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Memorandum Date: May 20, 2011  
Order Date: May 24, 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 May 20, 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 Attachments A and B.

**ATTACHMENT A**

**Lane County, Oregon**

**Board of County Commissioners**

**Spreadsheet for Legislative Review**

**76th Oregon Legislative Assembly**

**24-May-11**

Item	House	Bill #	Depart	Recommendation	Sponsor	Bill Summary	Staff Analysis
1)	SB	<u>396-A</u>	SO	<b>Support</b>	Sen Interim Comm on Judiciary for Sheriff's Civil Command Council	Authorizes sheriff to serve copy of protective order transmitted by electronic communication device from court or law enforcement agency. Provides that sheriff shall serve copy of order that modifies restraining order to be less restrictive by mail. Limits removal of essential personal effects by restrained person in dependency proceeding to one occasion, for up to 20 minutes, with accompaniment by peace officer. { + Clarifies provisions related to protective orders. + }	<p>This bill makes some positive changes for Sheriff's Offices and should be supported. Currently, we can only accept faxes from other county sheriff's offices or the trial court administrator. This bill expands the current ORS to allow faxing from <i>any</i> law enforcement agency, not just sheriff's offices. This broader group would be helpful, as it would allow agencies such as Eugene Police to fax us an order if presented to their front counter. Currently, we cannot accept that fax as a legal document. That being said, the bill should not expand beyond law enforcement agencies, or the process will become unmanageable and cause significant liability issues for sheriff's offices (the ones who must enter and maintain these orders).</p> <p>Regarding mailed modifications, it would be extremely helpful if the bill specified that the date of mailing is considered the official service date for the modification.</p>
2)	SB	<u>738-A</u>	HHS	<b>Monitor</b>	Sen Monnes Anderson	Community Dental Health service expansion as a pilot project to provide additional services throughout the community.	Language is not clear enough and the risk assessment practice agreement is vague. As written, the bill could potentially threaten reimbursement of services currently provided. LAP hygienists already provide expanded function risk assessments. Additionally, mandatory survey's should be for pilot projects only. Existing projects have reporting processes developed and this would add an additional burden.

3)	SB	<u>987</u>	PW	Support	Sens Beyer, Edwards, Prozanski, Verger; Reps Barnhart, Beyer, Cowan, Hanna, Holvey, Hoyle, Nathanson , Roblan	Provides that portion of State Highway 126, known as Eugene-Springfield Highway, shall be known as Officer Chris Kilcullen Memorial Highway.	No analysis needed.
4)	HB	<u>2791</u>	SO	Oppose	Reps, Thatcher, G Smith	Removes Department of State Police as designated state point of contact for purposes of National Instant Criminal Background Check System. Requires gun dealer to obtain authorization to transfer firearm directly from system.	Currently, in Oregon, background checks on firearms purchases go through OSP. The argument for this bill is that it will save Oregon money by passing the responsibility on to the feds. Also, it will keep gun purchasers from being delayed during the background check process and keep businesses from losing customers because of long waits due to background checks. Proponents claim that the NICS system (run through the FBI) works just as well as the OSP system. However, there are some differences. The NICS system relies on three databases for their checks: Right now, OSP checks those three and an additional 5. Another example, Oregon is in the process of transferring mental health records (of those individuals that are prohibited from purchasing or possessing a firearm based on their mental condition) to the NICS system, but currently there are 68,000 people who are legally not permitted to purchase or possess a firearm that would not be denied that right based on a background check through NICS. Even after all of this information is transferred to NICS, hopefully by the end of the year, and other upgrades are completed, there are 3 differences that would still exist between the system currently offered by OSP and NICS: 1) The FBI doesn't check to see if a firearm is lost or stolen. OSP does. 2) NICS doesn't make a determination of whether the person is who they say they are by checking for valid ID. OSP does. 3) If a convicted felon attempts to purchase a firearm, OSP dispatches law enforcement to pick that person up. NICS wouldn't do that.
5)	HB	<u>3000-A</u>	MSD	Oppose (gut-and-stuff)	Reps Clem, Cannon	Gives procurement preference to Oregon suppliers as long as their cost is no higher than 10% of competitors.	This bill appears to suppress free competition. It protects a few at the potential cost of many. 10% may not sound like a lot but for larger volume purchases especially, it's costly. The taxpayer deserves the best quality for their dollar.

6)	HB	3109- A	PW	Monitor	<p>Reps Garrett, Gilliam; Sens Devlin, Atkinson</p> <p>Adds ecosystem services to principles guiding state's water quality and fill-removal programs. Directs Governor to facilitate review of state conservation plans. Directs Inst. for Natural Resources to provide information to specified entities in order to assist in the development of integrated ecosystem services methodologies. Authorizes state agencies and local governments to allow use of credits for ecosystems services as compensatory mitigation. Specifies circumstances under which state agency may purchase or receive credits for ecosystem services.</p>	<p>Seeks compliance with state regulations that maintain the integrity of ecosystem services at a watershed landscape scale providing long-term ecological, economic and social benefits and incentives to private land owners. Local gov't encouraged to implement programs that use market-based approaches to conserve and enhance ecosystems. Such market based programs would provide added economic return to ag and forest land owners practicing good stewardship, restore and maintain family wage jobs, increase pace of habitat conservation and restoration. OWEB would coordinate w/ local gov't to develop tools to support and facilitate use of natural infrastructure in lieu of new development projects and infrastructure. Allows the use of credits for mitigation and water quality credit trading.</p>
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7)

HB	3145- B	HHS	Support	<p><b>Reps Berger, Cannon</b></p> <p>Expands Oregon's bottle deposit law to cover ANY beverage for human consumption in containers less than or equal to 1.5 liters and more than or equal to 4 fluid ounces. (distilled liquor, wine, dairy or plant based milks and infant formula would still be exempted from the law) beginning January 1, 2018 or one year after Oregon Liquor Control Commission (OLCC) determines at least 60% of beverage containers returned for refund are returned to approved redemption center, whichever comes first.</p> <ul style="list-style-type: none"> <li>Increases the refund value (bottle deposit fee) from 5 cents to no less than 10 cents per beverage container beginning January 1 of a calendar year that is at least 8 months after determination by the OLCC that less than 80% of beverage containers sold in Oregon were returned for refund in two previous calendar years.</li> <li>Directs OLCC to approve one beverage container redemption center pilot project in a city other than Portland (two already exist in Portland).</li> </ul>	<p>In 1971 Oregon became the first state to require a deposit on beer and soda pop cans and bottles when the Oregon Bottle Bill was passed with the goal of reducing litter and increasing recycling. Since its inception, types of beverage containers covered under the Bottle Bill have expanded (in 2007 water and flavored water containers were included) but many beverage containers remain non-refundable.</p> <ul style="list-style-type: none"> <li>Redemption centers would allow consumers near the pilot redemption centers to return large numbers of containers (up to 300 per individual, per day) to a center without having to feed each individual container into an automated return machine at a local grocery store. Redemption centers could reduce the burden of operating recycling centers at local grocery stores.</li> <li>This measure would likely decrease the littering of beverage containers and would result in higher recycling rates</li> <li>The Legislative Fiscal and Revenue Office staff have determined that passage of this bill would not impact state revenue and would have "minimal fiscal impact"</li> </ul>
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8)	HB	3605	CAO	Monitor	Reps Cameron, Bentz, Berger, Brewer, Conger, Esquivel, Freeman, Garrard, Gilliam, Hanna, Huffman, Johnson, Lindsay, McLane, Parrish, Richardson, Sheehan, Sprenger, Thompson , Whisnant, Wingard	Provides that if public body agrees to pay or provide benefit to retired employees other than payments required or provided for in statutes, public body must create separate account for funding of those benefits and make annual contributions to account in amounts necessary to amortize liability for benefits in 25 years or less.	Lane County has a huge retiree medical benefit – our unfunded actuarial liability is over \$70 million and our Net OPEB Obligation at 6/30/2010 is nearly \$3 million. We do have a separate internal service fund for accounting purposes and our payments into that fund are based on a percentage of payroll charged to departments. The annual charge is about the same as the annual required contribution (ARC), but that is coincidental. Our plan uses 30 year amortization, versus 25 years as stated in the Bill, so we would need to do some catch-up.  My hit is if we don't make the ARC payment to the separate fund, we are in violation of the statute. Furthermore, I see this Bill mandating a "legal" trust arrangement as described in GASB 45 by operation of law. Therefore, the contributions made to the new account may be untouchable by the governing body.  Regardless, there are too many questions about the intent of this law to see how it is supposed to operate. I say we monitor this and if it gets closer to passing, maybe talk to County Admin and the Board about a more determined position.
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## ATTACHMENT B

### 4) HB 2791 Staff Analysis

Currently, in Oregon, background checks on firearms purchases go through OSP. The argument for this bill is that it will save Oregon money by passing the responsibility on to the feds. Also, it will keep gun purchasers from being delayed during the background check process and keep businesses from losing customers because of long waits due to background checks. Proponents claim that the NICS system (run through the FBI) works just as well as the OSP system. However, there are some differences. The NICS system relies on three databases for their checks. Right now, OSP checks those three and an additional 5. Another example, Oregon is in the process of transferring mental health records (of those individuals that are prohibited from purchasing or possessing a firearm based on their mental condition) to the NICS system, but currently there are 68,000 people who are legally not permitted to purchase or possess a firearm that would not be denied that right based on a background check through NICS. Even after all of this information is transferred to NICS, hopefully by the end of the year, and other upgrades are completed, there are 3 differences that would still exist between the system currently offered by OSP and NICS: 1) The FBI doesn't check to see if a firearm is lost or stolen. OSP does. 2) NICS doesn't make a determination of whether the person is who they say they are by checking for valid ID. OSP does. 3) If a convicted felon attempts to purchase a firearm, OSP dispatches law enforcement to pick that person up. NICS wouldn't do that.

Given the recent tragedy experienced in our community with the death of Officer Kilcullen, perpetrated with a gun bought through a licensed dealer, now is not the time to be lowering or potentially lowering standards for background checks. We need to ensure careful background checks for all gun purchases, particularly handguns. The more local we can make this process the better.

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 May, 2011

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Faye Stewart, Chair  
Lane County Board of Commissioners