officials who are required to report suspected child abuse.

IMPACT ON COUNTY: Will require Emergency Medical Services to revise some protocols and procedures regarding reporting. Will require some additional training for EMTs in identifying and reporting suspected abuse as well as the procedures for reporting these cases.

FISCAL IMPACT: A small amount of staff time will be involved in rewriting the protocols, procedures, and training curriculum of new EMTs. Some staff time will be required for trainers and EMTs so that they are aware of the new reporting requirements.

IMPACT ON CITIZENS: Earlier failure to include firefighters and EMTs as persons who are required to report abuse was a glaring omission as these individuals are often called to the home in cases of emergencies which may well be the result of abuse and in fact, may see more of these cases if the children who are victims are not injured sufficiently to require hospital attention.

448 (C. 1046) - PREGNANT SUBSTANCE ABUSERS STUDY

Declares as state policy the reduction of financial burden on the public and the reduction or prevention of pregnant substance abusers and their drug and alcohol affected newborns. Requires the Department of Human Resources to conduct a study of substance abusing mothers and their children. Prescribes minimal subject area of the study. Requires development of a case management model to be used statewide in addressing the service needs of pregnant substance abusers and their children. Requires appointment of an advisory committee to assist with the study and prescribes the committee membership. Requires health care providers to perform a risk assessment during the first trimester of pregnancy and to recommend counseling or prescription medication to avoid the birth of a chemically dependent infant subject to protective services. Requires that health care providers supply anonymous demographic information regarding pre-natal drug and alcohol use to the Health Division. Subject to available funds, requires the development of a rural and a metropolitan pilot project in local health departments for providing innovative services to achieve the prescribed goals, particularly those of early intervention, prevention, and reduction of substance using mothers and their affected children.

Requires the Oregon Health Sciences University to develop a curriculum component for the assessment and treatment of these women. Appropriates \$1 to establish fund for receiving revenues to implement the Act. Requires DHR to present the results of the study to the Legislature by December 1, 1990. Effective August 5, 1989.

IMPACT ON COUNTY: Provides for County health, mental health, and alcohol and drug program representatives to be members of the advisory committee. Impact will be dependent upon the reporting requirements which are developed. There has already been discussion regarding the possibility of periodic sampling rather than comprehensive statistics, which would reduce the impact on local health departments.

FISCAL IMPACT: Active participation by the County on the advisory committee should contribute to a thorough study and a well-developed model for the pilot projects. The end result could be more funding at the state level for desperately needed services for substance abusing expectant mothers.

IMPACT ON CITIZENS: Any reduction in the number of infants who are born affected by alcohol and drugs will reduce the financial burden on public services and funds as many of these children will remain dependent upon public assistance for their lives. While this is an area of appropriate public concern and while this Act initially protects the confidentiality of drug-using mothers, that protection ends if the infant is born with fetal alcohol or drug syndrome by making the child subject to protective services. The statistics which will be compiled from the reporting requirements are necessary to have a clear picture of the extent of this problem but this is a sensitive area which should be monitored carefully to prevent any possible infringement of the adult's right to privacy or abrogation of physician-patient privilege.

555 (C. 915) - METH LAB QUARANTINE

Prohibits transfer, sale, use, or renting of property used as an illegal drug manufacturing site, unless determined fit for use by Health Division rules or accompanied by full, written disclosure to purchaser. Voids sales/contracts and allows for recovery of damages if disclosure is not provided. Requires notification of Health Division upon sale/transfer of contaminated sites. Allows representatives of Health Division or State Fire Marshall to enter and inspect premises and to require judges to issue warrants to do so. Allows either agency to immediately declare property unfit.

Provides appeal process and time frames. Places burden of proof on owners. Requires notice to State Building Code Administrator when property is deemed unfit. Requires contractors licensed by the Health Division to perform clean-up upon approval of work plan. Allows Health Division to certify decontamination upon documentation of completion of work plan. Subjects owners who continue to use unfit property to be enjoined from maintaining a public nuisance. Requires owners to notify State Building Code Administrator of certification of decontaminated sites. Requires Health Division to establish standards for the training, performance, equipment, and licensing of decontamination contractors. Specifies minimum activities by Health Division requiring fees which will be credited to the Division to offset costs. All fee changes are subject to prior approval by the Emergency Board. Requires a list of licensed contractors to be made available to local building code enforcement agencies. Requires State Building Code Administrator to establish uniform standards for the vacating, content removal, condemnation, or demolition of unfit property. Requires annual evaluation by Health Division of decontamination projects. Allows city/county ordinances regulating or prohibiting use of unfit property providing they are consistent with Health Division rules and state law. Exempts state/local governments from liability for decontamination or unfit property except in cases of gross negligence or intentional misconduct. Allows effective date of July 1, 1991, if the Emergency Board does not approve the Health Division fee schedule. Appropriates to the Health Division, \$176,188 for the biennium. Effective August 2, 1989.

IMPACT ON COUNTY: None.

FISCAL IMPACT: None.

IMPACT ON CITIZENS: Offers some protection of the public by requiring "a clean bill of health" prior to future use or sale of property.

673 (C. 1079) - EMS QUALITY ASSURANCE CONFIDENTIALITY

Makes privileged all data used in a quality assurance program to evaluate the background and competency of emergency medical technicians. Specifies that information is not a public record and is admissible in court only when the information is contained in an individual's medical record and only as it pertains to that individual's medical care.

IMPACT ON COUNTY: This should prevent litigation, which has occurred in the past, over disclosure of these records.

FISCAL IMPACT: There is considerable expense involved for the time of emergency medical personnel and attorneys while litigating disclosure cases. As these cases occur sporadically, it is not possible to estimate an exact dollar savings.

IMPACT ON CITIZENS: Citizens' interests remain protected as information relating to the quality of their medical treatment remains admissible evidence when obtained through patient records.

741 (C. 949) - INFECTIOUS DISEASE EXPOSURE NOTICE

Requires Health Division or local health departments to make every reasonable effort to notify health care and laboratory workers, firefighters, law enforcement, corrections and probation officers, and their employers in cases of suspected exposure to infectious disease. Requires employers to provide immunizations when appropriate at no cost to employees.

IMPACT ON COUNTY: Codifies current County practice within the Department of Human Services.

FISCAL IMPACT: There is a potential cost of \$120-\$180 per corrections officer for immunization against hepatitis B and some staff time for disease control personnel involved in this area.

IMPACT ON CITIZENS: Immediate notification and immunization of employees who work closely with the public and have been exposed to an infectious disease should reduce the possibility of epidemic and thus directly improve protection of the public health and safety.

794 (C. 697) - HOSPICE CERTIFICATION AND ACCREDITATION

Requires certification of hospice programs by Medicare as eligible to receive Medicare reimbursement. Allows Oregon Hospice Association to accredit hospices which are not members of the Association. Allows programs to operate for up to 90 consecutive days while accreditation or certification is pending. Exempts certain hospices from obtaining a license. Includes hospice services in definition of medical care eligible for medical assistance payments.

IMPACT ON COUNTY: Will allow for development of hospices for the terminally ill as an alternative to full institutionalized care.

FISCAL IMPACT: Will provide a source of funding for hospice programs in the County by defining hospice services as medical care eligible for reimbursement by assistance programs and by requiring that hospice programs meet criteria which allows them to qualify for federal Medicare funds.

IMPACT ON CITIZENS: Frequently, insurance policies and medical assistance programs cover only the most conventional medical services. As a result, terminally ill patients and their families are often forced to choose full hospitalization to qualify for reimbursement of medical expenses even though full care may no longer serve a purpose and, in fact, may be a waste of resources which should be available to patients who will recover. Hospices usually offer necessary medical care for the terminally ill patient in a home-like atmosphere as well as providing services, counseling, and support for the families involved.

832 (C. 479) - ONE PARENT CONSENT IMMUNITY

Provides immunity from liability for health care professionals and facilities who treat a minor child with the consent of only one parent regardless of custody provisions, marital status, or legal decrees.

IMPACT ON COUNTY: Provides statutory authority for existing County practice.

FISCAL IMPACT: Provides protection from any liability which may have arisen from the current practice.

IMPACT ON CITIZENS: Will allow immediate medical treatment for children while in the care of non-custodial parents.

935 (C. 381) - EMPLOYER HEALTH CARE INSURANCE POOL

Creates an Insurance Pool Governing Board and prescribes membership and terms. Requires Insurance Pool Governing Board to provide equitable health care packages and to report to the 66th Legislative Assembly after studying implementation of a statewide pool, benefits currently available to employees, and the health care priority list recommended by the Health Services Commission. Prescribes eligibility criteria for employers who participate in the tax credit or insurance governing pool programs. Limits the contribution by employees for insurance coverage to a maximum of \$15.

Requires notification of employers regarding the changes created by the Act. Creates the Insurance Pool Fund based on monthly contributions made by employers who do not provide any health insurance coverage. Bases contribution on percentage of taxable payroll. Allows new employers after January 1, 1994, an 18-month period before required contributions must be made and allows them a \$25 per month per eligible employee credit or 50% of the total amount paid out for benefits during the taxable year, whichever is less, for providing benefits during the 18-month exemption period. Provides schedule of tax credits for eligible employers and computation formula. Requires a study to be conducted on the increase in the number of employees covered by health insurance as a result of the Insurance Pool between April 1, 1989, and January 1, 1992. Prescribes a modified tax credit schedule with higher credit amounts for ensuing years and repeals employer contributions if the increase in the number of covered employees exceeds 50,000 and a further modified schedule if the number exceeds 100,000.

**IMPACT ON COUNTY:** Should expand medical coverage for employees of small businesses which normally cannot obtain the group rate coverage at the lower expense which is available for larger groups of employees. Works in conjunction with SB 27, which provides medical assistance to an expanded group of low income individuals.

**FISCAL IMPACT:** Provides a graduated schedule of tax credits which increases the amount of the credit based upon higher numbers of covered employees as an incentive to employers to cover as many employees as possible and eliminates employer contributions to the Insurance Pool when a sufficient number of employees have coverage that the Pool becomes self-sustaining. Multnomah County employees have health coverage so this Act will not impact the County as an employer. However, many citizens in the County who work at minimum wage jobs which provide no medical coverage use health services available through the County. If sufficient small businesses participate in these programs, it should reduce the burden on County health services and ensure normal fees for services provided to employees who have coverage as a result of the requirements of this Act and which was not available before.

**IMPACT ON CITIZENS:** Should increase availability of health coverage for all employees in Oregon. Although in many cases employees have insurance available to them, the premium costs in cases of businesses with a small number of employees are prohibitive. The limit on the cost to employees guarantees that a worker at the lowest end of the wage scale will still be able to obtain at least coverage for medical emergencies.

979 (C. 722) - EMERGENCY MEDICAL SERVICES PLANNING REVISION

Requires Health Division to adopt rules for the development of ambulance service area plans. Requires development of a county plan, approved by the Health Division, to provide ambulance service and for all operations and ordinances to be in conformance with the plan as determined by the county governing body. Requires consultation with affected providers when requested, prior to adoption or amendment of a plan or establishment of ambulance service area boundaries. Prohibits preferential treatment of incumbent providers at any stage of plan development or review. Exempts regulation of ambulance services and areas from liability under federal antitrust laws. Allows county to have a single ambulance service area. Allows County to designate itself as provider. Provides for counties without a plan. Effective July 19, 1989.

IMPACT ON COUNTY: Allows Multnomah County to have a single ambulance service area while exempting it from antitrust litigation and allows for later revisions if needs should change.

FISCAL IMPACT: Will allow County to select the most effective service and plan available at the least cost. The prohibition against preferential treatment of incumbents should stimulate more competitive offers.

IMPACT ON CITIZENS: Protects citizens' interests by requiring consideration of all affected parties' interests prior to plan adoption or amendment.

1104 (C. 946) - REPEAL OF LOCAL HEALTH NOTICE OF DRINKING WATER

Removes requirement that local health departments receive results of regular water sampling analyses. Requires water supplier to report results to the Health Division unless the supplier has authorized direct reporting. Requires report on both methods of reporting to the 66th Legislative Assembly.

IMPACT ON COUNTY: In the past, the problem has been the failure of suppliers to report contamination of drinking water to the local health department in a timely manner. This has resulted in unnecessary exposure of the public to non-potable water. Removing the need to notify local health departments at all, while leaving compliance to the supplier, would seem to aggravate the original problem.

FISCAL IMPACT: Will reduce paper flow to the local health departments.

IMPACT ON CITIZENS: The failure to require direct reporting by the lab performing the analysis impedes the ability for local health departments to protect the public's safety through notification of water quality problems.

1124 (C. 562) - STUDY OF MANDATED GROUP HEALTH INSURANCE COVERAGE

For analysis refer to the chapter on General Services, Employee Services.

1143 (C. 997) - REGIONAL ADOLESCENT ALCOHOL AND DRUG CENTERS

Allows Department of Human Resources to fund regional centers for the treatment of adolescents with alcohol and drug dependencies, subject to available funding. Requires the Office of Alcohol and Drug Abuse Programs to determine the minimum number of inpatient beds and outpatient slots necessary for effective treatment and economic operation of any regional center funded by State monies. Prescribes criteria to be considered when determining which areas requiring services.

IMPACT ON COUNTY: Allows the Department of Human Resources the option to fund regional treatment centers for adolescent chemical dependency. Currently, such a center exists in Portland.

FISCAL IMPACT: It is unlikely that the center in Portland would be eligible to receive funds through DHR to expand services. This is only a discretionary item for DHR since no appropriations were made and the provision is subject to available funds.

IMPACT ON CITIZENS: There is a definite need for more adolescent treatment centers, particularly those which provide services on a sliding fee scale or free to those low-income families who do not have insurance coverage for these services.

HOUSE BILLS

2030 (C. 568) - HIV TESTING OF SEX OFFENDERS

Requires judges to inform persons charged with sex crimes and their victims of the availability of HIV testing and counseling.

Requires the court to request voluntary testing of persons convicted of sex crimes. Allows the court to mandate HIV testing of a criminal subsequent to testing of the victim and upon the victim's request and to order retesting in 6 months if the first results are negative. Costs of testing and counseling to be paid through the victims' compensation program. Provides immunity from liability for any medical personnel performing a mandated HIV test.

IMPACT ON COUNTY: Any potential impact would be on the Corrections Health Unit which may be responsible for some HIV testing.

FISCAL IMPACT: All costs of testing will be reimbursed to County.

IMPACT ON CITIZENS: Provides information and free service to victims of sex crimes and allows them recourse, not available in the past, if their victimizer refuses voluntary HIV testing.

2435 (C. 878) - MANDATORY HIV TESTING UNDER CERTAIN CIRCUMSTANCES

Requires Health Division to adopt rules that allow workers with substantial exposure to body fluids to request voluntary consent for HIV testing from the patient, and that allow a patient exposed to a worker to be given notice and to request voluntary testing of the worker. Allows for petitioning court to mandate HIV testing under certain circumstances where voluntary consent has been refused. Requires employees requesting reasonable accomodation by an employer to a physical impairment caused by HIV to provide HIV test information.

IMPACT ON COUNTY: State Health Division rules will be developed in consultation with local health departments who will be involved in the requested or mandatory testing. The mutual development of these rules should protect County interests while ensuring confidentiality of and sensitivity to the parties involved.

FISCAL IMPACT: Mandatory testing is likely to be quite rare so any impact should be minimal.

IMPACT ON CITIZENS: Expands options available to both workers and patients who may be exposed on an increasing basis to HIV.

2962 (C. 526) - REGISTERED NURSES DISPENSING DRUGS

Provides for the dispensing of medications in a hospital facility by a registered nurse supervisor upon the oral order of a physician when a pharmacist is not available. Allows registered nurses employed by local health departments to dispense drugs and devices for caries or communicable disease prevention or for birth control at the order of a pharmacist.

IMPACT ON COUNTY: Will allow County Health Division to more immediately meet the needs of clients using their services without a physician's involvement for low-level, non-life threatening health needs.

FISCAL IMPACT: Will allow for continued provision of preventive services without the larger cost involved when a physician provides these services.

IMPACT ON CITIZENS: Will allow the County Health Division to meet the more basic non-medical needs of clients even if staff shortages occur.

3114 (C. 671) - TASK FORCE ON ADOLESCENT PREGNANCY

Establishes a Task Force on Adolescent Pregnancy to study existing programs and to make preliminary recommendations by May 1, 1990, and to report to the 66th Legislative Assembly on necessary public policies and on a comprehensive statewide program to prevent and reduce adolescent pregnancies.

3244 (C. 1070) - INDOOR AIR POLLUTION TASK FORCE

Establishes and prescribes membership, duties, and functions of the Indoor Air Pollution Task Force to study indoor air quality problems in Oregon and to make recommendations on indoor air quality standards. Allows Health Division to establish a public information program and indoor air quality standards, including the minimal content and specific significant indoor air pollutants outlined in the bill. Requires Building Codes Agency to adopt ventilation standards for public areas and office workplaces. Limits application of standards to businesses with 50 or more employees in a building of more than 4,000 square feet. Provides for voluntary compliance and product labeling as well as voluntary accreditation and certification programs. Stipulates that any indoor air quality standards established will not take effect until July 1, 1991. Effective August 5, 1989.

IMPACT ON COUNTY: County buildings and leased spaces currently prohibit cigarette smoking indoors which is a significant indoor air pollutant. Since any standards established will not be effective until 1991, there is currently no anticipated impact.

FISCAL IMPACT: After the effective date, the County may need additional resources if it relies on local enforcement of indoor air quality standards.

IMPACT ON CITIZENS: How beneficial this program is will depend upon the number of businesses willing to comply. For those which do participate, voluntary product labeling and participation in air quality studies should assist employees whose health is at potential risk from exposure to various polluting agents common to today's office workplace.

5026 (C. 239) - HEALTH DIVISION BUDGET

The Health Division Budget included some caseload and consumer price index increases and maintained existing programs at current levels. Effective July 1, 1989. The Health Division budget highlights are:

TEEN CLINIC PROGRAM EXPANSION \$.7 million  
(340,000 FF)

This funding will add 6 new teen clinics statewide. The 5 currently operating clinics were cut in the Governor's budget, but approved for continued funding by the Legislature.

COMMUNITY HEALTH PRENATAL SERVICES ENHANCEMENT \$.8 million  
(1.3m FF)

This funding will provide expanded home visits, nutritional counseling, WIC, outreach and case management services for local health clinic clients receiving prenatal care.

HIGH RISK INFANT TRACKING PROGRAM \$.6 million

This funding will establish a statewide system for identification and coordination of services to high risk infants.

FAMILY PLANNING SERVICES INCREASE \$1 million  
(150,000 FF)

This funding will eliminate family planning services waiting lists at local health clinics in Multnomah County and statewide.

The following budget note is relevant to the Health Division budget:

TEEN CLINIC EXPANSION

The Legislature adopted a budget note that directs the Health Division to work cooperatively with other state agencies to pursue funding to expand the teen clinic program.

Juvenile Services

SENATE BILLS

279 (C. 445) - CONSOLIDATION IN JUVENILE PROCEEDINGS

Requires consolidation of proceedings in a juvenile court when the proceedings involve separate children of the same family and the cases occur in the same county, provided that the best interests of any child involved are not adversely affected by the consolidation.

IMPACT ON COUNTY: Should allow for more efficient processing of juvenile cases but should not have any impact unless Juvenile Justice Division is required to consolidate files relating to common parents.

FISCAL IMPACT: Could reduce court costs and workload.

IMPACT ON CITIZENS: May allow for faster processing of juvenile cases which should reduce some of the stress proceedings cause for the families involved.

356 (C. 462) - MAXIMUM JUVENILE DETENTION PERIODS

Restricts detention pending a hearing to a maximum of eight days for a child 12 years or older in addition to time already spent in a facility, if the child is within the juvenile court's jurisdiction for having committed an act which would be a crime if the child were an adult or for having escaped from a juvenile detention facility. Allows for detention of a juvenile pending a hearing for up to 30 days in addition to time already served, if the juvenile court has a program plan which has been approved by the County Youth Services Commission.

IMPACT ON COUNTY: The discretion given to the County in this Act, to extend community detention periods to 30 days, will allow the court and County Youth Services program more flexibility in dealing with juvenile offenders.

FISCAL IMPACT: Should the County choose to exercise the extended detention period provided for in this Act, it would be required to file a program plan with the County Youth Services Commission to provide additional health care, educational and counseling services, as well as to maintain certain levels of livability at detention centers. The cost to Multnomah County of electing the longer detention period would amount to anywhere from \$350,000 to \$800,000 for an additional detention unit and staffing.

The Juvenile Justice Division is already developing a plan to ask the Board of Commissioners for permission to apply for a large part of the \$1.9 million reserved by the Legislature to the Emergency Board for an extended detention program and continuation of the gang-related program component, as well as the possibility of expanded community resources for out-of-home care for youths and additional community supervision.

IMPACT ON CITIZENS: The increase in violent crimes committed by juveniles has fostered support among the community for longer detention periods for youthful offenders. It will allow judges greater flexibility in dealing with juveniles who need more than an eight day sanction but who should not be committed to a state institution based upon the severity of their crimes. The broader range of placement options should increase the safety and security of the public while emphasizing accountability to the offender.

562 (C. 1033) - JUVENILE DETENTION REVISION

Expands list of crimes for which a juvenile may be held in preadjudicative and probationary detention. Allows county to establish capacity limits on juvenile detention facilities and for juvenile court judge to authorize early release of juveniles held in facilities to remain within capacity limits. Limits detention to a maximum of 28 days, but exempts cases involving attempted or committed murder. Allows for extension of time for another 28 days when good cause can be shown.

IMPACT ON COUNTY: Requires modification of County detention admission criteria. May result in an increased number of juveniles placed in pre-trial detention.

FISCAL IMPACT: If the Board of Commissioners establishes a capacity limit higher than current appropriations can accommodate, additional funds will be required.

IMPACT ON CITIZENS: If the early release provisions are carefully developed, this should increase public safety by allowing for the continued detention of juvenile offenders involved in the most serious crimes.

5536 (C. 193) - CHILDRENS SERVICES DIVISION BUDGET

The Childrens Services Division (CSD) budget includes caseload and consumer price index increases and existing programs at current levels.



HOUSE BILLS

2330 (C. 294) - LOCAL CITIZENS REVIEW BOARD

Places responsibility for and oversight of local citizen review boards with the Judicial Department according to the direction provided by the Supreme Court. Requires the Chief Justice to adopt rules for removing cases from review when it is not required by federal law. Provides criteria for the establishment of review boards subject to availability of funds. Provides criteria for the Chief Justice to use in appointments to the boards including selection of members from a list approved by the presiding judge of the court which the member will serve. Provides grounds for removal of a member. Requires local citizen review boards to return any materials provided by the Childrens Services Division within seven working days of review but may keep copies if certain conditions apply. Stipulates procedure for the court and Childrens Services Division to follow upon receipt of the findings and recommendations of the local citizens review board. Effective June 7, 1989.

2355 (C. 119) - REPEAL OF JUVENILE SERVICES COMMISSION PENALTY PAYBACK

Repeals requirement that counties pay a \$1,500 assessment charge for children committed to juvenile training schools when the counties participate in community juvenile services grant programs.

IMPACT ON COUNTY: Although the County Juvenile Services Commission has been exempted from paying the assessment charge for the last 2 or 3 biennia, the existence of the provision still required maintaining a payback reserve within the JSC budget.

FISCAL IMPACT: Repeal of the requirement will allow the County to use funds normally maintained in reserve account for programs instead.

IMPACT ON CITIZENS: Any increase in dollars available for Juvenile Services programs will benefit citizens by providing additional services for at-risk youths, particularly those involved in drugs and gangs.

2614 (C. 994) - JUVENILE SERVICES COMMISSION AS SPECIAL ADVOCATE

Places responsibilities for the Court Appointed Special Advocate Fund with the Juvenile Services Commission rather than with Childrens Services Division. Transfers any unobligated and available funds in the CSD account to the Special Advocate Fund in the General Fund. Effective August 3, 1989.

IMPACT ON COUNTY: No apparent impact on the County as the shift occurs between state agencies. However, the Board of Commissioners traditionally has been supportive of the Special Advocacy Program.

FISCAL IMPACT: The County Juvenile Justice Division has a small (\$16,000) contract with the local CASA program. The shift between agencies will not impact the contract or add to the cost.

IMPACT ON CITIZENS: This may be a more appropriate placement of administrative responsibility for the Special Advocate Fund and program, as it and the Juvenile Services Commission are citizen review and action programs.

2691 (C. 814) - PARENTAL A & D IN JUVENILE COURT

Allows a juvenile court to order a parent or guardian to participate in and to pay the costs of treatment for alcohol or drug abuse if the court determines that addiction or abuse is a substantial reason for the child being a ward of the court and the parental treatment would be in the best interests of the child.

IMPACT ON COUNTY: Codifies current court practice in Multnomah County. Provides no means of enforcement beyond the threat that the child would not be returned to the parent's care and control.

FISCAL IMPACT: Parents agreeing to participate would be required to pay the costs of treatment. However, it is likely that a large number of them would not have the resources and will turn to the private non-profit centers in the County which are already heavily burdened. Whether the foster care system could deal with an influx of these children is questionable.

IMPACT ON COUNTY: This practice along with the threat of permanently losing rights to custody of their children is likely to reach some parents.

Social Services

SENATE BILLS

551 (C. 505) - COMMUNITY-BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED

Includes state and local educational officials among those groups with whom the Mental Health Division must confer in developing its biennial plan for facilitating appropriate community-based services for the developmentally disabled. Requires plans to include proposals for developing an equivalent number of services for those who have been waiting for assistance to those developed for individuals leaving state institutions and the public education system. Requires that the Mental Health Division insure that those individuals leaving the public school system have access to necessary community-based services, subject to available funds.

IMPACT ON COUNTY: Establishes biennial plan to develop programs in the community to serve a number of individuals equivalent to those who will be returned to the community due to the downsizing of Fairview. Inclusion of community groups and officials should ensure that programs are developed based on identifiable local needs and according to budgetary constraints.

FISCAL IMPACT: Unless more funding is available at the state level this could have a budget impact on the County. Until plans are developed it is not possible to estimate the impact.

IMPACT ON CITIZENS: The intent of the requirement that services be developed for those already waiting in the community in equivalent numbers to those which will be developed to deal with the influx of former Fairview residents is laudable, but as these requirements are to be implemented subject to available funding, it is unlikely that the additional services needed will be available on any large scale.

622 (C. 922) - SELF-SUFFICIENCY TRUST FUND

Creates the Self-Sufficiency Trust Fund to hold and manage individual private trusts established to provide supplemental care, support, and treatment to disabled beneficiaries. Creates the Disabilities Trust Fund for providing supplemental services for low income and indigent disabled people. Funding for the Disabilities Trust Fund is subject to the normal appropriations process. Specifies that the existence of the trust funds and the provision of benefits from it are not to be considered resources for the purpose of reducing any other benefits which the beneficiary is entitled to receive. Protects funds from claims by creditors.

Requires that care, treatment and support provided from the funds be in compliance with federal waiver requirements. Provides that 50% of assets remaining in a private trust held in the Self-Sufficiency Trust Fund be transferred to the Disabilities Trust Fund upon the death of the named beneficiary.

IMPACT ON COUNTY: Multnomah County social service clients will be eligible to use the funds established by this Act. As trust money cannot be used for basic maintenance and cannot be used to reduce other benefits, this provides a definite source of funding for additional services to be provided to these clients.

FISCAL IMPACT: The programs are under the authority of the state Department of Human Resources and funding comes from private sources or from the state level, so any impact on the County is beneficial.

IMPACT ON CITIZENS: The Self-Sufficiency Trust Fund is reserved to provide supplemental services for individuals whose families cared for them as children but who, as adults, will have no particular party to oversee their interests. The establishment of the fund provides families with a means to guarantee quality care throughout the adult life of the beneficiary. The Disabilities Trust Fund provides some guarantee of the same provisions being made for those whose families do not have sufficient income to establish a trust fund for the disabled family member.

627 (C. 993) - RIGHTS OF MENTALLY ILL PERSONS

Allows person committed to the Mental Health Division to request voluntary admission to a state hospital and immediate examination by a physician. Revises definition of mentally ill persons and allows for issuance of warrant for commitment to the designee of the community mental health director or the county sheriff.

IMPACT ON COUNTY: Will allow a staff person other than the Sheriff or the Mental Health Director to take action on a commitment warrant. May result in earlier release or transfer of a committed individual to a state facility better equipped to provide examination and treatment.

FISCAL IMPACT: Some minor reduction may occur in the cost of staff time involved in commitment cases now that designees may take necessary action. Possibly some reduction in the time these individuals are held in County facilities resulting in less cost per individual with regard to staff time and services.

IMPACT ON CITIZENS: The ability to request immediate admission and examination in a state hospital should provide some additional protection of the rights of individuals who may find themselves subject to commitment proceedings.

592 (C. 302) - LATCHKEY PILOT PROGRAM

Establishes a grant program through Childrens Services Division to develop cooperative child care networks or extended neighborhood latchkey systems to provide before and after school child care. Provides criteria for eligible programs and for the use of grant monies. Appropriates \$120,000 in state General Fund money included in the CSD budget (SB 5536).

IMPACT ON COUNTY: There is no impact on County policy but the development of community alternative child care programs will augment services available through the County.

FISCAL IMPACT: The \$30,000 seed money for latchkey child care is insufficient to meet the program requirements, but additional money could be provided through fund raising as there is no requirement for matching funds. The \$120,000 has been included in the CSD budget since 1970 for cooperative daycare programs. The committee awarding these grants generally approves grants that are less than \$30,000. Further, this money is restricted for salaries of staff providing the care.

IMPACT ON CITIZENS: The lack of supervision of latchkey children is a real concern to parents and their communities as this often leads to delinquent activity. There are few resources available to provide child care for the few hours per day that it is needed for school-aged children. The pilot programs provided for in this legislation will allow parents and communities to develop alternative, flexible programs specific to their local needs.

750 (C. 1047) - DIRECT PAYMENT TO DAY CARE PROVIDERS

Requires Adult and Family Services to provide payment of day care assistance directly to the day care providers rather than to the client. Appropriates \$280,000 for conversion of the current day care payment system to direct provider payment. Establishes a pilot program until June 30, 1991, through the State Scholarship Commission to provide financial aid for day care expenses to undergraduate students in addition to any other form of aid the student might be receiving.

Provides criteria for eligibility of student day care grants. Appropriates \$380,000 for the pilot program. Appropriates \$800,000 for the Child Care Resources and Referral Program established by SB 1080. Amends tax credits for employment-related expenses by allowing the taxpayer to carry a credit forward for five years for tax years beginning January 1, 1989.

IMPACT ON COUNTY: Includes the appropriations for the Child Care Referral and Resource program which will assist employees in Multnomah County with obtaining quality affordable child care.

FISCAL IMPACT: May provide some funding for resource and referral programs in the County.

IMPACT ON CITIZENS: Provides some additional assistance for students with children who might not otherwise be able to afford the expenses of both school and child care but who should be assisted in their efforts to improve themselves. Provides some protection for day care providers whose clients receive assistance by establishing a direct payment system.

872 (C. 777) - COUNTY DISABILITY ADVISORY COMMITTEES

Requires establishment of a Disability Issues Advisory Committee within the Mental Health Advisory Board. Requires committee to be composed of at least four disabled members from the Advisory Board. Expands definition of "disabled" person. Requires any local mental health program with an advisory body to appoint disabled persons to a separate disability issues advisory committee.

IMPACT ON COUNTY: Multnomah County already has a disability advisory committee which more than complies with this new State requirement.

1021 (C. 905) - PUBLIC BODY DEFINITION FOR TORT CLAIMS

Expands definition of public bodies for purposes of tort actions to include certain private child care agencies which receive more than 50% of their funding from the state for residential treatment of children in care and custody of the state or which provide residential treatment for children more than 50% of whom have been in the care and custody of the state.

IMPACT ON COUNTY: May expand the number of private agencies and individuals providing residential treatment for wards of the court by reducing their potential liability.

FISCAL IMPACT: None anticipated for the County.

IMPACT ON CITIZENS: Provides a limit on the amount of liability which can be assessed against a private child care agency. Excessive liability has been a common reason cited for the inability of child care providers to obtain affordable liability insurance.

1080 (C. 306) - CHILD CARE RESOURCES AND REFERRALS

Requires establishment of a child care resources and referral grant program by the Commission for Child Care. Provides minimal content of resource files and of services to be offered by resource and referral agencies and requirements of referral process. Requires local agencies to match grant funds equally with financial support or in-kind contributions. Provides program renewal criteria. Appropriates \$800,000 from the General Fund for the Biennium ending June 30, 1991 for resource and referral grant program (SB 750).

IMPACT ON COUNTY: A resource and referral network is necessary to a community child care system, however, the success of prior attempts under the 4-C model is questionable and money expended in this area might be better used to provide direct assistance to parents in the form of funding day care options. Currently, there are some existing referral sources in the County which may be able to coordinate their efforts and expand services with the funding available through these grants.

FISCAL IMPACT: The requirement of matching funds from local agencies developing grant proposals may result in requests for some County monies but the funds could be raised through charitable contributions and with the County providing in-kind benefits in lieu of financial support. No estimate can be made as the amount of matching funds needed will depend on the number of proposals made and grants awarded.

IMPACT ON CITIZENS: If the intent of the program can be met, this should provide an invaluable service to parents needing child care arrangements and assistance and indirectly to businesses that employ these parents. Referrals to certified providers should assist parents in finding quality day care.

5533 (C. 410) - DEPARTMENT OF HUMAN RESOURCES DIRECTOR'S BUDGET

This budget included a significant portion of the funding for the Governor's Children's Agenda and the Alcohol and Drug (A&D) Program office. The Alcohol and Drug Program office received the funding to accommodate caseload and consumer price index increases and will maintain existing programs at current levels. Additionally, they will receive a yet to be determined portion of the \$3 million allocated for community provider wage increases. Effective July 1, 1989. The Director's budget highlights are:

<u>GREAT START</u>	<u>\$5 million</u>
This funding will create and expand public and mental health prevention and early intervention programs for young children. The funding will be distributed on a per capita basis through a grant allocation process. Multnomah County should receive approximately \$500,000 per year.	

<u>FAMILY ALCOHOL AND DRUG TREATMENT</u>	<u>\$.9 million</u>
--	---------------------

The following budget note is relevant to the Director's budget:

GREAT START  
The Legislature approved an Emergency Board reservation of \$250,000 to accommodate the administration costs of the newly formed state Children and Youth Services Commission (CYSC).

HOUSE BILLS

2117 (C. 348) - COST OF INSTITUTIONALIZED CARE

Allows the Mental Health Division to adopt rules for determining the ability of an individual to pay for the medical care, room and board, administrative costs and other services provided by a state institution or the Mental Health Division. Requires issuance of an ability-to-pay order and allows for modifications if new information is received. Allows for MHD to place liens against all specified real and personal property of the patient for refusal to pay. Allows MHD to request the district attorney to institute proceedings for appointment of a guardian and to determine the cost-of-care rates to be used. Allows MHD to waive all or any portion of the cost of care.

IMPACT ON COUNTY: Allows the Mental Health Division to establish a sliding-fee scale or to provide free service for patients. May reduce the amount of individuals seeking assistance through County programs but may increase the number of individuals seeking institutionalized care.

FISCAL IMPACT: Any fiscal impact will occur at the state level.

IMPACT ON CITIZENS: Provides an outlet for individuals seeking mental health treatment who do not have insurance coverage or the ability to pay for services themselves. May result in a reduction of "street people" who are in need of institutionalized care but have no means to pay for it and are released prematurely as a result.

2215 (C. 786) - OREGON YOUTH CONSERVATION CORPS

Transfers functions and funds of the Oregon Youth Corps and summer camp program to the Oregon Youth Conservation Corps under the direction of the State Employment Division. Establishes the Oregon Community Service Corps as a pilot program effective July 1, 1990, for promotion of community service by juveniles. Provides eligibility standards for specific types of projects. Increases the privilege tax levied on music and amusement devices, fees for temporary operating permits, and penalties for failing to display a tax receipt on premises operating these devices effective July 1, 1990. Decreases to 30% the amount of monies collected which are to be credited to the General Fund and to 20% the amount due to counties. Increases to 50% the amount to be continuously appropriated to fund programs of the Oregon Youth Conservation Corps designed to offer employment and educational opportunities. Requires development of a plan for forestation and reforestation programs to be presented to the 66th Legislative Assembly for consideration. Specifies the types of projects which may be included in the Oregon Community Service Corps program. Limits duration of participation in programs to twelve months and eligibility to participate to youths from 16 to 25 years old. Provides for \$1,500 in tuition vouchers for use at vocational and post-secondary institutions for youths successfully completing a twelve month program.

IMPACT ON COUNTY: The Employment Division is presently developing the year-round program. Emphasis will be placed on educational components and job training for participants, particularly high-risk youth. When the program specifications and eligibility criteria are developed, the impact on the County can be better assessed.

FISCAL IMPACT: Appropriations of \$245,000 for the Biennium beginning July 1, 1989, were made to support the Corps (SB 5541). However, SB 5541 also requires reimbursement of the General Fund by June 30, 1991.

IMPACT ON CITIZENS: The program is designed to target at-risk youth and to provide them with opportunities to further their education and to received job training necessary for them to be successful citizens. It should also assist with keeping many of these youths from engaging in harmful and criminal activity.

2475 (C. 370) - STATE ANTI-POVERTY GOAL

Places responsibility for planning, coordinating and distributing funds to anti-poverty programs with State Community Services within the Department of Human Resources, with the advice of the Community Action agencies statewide. Requires State Community Services to administer federal and state anti-poverty programs and to provide resources for the technical assistance, training and program assistance needs to Community Action agencies and to other eligible bodies as resources become available. Requires integration of the Oregon Human Development Corporation into the anti-poverty delivery system and development of a plan to address the needs of low-income individuals. Requires a biennial status report on efforts to reduce poverty by state agencies and application for all funds available on behalf of eligible programs.

IMPACT ON COUNTY: The County became a member of the Community Action Directors of Oregon on July 1, 1989. The requirement for State Community Services to work collaboratively with CADO as an advocate for the needy and providing SCS with specific tasks and accountability procedures should increase the effectiveness of programs and negotiations with the State for funding.

FISCAL IMPACT: No immediate impact as assistance through SCS is required only on the basis of available funds and no appropriations were made in this Act.

IMPACT ON CITIZENS: A coordinated network of agencies working through SCS with the advice of locally based Community Action Agencies should improve delivery and quality of human services for needy citizens throughout the state and provide the basis for a much stronger advocacy for poor individuals and families.

3209 (C. 866) - CIGARETTE TAX FOR SPECIAL NEEDS TRANSPORTATION

Increases state tax on cigarettes by one cent per package to provide funds for special transportation needs of the elderly and disabled. Prohibits the use of the increased funds to supplant funds currently received from counties and districts for special transportation needs except in certain circumstances. Imposes a floor and indicia tax on distributors and provides tax computation formula. Tax increase effective November 1, 1989.

IMPACT ON COUNTY: Increases the current one cent tax on cigarettes for special needs transportation to two cents per package. Will assist County in expanding its current special needs transportation programs.

FISCAL IMPACT: Allocates increased funds based upon population so Multnomah County should receive the largest allotment of dollars.

IMPACT ON CITIZENS: The County's policy has always been to provide as much accessibility for disabled and elderly persons as possible. The increased funding will allow expansion of accessibility through transportation for these citizens.

3466 (C. 835) - OREGON COMMUNITY CHILDREN AND YOUTH SERVICES COMMISSION

Combines the duties, functions and powers of the Juvenile Services Commission, the Student Retention Initiative, and Great Start programs under the newly created Oregon Community Children and Youth Services Commission. Mandates that the integration plan occur at the State and County level. Provides manner, form, requirements and expectations of plans which may be submitted by the counties for funding. Requires proof of community involvement at all levels of planning and implementation. Allows local commissions to appoint members of state commission subcommittee advisory groups. Establishes monitoring procedures. Appropriates monies to the Commission from various related state agency budgets. Effective July 26, 1989.

IMPACT ON COUNTY: Abolishes Juvenile Services Commission at the local level. Will expand services available for children and youth. If the restructuring plan achieves its goals, it will provide for more efficient coordination of services at all levels and a reduction in duplication of services.

FISCAL IMPACT: Based on juvenile population estimates, will bring \$460,000 annually to Multnomah County for Great Start program and \$40,000 annually for runaway and homeless youth programs.

IMPACT ON CITIZENS: The new commission provides for intensive community involvement and a fairly wide format for the development of new programs.

5020 (C. 713) - ADULT AND FAMILY SERVICES DIVISION BUDGET

Adult and Family Services included caseload and consumer price index increases and, for the most part, maintained existing programs at current levels. Two-parent family welfare (ADC-UN) was cut from a year-round program to 9 months per year until October 1990, when federal law requires a 12 month per year operating level. Effective July 19, 1989. AFS budget highlights are:

<u>AFS BUDGET HIGHLIGHTS</u>	(Total)	<u>\$39.5 million</u>
. ADC-UN (two-parent family welfare)*		<u>\$ 6.8 million</u>
. Medically Needy*		<u>\$ 2.3 million</u>
. New Jobs Pilots*		<u>\$ 4.8 million</u>
. Administration		<u>\$ 1.8 million</u>
. Welfare Reform Mandates		<u>\$23.8 million</u>

The above \* items are included in this report because they are existing programs that were cut in the original Governor's budget and were restored by the Legislature. ADC-UN was restored for only 9 months per year, until federal welfare reform requires a 12 month program. Medically Needy and New Jobs will be continued at current operating levels.

Administration funding will add 49 field positions to reduce caseload ratios. Welfare Reform Mandates will fund, beginning in October 1990, the minimum required by federal law: statewide implementation of New Jobs, a 12-month ADC-UN program, expanded day care services, and extension of medical benefits for welfare recipients.

5027 (C. 486) - MENTAL HEALTH DIVISION BUDGET

The Mental Health Division (MHD) budget included caseload and consumer price increases and maintained existing programs at current levels. MHD will receive a yet to be determined portion of \$3 million allocated for community service provider wage increases. Effective July 1, 1989.

MHD budget highlights are:

FAIRVIEW TRAINING CENTER \$45.2 million  
This funding will address institution and program costs related to federal mandates and lawsuit requirements. Included is funding to move 300 Fairview residents (mostly children) to community placements. The number to be located in Multnomah County is under discussion.

REGIONAL ACUTE CARE CENTERS \$3.4 million  
(1.3m FF)  
State allocations and the additional federal funding will phase in 2 new 12 bed local psychiatric inpatient units: one in southern Oregon and one in the Portland metro area. Included in this amount is funding for expanded residential and community mental health services.

FORENSIC PROGRAM STAFFING INCREASE \$.8 million  
This funding will add 14 new staff positions to Oregon State Hospital's Forensic Unit.

STATE HOSPITAL STAFFING INCREASE \$2.7 million  
This funding will add 69 positions to Oregon's 3 psychiatric hospitals.

CHILDREN'S MENTAL HEALTH COMMUNITY CRISIS AND EMERGENCY SERVICES \$.8 million  
(.2m FF)  
This funding will provide community crisis, inpatient, shelter, evaluation, case management, and family treatment services for children and adolescents. Multnomah County will receive 20% to 30% of these funds.

MENTAL HEALTH EARLY INTERVENTION PROGRAM EXPANSION \$260,000  
This funding will provide 2 new early intervention and treatment programs for children at risk of mental illness.

DAY AND RESIDENTIAL TREATMENT (DART) PROGRAM EXPANSION \$.3 million  
(70,000 FF)  
This funding will provide 15 new DART slots, likely to be allocated to Washington County.

SPECIALIZED FOSTER CARE \$.6 million  
(.1m FF)  
Of this allocation, 20 - 30% of the slots funded will be sited in Multnomah County.

PSYCHIATRIC DAY TREATMENT FOR CHILDREN \$.9 million  
This funding will provide 40 day treatment slots statewide. Multnomah County will receive 20% to 30% of these slots.

DEVELOPMENTAL DISABILITIES EARLY INTERVENTION      \$1.5 million  
CASELOAD INCREASE

This funding will allow a 15% increase in early intervention caseloads and nearly eliminate the waiting list for services in Multnomah County and statewide.

DEVELOPMENTAL DISABILITY COMMUNITY WAIT LIST      \$2 million

This funding will provide a yet to be identified level of service for 400 community wait list clients statewide. 50-100 Multnomah County clients will be served by this funding.

The following budget notes adopted by the Ways and Means Committee are relevant to the MHD budget:

EMERGENCY HOLDS OF MENTALLY ILL PERSONS

The Legislature adopted a budget note that specifies if the regional acute care facilities do not significantly reduce the impact of emergency hold costs on local government, the Mental Health Division and Community Mental Health Directors shall report to the Emergency Board by July, 1990. The purpose of the report is to determine the impact of emergency hold costs, resulting service level reductions, and to request funding to restore service levels if appropriate.

DEVELOPMENTAL DISABILITIES (DD) PROGRAM RATE EQUITY

The Legislature adopted a budget note that directs the Mental Health Division (MHD) to implement a study of DD residential and vocational rates towards development of a model rate calculation. Contingent upon available funding, this study will expand to include mentally and emotionally disturbed and alcohol and drug residential and vocational programs.

MENTAL HEALTH SYSTEM FUNDING EQUITY

The Legislature adopted a budget note that directs the Mental Health Division to develop and implement a plan to improve equity in statewide distribution of funding for outpatient and crises services for Priority One mentally ill persons. The Division was directed to report to the Emergency Board prior to any action to reallocate funds.

JUSTICE SERVICES

Grant Nelson, Legislative Liaison

Telephone: 248-3701

Janelle Hoglan, Sheriff's Legislative Liaison

Telephone: 255-3600

Judy Phelan, District Attorney's Legislative Liaison

Telephone: 248-3162

Generally

HOUSE BILLS

2235 (C. 793) - 9-1-1 Funding

Extends sunset date on 9-1-1 telephone excise tax to January 1, 2000. Exempts from civil liability 9-1-1 providers in absence of willful or wanton conduct. Establishes minimum requirements for creating a 9-1-1 emergency reporting system and jurisdiction. Expands use of tax to include maintenance of systems. Narrows definition of system to that portion of its operation related to getting the call and information from the citizen to the responding agency. Allows cities/counties to make their portion of tax receipts directly payable to appropriate 9-1-1 jurisdiction. Requires: establishment of advisory committees for each 9-1-1 system district; Public Safety Answering Points' capability to receive calls from hearing/speech impaired; back-up system; free calls for 9-1-1 or "0" on pay phones; revisions in jurisdiction to be first approved by all affected private and public safety answering points within the service area; and changes in responding agencies be approved by the Emergency Management Division. Requires Emergency Management Division to : adopt rules for planning/implementation of systems; establish minimum standards and a certification program for 9-1-1 personnel; develop recommended training program for personnel and implementation plans; process applications by telecommunications utilities for reimbursement of costs after required audit and approval by Public Utility Commission; feasibility study of statewide enhanced 9-1-1 system to 66th Legislative Assembly.

IMPACT ON COUNTY: Will continue County's share of 9-1-1 tax.

FISCAL IMPACT: None at present, but will require analysis of desirability and feasibility of an "Enhanced 9-1-1" system.

IMPACT ON CITIZENS: Citizens will benefit from improved quality of service due to the requirements for training of 9-1-1 personnel.

2272 (C. 1021) - INCREASE IN JUDGES

Provides for several new Circuit Court judges and three new District Court judges in various counties statewide. Creates one new judicial district and one new district court. Specifies various operative dates for the appointment of new judges.

Requires the Judicial Department to report quarterly to the Emergency Board on recommended actions and plans for allocation of resources for pro tem judges to meet workload pending the appointment of judges.

IMPACT ON COUNTY: Multnomah County will receive two new Circuit Court judges no later than June 30, 1991. Although they are a welcome addition in terms of workload, the necessary courtroom space to accommodate them is not currently available. The County is presently examining a variety of options for the development of new courtroom space.

FISCAL IMPACT: Any fiscal impact will be dependent upon the option selected to meet the demand for additional courtroom and office space. May require additional deputies to staff court.

IMPACT ON CITIZENS: Two new additional judges should clear up the backlog of cases in Multnomah County and assist in meeting an individual's right to a speedy trial.

Civil Courts

SENATE BILLS

246 (C. 411) - FILING OF TAX FORECLOSURE PAPERS

Requires filing papers related to property tax foreclosure proceedings with the Clerk of the Court rather than the County Clerk. Allows counties and other local government bodies to enter into intergovernmental agreements to facilitate collection of delinquent property taxes and municipal liens.

284 (C. 1053) - INDIGENT DEFENSE COSTS/SHERIFF'S FEES

Requires State Court Administrator to develop statewide guidelines to be used in determining the indigency of a defendant and allows for collection of expenditures from an individual filing a false financial statement to obtain appointed counsel. Provides for the establishment of procedures for screening and verification of indigency. Requires district attorney to state intent to prosecute certain offenses as misdemeanors or to continue treating these offenses as violations. Prohibits the Sheriff from charging the State for serving process in civil actions, suits, and proceedings if one party to the suit has been appointed counsel on the basis of indigency. Effective August 5, 1989.

IMPACT ON COUNTY: Will require a better flow of information between the courts and the Sheriff's office to accurately impose fees. Will require establishing a procedure to verify cases in which counsel has been appointed.

FISCAL IMPACT: Will reduce revenues which offset the Sheriff's expense in civil process service.

IMPACT ON CITIZENS: Establishment of uniform standards for appointment of counsel at the public's expense should improve equality of treatment for defendants statewide. Provision of an indigency verification program will better ensure that those defendants who are able to pay all or a part of the legal costs involved in their defense bear the burden for these expenses.

285 (C. 189) - PHYSICIAN AS WITNESS IN CIVIL COMMITMENT

Allows a party to an action of civil commitment to request and have subpoenaed physicians who are or have been treating the mentally ill person.

IMPACT ON COUNTY: Allows party's attorney rather than the court to subpoena attending physicians as expert witnesses in commitment proceedings.

FISCAL IMPACT: Will transfer responsibility for payment of expert witness fees from the court to the party requesting the witness.

479 (C. 605) - DOMESTIC VIOLENCE VICTIMS' PERSONAL PROPERTY

Provides for the presence of an officer for the removal of essential personal effects from a residence where domestic violence has occurred within 180 days of petition filing for restraining order. Requires petitioner to specify which personal effects are to be removed. Restricts presence of officer to one occasion only for a period of up to 20 minutes. Allows officer to interrupt property removal. Specifies officer's duty to arrest is not affected by this Act. Exempts officer from civil or criminal liability for actions of any party during property removal.

IMPACT ON COUNTY: Will require written guidelines outlining when and how officers may provide this assistance.

FISCAL IMPACT: None.

IMPACT ON CITIZENS: Should reduce additional confrontations in legitimate property removals.

HOUSE BILLS

2225 (C. 718) - DISPUTE RESOLUTION COMMISSION

Establishes a 7-member Dispute Resolution Commission to study the current availability and effectiveness of dispute resolution programs and mediation services and to assist in the development of community-based programs to encourage the use of mediation panels to resolve conflicts in lieu of civil litigation through the courts. Requires periodic review of local programs for compliance with the standards and guidelines of the Commission and establishment of minimum qualifications of experience and training for mediators. Requires courts to impose a \$5.00 surcharge on certain fees charged in civil cases to provided dedicated funding for community dispute resolution programs.

Requires courts providing mediation referral to establish mediation panels. Provides that attorneys are not present during mediation sessions. Provides immunity from civil liability for mediators and programs. Requires report to the 66th Legislative Assembly. Appropriates \$1.00 to establish account for the receipt of surcharges. Effective July 19, 1989.

IMPACT ON COUNTY: The County looks forward to the recommendations of the Commission to improve and enhance the efficiency of currently established programs. Impact cannot be determined until the Commission issues its recommendations.

FISCAL IMPACT: Community dispute resolution programs will be funded through the \$5.00 dedicated surcharge on civil cases.

IMPACT ON CITIZENS: Provides an alternative to litigation for those cases which are better handled through the "win-win" situation of negotiations. Allows both parties to the cases to have input and some control over the final resolution in a conciliatory atmosphere.

#### 2415 (C. 910) - SERVICE OF PROCESS FEE INCREASE

Increases the fee charged for serving certain types of documents from \$15 to \$20. Provides for serving no more than two different parties at the same address and allows for a fee of \$20.00 each for serving parties of more than two unless the process server has contracted for a lower fee. Allows retention of fees collected for service by the county of supposed residence when the parties to be served cannot be located. Removes requirement that the court collect fees by adding them to judgements.

IMPACT ON COUNTY: Should the State Court Administrator decide that the courts will no longer collect Sheriff's fees, there will be an immediate need to hire personnel estimated at 1.5 FTE Office Assistant III classification for collection and accounting functions on 15,500 transactions currently handled by the courts. An agreement exists between the Sheriff and the local Court Administrator for the court to collect process fees and the Sheriff's office to collect bail money in exchange.

FISCAL IMPACT: County data indicates that the Sheriff's Office performs 39,500 servings per year. Fees are waived on 35% of servings. Based on these factors, a \$5.00 increase in the fee should result in approximately \$128,000 in increased revenues.

IMPACT ON CITIZENS: The current agreement between the local courts and the Sheriff's office appears the most efficient and cost effective method of handling an important judicial function such as ensuring delivery of notices required by law. The increase in the process serving fee is necessary to offset the cost of ensuring that citizens receive notices which they are guaranteed by law for the purpose of protecting their rights.

Corrections

SENATE BILLS

591 (C. 884) - COUNTY JAIL CAPS

Allows county governing body to examine county correctional facilities and to adopt recommendations regarding a maximum jail population for each facility based upon given criteria. If a limit is adopted, requires developing a specific plan for handling an overpopulation emergency. Allows for release of inmates according to plan if an emergency exists and after notification of certain local public officials. Exempts the Sheriff from any liability for a good faith release of inmates. Effective July 27, 1989.

IMPACT ON COUNTY: Provides the County discretion to adopt a mechanism to alleviate jail overcrowding without resort to the federal courts. Would allow for more proactive management of County correctional facilities and programs contingent upon the training and knowledge of the officials conducting the review.

FISCAL IMPACT: As this is discretionary to the County, no impact is anticipated at this time. However, implementation may ease overcrowded conditions and alleviate the need to build more jail space.

IMPACT ON CITIZENS: Will allow each county to assess its particular needs with regard to jail space and to provide release plans when acceptable population limits are met. Although the general public is averse to releasing known offenders, the alternative is the expense of building far more jail space than has been currently approved.

972 (C. 467) - SECURITY RELEASE FEE SCHEDULE

Requires by July 1, 1990, the development of a security release amount schedule by the Chief Justice of the Supreme Court in consultation with the Criminal Justice Council. Requires the establishment of ranges based upon offense classification but allows judges discretion to set bail at other amounts.

IMPACT ON COUNTY: If bail is tied not only to the amount of risk involved with releasing the prisoner, but also to the prisoner's financial situation, there may be the potential for releasing some additional offenders from correctional facilities pending trial.

FISCAL IMPACT: No impact currently. If a realistic amount of bail is set, the County may be better assured of an offender appearing at trial. This would save the County the cost of locating these offenders and the staff time involved with paperwork for nonappearances.

IMPACT ON CITIZENS: It is not beneficial to the taxpayers to hold nonviolent offenders in facilities until trial when limited space should be reserved for the more dangerous crimes and habitual offenders. Allowing judges the discretion to deviate from the bail schedule should provide added protection to the public in cases where other circumstances should be considered prior to releasing the offender.

973 (C. 468) - STANDARDS FOR PRETRIAL RELEASE

Requires by January 1, 1991, the adoption of uniform standards to be used in making release decisions or recommendations. Requires the Chief Justice to develop the rules in consultation with the Criminal Justice Council. Allows the State Court Administrator to test the standards first through a pilot program before requiring implementation statewide. Allows the Chief Justice to recommend to the 67th Legislative Assembly a date other than the July 1, 1991, implementation date if the results of the pilot program indicate that further changes are necessary.

IMPACT ON COUNTY: Great potential impact exists for the County as pretrial release decisions have a direct impact on the size of jail populations and the number of releases which must be made to remain in compliance with federal court orders. The impact will be greater or lesser depending upon a number of factors: the chosen site for the pilot project, the stringency of the release standards adopted, the potential adoption of population standards for County correctional facilities by the Board of Commissioners and the future of the federal court order.

FISCAL IMPACT: If more conservative release standards are adopted, the result could be a negative drain on County resources both in terms of available bed space and the cost of providing supervision services. There is the further implication of future problems with the federal courts if the result of the standards is an increase in jail population.

IMPACT ON CITIZENS: Uniform pretrial release standards should result in more equal treatment of offenders within the state.

1065 (C. 860) - COUNTY CORRECTIONS ASSESSMENT

Establishes a graduated schedule of assessments based on the amount of fine or bail forfeiture to be levied, in addition to any other fines, fees or assessments, against persons convicted of offenses other than parking violations. Allows for waivers in cases of indigency or hardship. Allows courts to retain the cost of collection and disbursement. Requires payment of all other fines, fees and assessments prior to crediting this assessment. Revenues from the assessment are to be credited to the county in which the conviction occurs for the costs of corrections programs and facilities and chemical dependency programs and facilities approved by the Governor's Council on Alcohol and Drug Abuse Programs. Requires expenditures to be made consistent with a county's approved Community Corrections Plan and limits expenditures on jail maintenance and construction to 50% of assessments collected. Effective July 26, 1989.

IMPACT ON COUNTY: Will provide additional revenues for the maintenance, expansion and creation of programs and facilities as established in the Community Corrections Plan.

FISCAL IMPACT: Assessments are currently being collected, so an estimate of the average monthly revenue should be possible in the near future. Once determined, the Commissioners will need to decide what jail operations and Community Corrections programs should be funded.

IMPACT ON CITIZENS: Even with the 50% limitation for jail use, the assessments should provide some relief from the burden of funding corrections programs through property taxes.

1071 (C. 548) - CRIMINAL JUSTICE COUNCIL CONTINUATION

Continues the existence of the Oregon Criminal Justice Council until July 1, 1991. Increases size of the Council by one member who must be a layperson with membership in a crime victims' organization or is a victim or witness advocate. Effective June 30, 1989.

IMPACT ON COUNTY: Will allow the Criminal Justice Council to finish their work on sentencing guidelines and misdemeanor guidelines. Completion of these projects will assist local governments in dealing with the impact of felony guidelines on local correctional facilities.

FISCAL IMPACT: There is no direct fiscal impact on the County based upon the extension of the life of the Council. There may be indeterminate fiscal impact as a result of the guidelines.

IMPACT ON CITIZENS: Expansion of the Council to include a citizen member who is involved with victims' advocacy programs will allow the public to have input in the content of sentencing guidelines.

1110 (C. 510) - COMMUNITY CORRECTIONS PROGRAM DEVELOPMENT FUNDING

Creates the Community Sanctions and Alternatives Fund to be administered by the Department of Corrections with review and approval of funding applications by the Community Corrections Advisory Board. Limits eligibility for funding to community-based organizations or individuals providing structured community sanctions and reentry programs for offenders, chemical dependency programs for at-risk offenders, preadjudication programs, and other alternatives to incarceration. Requires that funding decisions should complement local Community Corrections Plans and be made giving priority to programs with demonstrated past success in reducing recidivism or which provide service to identifiable groups that have fewer resources than the general offender population.

IMPACT ON COUNTY: The program revenue available through the Community Sanctions and Alternatives Fund will allow for development and expansion of new Community Corrections programs.

FISCAL IMPACT: Appropriations of \$1,200,000 were approved for the 1989-91 biennium for programs statewide. Revenue will become available January 1, 1990.

IMPACT ON CITIZENS: This fund will provide some revenue for the types of rehabilitation programs generally accepted as a necessary companion to traditional correctional methods to achieve reduced recidivism.

5514 (C. 98) - CORRECTIONS BUDGET

Appropriations from the State General Fund to the Department of Corrections for all services provided totals \$250,516,350 for the 1989-91 biennium. Included is \$55,728,858 for state and county administered parole, probation and community corrections services.

The portion allocated for field and Community Corrections is 20% of all revenues and includes a 6.5% inflation factor over the amounts appropriated for the last biennium. Effective July 25, 1989.

IMPACT ON COUNTY: Maintains all programs funded in the last biennium and provides for development of new local community-based correctional program strategies.

FISCAL IMPACT: Will provide 24 months of stable service delivery for county corrections programs.

IMPACT ON CITIZENS: The large percentage of total revenues reserved for field services and community corrections, in addition to the other corrections measures enacted, should provide sufficient direct impact on local communities to assure citizens that their concerns regarding crime are being addressed and that revenue being expended is directed to the area which citizens have attributed the highest priority.

5559 (C. 1087) - APPROPRIATIONS ABOVE THE SPENDING LIMIT (Corrections only)

Appropriates \$6,131,165 for community corrections statewide in addition to appropriations in the Department of Corrections budget (HB 5514). Effective August 3, 1989.

IMPACT ON COUNTY: Maintains all Option 1 and 2 counties at current allocation share. Increases share of revenue available to Option 3 counties from 47% to 75% of what would be available if they were Option 1 or 2. The past impact on Multnomah County of Option 3 counties electing Option 1 or 2 was a potentially serious reduction in allocations due to a mid-biennium recalculation of available funds to accommodate the change in the Option 3 county. The new legislation increases funding and ensures counties their current level of revenue. (Impact on the County's human services programs is noted in the analysis of specific agency budgets.)

FISCAL IMPACT: Creates Option 1 Incentive Fund which provides revenue to existing Option 1 counties or those electing Option 1 for the current biennium to encourage counties to administer all state-run services. Although there is \$424,000 available to Multnomah County to become an Option 1 county, projections are that a successful transfer would require more than three times the amount of available funds. (Increases in funding for human services programs are analyzed in the specific agency budgets.)

HOUSE BILLS

2053 (C. 81) - INMATE MEDICAL RECORDS TRANSFERS

Provides for the transfer of inmate medical records between local jails and facilities under the state Department of Corrections without written consent of the inmate.

IMPACT ON COUNTY: Estimates are that 125 inmates per week are transferred from County custody to other facilities. Direct transfer of patient files should expedite the transfer process and reduce the potential liability arising from refusal to provide this information when an emergency exists because there is no written release or from the accidental transfer of records when consent has not been obtained.

FISCAL IMPACT: Staff time and copying costs will be involved to identify and copy relevant files but it is not possible currently to estimate the additional expense.

IMPACT ON CITIZENS: From the inmate perspective, this should facilitate transfer of vital information, allow for continuity of care and reduce possible medical and clerical errors involving the release of this information.

2054 (C. 497) - SUPERVISED RELEASE FEE

Increases to \$25 the monthly fee charged to a person subject to a supervised release under the Department of Corrections or a community corrections program. Allows the director of the community corrections or Department of Corrections or the sentencing court to reduce the amount of the monthly supervision fee.

IMPACT ON COUNTY: Should provide a more adequate basis for funding supervision activities in corrections programs.

FISCAL IMPACT: Should result in more revenue for the community corrections programs to offset the costs of providing supervision services although this will not pay fully for the services provided.

IMPACT ON CITIZENS: Places a larger burden of meeting the costs of corrections and allows for appropriate placement of responsibility on the offenders creating the need for programs and supervision. The provision for a reduction in the fee will allow an offender to better meet all the financial responsibilities arising from the crime.

2211 (C. 613) - COMMUNITY CORRECTIONS ENHANCEMENT GRANT FORMULA

Expands bases for financial grants to community corrections made out of state Department of Corrections (DOC) appropriations, to include the management and support services necessary to the supervision of parolees and probationers. Requires DOC to adopt by July 1, 1991, a new formula based upon community supervision workload for determining grant awards to counties. Requires prior review by the Community Corrections Advisory Board of all data used in determining enhancement grants. Requires that any reductions made in field allocations to county governments must be reviewed by the Emergency Board prior to implementation and that reductions must be effected proportionately. Requires that DOC consult with a County Board of Commissioners before diverting for other uses any funds that would be available to that county. Ends practice of deducting from a county's program grants \$3,000 per Class C Felon committed to state custody (Felony Payback).

IMPACT ON COUNTY: Significant operational impact will occur in the 1991-93 biennium. The County need apply only once for biennial revenue to support programs approved in the Community Corrections Plan.

FISCAL IMPACT: The County could see significant increases in field revenue under the new formula. Will allow for more parole and probation staff upon implementation of formula. The required review by the Emergency Board prior to implementing reductions in County funds and the provisions for proportionality in reductions should protect the County from unexpected shortfalls in revenue due to overexpenditures by DOC itself and insure equitable distribution of cuts should they be necessary. This provides clarity which did not exist under the old law and should keep biennial funding to counties stable.

IMPACT ON CITIZENS: More staff for supervision of probationers and parolees should contribute to a reduction in parole violations and swifter response when violations do occur. Both results contribute to greater safety in the community. Increased supervision of offenders should also be a deterrent to future criminal activity.

2212 (C. 607) - COMMUNITY CORRECTIONS GOALS AND EVALUATIONS

Expands legislative purposes of the Community Corrections Act to include promotion of local management of Community Corrections programs and of the use of the most effective criminal sanctions necessary to administer punishment to and rehabilitation of offenders and to protect public safety.

Requires DOC to report on evaluations of all corrections services to the next two Legislative Assemblies. Reserves one-half percent of all related appropriations for conducting evaluations. Requires DOC to enter into intergovernmental agreements with counties and provides for apportionment of funds between the Department and counties, when a county assumes any portion of services previously provided by the Department.

IMPACT ON COUNTY: The expansion in purposes clarifies the intent of the Community Corrections Act. The evaluation provisions and the dedication of funds for evaluations will allow for a coherent, state-initiated evaluation of services, which has been inadequate in the past. Replacement of the old "contract back" provisions with intergovernmental agreements simplifies procedures and clarifies the role and relationship of counties and the state in non-Option 1 counties by recognizing that locally administered, state-approved Community Corrections Plans dictate service delivery requirements. Operational impact may occur in the County's relationship with state Field Services. Long-term impact will depend upon results of future evaluations.

FISCAL IMPACT: Non-Option 1 counties may require the State to perform certain functions through the Community Corrections planning process. Dedicated funding by the State for evaluations should ensure greater accuracy of data and interpretation.

IMPACT ON CITIZENS: The clarification regarding local management of approved plans should allow counties the flexibility necessary to tailor programs to the types and number of offenders predominant in their jurisdiction and to more fully utilize the community resources available to each particular county while preventing duplication of services. This flexibility within an approved plan and the requirement for evaluations based on set criteria should result in provision of more efficient corrections services at the lowest possible cost to taxpayers.

2213 (C. 614) - MANDATORY TRANSFER UNDER OPTION 1

Includes in definition of "police officer" county adult parole and probation officers and officers transferred to a county. Allows state employees providing correctional services transferred to a county the option of becoming county employees, except in counties with 200,000 or more in population where transfer of these employees may become mandatory at the discretion of the county governing body.

Requires that transferred employees not suffer a reduction in salary and their eligibility for retirement remain intact.

IMPACT ON COUNTY: Eliminates last statutory obstacle other than revenue considerations to the County's decision to administer all probation and parole services currently provided by the Department of Corrections (Option 1), should the County elect to do so. This legislation allows Multnomah County to mandate transfer of state employees to county personnel if Option 1 is elected. Allows counties to extend police and fire benefits to other employees if classified as "police officers" at the option of the Board of Commissioners.

FISCAL IMPACT: Clarification of compensation for transferred employees will allow County to better estimate the cost of electing Option 1.

IMPACT ON CITIZENS: The prohibition against salary reductions and the guarantee of retirement eligibility provides substantial protection for state employees who become subject to mandatory transfer. The ability of the County to exercise discretion regarding transfers ensures an experienced and stable workforce to meet the demands of any additional responsibility that the County agrees to accept.

#### 2250 (C. 790) - SENTENCING GUIDELINES

Revises criminal justice laws to be consistent with felony sentencing guidelines. Requires that a defendant's criminal history classification be presented to the trial judge at plea negotiations for felonies committed on or after November 1, 1989. Allows judge to impose a presumptive sentence based upon a grid block classification provided in sentencing guidelines established by the State Sentencing Guidelines Board. Provides that any sentence imposed other than the presumptive sentence is subject to the Board's departure rules. Allows the District Attorney and defendant to stipulate a specific sentence within or outside of the presumptive range, acceptance of which is discretionary to the judge, subject to Board rules. Requires accusatory instrument to include alleged facts sufficient to categorize the crime for application of the Crime Seriousness Scale. Requires the District Attorney to disclose to the defendant the convictions included in the criminal history which will be used for determining sentencing. Requires Court to submit a sentencing report to the Criminal Justice Council immediately after imposing a sentence.

Requires that judgements of convictions involving imprisonment state length of incarceration and post-prison supervision and possibility of additional imprisonment for violations of imposed release conditions. Allows defendant to file written notice to correct criminal history information and specifies that burden of proof by preponderance of evidence rests with the State in disputed cases. Only requires presentence report by the Department of Corrections if sentencing departure is requested or imposed. Stipulates conditions court must consider in determining aggravation or mitigation. Requires application of guidelines for felony cases subject to confinement in the county jail. Prohibits house arrest for felonies involving weapons or physical injury or threats of same to another. Requires periods and conditions of probation to be imposed according to rules of the State Sentencing Guidelines Board. Creates and provides for membership and duties of the Post-Prison Supervision Board. Requires development and specifies contents of proposed release plan by the Department of Corrections for each prisoner prior to release, to be approved by the State Board of Parole and Post-Prison Supervision Board. Specifies information which may be reviewed and allows for interview of prisoner prior to approval decision. Requires notification of a victim if requested, before review of a release plan. Adds the Director of the State Council on Crime and Delinquency to the Sentencing Guidelines Board. Allows appointment of attorney at board expense to represent indigent parolees and offenders on post-prison supervision. Allows imposing supervision or commitment period equal to the maximum sentence for a crime committed in cases of an offender affected by mental disease or defect, except for insanity. Reduces period allowed for temporary leave to 90 days preceding a established parole release or discharge date. Provides for reductions in time of incarceration for good behavior but limits the maximum allowance to 20% of total term imposed and requires that at least 6 months of the term be served. Requires establishment of an emergency leave program and specifies conditions for qualification. Requires establishment of a short-term transitional leave program and specifies content of plan which inmate must submit to be considered for participation. Requires Criminal Justice Council to prepare an estimate of additional prison beds necessary for presentation to any legislative committee considering a bill which would create or enhance a crime. Requires Criminal Justice Council to develop sentencing guidelines for misdemeanors for presentation to the State Sentencing Guidelines Board before November 1, 1990, for adoption by January 1, 1991, to be approved by the 66th Legislative Assembly and formalized by statute before becoming effective. Allows for biannual review and adoption of amendments to guidelines.

Requires the State Sentencing Guidelines Board to propose amendments by January 1, 1991, to increase presumptive sanctions giving priority to drug-related crimes, violations of post-prison supervision, and violent crimes against persons. Proposals should include an estimate of additional corrections resources necessary to implement the changes for the biennia from July 1, 1991, to June 30, 2001. Amends instructions to be given to juries in death penalty sentencing proceedings to include specific mitigating factors, and the character and background of the defendant and circumstances of the offense, if constitutionally required. Provides procedure for reviewing court finding prejudicial error in sentencing proceeding and process for trial court to follow upon remand. Restricts review to sentencing only and prohibits reversal of convictions for aggravated murder. Applies procedural changes to death sentences imposed after December 6, 1984. Effective July 24, 1989.

**IMPACT ON COUNTY:** The significant changes to current sentencing procedures must be reflected in prosecution functions. Before, criminal histories were developed by the Department of Corrections during the presentence investigation. With these changes, the District Attorney's office becomes responsible for complete knowledge of criminal histories during the earlier phase of plea negotiations. Additionally, it requires completion of a sentencing report on each felony disposition. Although the court is designated to complete these reports, the District Attorney's office will become responsible for these through the rule-making process. There are also significant changes required to internal processing of information and record keeping.

**FISCAL IMPACT:** The number of sentencing reports which will require completion has been estimated at 5,000 - 6,000 annually. This and the other changes in information and record keeping will require additional staff, probably in the District Attorney's office. A complete fiscal impact statement is in the process of being developed.

**IMPACT ON CITIZENS:** Sentencing guidelines address a common complaint by the public by providing truth in sentencing, thereby giving greater credibility to the criminal justice system for both citizens and offenders. Because the guidelines take into account state incarceration capacity during any six-month period, greater stability in prison planning should result. Until misdemeanor guidelines can provide comparable stability for county jails, the 90 day limit on incarceration in the county jail for felony convictions should limit felony guidelines impact on jail overcrowding.

2357 (C. 1024) - STATE CORRECTIONS TEMPORARY LEAVE

Requires that inmates granted temporary leaves by the Department of Corrections which exceed 30 days reside in the county where they resided at the time of conviction as a condition of leave. Allows residency requirement to be waived under certain circumstances. Provides criteria for determining residency for purposes of this requirement. Effective August 4, 1989.

IMPACT ON COUNTY: Typically, Multnomah County receives more released inmates into the County than it sends to state correctional facilities due to the larger availability of housing, jobs, and services. The result is an overload on supervision and human services in the County. Requiring releasees to return to their counties of residence should reduce the burden placed on justice, correctional, and social services in the County, reserving them for actual residents.

FISCAL IMPACT: Should result in a reduction in the demand for the various services which the County provides, allowing better use of program dollars for local needs and citizens. Should also reduce the pressure on law enforcement agencies which generally experience an increase in workload when a larger population of offenders are residing in the County.

IMPACT ON CITIZENS: As a certain percentage of offenders are typically repeat or habitual offenders, a larger amount of them in the County increases criminal activity. Returning released inmates to their prior counties of residence should result in some decrease in criminal activity, some increase in availability of social services to local residents, and a greater measure of security in the community.

2436 (C. 1023) - RETURN OF PAROLEES TO COUNTY OF ORIGIN

Requires parolee to reside for the first six months in the county where the parolee's conviction occurred as a condition of parole. Allows State Board of Parole to waive the residency requirement under certain circumstances. Effective August 4, 1989.

IMPACT ON COUNTY: Multnomah County will benefit significantly in terms of reducing the burden on law enforcement services, social services, and parole and probation services created from the influx of individuals convicted in another county but released on parole in this County. Statistics indicate that many more individuals are released to Portland than are committed in the metropolitan area.

FISCAL IMPACT: Difficult to estimate but should reduce program costs due to a lowered demand on social and correctional services.

IMPACT ON CITIZENS: An increased population of parolees generally translates into increased crime and workload for law enforcement agencies. Restricting parolees by requiring them to return to their county of origin reserves needed resources for problems which originate in Multnomah County and should provide some additional measure of safety for citizens. It also should encourage counties which produce these offenders to develop and fund a sufficient network of support service programs to meet the needs which currently Multnomah County is providing. Returning a parolee to the area where family and friends are likely to reside may be beneficial in terms of rehabilitation.

2470 (C. 849) - SENTENCING OBJECTIONS

Provides procedure for a defendant to object to the imposition and execution of a sentence or to probation and its conditions. Does not allow for the defendant to refuse the court's order, even when disputed. Specifies which judgements and orders are subject to appeal provisions and review limitations. Specifies which decisions, dispositions, and sentences are subject to appellate court review. Specifies under what circumstances a defendant pleading guilty or no contest may appeal a judgement or order. Effective July 26, 1989.

IMPACT ON COUNTY: Will not allow a defendant to refuse probation if imposed by the court in lieu of serving time for the offense. Should allow the court more discretion to impose alternative sentences over the objections of a defendant and to lessen the strain on community corrections bed space.

FISCAL IMPACT: Will reserve expensive bed space for more dangerous or habitual offenders. Will allow imposition of the least costly sentence allowed.

IMPACT ON CITIZENS: More efficient use of correctional space and funding will result.

Law Enforcement

SENATE BILLS

284 (C. 1053) - INDIGENT DEFENSE COSTS/SHERIFF'S FEES

For analysis refer to the chapter on Justice Services, Civil Courts.

404 (C. 774) - NONEXEMPTION OF CHILD SEXUAL ABUSE RECORDS

Reduces the amount of time which must elapse to 3 years for expunction of a criminal record. Includes Class C felonies among the crimes which may be expunged. Prohibits expunction of certain crimes even when committed as a juvenile, when the crime would constitute child abuse as defined by state statute.

IMPACT ON COUNTY: In the case of juvenile records, it will require development of a process allowing for expunction of other offenses while retaining all file material related to those crimes constituting child abuse. It may also require an improved record keeping system capable of storing a large volume of material.

FISCAL IMPACT: Staff will need to develop an expunction procedure for juvenile records. Potentially, an enhanced file system and related equipment will be required. If not, then additional storage space will be required.

IMPACT ON CITIZENS: It may become difficult to encourage juvenile offenders to apply for expunction of their criminal records when they discover that sexually related crimes are retained. However, if the retained information, in both juvenile and adult cases, is allowed in future criminal proceedings against the offender for related crimes, it will add a measure of protection for the community at large.

606 (C. 1028) - HATE CRIME REPORTING

Expands the types of crimes for which statistics must be reported to the Executive Department to include crimes motivated by prejudice, including sexual orientation. Requires the Executive Department to compile an annual public report on the number of incidences of hate crimes. Requires the Board on Police Standards and Training to implement a program to train officers in identifying, investigating, and reporting hate crimes.

IMPACT ON COUNTY: Hate crimes occur most often in the metropolitan area due to the diversity of individuals and groups in the urban area. Yet statistics on these crimes are probably underreported because of the difficulty of objectively determining and proving prejudice as a motivation. Accurate information on these crimes would allow the County to determine the need for social and educational programs to combat prejudice.

FISCAL IMPACT: Any impact created by additional reporting requirements should be minor. The basic expense occurs at the State level for the maintenance of data and the printing and distributing of report forms. All training of law enforcement officers will be provided by the State Board on Police Standards and Training. Any expenses involved should be offset by the increased information and awareness of hate crimes.

IMPACT ON CITIZENS: Should cause an increase in public awareness of crimes motivated purely by prejudice and allow the community to organize and to become involved in activities designed to combat bigotries of all kinds. It is very significant that sexual orientation was specifically included as a basis for a hate crime as Portland has a fairly large gay community which has been victimized by an increasing amount of "gay-bashing".

708 (C. 584) - HARMING POLICE ANIMAL

Adds to the crime of criminal mischief, harming and/or destroying a police animal. Makes a Class C felony, punishable by a maximum of 5 years and/or a \$100,000 fine. Classifies interference with a police animal as a Class A misdemeanor punishable by a maximum of 30 days and/or a \$500 fine.

770 (C. 695) - POLICE LICENSE PLATE PRIVACY

Expands list of employees eligible to use their employer's address in lieu of their actual residences for all DMV records to include members of the State Board of Parole, Corrections Dept. employees who have direct contact with inmates, police and corrections officers, Dept. of Agriculture brand inspectors, and Criminal Justice Division investigators. Requires notice to all potentially eligible public state and local employees by January, 1, 1990.

IMPACT ON COUNTY: No policy change is required, but this should provide an additional measure of protection for County law enforcement employees and their families by withholding their home addresses from otherwise accessible public records.

FISCAL IMPACT: Impact will be limited to providing verification of employment and notices of terminations to DMV for the small group of employees who would be eligible and would choose to exercise this right.

IMPACT ON CITIZENS: No impact.

835 (C. 472) - CRIMINAL JUDGEMENT FORMS

Prescribes criteria to be used by the courts for format of criminal judgements. Specifies that an appellate court may not reverse or set aside a judgement solely on the grounds that its form is not in compliance with the prescribed criteria. Prescribes requirements which must be included for a money judgement to be docketed. Exempts actions or proceedings resulting from certain citations which contain spaces for entry of judgement. Prescribes criteria for obtaining a full or partial satisfaction of a money judgement. Prescribes requirements of the clerk of the court when a convicted defendant incurs a monetary obligation as part of the imposed sentence. Specifies circumstances under which a clerk is not liable for failure to docket a judgement. Prescribes circumstances under which a court may proceed to make a determination and the actions as part of the judgement which the Court may take upon completion of its determination.

IMPACT ON COUNTY: Clarifies requirements which must be met for a judgement order to be completed properly. Requires that monetary obligations incurred as part of a sentence be placed on the judgement docket.

FISCAL IMPACT: No dollar impact on the County. This Act was strictly instructional in nature.

IMPACT ON CITIZENS: Uniformity statewide in procedures, processes and forms used in the judicial system is always an added protection for citizens. Specific protection is provided by the provision which allows the clerk of the court to refuse to docket an improperly completed judgement.

846 (C. 1077) - DRUG PARAPHENALIA PROHIBITION

Makes unlawful the sale, delivery, or manufacture of any paraphenalia related to the production or use of illegal drugs. Defines drug paraphenalia by examples. Prescribes criteria which must be used to determine whether an object qualifies as drug paraphenalia. Exempts individuals who are licensed to dispense controlled substances. Allows the state or any political subdivision to bring action for enforcement, and awards costs and attorney fees to the prevailing party. Provides for forfeiture of items introduced as evidence which are determined to be paraphenalia. Prescribes actions which may be taken to dispose of forfeited paraphenalia and provides for any proceeds received from the sale of forfeited items to be deposited in the Common School Fund. Provides for the additional penalty of a fine from \$2,000 to \$10,000 for violations with fines being credited to the office of Alcohol and Drug Abuse Programs within the Department of Human Resources. Prescribes conditions which allow for the seizure of drug paraphenalia.

IMPACT ON COUNTY: Should close down the few "head shops" in the County. State statute will probably be upheld constitutionally. Act is the only law that can be effective throughout the County.

FISCAL IMPACT: A potential exists for collection of substantial fines for possession or distribution of drug paraphenalia although the revenue will accrue to the State.

IMPACT ON CITIZENS: Provides consistency with current community anti-drug climate.

967 (C. 998) - CHILD ABUSE REPORTER TRAINING/PARENT NOTICE

Requires Childrens Services Division, Board on Police Standards and Training, and multidisciplinary teams to adopt training programs related to child abuse for foster parents, law enforcement officers and others who are required to report suspected abuse. Provides minimum curriculum content for law enforcement training, procedures for interviewing, investigating and reporting suspected abuse, and for taking a child into protective custody. Allows for, but provides limitations on, physical exams in cases of suspected sexual abuse.

IMPACT ON COUNTY: Should improve the ability of County personnel involved with children to identify and respond appropriately to child abuse cases.

As the District Attorney is required to develop protocols for multidisciplinary teams, abuse cases going to prosecution should be strengthened.

FISCAL IMPACT: At most, may require some modification of current training programs and some expansion of training to law enforcement personnel.

IMPACT ON CITIZENS: Training will also be made available to nonpublic employees dealing with children. Training should make reporting more consistent, improve the maintenance of evidence in cases for prosecution, and reduce the possibility of fraudulent cases.

975 (C. 592) - AUTHORITY TO SET SPEED LIMITS

Establishes speed limit of 25 miles per hour in residential areas where speed limits are not posted. Expands habitual offender statute to include violations of residential speed limits. Specifies that posted residential speed limits are maximum limits. Deletes allowance of the Speed Control Board to delegate authority to set speed limits on low-volume highways to cities or counties.

1134 (C. 1067) - OREGON CRIME PREVENTION RESOURCE CENTER

Creates Oregon Crime Prevention Resource Center within the Executive Department to be headed by a coordinator appointed by the Governor. Requires establishment of a 15 member advisory committee to the coordinator. The Center will function as a statewide clearinghouse for local crime prevention efforts. It will provide support to local efforts through research, data analysis, technical assistance, resource materials, educational, training and citizen awareness programs. It will function as liaison between various government bodies in the coordination of their various prevention efforts. Effective August 5, 1989.

HOUSE BILLS

2033 (C. 985) - HOMICIDE BY ABUSE

Creates crime of homicide by abuse when actions indicating extreme indifference to human life result in the death of a child under 14 years old or of a dependent person, and the abuser has previously exhibited a pattern or practice of assault or torture of the victim or another individual meeting this criteria. Punishes by life imprisonment with a minimum of 10 years served before eligibility for release. Requires interim committee to study and make recommendations regarding homicide by abuse and other homicide statutes.

IMPACT ON COUNTY: Currently the District Attorney's office handles these cases but must prosecute them as a lesser offense.

FISCAL IMPACT: No additional impact on the County.

IMPACT ON CITIZENS: If heavier sentences are a deterrent then this should provide some additional protection of these victims. Classifying abuse causing death as criminal homicide seems a more realistic definition of a crime committed against the most vulnerable people in our community and as such, the heavier sentence seems most appropriate.

2191 (C. 639) - EX PARTE ORDER FOR FELONY DRUG OFFENSES

Allows district attorneys to receive an ex parte order for the interception of wire or oral communications if it is believed that a felony involving controlled substances is being, has been, or is about to be committed.

IMPACT ON COUNTY: Will assist law enforcement officials in drug related crimes, especially those drug deliveries which are occurring by phone or beepers. Will work in conjunction with the wiretap extensions allowed by HB 2252.

FISCAL IMPACT: No fiscal impact anticipated, although this should reduce the time required to intercept information involving drug crimes.

IMPACT ON CITIZENS: Should assist in reducing local drug trafficking.

2251 (C. 842) - JOINDER

Allows for two or more offenses to be charged in the same accusatory instrument in a separate count for each offense if they are alleged to have been committed by the same person or persons, are the same or similar in character, are based on the same act or transaction or if more than one act or transaction, are connected as part of a common scheme or plan. Allows for court to order separate trials of counts if a joinder of the offenses appears prejudicial to the defendant or the State.

IMPACT ON COUNTY: Allows for joinder of charges modeled on the Federal Rules of Procedure.

FISCAL IMPACT: Some increased efficiency through a minor reduction in workload based upon the consolidation of cases.

IMPACT ON CITIZENS: Better use of the limited resources available in the criminal justice system by reducing duplication of process, effort, and paperwork.

2252 (C. 1078) - WIRETAP EXTENSION

Exempts from prohibition against the use of listening devices persons who record a conversation during a felony that endangers human life. Also exempts law enforcement officers when the conversation occurs between the officer and a person subject to the officer's supervision pursuant to a court order. Removes the requirement for a court order when circumstances exist that would make it unreasonable to obtain one at the time of the conversation and probable cause exists to believe a drug-related felony has been, is being or is about to be committed. Requires recording and preserving conversation in its entirety. Restricts divulging the contents of a taped conversation to the hearing or trial where the contents would be offered as evidence. Continues prohibition against taping client-attorney conversations. Requires periodic reporting on the use of listening devices to the District Attorney who will report to the Department of Justice. Requires the Department of Justice to report to the Legislative Assembly each Session.

2282 (C. 791) - CIVIL FORFEITURES REVISION

Preempts city and county property forfeiture provisions based on illegal drug-related activity. Requires city and county governments enacting further property forfeiture provisions to make them consistent with state statute.

Does not impair rights to pursue other civil/criminal remedies. Defines items subject to civil in rem forfeiture. Exempts "commercial" conveyances from forfeiture unless illegal activity occurred with knowledge and consent of business owner. Allows property seizure without warrants under certain circumstances. Allows for ex parte order based on probable cause. Specifies when unconstitutionally seized property may still be subject to forfeiture. Requires inventory of all seized property. Allows inference that proximity of financial items and weapons to controlled substances is sufficient to allow seizure and to meet initial burden of seizing agent. Retains liens on seized property. Provides for lien payments after costs of sale have been deducted from proceeds. Exempts distributor of proceeds from liability to any interested third party. Allows for summarily releasing property within 15 days of seizure but requires prior notification of other interested parties if past 15 days. Exempts agency from liability with regard to release. Provides for storage, maintenance, and transfer of property, stipulating that these actions do not diminish other third party rights. Allows for sale, lease, rental and/or operation of held property. Provides process for depositing proceeds and for disbursement of any interest earned. Requires inventory and seizure notice for forfeiture of personal property. Provides process for filing a claim by interested party but prohibits any extension of filing time. Requires civil action in cases of real property or when a third party not involved in the illegal activity has interest in the property. Provides procedure for responses to complaints. Requires affidavit from interested financial institutions. Requires service or publication of notice to interested parties. Provides for staying of civil proceeding for forfeiture when related criminal charges are filed. Provides for consolidation of and specifies jurisdiction of actions based on type of property. Provides basis for claimants pleading affirmative defense but requires substantiation by preponderance of evidence. Requires forfeiture judgements to state basis for judgement and states effects of judgements when a claim is upheld. Requires forfeiting agency to reimburse prevailing claimants for costs/fees when reasonable suspicion did not exist. Provides disposition/distribution procedure for forfeiting agencies other than the State. Allows forfeiting agency to recoup all expenses specific to investigating and prosecuting case. Limits county use of proceeds to criminal justice services, including enforcement and prosecution of the criminal and juvenile laws, corrections facilities and programs, and drug treatment and education programs. Requires other political jurisdictions receiving proceeds to enter agreement with county for portion to be used for prosecution. Requires record keeping on all seized property. Allows search and seizure of conveyances without warrants when reasonable information regarding possession of controlled substance exists. Effective July 24, 1989.

IMPACT ON COUNTY: Shift from County ordinance to state statute will require changing County seizure procedures. This measure validates local ordinances, such as Multnomah County's, which are in compliance with its provisions.

FISCAL IMPACT: May result in redistribution of forfeiture proceeds within County government, subject to Board of Commissioners' determination. May allow for some recoupment of costs for law enforcement functions and prosecution of drug dealers. Potential exists to use some funds for local drug treatment and education.

IMPACT ON CITIZENS: Provides continued assurance that criminal activity not financially benefit its perpetrators and that forfeited assets continue to fund law enforcement activities.

2369 (C. 806) - DRUGS NEAR SCHOOLS

Creates crime of unlawful delivery of a controlled substance to a student or minor within 1,000 feet of real property used as any type of school and which is attended primarily by minors. Makes crime a Class A felony punishable by a maximum of 20 years and a \$100,000 fine.

IMPACT ON COUNTY: Brings state law, prosecuted by the District Attorney, in line with federal law which currently covers this offense.

FISCAL IMPACT: None if these cases continue to be prosecuted under the federal law allowing for incarceration in federal prisons.

IMPACT ON CITIZENS: May assist in preventing drug dealing with or among students.

2469 (C. 983) - MOBILE TRACKING DEVICES

Provides procedure for execution of search warrants authorizing installation and monitoring of mobile tracking devices. Limits application for search warrants to district attorneys and police officers. Requires warrant to be executed during period and at time specified on warrant and only by a police officer. Defines and includes electronic communications for purposes of Act. Specifies remedies available to parties whose communications have been illegally intercepted. Specifies what actions constitute an illegal interception of communications and classifies them as a Class A misdemeanor.

2479 (C. 1075) - MARIJUANA FINE INCREASE

Increases fine for delivery without consideration or for possession of less than one ounce of marijuana to \$500-\$1,000. Provides for participation by juveniles charged with drug-related offenses and by adults charged for the first time with possession of less than one ounce in a diversion program. Requires parents of juveniles participating in and adult offenders choosing diversion to pay for participation in the program. Diversion periods for possession are one year. Allows for dismissal of possession charge upon satisfactory completion of diversion. Requires dismissal of any drug possession charge against a juvenile if diversion program not provided. Increases the appropriation to the Mental Health Division for community contracts to \$19,006,565. Effective August 7, 1989.

IMPACT ON COUNTY: In 1987, there were 2,961 citations statewide for possession of under one ounce of marijuana. The fact that many of these will be first offenses eligible for diversion, while preventing an overload on corrections bed space, will still severely strain the limited capacity of drug and alcohol treatment programs which are inadequate to meet the demand which currently exists in Multnomah County. The estimates received from the Juvenile Justice Division are for 100-150 youths per year charged with this offense. It may require modification of current County policy which allows for diverting youthful offenders without the petition filing and court hearings required under this law. A County procedure for placement of juveniles in evaluation and treatment programs is currently being developed.

FISCAL IMPACT: Although the fee for diversion has been increased to \$302, it is doubtful that this will cover fully the cost of diversion. It was determined that a prior proposal of an increase to \$282 did not fully cover the cost of assessment alone. Further, an analysis by the State Court Administrator's Office estimates that possibly 75% of offenders will be considered indigent and thus eligible to participate at public expense. An increase in Mental Health Division appropriations for community contracts of under \$1 million would appear inadequate to cover the inclusion of indigent offenders statewide in diversion programs.

IMPACT ON CITIZENS: This should assist in improving Oregon's anti-drug image and in satisfying those who believe that the direction of anti-drug initiatives must be aimed equally at demand for drugs by casual users.

2495 (C. 984) - CHANGES OF ADDRESS FOR SEX OFFENDERS

Requires entry into the Law Enforcement Data System of the residence, physical description, and description of the offense when a person is released or discharged from supervision and confinement was due to commission of a sex crime. Requires person to report all address changes for five years following release.

2744 (C. 891) - VEHICLE REGISTRATION CONFISCATION FOR TRAFFIC OFFENSES

Establishes a statewide pilot program effective January 1, 1990, through December 31, 1993, which requires police officers to confiscate vehicle registrations when citing or arresting people for traffic offenses involving driving while suspended or revoked or operating a vehicle without a license. Requires that the license plates of vehicles belonging to these drivers be marked with an identifying sticker. Provides for a 60 day temporary registration, cancellation of permanent registration until driving privileges have been restored, notification of driver or vehicle owner of cancellation or the process necessary to prevent cancellation, hearings on cancellations, conditions necessary for a valid cancellation, and appeal petitions to a circuit court. Allows for a restoration fee and a charge not to exceed \$5.00 for the issuance of replacement stickers when the vehicle is reregistered. Provides that removal of special stickers is a Class C traffic infraction punishable by a maximum \$100 fine.

IMPACT ON COUNTY: Will allow law enforcement officials to quickly identify vehicles being illegally operated. Confiscating vehicle registrations may be an additional deterrent to driving illegally for those whose driving privileges are suspended or revoked.

FISCAL IMPACT: Some additional work time will be involved with confiscating and forwarding registrations to the appropriate state agency but the bulk of additional workload will fall on the Motor Vehicles Division.

IMPACT ON CITIZENS: Enforcing the law with regard to driving while suspended or revoked is traditionally a very difficult chore and a violation is generally discovered only when the driver is stopped for some other offense. Although this will apply only to those vehicles which belong to the person whose privileges have been suspended or revoked, it should reduce the number of people driving illegally and send a clear message to the community that these offenses are serious and will not be tolerated.

2784 (C. 1029) - INTIMIDATION LAW INCLUSION OF SEXUAL ORIENTATION

Expands the crime of intimidation to include an offender's perception of the categories. Expands categories covered by intimidation laws to include sexual orientation.

IMPACT ON COUNTY: There has been an alarming increase in the number of violent incidents occurring in Multnomah County based upon intimidation of all kinds. However, many of them have been clearly identified as being motivated by perception of an individual's sexual orientation. Although this creates a new crime for prosecution by the District Attorney's office, it is anticipated that the additional workload can be absorbed at present staffing levels.

FISCAL IMPACT: The increased workload should not require additional staff.

IMPACT ON CITIZENS: The County has consistently taken a position which guarantees equal rights to and respect for all the citizens living and working here. Including sexual orientation among the categories qualifying for protection under criminal intimidation laws provides these very basic rights to a large segment of the County's citizens.

3470 (C. 839) - FIREARMS REGULATION REVISION

Regulates the sale of handguns, changes requirements for concealed weapons permit, amends penalties for violations and requires studies of a unified identification card and of long gun sales. Requires gun dealers to maintain registers provided to them in triplicate rather than in duplicate and exempts registers from public record disclosure laws. Establishes a 15 day waiting period for handgun permits. Exempts police officers and concealed weapons permit holders from the waiting period. Makes unlawful the compilation of information on lawful firearm purchases. Increases penalty for violations by businesses from a misdemeanor to a Class C felony. Exempts sales and transfers of weapons between businesses. Requires thumbprints on handgun register until the development of a reliable method of genetic identification. Modifies current registers to include more information. Makes the provision of false information a Class A misdemeanor and reason for disqualification. Specifies individuals who are ineligible for permits but allows those whose criminal records have been expunged to qualify. Prescribes procedure for application and appeal of denials of concealed weapons permits. Allows lawful possession of handguns by minors with parental consent or temporarily for target practice or hunting.

Makes possession of machine guns, silencers and short-barreled weapons a Class B felony; unlawful purchase a Class A misdemeanor; violations of information requirements by gun dealers a Class C misdemeanor; and sale, transport or receipt of a firearm to commit a felony a Class B felony. Provides that use of or threat to use a firearm during a felony constitutes "aggravated" and prohibits reduction of sentences or eligibility for early release in aggravated felonies. Provides minimum terms of imprisonment for violations. Requires State Police to conduct a one year study on the sale of all firearms to be completed by January 1, 1991. Requires sellers to keep records of all gun sales and to follow procedure for background check for the period of the study. Requires monthly report by the Sheriff to the State Police on all handgun licenses approved and denied, with this information being destroyed upon completion of the study. Specifies jurisdiction of various courts in appeal cases involving denial of permits. Requires Courts to decide upon eligibility for handgun permits in cases of mental capacity. Directs an interim study on the development and use of a unified state identification card. Effective January 1, 1990.

**IMPACT ON COUNTY:** These procedures closely mirror the current process used by the Sheriff's office. May increase the number of applications for concealed weapon permits. Will increase paperwork load as the Sheriff's office must now keep detailed accounts of the applications for permits and dispositions of applications and, temporarily, a register of long gun sales.

**FISCAL IMPACT:** The Sheriff's office is allowed to enter into an agreement with the Motor Vehicles Division to issue gun licenses with photographs on them. Temporarily there will be a small workload increase while establishing procedures to meet these requirements and for training employees in the new system but, as current County procedures are very similar, the impact should be minor. However, if a dramatic increase in the number of applicants should occur, it may require hiring a full-time person to handle license applications, fingerprinting and criminal history background checks.

**IMPACT ON CITIZENS:** There is a certain segment of citizens who consider this legislation an encroachment on their rights but, for those who are alarmed by the increase in drive-by shootings and other violent crimes, this measure will be seen as a helpful deterrent to the spontaneous use of firearms due to the waiting period and the criminal background check.

3498 (C. 981) - COMMUNITY POLICING FUNDING

Allows the Executive Department to administer a grant program for community policing demonstration projects. Defines eligibility requirements for a grant. Allows for development of a community problem-oriented training program for local law enforcement personnel. Appropriates \$1 for training and \$1 for grants to establish fund and allow for receipt of federal monies and for requests to the Emergency Board for additional funding. Effective August 3, 1989.

IMPACT ON COUNTY: If implemented, may provide County with resources to develop more alternative policing methods such as the Columbia Villa patrols and bicycle patrols.

FISCAL IMPACT: No matching funds are required, so this could provide additional funding for the County to further develop alternative policing projects and eventually have substantial operational impact.

IMPACT ON CITIZENS: Since eligibility for a grant requires demonstrated interaction between citizens and police and as submitted proposals must provide specifically for community involvement in the project, this program could lead to greater citizen involvement and a more cooperative and supportive relationship between the community and law enforcement agencies.

5037 (C. 714) - DEPUTY DISTRICT ATTORNEY AND WITNESS FEE FUNDS

Appropriates \$4,059,807 for district attorneys. Appropriates \$2,910,835 for deputy district attorneys. Appropriates \$459,710 to counties for witness fees. Appropriates \$148,000 for a special prosecutor to continue coordination of prosecution of gang-related crimes. Appropriates \$200,000 for district attorneys for workload related to civil mental commitments. Appropriates \$50,872 for administration of Act. Effective July 1, 1989.

IMPACT ON COUNTY: Will allow the County to continue the gang prosecution project by funding the special prosecutor.

FISCAL IMPACT: Provides funds to County for the District Attorney's office for a number of staff and activities and allows for the hiring of an additional attorney for prosecution of gang members.

IMPACT ON CITIZENS: Will allow District Attorney to continue prosecution of gang cases.

Probation

HOUSE BILLS

2093 (C. 635) - DUII DIAGNOSTIC ASSESSMENT FEE

Increases fee by \$20.00 for payment to agencies or organizations providing diagnostic assessments of persons convicted of driving under the influence of intoxicants or persons filing a petition to participate in a diversion program. Total filing fee to be paid by a defendant is now \$302.00. Effective July 1, 1989.

IMPACT ON COUNTY: Increase will assist in meeting the costs of diversion programs but is still insufficient to fully cover these services.

FISCAL IMPACT: Some minor increase in revenues may occur from the defendants who do pay. However, many are indigent and their fees are waived.

IMPACT ON CITIZENS: The increase is intended to reduce the burden on taxpayers to maintain these programs and to make the programs more self-supporting.



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES  
426 S.W. STARK, 7TH FLOOR  
PORTLAND, OREGON 97204  
(503) 248-3782

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

## MEMORANDUM

TO: Robert Jackson

FROM: Howard Klink

DATE: November 27, 1989

SUBJECT: \$1.9 Million Emergency Fund Reserve for Close Custody Needs of Gang-Involved Youth

This memo is to follow up our conversation of November 16 concerning Multnomah County's proposal for use of the \$1.9 million reserved by the E-Board for close custody needs of gang-involved youth. Please note that this proposal was developed by JDH staff and has been extensively reviewed and supported by key community groups including the Northeast Gang Task Force, the Coalition of Concerned Black Men, and the Black United Front. The key elements of this proposal are increased public safety through swifter sanctions, better supervision of gang-involved probationers, more hard bed space at the local level, and a more balanced system of services and sanctions for minority youth.

### I. Background

The Youth Gang Demonstration Project was prepared in response to a request from Congressman AuCoin's office in order to pursue federal funding that would be available to urban areas experiencing problems with youth gangs. Approximately \$25 million will be made available nationwide on a competitive grant basis sometime during the spring of 1990. It is not known how much of that funding Multnomah County will be likely to receive.

### II. The Youth Gang Demonstration Project

The key program components of the project are outlined as follows:

- 1) Gang Intervention Unit \$503,739  
Probation supervision for 350 offenders  
per year. Benefits include:
  - o Significant caseload reduction (20/1)
  - o Swift and certain sanctions
  - o Quicker court processing

2) <u>Service Fund</u>	<u>\$675,000</u>
This fund would provide services to 300 probationers annually, including education, counseling, evaluation, recreation, and residential.	
3) <u>30-Day Program/Back-up Selection</u>	<u>\$826,000</u>
This funding would provide for the staffing and creation of the programs required to detain juveniles up to the 30-day limit allowed by recent statute changes. Additionally, this funding would open back-up detention space to be made available when needed for juveniles housed in residential programs. Approximately 240 juveniles a year could be served by this program component.	
4) <u>House of Umoja</u>	<u>\$400,000</u>
Residential and support services for 150 offenders a year.	
<u>TOTAL ANNUAL BUDGET</u>	<u>\$2.4 million</u>

### III. Recommendations

We recommend that \$1.5 million of the E-Board reserve be made available for the program components outlined below and the remaining \$400,000 be kept in reserve, contingent on the availability of federal funding for this project.

1) Gang Intervention Unit	<u>\$ 503,739</u>
2) Service Fund	<u>\$ 675,000</u>
3) 30-Day Program/Back-up Detention	<u>\$ 826,000</u>
<u>TOTAL</u>	<u>\$2,004,739</u>

The above total of \$2.0 million reflects the annual program cost for this project. A January release of E-Board funding would enable the program to start in the spring of 1990.

Two final points: Full funding for the House of Umoja has not been included in this proposal because it is likely to attract funding from corporate and private foundations sources. In any event, funding to purchase services from the House of Umoja is included in the "service fund" component of the proposal.

It is also worth mentioning that while the Multnomah County Board of Commissioners has approved this proposal in concept, no formal approval has been given. The proposal outlined above will be presented to the BCC for formal review in the next two weeks.

I look forward to further discussion of the proposal. Please contact me or Hal Ogburn if you have questions.