



Legislative Committee

Agenda

Monday, April 11, 2011

Local Government Center, Room 113

12:00 p.m.

1201 Court Street NE

Lunch will be available at 11:30 a.m.

Salem, Oregon

12:00 p.m.

1. Call to Order

AOC Vice President Tammy Baney

1.1 Agenda approval (Action)

12:05 p.m.

2. Governor's Executive Appointments

Mike McArthur

Kendall Clawson, executive appointments director

12:20 p.m.

3. Action or Possible Action Items

Vice President Baney

3.1 HB 3560 – Wolf depredation compensation page 3

Dan Shoun & Faye Stewart

3.2 SB 751 – Exemption from central assessment page 4

Earl Fisher & Andy Duyck

3.3 HB 3525 – Punitive damages for court facilities page 5

Jim Bernard & Jay Dixon

3.4 Revised Public Safety Committee principles page 6

Jim Bernard & Jay Dixon

3.5 HB 2867-2 – Deschutes Groundwater Mitigation page 7

Alan Unger

3.6 HB 2009 – Marine reserves page 8

Alan Unger

3.7 Priority items from committees

Vice President Baney

1:00 p.m.

4. Discussion & Updates

4.1 NACo 2011 Annual Conference

Diane McKeel

4.2 Developmentally Disabled & the Legislature seminar page 9

Mark Nystrom

4.3 Law Library Materials Agreement

Mark Labhart

1:15 p.m.

5. Steering Committee Reports

5.1 Communications Policy

Jeanne Burch, chair

5.2 Community Development

Diane McKeel, chair

5.3 Environment & Energy

Gary Thompson, chair

- 5.4 Governance
- 5.5 Human Services
- 5.6 Public Lands
- 5.7 Public Safety
- 5.8 Transportation
- 5.9 Water Policy

Earl Fisher & Andy Duyck, co-chairs
 Kathy George & Bill Hall, co-chairs
 Dan Shoun & Faye Stewart, co-chairs
 Jim Bernard & Jay Dixon, chair
 Al Switzer, chair
 Alan Unger, chair

1:45 p.m.

6. Affiliate Organizations Reports

- 6.1 OSACA (Assessors) Scot Langton
- 6.2 OCCA (Clerks) Dana Jenkins
- 6.3 NACA (County Administrators) Ralph Wyatt
- 6.4 ODAA (District Attorneys) Eric Nisley
- 6.5 OACES (Engineers and Surveyors) Robb Paul
- 6.6 OJPA (Justices of the Peace) Charles Fadeley
- 6.7 OSSA (Sheriffs) Jack Crabtree
- 6.8 OACTC (Tax Collectors) Bob Vroman
- 6.9 OACTFO (Treasurers) Laurie Steele

7. Other Business

Vice President Baney

- 7.1 Legislative Committee meets twice in May and June:
 May 2 and 16; June 6 and 20

8. Adjourn

Vice President Baney

Next AOC Legislative Committee meeting May 2 – 12 p.m.
Local Government Center, Salem, Oregon

Scheduled Legislative Committee meetings for 2011

May 16	July 11*	December 12
June 6	September 12	
June 20	October 10	<i>*if necessary</i>

Date: April 11, 2011
To: AOC Legislative Committee
From: AOC Public Lands & Natural Resources Committee
Co-chairs Dan Shoun & Faye Stewart
Subject: House Bill 3560 (with amendments)
Staff: Gil Riddell, policy coordinator

Requested Action:

Support HB 3560, with expected amendments.

Background:

HB 3560 is a concept presented by the Oregon Cattlemen Association (OCA) to install the administrative structure of a program to provide compensation to anyone who has suffered loss or injury by wolf depredation. With expected amendments from OCA, the structure is based on a Wallowa County ordinance, which creates a Community Alliance Livestock Fund managed by a community board. The board approves requests for compensation after it determines that the claim is legitimate. The amendments would provide for such boards by county, set up a fund administered by the Department of Agriculture, and remove any fiscal impact to the State by recovery of ODA administrative costs.

At the hearing on the bill before the House Agriculture & Natural Resources Committee on March 30, Wallowa County Commissioner Mike Hayward spoke in support.

This concept is a reasonable, measured effort to mitigate for the fact that wolves are legally protected in Oregon, in spite of OCA opposition.

AOC should support this concept.

Date: April 11, 2011
To: AOC Legislative Committee
From: AOC Governance Committee
Co-chairs Earl Fisher & Andy Duyck
Subject: Senate Bill 751 - Exempts a segment of the communications/
information services industry from central assessment
Staff: Gil Riddell, policy coordinator

Requested Action:

Oppose SB 751 for the several reasons underscored below.

Background:

SB 751 is intended to exempt from central assessment the property of a segment of the communications/information services industry. The result would be to have these properties assessed locally, without regard to intangible value, and thus at a lower value.

The company supporting the bill (Yahoo) wants to define 'information services' to not include transmission of information without change in form or content, and to exempt from central assessment the property of a company 'to the extent' that it 'provides information services to consumers by means of agreements.' Google and Facebook would also benefit from this bill.

SB 751 arises in the context of the appeal by Comcast, which claims that its central assessment by the Department of Revenue (DOR) is not authorized by statute and is unconstitutional. AOC has filed an *amicus* brief supporting DOR.

Yahoo argues that it is located in only one place in Oregon (Hillsboro), that it is not a "communications company" because it must hire others to transmit its information, that its taxes have tripled since being centrally assessed (\$75,000 to \$210,000 per year) and that the increased tax load hurts economic development.

At the hearing on the bill before the Senate Finance & Revenue Committee, several witnesses raised questions about the bill. DOR noted the bill's ambiguity, its potential to include unintended taxpayers in its exemption and the administrative difficulty of its retroactive tax exemption. Several competitors (Comcast, AT&T, Oregon Telecommunications Association, Bend Broadband and Qwest) spoke against the bill, as did the League of Cities. Their points: 1) It would pick winners and losers; 2) the business landscape is changing more rapidly than the statutes; 3) it would work against established Oregon companies; 4) it is premature, coming before judicial resolution of the issues and 5) it adds yet another definition to statute to parse and debate. The hearing could well be the last for SB 751.

Date: April 11, 2011

To: Legislative Committee
Association of Oregon Counties

From: AOC Public Safety Committee
Co-chairs Jay Dixon and Jim Bernard

Subject: HB 3525 - Ten Percent of Punitive Damage Awards for Court Facilities

Staff: Paul Snider, legal counsel

Requested action:

Public Safety Committee may recommend action.

Background:

In civil litigation, punitive damages are sometimes awarded to a prevailing party in order to recognize aggravating circumstances associated with the behavior of the other party. They are usually awarded to accomplish some combination of penalizing the other party and discouraging others from engaging in similar behavior. Punitive damages are awarded in addition to the actual damages that are intended to compensate the prevailing party for any loss or injury.

Under current law, 40 percent of any award of punitive damages is payable to the prevailing party. Sixty percent is payable to the Criminal Injuries Compensation Account administered by the Department of Justice Crime Victims' Assistance Section (unless the prevailing party is a public entity, in which case the public entity would receive the award).

HB 3525 would reduce the percentage of the award that is payable to the prevailing party to 30 percent. It would pay the other 10 percent to the Attorney General for deposit in a new account called the Courthouse Capital Improvement Trust Fund (the "fund"). Moneys in the fund would be used for paying the costs of capital improvements to county courthouses under a plan to be developed by the Chief Justice. The plan would prioritize the need for capital improvements and establish budgets for capital improvement projects.

Association of Oregon Counties

Public Safety Committee Principles

- Public safety organizations should operate as a coordinated, cooperative system involving components that are complimentary and balanced, and that share common goals. Public safety organizations should work together to address core issues that cross agency and jurisdictional lines.
- (a) The first line of defense against crime should be prevention. It should focus on the causes of crime and criminogenic risk factors. Prevention may include, but is not limited to, prevention of child abuse and neglect, creation of affordable housing, respecting the personal rights of each member of the community, creation of family wage jobs, elimination of bias against minorities, providing for foster care, gang prevention programs and collaboration with citizens and community leaders.
(b) The first target of the public safety system should be violent crimes against persons.
(c) Services for crime victims are vitally important.
- Personal accountability and reformation of offenders should be recognized as two of the primary functions of the criminal justice system.
- Recidivism reduction and successful reentry should be primary public safety goals.
- Treatment and intervention programs should be cost effective and evidence based.
- Mental Illness should be treated, not punished. Incarcerated offenders who also have mental illness should receive appropriate treatment both during and after incarceration. Treatment for mental illness should be adequately funded by the state and provided in an appropriate treatment setting.
- The system response to criminal behavior that is driven by drug or alcohol abuse or addiction should include appropriate drug or alcohol treatment.
- Human Services, Emergency Management, Public Health and Public Safety are linked and should be coordinated.
- State-County partnerships should be jointly developed and maintained; they should be adequately, reliably and sustainably funded.

Recommended: 2/14/11

Date: April 11, 2011
To: AOC Legislative Committee
From: AOC Water Policy Committee
Chair Alan Unger
Subject: House Bill 2867-2 - Deschutes Groundwater Mitigation Program
Staff: Gil Riddell, policy coordinator

Requested Action:

Support the -2 amendments to HB 2867.

Background:

The -2 amendments replace HB 2867 as introduced. The amendments would remove the 2014 sunset date from the Deschutes Groundwater Mitigation Program, established in 2002 and administered by the Water Resources Department (WRD), and require WRD to review input from stakeholders in its program evaluation.

The program accomplishes three things:

- 1) maintains flows for the Deschutes Scenic Waterway and instream water rights;
- 2) facilitates restoration of flows in the middle reach of the Deschutes River below Bend; and
- 3) accommodates growth in the region through new groundwater development.

WRD must conduct annual evaluations and five-year reviews of the program. WRD reports that each year there has been sufficient mitigation water available to meet the needs of groundwater permits issued under the program.

WRD concludes the -2 amendments are consistent with the program goals by removing the sunset and directing the agency to review input from stakeholders in its evaluation.

This program is a prime example of a region joining together to deal with an urgent water policy/use issue. Deschutes County, which is hands-on in this program, supports the -2 amendments. So should AOC.

Date: April 11, 2011
To: AOC Legislative Committee
From: AOC Water Policy Committee
Chair Alan Unger
Subject: House Bill 2009 - Marine Reserves
Staff: Gil Riddell, policy coordinator

Requested Action:

Support HB 2009.

Background:

The bi-partisan, bi-cameral legislative Coastal Caucus introduced this bill to implement community team marine reserve processes. Coastal Caucus chair is Representative Jean Cowan, former Lincoln County commissioner.

HB 2009 would implement the three new marine reserves at Cascade Head, Cape Perpetua and Cape Falcon, with important safeguards. It would require two-year baseline research before limits on fishing are imposed; studies after one, five and 15 years; and appropriate adaptive management through the Ocean Policy Advisory Council to ensure the reserves are meeting their goals, including to avoid significant economic and social impacts. In addition, the bill would prohibit any new proposed marine reserves before evaluation of the existing five after 10 years.

The bill also reflects a wariness of outside funding sources. It provides that if the Oregon Department of Fish & Wildlife accepts funding other than lottery or state general funds, it must first gain approval by Ways & Means Committee and must operate consistent with the work plans.

The Governor's Recommended Budget designates \$1.7 million to implement the marine reserve program, and the Ways and Means Co-chairs Recommended Budget notes that it "continues funding for the current marine reserves program."

AOC should support this balanced, bi-partisan effort.



Your constituents' developmental disabilities services are slated for significant cuts.

Come get the quick and dirty on how to talk to your legislators about what these services mean to your county.

- ✓ Key components of the program and our state-county shared services partnership
- ✓ County value-added
- ✓ Q & A with key state and county staff

**Monday, April 11, 2011 2:30 to 3:30 pm
Local Government Center**

RSVP to Mark Nystrom
mnystrom@aocweb.org
if you plan to come.