

W. G. B.

Memorandum Date: April 22, 2011  
Order Date: April 27, 2011

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

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**I. MOTION**

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

**II. AGENDA ITEM SUMMARY**

During the 2011 Oregon Legislative Session, the Legislative Committee will be meeting regularly to discuss various bills that will or could impact Lane County in order to provide recommendations to the Board regarding possible action to support, oppose, monitor, or ignore said bills. Discussion will include bills discussed during the April 22, 2011 meeting of the Legislative Committee.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

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

**B. Policy Issues**

Participation in the state political process.

**C. Board Goals**

Seeking efficiencies and funding for county operations and programs.

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

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

**E. Analysis**

See Attachment A.

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

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

#### **IV. RECOMMENDATION**

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

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

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

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

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

#### **VII. ATTACHMENTS**

Attachment A—Spreadsheet outlining the Legislative Committee report and recommendations from their April 22, 2011 meeting.

Attachment B—Addendum to Attachment A.

Attachment C—Minutes of April 22, 2011 Legislative Committee.

Attachment D—County Parole Proposal

ATTACHMENT A

Lane County, Oregon

Board of County Commissioners

Spreadsheet for Legislative Review

76th Oregon Legislative Assembly

16-Feb-11

Item	Hours	Bill #	Depts	Recommendation	Sponsor	Bill Summary	Staff Analysis
1)	SB	<u>36-A</u>	SO	Oppose	Sen Monnes Anderson	Modifies circumstances under which OLCC may refuse to approve liquor license for applicant.	This bill appears to have substantially changed. The language now under 4(d) would amend "has been convicted at any time of a felony" to "if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license." The Sheriff's Office recommends to grant or deny an application - period. We do not furnish OLCC with the particulars of the applicant's background check. In the past, we have based our recommendation on alcoholic liquor law violations and felonies. Our office should not be put in a position to judge the substantial "fitness and ability of the applicant to lawfully carry out activities under the license." This is a broad and vague term that's far too discretionary. This change also means that a convicted felon could now obtain an OLCC license if the conviction wasn't related to their fitness and ability to carry out the duties of the license. It's not the Sheriff's Office's responsibility to judge that. In my opinion, this is a bad change.
2)	SB	<u>437</u>	CAO	Monitor	Sen Monnes Anderson	Expands public records disclosure exemption to records, communications and information received by counties and cities in connection with applications for economic development moneys, support or assistance.	Information about businesses that get public dollars should be available to the public. Private information - SS, home addresses, etc - should be kept private. This bill seems to add all kinds of categories of exemptions. Not sure what the problem is they are trying to solve. But Lane County probably does not need to spend much time on this.
3)	SB	<u>751</u>	A&T	Monitor	Comm on Finance and Revenue	Defines "information services" to mean offering capability to generate, acquire, store, transform, process, retrieve, utilize or make available information through communications, including electronic publishing. Exempts person from assessment of centrally assessed property to extent that person provides information services to consumers by means of agreements for telephone communication, data transmission or broadband access services.	From a workload perspective, there are not that many accounts in Lane County that we would have to value if this passes, but it would make things more complicated regarding the division of labor between counties and DOR as to what portion is being valued by whom. Many of these "information services" companies would be split between central assessment and local assessment. Assessors haven't taken a formal position yet because after the first public hearing it sounded like it would get sent off to a workgroup for amendments and we have not been contacted by the DOR or the industry folks. It's definitely an offshoot from the Comcast appeal and the proponents are trying to shortcircuit any Tax Court ruling by getting the legislature to "fix" something before the court has ruled on a pending appeal. (I feel it's premature, perhaps it's an indicator that they think they will lose?) It was clear from the first public hearing there are a lot of problems with the bill and some industry folks are opposed.

4)	SB	<u>795</u>	PW	Monitor	Sens Teller, Ferrioli, George, Girod, Kruse, Nelson, Olsen, Starr, Thomsen, Whitsett, Winters, Reps Conger, Whisnant	Amendments entirely replace previous language.	Requires clarification of the Transportation Planning Rule (TPR) and the Oregon Highway Plan (OHP), and "associated guidance documents" in particular regarding traffic impact requirements. Requires TPR and OHP changes prior to January 2012 and report to legislature before 2/1/2012.  <b>On digital copy, amendment available by clicking on cell to the right.</b>
5)	SB	<u>829-A</u>	PW	Support	Sen Edwards	Changes type of restaurant allowed at winery located in exclusive farm use zone. Continues current law allowing winery located in exclusive farm use zone to provide services related to sale and promotion of wine, including private events hosted by winery	This bill has been amended and is now very similar to HB 3280. It clarifies that a full-service restaurant associated with a winery is allowed only under certain circumstances. Adds standard for gallons of wine produced, acreage, on-site parking, setbacks, direct access. Limits substantial ownership interest to one winery that operates a full service restaurant. Allows retail sales and private events incidental to the sale of wine. Allows other items or services not described in the section to be authorized as a special use permit for commercial activity in conjunction with farm use.  <b>On digital copy, amendment available by clicking on cell to the right.</b>
6)	SB	<u>954</u>	CAO	Support	Sen Thomsen	Moves the requirement to pay CAFFA money to the state from 10 days to 10 working days.	The bill gives us a little more wiggle room to get the money out of our office, so we support it. Not a big deal though, we are never late with it.

7)	SB	964-A	C&F	Monitor	Sens Bates, Kruse, Monnes Anderson, Morse, Shields, Winters; Reps Buckley, Esquivel, Richardson, Freeman, Greenlick, Thatcher, Thompson	Requires Department of Human Services and county partners to implement Strengthening, Preserving and Reunifying Families programs to provide family preservation and reunification child welfare services. Allows department to enter into contracts with and make payments to eligible programs. Directs department to seek federal approval to access federal savings accrued as result of reduction in costs of foster and substitute care to reinvest in programs under Act. Includes programs' services in definition of "purchase of care." Creates Strengthening, Preserving and Reunifying Families Program Fund. Continuously appropriates moneys in fund to department for specified purposes. Requires department and juvenile court to include in reasonable or active efforts considerations and determinations whether preservation and reunification services provided by programs are most likely to prevent or eliminate removal of child from child's home or most likely to make it possible for child to safely return home. Requires department to adopt	This is very exciting work DHS is taking on and the CCF has been supportive of the new direction. As we watch this bill progress there may come a time we should change from monitor to support.
8)	HB	2001	CAO	Support	Reps Hanna, Sprenger	Clarifies language in statutes that deal with lands managed by State Board of Forestry, stating that "secure the greatest permanent value" means to ensure the lands are forests managed primarily for timber production in order to produce revenue for counties, schools and local taxing districts.	Policy issues come into play here, but the amendment to the statute accurately reflects the legislative history of the original statute. There have been questions about the proper interpretation of ORS chapter 530 in recent years.

9)	HB	2057	HHS	Monitor	Gov for DHS	Expands definition of "person with a disability" for person who are served by DHS to match the definition in the ADA. Current definition specifies people eligible for SSI or general assistance.	The bill targets primarily senior services, which is not provided by Lane County. However, the fiscal analysis is not yet available to determine what kind of impact this might have on services provided by H&HS to people with disabilities.
10)	HB	2328-A	PW	Oppose	House Interim Comm on Transportation for Road User Fee Task Force	Requires persons operating electric motor vehicles and plug-in hybrid electric motor vehicles to pay vehicle road usage charge. Permits person paying vehicle road usage charge to apply for refund of motor vehicle fuel tax. Directs Department of Transportation to [develop technology] establish methods for reporting vehicle miles traveled. Provides penalty for violation of laws related to payment and reporting of vehicle road usage charge. Punishes by maximum fine of \$720. Directs department to suspend driving privileges of person who fails to pay vehicle road usage charge or related penalties. Creates offense of tampering with vehicle metering system. Punishes by max fine of \$720. Permits person to seek refund for miles driven on private property. Modifies definition of "transportation project" to allow department to enter into agreements under Oregon Innovative Partnerships Program for collection of vehicle road usage charge.	After further review I think we should be leaning more towards oppose. The technology and methods of collection for a miles traveled tax for electric vehicles needs to be determined before the legislation is approved. The tax on plug-in hybrid electric vehicles (PHEV) is unworkable from a data collection standpoint; as far as I know there is no method for DOT to determine what miles are traveled on electric power and what miles are traveled on gasoline (that tax has already been collected) as PHEV's use both. My original analysis that we need to study the entire tax structure still stands as gas tax revenue will continue to drop due to conservation efforts and new technology. A holistic approach to this is better than a patch-work of new taxes and fees that address portions of the fleet. I doubt there will be enough EVs and PHEVs in the fleet by 2014 to even make this tax beneficial when faced with the administrative burden.

11)	HB	<u>2362-A</u>	SO	Monitor	House Interim Comm on Business and Labor	Requires Department of [Corrections] Public Safety Standards and Training to adopt rules establishing minimum requirements for maintenance of certification as corrections officers employed by the DOC	This bill now only pertains to those corrections officers employed by the Department of Corrections. It does not pertain to County Jails.
12)	HB	<u>2710-A</u>	CAO	Monitor (and note that this bill repeals ORS 9.840, a statute that HB 2367, Lane County's law library bill, amends. This could mean that HB 2367 will be subject to Conflict Amendments).	House Interim Comm on Judiciary for Joint Interim Comm on State Justice System Revenues	This bill was generated by the interim Justice System Revenue Committee, co-chaired by Representative Nancy Nathanson and Senator Joanne Verger. The committee addressed criminal and civil judgements and HB 2710 is the civil bill. These actions were necessary to replace the temporary work that had been done in the 2009 session on HB 2287 which increased court fees and fines in order to address the budget shortfalls of the Oregon Judicial Department.	HB 2710-A is on its way to Ways and Means with some comments from the Judiciary Committee Administrator regarding additional work that is hoped for. The bill replaces the former practice of funding law libraries and family mediation programs through local "add ons" to having those programs funded through a legislatively directed funding stream. It will direct the State Court Administrator to provide a certain level of funding to each county, and the Board of Commissioners will then distribute that funding to law libraries, family mediation programs, and for courthouse improvements (with the latter being a new use of these funds). It appears the additional work to be done at Ways and Means may put further sideboards on how the County Commissioners may distribute these dollars.
13)	HB	<u>2712-A</u>	CAO	Oppose, unless amended	House Interim Comm on Judiciary for Joint Interim Comm on State Justice System Revenues	This bill was generated by the interim Justice System Revenue Committee, Co-Chaired by Representative Nancy Nathanson and Senator Joanne Verger. The committee addressed criminal and civil judgements and HB 2712 is the criminal bill. These actions were necessary to replace the temporary work that had been done in the 2009 session on HB 2287, which increased court fees and fines in order to address the budget shortfalls of the Oregon Judicial Department.	HB 2712 was met with very little enthusiasm when it was first rolled out in House Judiciary. However, due to the sunset of the work that was established in HB 2287, it became a must-pass bill. A work group in House Judiciary amended HB 2712 such that the fine schedule was amended, but kept in place the distribution of funds that has historically existed. The major policy piece that is contained in the measure is that Judges will have less discretion in reducing fines for violations. The important policy piece that is still outstanding is that there is language in the bill that is unfair to justice courts; where it provides that court costs recovered are returned to the state (Section 43), when in fact those court costs may have been incurred by a justice court.  <b>On digital copy, amendments can be seen by clicking on the two cells to the right. Both were approved.</b>

14)	HB	<u>2854-</u> A	PW	Oppose		Requires Oregon Department of Administrative Services, in cooperation with other state agencies and public agencies, to establish policies, methods and means by which department, other state agencies and public agencies can acquire, share, maintain, use, repair and dispose of motor pool resources cost-effectively and efficiently.	Unfortunately, the changes made in this bill require that I change my recommendation from "strongly support" to "oppose." The main issue is that the bill, as amended, directs Oregon DAS to enter into agreements with other jurisdictions to take over their fleet operations. We are strongly opposed to this and, in fact, doubt the state fleet can even accomplish this. We prefer earlier language that encourages cooperation amongst jurisdictions and creation of interagency fleet cooperation agreements that are responsive to the local needs.
15)	HB	<u>2865-</u> A	CC and PW	Oppose	Reps Garrett, Greenlick, Sen Burdick	Extends immunity to owner of land [for allowing public entry upon land for using public trails] or city of population of 500,000 or more or city's officers, employees or agents for personal injury or property damage resulting from specified uses of certain publicly accessible trails or structures. [Clarifies language and conforms language to form and style requirements.]	CC: The recreational immunity protections of ORS ch. 105, basically provide liability protection to land owners (public and private) that allow use of their land for "recreational purposes", gardening and woodcutting. The earlier version of this bill sought to extend liability protection relating to use of "public trails" that are open to the public. Whether using "trails" is necessarily covered by the immunities applicable to "land" is open to interpretation, I guess, but for our purposes the bill was positive as it made clear that using trails open to the public was covered by recreational immunity. The earlier bill also replaced the vague and cumbersome term "recreational purposes" with "recreating".  The A-engrossed version eliminates all of the changes to the law proposed by the earlier version, and replaces them with immunities applicable only to Portland (or owners of land abutting a right of way in Portland) relating to the public's use of an "unimproved right of way". So, conceptually it is similar in that it extends recreational immunity to use of trails, but obviously is much more limited in its scope – it covers only platted or dedicated, but unimproved ROWs and applies only in Portland. Other public entities with unimproved ROWs are not covered, nor are private owners whose land abuts the unimproved ROW. Why the drafters of the House amendments think Portland is in need of this liability protection, but other public entities in the same or similar situation are not escapes me. Unless there is another bill out there that would provide the same protections elsewhere in the state,
16)	HB	<u>3140-</u> A	HR	Monitor	Rep Barker (at request of Oregon Council of Police Associations)	Provides guidelines for imposing discipline on non-probationary, nonsupervisory public safety officers.	Specifically exempts employees covered by collective bargaining agreements. Procedures for discipline are included in our agreements. We should monitor this bill to evaluate further amendments.  Amendment Analysis: includes clarification that discipline is outlined in CBA's. Refers to just cause as the standard for public safety disciplinary action. Our CBA's offer the same protections as the ORS, so the amended bill does not appear to be of concern at this point.



17)	HB	<del>3256-</del> A	C&F	Monitor	Rep Kotek	<p>Changes membership of State Commission on Children and Families. Charges state commission with promoting best practices at state and local level to prevent child abuse and neglect and juvenile crime. Directs state commission to develop and administer [competitive grants to] funding through performance-based contracts with local commissions. Directs state commission to develop performance measures and outcomes. Requires Governor to appoint Director of State Commission on Children and Families, subject to Senate confirmation. Limits state commission personnel budget to 10 percent of total budget. Requires report to Governor and Legislative Assembly on or before October 1 of each odd-numbered year.</p>	<p>This bill is in conflict with a couple of other bills regarding CCF, so I would monitor it as well as the others to see where they go and when we will have the best opportunity to have influence.</p>
18)	HB	<del>3280-</del> A	PW	Support	Reps Holvey, Barnhart, Sen Prozanski	<p>Modifies authority for establishment of winery and for winery sales and services in exclusive farm use zone.</p>	<p>This bill would make a restaurant an outright allowable use for wineries that are super large (and not currently identified by statute). It is being termed a "third tier" wineries bill. Addresses the problem being faced by King Estate. Some people might think that it doesn't go far enough in discussing statewide commercial farm use issues, instead is specific to wineries. However, this could be a good thing to limit the interested parties.</p> <p><b>Amendment:</b> Besides what is included above, in my original analysis, the amended version includes additional criteria, such as requiring on-site parking, 100 foot setbacks, and acreage requirements. It also limits substantial ownership interest to only one winery that qualifies for a full-service restaurant. Future amendments may want to clarify if the ownership limitation applies to the entire State of Oregon or is it per County.</p> <p>On digital copy, amendment available by clicking on cell to the right.</p>

19)	HB	<u>3490-</u> A	HR	Support new changes/the others do not directly impact the county	Rep Whisnant	<p>Clarifies responsibility of counties to provide workers' compensation coverage to qualified search and rescue volunteers.</p> <p>The clarification in the rules now means that if one of our volunteers goes on his own volition (not sent by us) to a different county and volunteers to do SAR and the so/designee accepts his service then he is covered on their workers' comp plan. I support this change.</p> <p>If we send them they are on our wc policy.</p> <p>It still requires counties to provide wc coverage if they accept the services of a volunteer even if they do not have their own SAR. I think this will present issues for the counties that do not have a SAR unit because they do not have a clear way to insure the volunteer..</p> <p>This basically opens up counties with no search and rescue units to provide workers' compensation if the sheriff accepts the services of a volunteer either individually or as a member of a rescue operation to provide workers' compensation. Lane County already has a recognized unit and provides workers' compensation so there would be no additional cost to us but will have for other counties.</p>
20)	HB	<u>3525</u>	MSD and CAO	Monitor	Comm on Judiciary	<p>Provides that 10 percent of amount awarded as punitive damages under verdict in civil action is payable to Attorney General for deposit in Courthouse Capital Improvement Trust Fund. Establishes Courthouse Capital Improvement Trust Fund. Appropriates moneys in the account to Oregon Department of Administrative Services, and limit uses of those moneys to payment of costs of capital improvements to county courthouses.</p> <p>MSD: I am not sure of the negative consequence because someone is not going to get the money that goes into this Courthouse Capital Fund. The positive piece is that they are starting to put together funds for Courthouse upgrades, etc.</p> <p>CAO: This bill is being sent to Ways and Means. The Chief Justice testified about the need for \$843 million for courthouse work in Oregon and especially in Multnomah County. He reminded the Committee that this measure and HB 2710 are just a beginning in creating this fund. The discussion on the bill suggested questions about whether the fund should come from the plaintiff or the defendant, with the Chief Justice recommending that the existing language in the bill (plaintiff) remain.</p>

21)	HB	3570- A	C&F	Oppose	Reps Clem, Cameron, Gilliam, Komp, Sprengr, Thompson	<p><i>[Renames State Commission on Children and Families to State Children and Families Commission.]</i></p> <p>Changes number of members appointed to State Commission on <b>Children and Families</b> by Governor.</p> <p><i>[Directs state commission and local commissions on children and families to facilitate collaboration between agencies and partners to improve outcomes and remove barriers.]</i></p> <p><b>Requires state commission to distribute 95 percent of all funds appropriated to and received by state commission to local commissions on children and families.</b> Redefines main purposes of local commissions.</p>	<p>An attempt to limit or eliminate the State Commission on Children and Families will only weaken the system and in the end will cause the loss of the work of the local Commission on Children and Families. The State Commission already allocates funds appropriately and in some cases more than 95%. This would add more restrictions and would have little gain.</p>
22)	HB	3610	HHS	Support	Reps Berger, Bailey, Barnhart, Bentz, Brewer, Clem, Gelser, Johnson, Matthews, Olson, Read, Schaufler, G Smith, Tomei, Wand	<p>This bill would ban tobacco retailers from operating a powered machine that rolls cigarettes. This bill also bans tobacco retailers from allowing customers to operate a powered machine that rolls cigarettes in their stores. Violation of law would be a Class A misdemeanor.</p>	<p>Smoking roll-your-own cigarettes is just as addictive and deadly as smoking regular cigarettes, but much cheaper. States typically fail to tax roll-your-own and other smoking tobacco at rates anywhere close to the state tax rates on cigarettes. Because roll-your-own is so cheap and under-taxed, some youth often find this method especially attractive. That means more smoking and higher related harms and costs. In addition, states lose substantial amounts of tobacco tax revenue every time a regular cigarette smoker switches to lower-taxed roll-your-own cigarettes.</p> <p>The Lane County General Fund currently receives about \$400,000/year in tobacco tax – an increase in use of roll-your-own cigarettes could reduce this amount.</p>

23)	SB	600	PW	Monitor	Sen Johnson	<p>Modifies provisions related to lease of submersible lands. Modifies provisions related to easements over submersible lands. Modifies provisions related to certain privately owned floats and docks. Creates new exemptions related to submerged and submersible lands. Modifies provisions related to kelp fields.</p>	<p>The bill addresses amendments to ORS Chapter 274 dealing with DSL administration and control over lands of the state that are classed as submerged and submersible lands. The existing language give preference to abutting owners in the leasing for such lands, but the amendment proposes that the preference will not apply to an existing lease where the lessee is not in compliance with all the terms and conditions of the lease. The word "submerged" is added to the existing "submersible" in 11 instances relating to transactions wherein DSL issues permits and leases over state-owned lands.</p> <p>Section 2 of the Bill addresses privately owned floats and docks. The amendments require that any float or dock bed in Section 1 and occupying 200 s. f. or less that is otherwise exempt from the leasing requirement be "registered" with DSL, and also exempt structures owned by a drainage district, riprap used to stabilize bank along state-owned submerged and submersible lands, voluntary habitat restoration (as opposed to required habitat restoration?) and uses determined by DSL to be minimally intrusive to any public rights of navigation, fishery or recreation.</p> <p>Finally, the "Miscellaneous" section of the bill gives specific instances as to when the provisions contained in the amendments shall be effective, all of which are "on or after the effective date of this act."</p> <p>(7) "Submerged lands," except as provided in ORS 274.705, means lands lying below the line of ordinary low water of all navigable waters within the boundaries of this state as heretofore or hereafter established, whether such waters are tidal or nontidal.</p> <p>(8) "Submersible lands," except as provided in ORS 274.705 means lands lying between the line of ordinary high</p>
24)	SB	555	HHS	Monitor	Sen Edwards, Bonamici, Rep Buckley	<p>SB 555 makes new definitions and requirement for health insurance of autism spectrum disorders.</p>	<p>We should support this bill in concept because treatment of autism is important for the health and wellness of a community. We have a detailed letter on this issue from the Mental Health Advisory Committee. Lane County already pays for some autism services through our insurance rates because our carrier, PacificSource, already reimburses for some autism services. However, amendments to the bill allow for 87 hours of service a month and can only be reviewed every six months by the carrier. This seems like a lot of service hours that cannot be challenged as appropriate. In addition there is a fairness issue because language has been inserted in the bill that has co-pays, deductibles, no limits on out of pocket expenses, but ONLY for PEBS and OEBS. It would be easier to support the bill with some limits on hours of service and the same financial protections afforded to PEBS and OEBS.</p> <p>On digital copy, amendments are available by clicking on the two cells to the right. Both were adopted.</p>

25)	HB	<u>3650</u>	HHS	Support	Joint Special Comm on Health Care Transformation	HB 3650 establishes Oregon Integrated and Coordinated Health Care Delivery System; it seeks to blend Medicaid and Medicare systems.	In the "Whereas" clauses is language concerning the intent "to achieve the goals of universal access of health care." By implication the final phase of health transformation is to blend public and private funding. The first application will be to take current Oregon Health Plan and some Medicaid fee for service dollars to fund Coordinated Care Organizations (CCO) that oversee physical health, substance abuse, mental health, and oral health services. Also Oregon is seeking to pilot a blend of Medicaid and Medicare because there is federal language concerning Accountable Care Organizations (ACO) that some persons in the community see as a mandate that we need to be proactive on. There are clearly some different interests for Medicaid and Medicare and CCOs compared to an ACO. In Lane County many different organizations have been at various tables to seek how Lane County could serve as its own health region. The details are yet to be seen. It will clearly have impact on Mental Health and Public Health and on the Public Health Authorities and the Mental Health Authorities. This bill will likely change a lot. We need to be involved with AOC to insure this does not negatively impact our safety net
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## ATTACHMENT B

### 7) HB 964-A Measure Summary

Requires Department of Human Services and county partners to implement Strengthening, Preserving and Reunifying Families programs to provide family preservation and reunification child welfare services. Allows department to enter into contracts with and make payments to eligible programs. Directs department to seek federal approval to access federal savings accrued as result of reduction in costs of foster and substitute care to reinvest in programs under Act. Includes programs' services in definition of "purchase of care." Creates Strengthening, Preserving and Reunifying Families Program Fund. Continuously appropriates moneys in fund to department for specified purposes. Requires department and juvenile court to include in reasonable **or active** efforts considerations and determinations whether preservation and reunification services provided by programs are most likely to prevent or eliminate removal of child from child's home or most likely to make it possible for child to safely return home. Requires department to adopt rules.

### 15) HB 2865-A Staff Analysis

**CC:** The recreational immunity protections of ORS ch. 105, basically provide liability protection to land owners (public and private) that allow use of their land for "recreational purposes", gardening and woodcutting. The earlier version of this bill sought to extend liability protection relating to use of "public trails" that are open to the public. Whether using "trails" is necessarily covered by the immunities applicable to "land" is open to interpretation, I guess, but for our purposes the bill was positive as it made clear that using trails open to the public was covered by recreational immunity. The earlier bill also replaced the vague and cumbersome term "recreational purposes" with "recreating".

The A-engrossed version eliminates all of the changes to the law proposed by the earlier version, and replaces them with immunities applicable only to Portland (or owners of land abutting a right of way in Portland) relating to the public's use of an "unimproved right of way". So, conceptually it is similar in that it extends recreational immunity to use of trails, but obviously is much more limited in its scope — it covers only platted or dedicated, but unimproved ROWs and applies only in Portland. Other public entities with unimproved ROWs are not covered, nor are private owners whose land abuts the unimproved ROW. Why the drafters of the House amendments think Portland is in need of this liability protection, but other public entities in the same or similar situation are not escapes me. Unless there is another bill out there that would provide the same protections elsewhere in the state, my recommendation (FWIW) would be to oppose.

**PW:** This incarnation of the proposed legislation appears to add Portland ("a city with a population of 500,000 or more") to the immunity list. If this was necessary, then where does that leave jurisdictions that are smaller or for that matter, a County that has a population of 500,000 or more? It's possible that this somehow addresses some unique

issues related to Portland's Forest Park which is greater than 5,000 acres and may have some neighbor/adjacent property access issues, but that would just be a guess.

### **23) SB 600 Staff Analysis**

The bill addresses amendments to ORS Chapter 274 dealing with DSL administration and control over lands of the state that are classed as submerged and submersible lands. The existing language give preference to abutting owners in the leasing for such lands, but the amendment proposes that the preference will not apply to an existing lease where the lessee is not in compliance with all the terms and conditions of the lease. The word "submerged" is added to the existing "submersible" in 11 instances relating to transactions wherein DSL issues permits and leases over state-owned lands.

Section 2 of the Bill addresses privately owned floats and docks. The amendments require that any float or dock bed in Section 1 and occupying 200 s. f. or less that is otherwise exempt from the leasing requirement be "registered" with DSL, and also exempt structures owned by a drainage district, riprap used to stabilize bank along state-owned submerged and submersible lands, voluntary habitat restoration (as opposed to required habitat restoration?) and uses determined by DSL to be minimally intrusive to any public rights of navigation, fishery or recreation.

Finally, the "Miscellaneous" section of the bill gives specific instances as to when the provisions contained in the amendments shall be effective, all of which are "on or after the effective date of this act."

(7) "Submerged lands," except as provided in ORS 274.705, means lands lying below the line of ordinary low water of all navigable waters within the boundaries of this state as heretofore or hereafter established, whether such waters are tidal or nontidal.

(8) "Submersible lands," except as provided in ORS 274.705 means lands lying between the line of ordinary high water and the line of ordinary low water of all navigable waters and all islands, shore lands or other such lands held by or granted to this state by virtue of her sovereignty, wherever applicable, within the boundaries of this state as heretofore or hereafter established, whether such waters or lands are tidal or nontidal. [1967 c.421 §98

The addition of "Submerged" to the language of ORS 274 as noted in the definitions above applies the provisions of the Chapter to the lands below the line of ordinary low water, whereas before it applied to the lands between the ordinary high water and the ordinary low water. It seems with regard to Navigable Waters that DSL was already administering and regulating these areas. This may be merely a housekeeping matter, then.

### **25) HB 3650 Staff Analysis**

In the "Whereas" clauses is language concerning the intent "to achieve the goals of universal access of health care." By implication the final phase of health transformation is

to blend public and private funding. The first application will be to take current Oregon Health Plan and some Medicaid fee for service dollars to fund Coordinated Care Organizations (CCO) that oversee physical health, substance abuse, mental health, and oral health services. Also Oregon is seeking to pilot a blend of Medicaid and Medicare because there is federal language concerning Accountable Care Organizations (ACO) that some persons in the community see as a mandate that we need to be proactive on. There are clearly some different interests for Medicaid and Medicare and CCOs compared to an ACO. In Lane County many different organizations have been at various tables to seek how Lane County could serve as its own health region. The details are yet to be seen. It will clearly have impact on Mental Health and Public Health and on the Public Health Authorities and the Mental Health Authorities. This bill will likely change a lot. We need to be involved with AOC to insure this does not negatively impact our safety net populations.



## **ATTACHMENT C**

**Draft Minutes  
Lane County Legislative Committee Meeting  
April 22, 2011  
2:00 PM  
BCC Conference Room**

The meeting was called to order at 2PM

Attending: Commissioner Faye Stewart (arrive 2:10), Commissioner Jay Bozievich, Alex Cuyler, Ben Nussbaum, Sheriff Tom Turner, Rob Rockstroh, Marsha Miller, Stephen Vorhes, Anette Spickard, Viriam Khalsa.

The meeting opened with a quick discussion of federal House and Senate legislation that would allow states to increase allowable truck weights. The Committee discussed the issue briefly and decided that there was no reason to take action regarding the legislation as long as the federal government is not removing the state's control of truck weight.

The Committee next moved on to State issues. Alex gave background of the origin of the Joint Special Committee on Health Care Transformation. Rob Rockstroh talked about HB 3650, which came out of the Joint Special Committee, and what the bill was trying to do. Essentially, it attempts to create universal health care coverage in Oregon. Rob discussed some of the problems/issues involved with the bill as currently written. He said staff was doing more detailed analysis of the bill and the Committee decided it was important to MONITOR the bill because of the effects it will have on Lane County when it does move forward.

Next, the Committee discussed a proposal being worked on by five counties, including Lane County, to create a pilot program to refocus state youth services, addressing the cuts to the DYS in the State budget, specifically regarding state beds available for youth. Alex Cuyler sought direction from the Committee regarding how to bring this issue to the Board. It was determined that a letter would be submitted to the Board next Wednesday.

The Committee was then asked to re-consider an OPPOSE position taken earlier on HB 2214, covering autism in health insurance, which is now being considered in the Senate as SB 555. However, some amendments obtained today changed the nature of the bill and although it was decided that covering autism was a good thing, the amendments created a fairness issue where the state protects itself and leaves everyone else with significant costs. The Committee decided to MONITOR the bill as amended and add it to the agenda for the Board meeting.

Discussion then moved to SB 600, which deals with designating roads on submerged and submersible lands. Alex explained some history of the issue and the Committee discussed how to address the county issues involved with the bill. It was determined to MONITOR the bill and add it to the agenda for the Board meeting.

Finally, discussion moved to the spreadsheet of bills. The Committee discussed the bills on the spreadsheet and made recommendations.

Meeting adjourned at 3:50p.m.

## **Attachment D**

### **County Parole Proposal Prepared for Lane County Legislative Committee April 22, 2011**

Currently five counties (Deschutes, Jackson, Lane, Marion, and Multnomah) believe that a better continuum of services can be provided to the youth returning to the community from a youth correctional facility by their local county probation office. Of the current OYA parolee population, these counties represent nearly 50% of the youth in the community.

The five counties have proposed to the Oregon Youth Authority that such a pilot should be implemented. This proposal has been rejected.

The five counties currently supporting such a change can offer the following advantages:

1. After review of OYA reports of their current costs to operate field services in the community, the five counties are confident that we could reduce state expenditures. The five OYA offices in these counties currently receive approximately \$9.4 million per biennium. The five counties agree that operational efficiencies leveraged by existing infrastructure and personnel at the county level, would allow us to operate at a reduced cost (see table below). If OYA's current funding level for these services was made available to the five counties, we would be able to offer baseline services while increasing support, treatment and interventions at the local level.
2. In most cases, paroled youth have previously been under county supervision. Under this proposal, they will be able to be managed by those who know their history, families, neighborhoods, and resources in their community. This would also allow the counties to expand existing services for these youth and develop a continuum that might reduce future referrals to limited OYA beds.
3. The five counties would continue or exceed the existing level of engagement currently provided by OYA.

#### **Fiscal Impact**

OYA currently budgets \$9.4M for providing services in these five counties. The counties believe that the current level of service could be provided by County staff at a savings of \$1 M. The savings could then be allocated to secure custody beds, or at the discretion of the legislative assembly.

#### **Approach**

To accomplish such an outcome, staff has identified strategies that include amending current legislation, seeking new legislation, or inserting a budget note into the OYA budget bill.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

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

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

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

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

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

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

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

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

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

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Faye Stewart, Chair  
Lane County Board of Commissioners

Memorandum Date: April 22, 2011  
Order Date: April 27, 2011

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

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### **I. MOTION**

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

### **II. AGENDA ITEM SUMMARY**

During the 2011 Oregon Legislative Session, the Legislative Committee will be meeting regularly to discuss various bills that will or could impact Lane County in order to provide recommendations to the Board regarding possible action to support, oppose, monitor, or ignore said bills. Discussion will include bills discussed during the April 22, 2011 meeting of the Legislative Committee.

### **III. BACKGROUND/IMPLICATIONS OF ACTION**

#### **A. Board Action and Other History**

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

#### **B. Policy Issues**

Participation in the state political process.

#### **C. Board Goals**

Seeking efficiencies and funding for county operations and programs.

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

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

#### **E. Analysis**

See Attachment A.

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

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

#### **IV. RECOMMENDATION**

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

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

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

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

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

#### **VII. ATTACHMENTS**

Attachment A—Spreadsheet outlining the Legislative Committee report and recommendations from their April 22, 2011 meeting.

Attachment B—Addendum to Attachment A.

Attachment C—Minutes of April 22, 2011 Legislative Committee.

Attachment D—County Parole Proposal

## ATTACHMENT B

### 7) HB 964-A Measure Summary

Requires Department of Human Services and county partners to implement Strengthening, Preserving and Reunifying Families programs to provide family preservation and reunification child welfare services. Allows department to enter into contracts with and make payments to eligible programs. Directs department to seek federal approval to access federal savings accrued as result of reduction in costs of foster and substitute care to reinvest in programs under Act. Includes programs' services in definition of "purchase of care." Creates Strengthening, Preserving and Reunifying Families Program Fund. Continuously appropriates moneys in fund to department for specified purposes. Requires department and juvenile court to include in reasonable or **active** efforts considerations and determinations whether preservation and reunification services provided by programs are most likely to prevent or eliminate removal of child from child's home or most likely to make it possible for child to safely return home. Requires department to adopt rules.

### 15) HB 2865-A Staff Analysis

**CC:** The recreational immunity protections of ORS ch. 105, basically provide liability protection to land owners (public and private) that allow use of their land for "recreational purposes", gardening and woodcutting. The earlier version of this bill sought to extend liability protection relating to use of "public trails" that are open to the public. Whether using "trails" is necessarily covered by the immunities applicable to "land" is open to interpretation, I guess, but for our purposes the bill was positive as it made clear that using trails open to the public was covered by recreational immunity. The earlier bill also replaced the vague and cumbersome term "recreational purposes" with "recreating".

The A-engrossed version eliminates all of the changes to the law proposed by the earlier version, and replaces them with immunities applicable only to Portland (or owners of land abutting a right of way in Portland) relating to the public's use of an "unimproved right of way". So, conceptually it is similar in that it extends recreational immunity to use of trails, but obviously is much more limited in its scope – it covers only platted or dedicated, but unimproved ROWs and applies only in Portland. Other public entities with unimproved ROWs are not covered, nor are private owners whose land abuts the unimproved ROW. Why the drafters of the House amendments think Portland is in need of this liability protection, but other public entities in the same or similar situation are not escapes me. Unless there is another bill out there that would provide the same protections elsewhere in the state, my recommendation (FWIW) would be to oppose.

**PW:** This incarnation of the proposed legislation appears to add Portland ("a city with a population of 500,000 or more") to the immunity list. If this was necessary, then where does that leave jurisdictions that are smaller or for that matter, a County that has a population of 500,000 or more? It's possible that this somehow addresses some unique

issues related to Portland's Forest Park which is greater than 5,000 acres and may have some neighbor/adjacent property access issues, but that would just be a guess.

### **23) SB 600 Staff Analysis**

The bill addresses amendments to ORS Chapter 274 dealing with DSL administration and control over lands of the state that are classed as submerged and submersible lands. The existing language give preference to abutting owners in the leasing for such lands, but the amendment proposes that the preference will not apply to an existing lease where the lessee is not in compliance with all the terms and conditions of the lease. The word "submerged" is added to the existing "submersible" in 11 instances relating to transactions wherein DSL issues permits and leases over state-owned lands.

Section 2 of the Bill addresses privately owned floats and docks. The amendments require that any float or dock bed in Section 1 and occupying 200 s. f. or less that is otherwise exempt from the leasing requirement be "registered" with DSL, and also exempt structures owned by a drainage district, riprap used to stabilize bank along state-owned submerged and submersible lands, voluntary habitat restoration (as opposed to required habitat restoration?) and uses determined by DSL to be minimally intrusive to any public rights of navigation, fishery or recreation.

Finally, the "Miscellaneous" section of the bill gives specific instances as to when the provisions contained in the amendments shall be effective, all of which are "on or after the effective date of this act."

(7) "Submerged lands," except as provided in ORS 274.705, means lands lying below the line of ordinary low water of all navigable waters within the boundaries of this state as heretofore or hereafter established, whether such waters are tidal or nontidal.

(8) "Submersible lands," except as provided in ORS 274.705 means lands lying between the line of ordinary high water and the line of ordinary low water of all navigable waters and all islands, shore lands or other such lands held by or granted to this state by virtue of her sovereignty, wherever applicable, within the boundaries of this state as heretofore or hereafter established, whether such waters or lands are tidal or nontidal. [1967 c.421 §98

The addition of "Submerged" to the language of ORS 274 as noted in the definitions above applies the provisions of the Chapter to the lands below the line of ordinary low water, whereas before it applied to the lands between the ordinary high water and the ordinary low water. It seems with regard to Navigable Waters that DSL was already administering and regulating these areas. This may be merely a housekeeping matter, then.

### **25) HB 3650 Staff Analysis**

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to blend public and private funding. The first application will be to take current Oregon Health Plan and some Medicaid fee for service dollars to fund Coordinated Care Organizations (CCO) that oversee physical health, substance abuse, mental health, and oral health services. Also Oregon is seeking to pilot a blend of Medicaid and Medicare because there is federal language concerning Accountable Care Organizations (ACO) that some persons in the community see as a mandate that we need to be proactive on. There are clearly some different interests for Medicaid and Medicare and CCOs compared to an ACO. In Lane County many different organizations have been at various tables to seek how Lane County could serve as its own health region. The details are yet to be seen. It will clearly have impact on Mental Health and Public Health and on the Public Health Authorities and the Mental Health Authorities. This bill will likely change a lot. We need to be involved with AOC to insure this does not negatively impact our safety net populations.



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Meeting adjourned at 3:50p.m.

## **Attachment D**

### **County Parole Proposal Prepared for Lane County Legislative Committee April 22, 2011**

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#### **Approach**

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IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

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

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

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

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Faye Stewart, Chair  
Lane County Board of Commissioners