

**Association of Oregon Counties
Legislative Committee**

**Monday, April 11, 2011
12:00 p.m.**

**Local Government Center
Salem, Oregon**

Present: Commissioner Tammy Baney, Commissioner Mary Stern, Judge Pat Shaw, Commissioner Kathy George, Commissioner Joe Laurance, Commissioner Tony Hyde, Judge Gary Thompson, Commissioner Greg Malinowski, Commissioner Annabelle Jaramillo, Commissioner Dan Shoun, Commissioner Wayne Fording, Commissioner Diane McKeel, Commissioner Dwight Ellis, Commissioner Jay Dixon, Commissioner Bill Hall, Commissioner John Lindsey, Commissioner Craig Pope, Commissioner Mark Labhart, Commissioner Earl Fisher, Judge Jeanne Burch, Commissioner Al Switzer, Commissioner Leslie Lewis, Commissioner Tim Josi, Commissioner Jim Bernard, Commissioner Sam Brentano, Commissioner Judy Shiprack, Administrator Ralph Wyatt, Public Works Director Robb Paul

Via telephone: Commissioner Patricia Roberts, Commissioner Don Lindly, District Attorney Eric Nisley

Via videoconference: Commissioner Simon Hare

Guest via videoconference: Commissioner John Rachor

Guests: Commissioner Loretta Smith, Commissioner Henry Heimuller, Commissioner Michael Weimar, Lisa Naito, Andrew Olsen, Claudia Black, Bryan Hockaday, Barb Young, Tara Bowen-Biggs, Troy Rayburn, Bobby Green, Jared Anderson, Alex Cuyler

Staff and consultants: Mike McArthur, Paul Snider, Mike Eliason, Gil Riddell, Ann Hanus, Emily Ackland, Mark Nystrom, Eric Schmidt, Laura Cleland, Cara Fischer, Caroline Moore, Joann Hendrix

First Vice President Tammy Baney called the meeting to order at 12:00 p.m.

Agenda

Commissioner Tony Hyde moved to approve the agenda of April 11, 2011, seconded by Commissioner Tim Josi. Motion carried.

Special Operations Committee minutes

Commissioner Mary Stern moved to approve the Special Operations Committee minutes for January 31, 2011, seconded by Commissioner Hyde. Motion carried.

Commissioner Hyde moved to approve the Special Operations Committee minutes for February 28, 2011, seconded by Commissioner Josi. Motion carried.

Governor's Executive Appointments

Kendall Clawson, executive appointments director for the governor, explained that she manages and appoints on behalf of the governor more than 250 board members, commission members

and support groups for the state. She asks counties to recommend stellar citizens within their community who would like to serve the state and governor on these committees. Ms. Clawson stated the governor wants to ensure his office follows the two-term limit, thus creating opportunities for other interested citizens to serve. He is looking for younger demographics, particularly young professionals who can be trained and groomed for the future. Ms. Clawson can be reached at (503) 378-3123.

Action Items

HB 3560

Gil Riddell reported that Public Lands & Natural Resources Committee recommends support of HB 3560, with expected amendments. 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. The expected amendments would provide for local boards, set up a fund administered by the Department of Agriculture (ODA) and remove any fiscal impact to the state by recovery of ODA administrative costs. This concept is a reasonable, measured effort to mitigate that wolves are legally protected in Oregon, in spite of OCA opposition.

Commissioner Hyde moved to support HB 3560, with expected amendments, seconded by Commissioner Joe Laurance. Motion carried.

SB 751

Commissioner Earl Fisher stated that the Governance Committee recommends opposition to SB 751, which 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 rate.

Commissioner Fisher moved to oppose SB 751, seconded by Commissioner Hyde. Motion carried. Commissioner John Lindsey opposed.

HB 3525

Commissioner Jim Bernard stated that the Public Safety Committee recommends support of HB 3525, which will allow 10 percent of punitive damage awards for court facilities. 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 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.

Commissioner Bernard moved to support HB 3525, seconded by Commissioner Fisher. Motion carried.

Commissioner Bernard reviewed the Public Safety Committee principles. The Public Safety Committee recommends support of these principles.

Commissioner Jay Dixon moved to approve the principles of the Public Safety Committee, seconded by Commissioner Mark Labhart. Motion carried. Commissioner Lindsey opposed.

HB 2867-2

Mr. Riddell explained that the Water Policy Committee recommends supporting the -2 amendments to HB 2867.

The -2 amendments replace HB 2867 as introduced. The -2 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 required WRD to review input from stakeholders in its program evaluation.

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

Commissioner Hyde moved to support -2 amendments to HB 2867 in concept, seconded by Commissioner Laurance. Motion carried.

HB 2009

Tabled until May 2, 2011.

HB 2710-6

Paul Snider reviewed HB 2710. He said AOC opposed an early version of the bill (LC 1168) as an interim committee was developing it. That version eliminated county law library fees and county conciliation and mediation fees among other actions. Mr. Snider stated he had several conversations with Chief Justice Paul De Muniz about our mutual interest in continuing the efforts to seek funding for court facilities. Multnomah County Government Relations Manager Nancy Bennett and Mr. Snider met with the Chief Justice and agreed to pursue court facility funding.

After the first hearing in House Judiciary Committee on HB 2710, a work group was formed. Representatives Garrett and Olson headed it. AOC was not a member of the workgroup but kept in close contact with both representatives. The workgroup developed a proposal that would have included combining law libraries and court facilities into a single funding stream that would be \$3.7 million in the first biennium and \$7.4 million in each biennium thereafter. AOC strongly objected.

The workgroup met again. This time Ms. Bennett and Mr. Snider were included. The workgroup developed a package that includes these changes relevant to counties:

1. Raise the domestic relations court filing fee to \$300, of which counties would get 60 percent. The total projected revenue statewide would be \$8.8 million. Until last week, this revenue stream had been intended for mediation and conciliation only.
2. Increase the county law library/court facilities portion of all filing fees from 8.75 percent to 10 percent. The total projected revenue statewide would be \$8.4 million.
3. Allow each county governing body to decide how to allocate the two revenue streams among mediation/conciliation services, law libraries and court facilities.
4. Increase the justice court fees in cases for which justice courts and circuit courts have concurrent jurisdiction by 25 percent.
5. Regardless of what fines ultimately established in HB 2712, add another \$5. per case for court facilities.

Mr. Snider noted that since these revenues would be kept locally, there would no longer be any role for AOC in terms of distribution of funds. There would also be no development of standards for law libraries in this bill.

Commissioner Bernard moved to support HB 2710-6 with amendments, seconded by Commissioner Wayne Fording. Motion carried. Commissioner Lindsey opposed.

HB 2712

Mr. Snider stated that HB 2712 proposed to continue court fines at sufficient levels and add a \$5. surcharge for court facilities. Public Safety Committee asks for support in concept of HB 2712. Public Safety Committee was informed to keep Special Operations Committee and Legislative Committee updated as bill progresses.

Commissioner Bernard moved to support in concept HB 2712, seconded by Commissioner Dixon. Motion carried.

Priorities from Committees

Mark Nystrom reviewed five priority bills from the Human Services Committee.

HB 3344 – Modifies method for determining amount of lottery proceeds to be allocated to Problem Gambling Treatment fund in fiscal quarter. Ensures that the amount of money going towards gambling treatment does not go down; guarantees the same budget as the previous quarter.

Mr. Nystrom stated the Human Services Committee supports in concept with the suggestion that the funds come from lottery funds and not the general fund.

Commissioner Bernard moved to support in concept HB 3344, seconded by Commissioner Tim Josi.

Discussion ensued with Commissioner Hyde stating that every session the counties are in arguments about the counties' share of lottery funds.

Commissioner Craig Pope stated that it would be a dangerous place to go in regards to lottery fund dollars.

Motion failed with nine in support of HB 3344 and 13 opposed.

HB 2460-A – Makes criminal record check requirement of alcohol and drug treatment providers non-mandatory. Allows people with substance abuse records to still work in a mental health facility, treatment home or provide alcohol and drug treatment. Mr. Nystrom stated the Human Services Committee supports HB 2460-A provided concerns with nature of crime is addressed.

Discussion ensued on the concerns of the nature of crimes committed by providers. Action was delayed until SB 524 could be discussed.

SB 524 – Mr. Nystrom then discussed SB 524 and **HB 2460-A** together. He stated that SB 524 is a little broader than HB 2460-A, which exempts from disqualification based on specified criminal offenses individuals who provide mental health treatment or services and individuals who provide substance use disorder treatment or services. SB 524 is aimed at providing drug and alcohol providers an opportunity to work in substance abuse. Mr. Nystrom stated the Human Services Committee supports SB 524 provided concerns with nature of crime are addressed.

Commissioner Hyde moved to support HB 2460-A and SB 524 with exceptions provided from Human Services Committee, seconded by Commissioner Bill Hall.

Discussion ensued.

First Vice President Baney asked that the motion be tabled until Mr. Nystrom provides legislative committee members with copies of the bills.

Commissioner Hyde withdrew motion.

HB 3260 – Requires State Commission on Children and Families to contract with nonprofit entity to establish, coordinate and deliver support services for runaway and homeless youth and their families.

Mr. Nystrom stated the Human Services Committee supports with the amendment that Department of Human Services (DHS) contract through counties so that there is local coordination and integration.

Commissioner Hall moved to support HB 3260 with the amendment that DHS contract through counties so that there is local coordination and integration, seconded by Commissioner Kathy George. Motion carried.

HB 3250 – Directs Department of Transportation to issue Keep Kids Safe registration plates.

Commissioner Hall moved to support HB 3260 seconded by Commissioner Dwight Ellis. Motion carried. Commissioner Lindsey opposed.

Discussion and Updates

NACo 2011 Annual Conference

Commissioner Diane McKeel introduced Tara Bowen-Biggs as the new coordinator for the NACo 2011 Annual Conference. Ms. Bowen-Biggs updated the legislative committee on fund raising status and discussed the need for volunteers during conference.

Developmentally Disabled & the Legislature seminar

Mr. Nystrom reported that there would be a seminar held today, Monday, April 11 from to discuss the significant cuts to developmental disabilities services and how to voice concerns to legislators about what these services mean to constituents. Discussions will center around key components of the program and the state-county shared services partnership

Law Library Materials Agreement

Paul Snider stated that AOC created a Law Library Task Force chaired by Commissioner Mark Labhart to create a better rate for law library services.

Commissioner Labhart said that staff of the Oregon Supreme Court has negotiated for statewide agreements for law library materials from Loislaw and LexisNexis. He reported that Tillamook County purchased services through the agreements and saved a considerable amount of money. Any questions about the agreements should go to Cara Fischer or Paul Snider at AOC.

Commissioner Wayne Fording moved to approve the Law Library Materials Agreement, seconded by Commissioner Craig Pope. Motion carried.

Steering Committee Reports

Communications Policy

Judge Jeanne Burch reported that the committee is working on keeping the counties connected to the Oregon Wireless Interoperability Network (OWIN). They also discussed the appointment of Commissioner Mike Smith to the Oregon Broadband Advisory Council and the new video bridge available at AOC.

Community Development

Commissioner Wayne Fording reported that Paul Woodin attended the meeting and reported on the community renewable projects. They also discussed status of Business Energy Tax Credit (BETC) and reviewed legislative bills.

Environment and Energy

Judge Gary Thompson reported that the committee unanimously voted to support in concept SB 82 with amendments, SB 21 with amendments, SB 554 with amendments and SB 586 based on committee principles. The committee also discussed status of sage-grouse strategy.

Governance Committee

Commissioner Earl Fisher reported that the committee reviewed upcoming contracting and PERS bills.

Human Services

Commissioner Kathy George reported that the committee discussed the Health System Transformation Team's focus, concern about issues not being answered and counties continuing to have responsibility for aspects of care, i.e., indigent care.

Public Lands

Commissioner Dan Shoun reported that the committee received an update from Commissioner Josi on Secure Rural Schools reauthorization efforts.

Public Safety Committee

Commissioner Jim Bernard reported that the committee discussed the tribal police wanting statewide power, extension of jail stays for 12 to 24 months, law libraries, court facilities, bail bonds and court facilities fees. The committee also updated its work plan.

Transportation

Commissioner Dwight Ellis reported the committee discussed SJR 36, which opposes amendment to the Oregon constitution to allow revenue from taxes on motor vehicle fuel and ownership, operation or use of motor vehicles to be used by state police for policing highways.

Water Policy

Mr. Riddell reported that the committee stays abreast of developments.

Affiliate Organizations Reports

Assessors – no report.

Clerks – no report.

County Administrators – no report.

District Attorneys – no report.

Engineers and Surveyors – Robb Paul reported that OACES has been working with Department of State Lands and Corps of Engineers on permitting issues and how to work together to obtain the proper permits.

Justices of the Peace – no report.

Sheriffs - no report.

Tax Collectors - no report.

Treasurers - no report.

Meeting adjourned at 2:00 p.m.