

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.
09-4-1-17

I IN THE MATTER OF ADOPTING POSITIONS ON
I LEGISLATIVE ISSUES DURING THE 75TH
I LEGISLATIVE SESSION

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

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

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

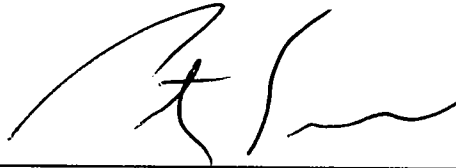
WHEREAS, the Legislative Committee is the established standing committee which exists to fully inform the Lane County Board of Commissioners in a timely fashion on legislative issues, and;

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

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

BE IT FURTHER RESOLVED, that this Board Order will officially represent the will of the Board of County Commissioners and may be used by the Intergovernmental Relations Manager to communicate their position to Oregon legislators during the 75th Legislative session.

DATED this 1st day of April, 2009



Pete Sorenson, Chair
Lane County Board of Commissioners

Attachment A
Lane County, Oregon
Board of County Commissioners
Spreadsheet for Legislative Review
75th Oregon Legislature
April 1, 2009

Item #	Priority # (1-3)	House-Senate	Bill #	Reviewer	Recommendation	Bill Summary	Staff's Analysis
1	1	House	2831	Urecht	Monitor	Includes temporary employees in definition of "appropriate bargaining unit" for purposes of collective bargaining between public employers and public employees. Prohibits public employer from hiring permanent replacements for public employees engaged in lawful strike. Repeals expedited bargaining process in collective bargaining between public employers and employees.	Significant costs and impacts to Lane County. This bill expands the types of positions (Temporary, Extra Help) in a bargaining unit. It repeals the expedited bargaining process would have significant impacts. There is also not enough direction to the Employee Relations Board.
2	1	Senate	944	Miller	Oppose	Creates Lane County Area Commission on Transportation.	Creates Lane County Area Commission on Transportation. Requires at least one member from the Lane County Board, one from MPC, at least one member from cities of more than 50,000 population, one ODOT representative, and one private sector representative.
3	1	House	2864	Miller	Oppose	Permits city, notwithstanding charter, to annex land within urban growth boundary without election in city. Prohibits inclusion of land in inventory of buildable lands if, five years after inclusion of land within urban growth boundary of district, land use plan changes facilitating urban level development have not been made and acknowledged. Removes land from urban growth boundary and includes land within urban reserve if, 10 years after inclusion of land within urban growth boundary of district, land use plan changes facilitating urban level development have not been made and acknowledged.	Would allow city (consistent with local city charter) to annex property within UGB without election. This is not a significant change from existing law. Local charters dictate annexation procedures. Only Section 1 would apply to Lane County.

4	1	Senate	761	Miller	Support	Requires local government annexation election to include electors on property not proposed for annexation, but abutting public right of way proposed for annexation. Requires consent of electors residing on property not proposed for annexation, but abutting public right of way of fee title under right of way to avoid annexation election.
5	1	Senate	768	Spartz	Support	Authorizes counties to impose malt beverage cost recovery fee through adoption of ordinance imposing fee. Directs Oregon Liquor Control Commission to collect fees. Distributes fee revenues to counties imposing fee, for specified purposes relating to alcohol or drug addiction.
6	1	Senate	903	Suchart	Oppose	Changes regular district elections for school district boards and education service district boards to be held at same time as primary election. Requires members of district school boards and education service district boards to receive training related to position.
7	1	House	2405	Miller	Oppose	Prohibits department, agency, commission or political subdivision of state from regulating Voice over Internet Protocol service and Internet Protocol-enabled service.
						Allows counties to tax (by ordinance) small brewers or distributors (less than 200,000 barrels annually) @ \$.05 per 12 oz. of malt beverages and large brewers or distributors @ \$.10 per 12 oz. The money may be used for treatment of alcohol addiction, prevention of addiction, or related law enforcement.
						The cost of the last 2007 Special Election was \$194,971. The cost of the last 2008 Primary Election was \$408,414, more than twice the cost of the Special Election. The special districts would realize a much higher proportion of election costs on the primary election than the same contests on the odd numbered Special Election. The biggest concern is voter confusion in having Community College, Fire, Water, Library, Park & Recreation, etc on the May odd numbered year ballot, and then school boards and ESD on the Primary May even numbered year.
						This Bill prohibits a department, agency, commission or political subdivision (such as a county) from regulating Voice over Internet Protocol service and Internet Protocol-enabled service.

8	1	House	2974	Rockstroh	Support	Increases minimum age for tobacco possession from 18 years to 21 years.	This bill would increase the minimum age to buy tobacco products from 18 to 21. It would reduce access to tobacco for youth and young adults in two ways: 1. Make it harder to buy tobacco 2. Make it harder to get tobacco from social sources, ages 18-20
9	1	Senate	530	Rockstroh	Monitor	Appropriates moneys from General Fund to Department of Human Services for purchase of protective equipment and supplies to respond to pandemic emergency, to provide and train personnel and for purchase of influenza vaccines or antiviral drugs.	Office of Emergency Preparedness might be a better channel.
10	1	House	2963	Utecht	Oppose	Prohibits assistant attorneys general and deputy district attorneys from striking.	Expecting the next step, binding arbitration, would cost the county quite a bit of money. It provides a layer of regulation and control that is not needed for this type of position.
11	1	House	2890	Utecht	Monitor	Establishes meaning of "employee" for purposes of classification of workers. Establishes crime of misclassification of employee. Imposes civil penalties and criminal sanctions for certain violations. Authorizes debarment of and imposition of stop-work orders against certain violators. Prohibits discrimination against individual exercising rights established by Act.	This bill more narrowly defines independent contractors in a way, that if applied to public employers, would restrict the County's use of independent contractors in positions similar to those held by regular employees. It defines "employer" as "any individual, partnership, association, joint stock company, corporation, business trust or any other person or groups of persons acting directly or indirectly in the interest of an employer in relation to an employee." If we assume that definition includes public employers, then the following language could be problematic: SECTION 3. (1) OR clarify definitions for public employers in SECTION 2 (1).
12	1	House	3273	Hays	Support	Directs Department of Human Services to contract with victim services providers to place staff members from victim services providers at child welfare offices.	A workgroup by advocates in DHS and Lane County in a statewide planning effort came up with this idea. It promotes safety planning.

13	1	House	3290	Hays	Support	Establishes Trust for Children, Youth and Families Account. Continuously appropriates moneys in account to State Commission on Children and Families. Specifies distribution of funds in account to local commissions on children and families, counties and federally recognized Indian tribes for benefit of children, youth and families.	The Coalition of Commission on Children and Families supports this bill and we locally have taken a stance to support it as well.
14	1	House	2920	Spartz	Monitor	Creates Task Force on Effective and Cost-Efficient Service Provision. Sunsets on date of convening of next regular biennial legislative session. Declares emergency, effective upon passage.	Creates a task force to look at efficient delivery of certain government services such as public health and elections. The task force sunsets at the end of the next biennium.
15	1	Senate	269	Miller	Oppose unless Amended	Prescribes manner in which public body may require utility to relocate facilities legally located on property constituting public highway. Provides that public body may require relocation for benefit of private party, or to allow private party to comply with conditions of approval for private development, only if private party pays costs incurred by utility. Allows utility to recover from retail customers total unreimbursed costs of relocation activities required by public body.	Senate Bill 269 deals with Relocation of Utilities in the public right-of-way. Discussions at a recent Oregon Association of County Engineers and Surveyors (OACES) meeting indicated they are strongly opposed to this. Two points in the bill have been identified as unworkable, to public agencies. First is that the design schedule protocol is unworkable. The bill would require all utility conflicts to be identified during preliminary design. Second, the bill requires that the Road authority choose the least impact to the utilities.
16	1	Senate	27	Spartz	Support	Requires interest on moneys in General Fund to be deposited into Oregon Rainy Day Fund. Modifies amount transferred to Oregon Rainy Day Fund each biennium to one percent of amount of General Fund appropriations, less amount of interest deposited during biennium.	Requires interest on moneys in the General Fund to be deposited into Oregon Rainy Day Fund. Modifies the amount transferred to Oregon Rainy Day Fund each biennium to one percent of amount of General Fund appropriations, less the amount of interest deposited during biennium. May help buffer sharp downturns in state appropriations

17 1 Senate 305 Richardson Support
Allows public body to enter into agreement with agent that provides that agent waives right to indemnification under Oregon Tort Claims Act if agreement also requires that agent have insurance coverage equal to limitations imposed on recoveries under Oregon Tort Claims Act. Provides that if public body has entered into such agreement, liability of public body for claim arising out of agent's tort is reduced to extent that claim is payable from insurance available to agent.
This bill allows a public body to enter into an agreement with an agent that provides that the agent waives the right to indemnification under the Oregon Tort Claims Act if the agreement also requires that the agent have insurance coverage equal to the limitations imposed on recoveries under the Oregon Tort Claims Act. Provides that if a public body has entered into such an agreement, liability of the public body for a claim arising out of the agent's tort is reduced to the extent that claim is payable from insurance available to the agent.

18 1 House 2559 McKenzie-Bahr Oppose
Removes requirement for State Department of Agriculture to monitor ethanol fuel production and issue notice when ethanol production reaches specified level. Removes requirement that retail dealer, nonretail dealer or wholesale dealer of gasoline sell only gasoline blended with specified percentage of ethanol.

19 1 House 2299 Smith Support
Authorizes county court, through juvenile department director, to release youths and youth offenders from detention facility under certain circumstances. Exempts county court and its officers and employees from liability for good faith release of youths and youth offenders.
This bill would allow county juvenile departments to utilize capacity based release of juvenile offenders from detention based adopted standards and exempts them from liability for those releases. This is very similar to the discretionary immunity protections provided in statute for County Sheriffs and capacity based jail releases. With the limited number of detention beds and the negative county budget outlook, the protection afforded by this legislation is critical.

20	1	House	3121	Hays	Support	Directs Department of Transportation to issue Keep Kids Safe registration plates. Imposes surcharge on registration plates and directs department to deposit net proceeds collected from surcharge to State Commission on Children and Families Account for child abuse prevention programs.	Directs the Department of Transportation to issue Keep Kids Safe registration plates. While this will not generate a huge amount to fill the enormous deficit we are facing, it is important to look for creative permanent strategies to incrementally fill the gaps.
21	1	House	2404	Hays	Support	Directs Department of Human Services to take steps to maximize enrollment of children in state medical assistance program. Requires minimum 12-month period of enrollment and automatic reenrollment for persons under 19 years of age who are eligible for specified program of medical assistance. Provides that minimum enrollment and automatic reenrollment provisions become operative on July 1, 2009, or date department implements provisions with federal participation under Medicaid, whichever is later.	This is likely to be an important bill to our Department/Commission and our allies statewide as it will increase the number of children on OHP.
22	1	House	3372	Spartz	Support	Authorizes local governments to establish local improvement district within which owners of qualifying residential and commercial property may receive loan financing of energy efficiency and renewable energy improvements to property. Authorizes State Department of Energy to make loans to finance energy efficiency improvements to existing real property in districts.	Allows local governments to finance energy improvements for residential and commercial properties not exceeding 20,000 square feet in size. Flexibility in addressing energy issues.
23	1	House	3463	McKenzie-Bahr	Support	Requires notice to dealers when capacity of biodiesel production facilities in Oregon reaches specified levels. Prohibits sale of diesel fuel that does not contain specified percentage of biodiesel after certain date. Deletes provisions allowing specified percentage of other renewable diesel in place of biodiesel for use in diesel fuel.	Lower greenhouse gas emissions. Places the appropriate kick in for the biodiesel mandate.

24 1 House 3095 McKenzie-**Support** Provides income tax credit for capital
Bahr improvements for businesses and some homes.
Creates income tax credit for capital More buildings may be improved and
improvements to business facilities or homes equipment purchased
that are commenced prior to later of September
1, 2009, or effective date of Act. Limits amount
each taxpayer may claim. Establishes
requirements for certification of capital
improvements. Applies to tax years beginning
on or after January 1, 2009.