

# Lane County Legislative Priorities

## *Improving Justice Court Collections*

The State Department of Revenue operates the Other Agency Account Unit which acts as the state's collection unit per ORS 293.250. Justice Courts currently may take advantage of a limited collection program within that unit to recover fine revenue by deducting it from Oregon tax returns (offset program), but are unable to participate in a more aggressive effort (full service program) that involves expanded collect efforts in collaboration with the Oregon Employment Department. The proposed statutory change would allow Justice Courts to gain access to the full service program, and would result in an increase in the percentage of fines collected. Collection of past due fines burdens Justice Courts throughout Oregon. Lane County has an accumulated balance exceeding \$15 million. A single collection could provide a recovery between \$150 and several thousand dollars.

## *Public Purpose Charge*

The PPC (established by SB1149, 2001) should be expanded to all electric utilities in Oregon. This would result in expanded and more uniform renewable energy services across Lane County. Under existing law, the vast majority of PPC funds are required to be spent within the utility service areas they came from. Since public utilities are not subject to the PPC, Lane County residents are not able to take advantage of the benefits they provide.

## *Elimination of the local cigarette tax pre-emption*

Current state law forbids cities and counties from implementing their own tobacco taxes. This issue has resulted in draft legislation in each of the past two legislative sessions. For Lane County, a cigarette tax of fifty-cents per pack could increase revenue by \$8.5 million. It is well documented that a reduction in smoking caused by a price increase will save lives, decrease medical expenses and increase productivity. Lane County should work with other Oregon counties (Multnomah in particular) to introduce legislation that would allow counties to tax tobacco products as they see fit.

## *Election Costs*

(State and cities are exempted from reimbursing counties for certain elections)

One of Lane County's priorities in 2009 concerned the costs associated with printing ballots and for elections, generally. Lane County typically has ballots that require extra postage due to overweight ballots. Extra weight comes from overly long ballots, which occur when there are a number of state and local measures crowding onto the general election. This is at least partially due to the fact that cities and districts do not pay their apportioned costs of general elections. ORS 246.179 requires that counties pick up all those costs. At the least, counties should be able to charge cities and districts their fair share of apportioned costs for the general election, as is the practice for other elections. HB 3240 (2009) included this provision, but died in Ways and Means (this issue has an estimated cost of \$5 million to Oregon). It is one of the recommendations of the Governor's Task Force on Federal Forest Payments and County Services.

## *Precinct Committee People removed from ballot*

(In most cases)

Currently, the County Clerks have responsibility for conducting elections for precinct people for both the Democratic and Republican parties for approximately 15,000 positions. As ballots become more and more crowded, the space requirements for these positions is simply not worth it as they are typically uncontested positions. This legislative concept is a priority for the Association of County Clerks, and is a recommendation from the Task Force on Effective and Cost-Efficient Service Provision..

## *Urban Renewal Districts*

(Clarification on assessor notice and calculation of maximum indebtedness)

Procedurally, ORS 457.450(2) requires urban renewal districts to notify the assessor when they have collected enough money to pay off the principal and interest on the urban renewal district's indebtedness. In reviewing this statute, there is no timeframe surrounding how soon the urban renewal district must contact the assessor. Additionally, ORS 457.450(3) requires that urban renewal districts turn over any moneys remaining unexpended after payment of all the principal and interest on the indebtedness. Again, there is no timeframe surrounding that requirement. The statute seems to imply the actions should be commenced sooner rather than later, but a specific timeframe would eliminate confusion on all sides, and give some certainty to those taxing districts impacted by urban renewal districts.

A second procedural issue concerns the methodology (prescribed in ORS 457.220 (4)) for calculating the maximum indebtedness a URD may adopt through a plan amendment. There is a legislative counsel opinion on this issue as a result of the passage of HB 3056 (2009), but those opinions are non-binding. Without clear guidance, urban renewal districts are still free to adjust how they calculate the maximum indebtedness. It is in everyone's best interest to have one methodology that is clearly understood. Statutory changes to reflect the recommended methodology would eliminate conflict and the need for lawsuits to further clarify the current statutes.

## *Transfer of development rights*

(Improved methodologies are needed)

In 2009 the Oregon Legislature passed two bills (SB 763 and HB 2228) that created a pilot program for transferring development rights between properties. A TDR program is a market based incentive program that allows property owners to sell development rights on their own property to other property owners whose development rights are more restrictive. Generally, this process takes place between rural farm or forestland areas (sending properties) and urban or underdeveloped areas (receiving properties). Unfortunately, the enabling legislation neglected to take a number of factors into consideration and the new TDR program in its current form is not viable in the vast majority of cases.

## *A&T fee increase for transfer title on manufactured structures*

Under Oregon Law, structures not attached to land, such as manufactured homes, have an ownership document that is similar to a vehicle title, and which prior to 2005 was in fact issued by the Department of Motor Vehicles. In an effort to streamline to procedures related to issuing this document, the Legislature provided that counties are an agent of the Department of Consumer and Business Services and established a fee of \$55 to issue such a document. DCBS developed IGA's with each of Oregon's 36 counties to share the revenue, based on a per document split of \$30 to county, \$25 to Oregon. This was intended to cover the costs for the counties. During the 2009 session, the DMV raised the vehicle title fee to \$77. It has been suggested (through a proposal to the Lane Save-it Committee) that the manufactured home title also be raised to \$77, and to statutorily link the fees between vehicle titles and manufactured homes, or to at least index the manufactured home title fee to inflation.

## *Enabling law libraries to contract services with other providers*

ORS 9.820 allows any county with a population over 400,000 to contract with a law library association or corporation owning and maintaining a law library for the use of the library by the judges, commissioners, DA and members of the bar. Law libraries receive funding allocated through fees associated with fines and court filings, and that funding is regularly scrutinized by the Legislature. With the availability of a comprehensive law library at the University of Oregon, amending the law such that Lane County could also have the option of contracting for this service is something that County Counsel has suggested could be a cost savings.

## *Public notice requirements for names and salaries to be posted in a public place*

ORS 294.250 provides that county's must publish certain information related to expenditures. Part of it requires that counties "publish the names and gross monthly salary of all regular officers and employees". "Gross monthly salary" is a term that remains problematic for finance and HR staff and would be far easier to provide information on "monthly base pay". Additionally, this effort will involve removing the requirement to post the actual name of the employee. Rather, the position name should be sufficient.

## *Support for the County Services Planning Council*

The Interim Task Force on Effective and Cost-Efficient Service Provision (GETF) is forwarding a number of recommendations to the 76th Legislature. One of their recommendations will be to continue the work of the County Services Planning Council (CSPC) to encourage and coordinate effective fiscal planning for counties to prepare for and manage through the phase-out of federal forest payments (including keeping the recommendations from the Governor's Task Force on Federal Forest Payment and County Services, January, 2009 refreshed). The County Service Planning Council Subcommittee made an additional recommendation having to do with refining the procedures under SB 77 (2009) to declare a public safety services emergency in a fiscally distressed county.