

W.C.B.

Memorandum Date: May 6, 2011  
Order Date: May 10, 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 6, 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 May 6, 2011 meeting.

Attachment B—Addendum to Attachment A.

Attachment C—Minutes of May 6, 2011 Legislative Committee.

Attachment D—Draft Resolution on Japan Disaster Aid Package

Attachment E—White paper on Japan Disaster Aid Package

**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

ATTACHMENT A

Lane County, Oregon  
 Board of County Commissioners  
 Spreadsheet for Legislative Review  
 76th Oregon Legislative Assembly  
 10-May-11

Item	House	Bill #	Depart	Recommendation	Sponsor	Bill Summary	Staff Analysis
1)	SB	82-A	PW	Monitor	Gov for DEQ	Assigns collection credits to programs when they collect more than required. Allows programs to sell, trade credits and to apply them to following years. Adds keyboard, mouse, and printers in 2015.	A minor amendment to Section 8(3)(a) may have ameliorated my previous concerns—in that the return share weight will be calculated based on total collected, not just "covered entities". An improvement, but Lane County would be better protected with an amendment to prohibit dropping collector for reasons of collection success.
2)	SB	395-A	SO	Oppose	Sen Interim Comm on Judiciary	Directs Department of Corrections to award grants to counties as reimbursement for costs associated with incarcerating certain offenders convicted of driving while under influence of intoxicants. Establishes limit on rate of reimbursement.	OSSA has not yet reviewed this bill. The source of the new revenue is not indicated, only that DOC will receive an allocation for this purpose to pass on to counties. Leg. sentencing guidelines treats offenders in a "cookie cutter" manner and fails to recognize evidence based practices for reducing recidivism. Although on the surface it looks like the bill provides a level of deterrence, it fails to address any criminogenic needs of offenders that would actually prevent them from reoffending. This bill also does not take into consideration the extra jail capacity needed to enforce it. For counties that have adequate jail capacity, this bill represents a new revenue source. However, due to Lane County's severe jail bed shortage, in order to hold offenders for the mandated amount of time, more dangerous offenders would have to be released in order to make room for the SB 395 DUII inmates.
3)	SB	416-A	SO	Monitor	Senate Interim Comm on Judiciary	Certain offenders would not get prison sentences, but would remain in community. Funding attached.	Concern that it would increase P&P caseloads and jail bed needs.  Alex Gardner, Greg Fox and myself attended a meeting in Salem where the bill was discussed. There are still a lot of questions, and concerns. A group of us will be meeting next week to discuss Lane County's potential participation. I suggest that the bill be monitored closely and that you get further input from our District Attorney and Sheriff, who are meeting to discuss the issue next week as well.
4)	SB	729-A	DA	Oppose	Comm on Judiciary	Directs Department of Corrections to adopt rules to establish process for granting retracting and restoring probation credits for convicted felons sentenced to probation under rules of Oregon Criminal Justice Commission. Applies to persons convicted of crime on or after July 1, 2011, and on probation on or after effective date of rules adopted by department.	This is bad public policy, because it removes checks and balances designed to limit the risk of releasing an non-compliant felon from probation. Like most of the other bills being considered by this legislature, this has nothing to do with public policy, and everything to do with balancing the budget. It is designed to result in LESS community corrections money coming to the county. They are removing barriers to early termination so more of them will happen sooner. We'll still have the felon, we just won't be getting any money from the state to defray the costs of managing him.

5)	HB	2122- A	PW	Monitor	Gov for Dept of Ag	<p>This bill now only regulates firewood from outside Oregon, Washington, or Idaho, thereby eliminating Parks concerns.</p> <p><i>[Prohibits importation of untreated firewood into state. Prohibits sales of unlabeled firewood.] Prohibits transporting firewood into or within Oregon and selling firewood in Oregon, unless firewood has been harvested in Oregon, Idaho, or Washington or firewood meets certain standards. Requires State Department of Agriculture to adopt rules regulating [importation, supplying and sale of] firewood. Makes violation of statute or department rules subject to civil penalty, not to exceed \$10,000. Directs deposit of civil penalty moneys into Invasive Species Control Account. Applies to [importation or other nonretail supplying of firewood, and to] transporting into state, supplying of and wholesale selling of firewood, that occurs on or after [July 1, 2012] January 1, 2013. Applies to sales of firewood that retail seller acquires on or after [July 1, 2012] January 1, 2013.</i></p>	<p>This new change would make this bill acceptable for Parks, though I believe the County would have no reason to support this based on staff expertise. It's possible that individuals from the biology/botany/forestry world may well be supportive given the potential biological threats from firewood from other sources. We would have no reason to oppose.</p> <p><b>Previous analysis:</b> This would create an unfunded burden on LCP. LCP sells firewood at campgrounds as a convenience for paying campers. While providing bundles of firewood is an important service, it is not a net revenue center. Additionally, some firewood sold in parks comes from trees downed in parks due to weather or improvements. Labeling each bundle of firewood would create a significant demand on labor resources for something that is a service and not a money-maker, and it would do little to protect state-wide agricultural resources.</p> <p>County support for this should be contingent upon an exemption for public campgrounds, or a simple requirement for a single document certifying that all firewood sold by LCP is not imported or is in compliance with the rules (we could maintain records of the sources of firewood, or something as simple as that rather than labeling firewood. If no exemption or modification of documentation/certification requirements, then County should oppose.</p>
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6)	HB	2569-A	AOC	Support	House Interim Comm on Revenue	Authorizes county assessor to order deferred billing credit to taxpayer if dollar amount in dispute in property tax appeal exceeds \$1 million.	<p><u>What HB 2569A will do</u></p> <p>Authorizes a county assessor to order a "deferred billing credit" to a taxpayer/appellant, if the value at issue in the property tax appeal exceeds \$1 million.</p> <p>The bill originates from the County Assessors Association and an AOC work group on large value appeals, which included direct stakeholders in property tax collections (OSBA, COSA, LOC, SDAO, AOC, OCCA) with technical advice from the Department of Revenue.</p> <p>HB 2569A, after technical amendments, passed the House 57-3.</p> <p><u>Current law</u></p> <p>When there is a large value appeal, such as a central assessment by DOR (e.g., Comcast), the taxpayer/appellant typically pays the taxes for the disputed amount of value, on which accrues 12% interest. After the appeal is settled by court or agreement, which likely could take years, and there is money owed to the taxpayer, the payment to the taxpayer of tax payments plus interest comes out of the current Unsegregated Tax Account. In other words, it is paid by other taxpayers, from their payments for schools and other public services. Moreover, the substantial refund and interest payments that can arise from these large value appeals can, at worst, blow holes in local budgets and, at best, cause uncertainty in the local budgeting process.</p> <p><u>Best solution available</u></p> <p>HB 2569A grants authority to the county assessor to issue a deferred credit to the taxpayer for taxes owing on the disputed amount of value. The taxpayer keeps her money to use as she wishes without the threat of 16% delinquency interest accumulating against her. In return, no refund interest accumulates on that amount. Not a perfect solution: the taxes are not collected and distributed to schools and other districts. But it reduces exposure of the UTA and is eminently fair to the taxpayer/appellant.</p>
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7)	HB <u>2726-</u> A	HHS	Oppose	Reps Tomei, Doherty, Frederick, Read, Sen Monnes Anderson	<p><b>Amendments in Section 3:</b></p> <ul style="list-style-type: none"> <li>• Grandfather in 30+ existing certified smoke shops (mainly hookah lounges) so that they do not have to abide by the rules listed above (1-4)</li> <li>• Grandfathered smoke shops only have to apply for recertification every 5 years</li> <li>• May transfer their certification to new ownership</li> <li>• Have "portability with their certification so that they may close their shop down, but open it up in another community/location under the old rules (grandfathered)</li> <li>• Grandfathered smoke shops may occupy a facility as large as 3,500 sq. ft/ or if the old facility was larger than 3,550 sq. ft.</li> <li>• Certified smoke shops must also consent to unannounced site inspections of the business by the Oregon Health Authority</li> </ul> <p><b>Original summary:</b> Modifies definition of "smoke shop" for purposes of Oregon Indoor Clean Air Act. Modifications include:</p> <p>1. May not offer or allow on premises</p>	<p>Amendments to HB 2726 have neutralized most of the public health benefit that would have been seen, had the original law passed. Lane County currently has 3 certified smoke shops (all hookah lounges). These 3 locations would be grandfathered in under the current legislation. Although local communities would still have the option to pass stronger policies disallowing indoor smoking, the grandfathered establishments could simply move to an adjoining city (Springfield) and continue to allow indoor smoking of their addictive products marketed primarily to the 18-24 year old age group.</p> <p>The Indoor Clean Air Act prohibits smoking in almost all indoor workplaces and public places with the exception of cigar bars and certified smoke shops. Under the smoke shop exemption, a new type of business known as the "hookah smoking lounge" has emerged as a threat to the health of workers and the young people that frequent these establishments.</p> <p>Hookahs are tall, narrow, glass pipes with one or more flexible hoses through which flavored tobacco called "shisha" is smoked. Shisha is a moist mixture of tobacco, flavoring and honey or molasses syrup. Because shisha is moist, it doesn't burn in a self-sustaining manner, but must be continually heated by charcoal. The shisha smoke is cooled by water in the glass base of the pipe before it is inhaled. Shisha tobacco appeals to youth because it masks the harsher aspects of tobacco smoke and is available in dozens of flavors including candy, fruit, coffee and cocktail. Though federal legislation prohibits similarly flavored cigarettes because of their appeal to youth, currently, there is no such ban on flavored alternative tobacco products like shisha.</p> <p>Oregon Healthy Teens survey data indicates an alarming upsurge in hookah tobacco use by 8th and 11th graders. While the prevalence of cigarette smoking has stayed statistically the same in 8th graders and has dropped from 16% to 14.9% among 11th graders, the prevalence of hookah tobacco smoking jumped 73% among 8th graders and 37% among 11th graders from 2008 to 2009.</p> <p>Smoking lounges create an unhealthy workplace. Cigarette, cigar and hookah smoke contain dangerous amounts of cancer-causing chemicals and toxic gases, such as carbon monoxide. A hookah smoker may inhale as much smoke during a typical hookah session as a cigarette smoker would inhale from 100 cigarettes.</p> <p>Since December 2008, the Oregon Health Authority has received 45 applications for smoke shop exemption. 82% of smoke shop applications have been for smoking lounge businesses, and 62% have been for hookah lounges.</p>
8)	HB <u>2732-</u> A	C&F	Oppose	Reps Read, Cowan, Doherty, Huffman, Komp, Thatcher, Sen Hass	<p>Requires student to complete and submit application for apprenticeship program or post-secondary education institution or for enlistment in branch of Armed Forces or National Guard, or to attend orientation related to apprenticeship or training opportunity, in order to receive high school diploma. Takes effect July 1, 2012</p>	<p>Lane County Commission on Children &amp; Families discussed this bill. While intent to engage families and students in planning for youth future, concerns re: this bill include:</p> <ul style="list-style-type: none"> <li>• Cost to school districts</li> <li>• Costs to students/families, given the expenses related to applying to continuing ed/vocational opportunities (other than military options)</li> <li>• The mandates in this Bill show a lack of understanding of Youth Development</li> </ul> <p>Young people are not often in a position to make the career/higher educational decisions mandated.</p> <p>The list of options limit youth opportunities for exploration opportunities (i.e. travel, employment, etc)</p>

9)	HB	2920, CAO	Oppose	Reps Noan, Barnhart, Hoyle, J Smith	Allows the Secretary of State as State Auditor, to conduct audits of the use of fund transfers from the state to counties, including but not limited to transfers of video lottery, state highway funds, cigarette tax revenues, and Oregon Liquor Control Commission funds.	<p>Depending upon size and frequency of audit, this would require staff time in departments of Management Services and County Admin to respond to, thereby increasing workload. However since Lane County believes it meets all state requirements for these funding sources it is hoped this could have minimal impact. Financial Services in Management Services may have different view.</p> <p>The bill doesn't include additional funds to cover the costs of the audit. Plus, Lane County already files audits with the Secretary of State by December 1 every year.</p>	
10)	HB	3086	C&F	Monitor	Reps Kotek, Boone	<p>Requires preparation of minority racial and ethnic impact statement by Department of Human Services when legislation may affect minority racial and ethnic population receiving child welfare services. Directs department to report, by percentage, race or ethnicity of children in foster care system compared to race or ethnicity of children in general population. Requires contractor or entity receiving funds from department to use percentage of funds that equals percentage of racial or ethnic population served out of total population served for child welfare services provided to persons in that racial or ethnic population.</p>	<p>At this time we would recommend monitoring this bill. We feel there is work going on within DHS that is also aimed at addressing these issues.</p> <p>One area we would think needs to be considered, should this bill move forward, is impact on our local partner agencies.</p> <p>A potential area of impact to Lane County departments could be related to monitoring agencies we contract with, funded by DHS, for adherence to this.</p> <p><b>There is an amendment pending, but it has not been released to the public yet. At this point, this bill is just a placeholder and we want to monitor it until we see the amendment and have time to review it, at which time it can be brought back to the Board.</b></p>



11	HB	3102- A	C&F	Support	<p>Reps Thompson, Hunt, Gilliam, Kotek, Krieger</p> <p>Transfers authority over court appointed special advocates and CASA Volunteer Programs from State Commission on Children and Families to [Judicial Department] judicial branch of state government. [Becomes operative July 1, 2011.] Continuously appropriates moneys in Court Appointed Special Advocate Fund to Oregon Department of Administrative Services for making distributions to CASA Volunteer Programs or to counties for making such distributions. Creates Court Appointed Special Advocate Task Force to make recommendations on appropriate entity to administer and supervise CASA Volunteer Programs and certain other matters related to programs. Requires submission of report to appropriate interim committees no later than January 15, 2012. Sunsets task force on June 30, 2012.</p>	<p>The OCCF's Blue Ribbon Report recommends and the Oregon CASA Network's strategic plan supports the goal of CASA becoming more self governing &amp; sustaining. The ultimate goal was for CASA to transition from the Commission to another agency or entity.</p> <p>The Oregon CASA Network has been diligently working on that transition since March 2010. The process was to identify a transition strategy along with finding consensus among the 31 CASA programs that represent all 36 counties in Oregon.</p> <p>The initial strategy which was approved by the Network was to reconfigure their existing relationship with the Commission to a strictly fiscal one between the State Commission and the Oregon CASA Network for the 2011-2013 biennium as the Network explored other possible "housing" options meaning which state agency would it make the most sense for the CASA budget to reside in. With the Governor's budget dissolving the State Commission next year this is an attempt to find a place for CASA. With the amendment to create a Task Force to identify appropriate entity to administer and supervise CASA, we recommend supporting this bill.</p>
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12)	HB	3241- A	PW	Monitor	<p>Reps: Shéehan, Weidner, Barker, Bamhart, Bentz, Berger, Beyer, Boone, Brewer, Buckley, Conger, Dembrow, Doherty, Esquivel, Freeman, Garrett, Gilliam, Harker, Huffman, Hunt, Jenson, Johnson, Kennemer, Komp, Krieger, Lindsay, Matthews, McLane, Nathanson, Parrish, Read.</p> <p>Establishes process through which person may obtain reservation through city or county to conduct funeral services on public property. Specifies that person who refuses to leave reserved area after having been requested to do so by no per of reservation commits crime. Punishes by maximum of six months' imprisonment, \$2,500 fine, or both. Creates crime of disrupting funeral service for person who, with intent, commits certain acts within 1,000 feet of real property on which service is being conducted. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.</p>	<p>HS: This bill appears to address the use of public facilities for funeral services and creates nuisance code (which for Lane County would functionally reside in the Land Management Division and the SO) related to a 400' distance around the facility.</p> <p>I believe it would create a quasi special use permit requirement for the County for use of facilities (a person can reserve a or part of the 400 feet surrounding the facility) (a reservation may be made under this section) ("If a funeral service is conducted at a place that is not within the boundaries of a city a reservation under this section must be made with the County").</p> <p>If the funeral were scheduled for inside a park, we would require a special use permit under current park rules; however, if we're talking about the PSB, someone other than Parks would need to administer this SUP. The proposed legislation also allows for a fee structure.</p> <p>As Kent stated, this appears to be a response to the demonstrations that have happened at some military funerals across the country.</p> <p>There are costs to the County for something that may never happen and for which we may already have tools to manage.</p> <p>BM: Although it may be tough to not support the concept of non-interference with funeral services, particularly for members of the Armed Forces, here are practical issues with the bill and its potential implementation.</p> <p>Section 1(1.) The language regarding "public real property" is vague. Although these services would typically be held in a park, what if someone wanted to use other public ownership locations not intended in the bill?</p> <p>This would appear to be another unfunded mandate, requiring both cities and counties to develop and administer a permit process. The Board has typically established facility permit fees that do not capture all of the costs associated with administration and inspection. Therefore, the new bill would likely cost the County money to administer.</p> <p>Who "draws the lines" to determine the 400 foot radius? What about private property within the 400 foot zone? Who makes the decision whether that 400 foot line has been encroached upon? As we assume it is presently...</p>
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	HB	3386- A	PW	Support	Rep Kennemer (at request of Oregon Associatio n of County Engineers and Surveyors)	Offers some clarifications to "non-buildable" unit of land and gives direction on how to show dedication and easements on Plat.	Current system is working to be sure, but this version will help clarify some present language and does a better job of addressing some concerns we as County Surveyors have. I am pleased with some of the non-limiting aspects.  <b>MORE ANALYSIS WILL BE MADE AVAILABLE BEFORE BCC MEETING TUESDAY</b>
14)	HB	3471- A	C&F	Monitor	Reps Dembrow, Wingard, Hunt	Requires state institutions of higher education, community colleges, or OSHU to waive tuition and fees for current or former foster youth under 25 years of age. <b>Conditions receipt of waiver.</b> Expands college scholarship program to include current foster youth. <b>Directs Oregon Student Assistance Commission to adopt rules to prioritize awarding of Oregon Opportunity Grants to current foster children and former foster children when grant funds are not sufficient to serve all eligible students.</b>	Passage of this legislation would remove barriers to higher education for young people in the foster care system. As this is in line with our comprehensive community plan for children, youth and families (specifically, supports/services for Transition Age Youth), we are supportive of the intent of this legislation. As above, pending details and need, we may seek to change our recommendation to SUPPORT. We would not anticipate impact county staff/departments
15)	HB	3614	PW	Support	Reps Weidner, Freeman, Garrard, Hoyle, Hunt, Matthews, Read, Schaufier, Sheehan, J Smith, Thatcher, Whisnant, Wingard	Prohibits city or district from requiring landowner to consent to eventual annexation in exchange for continuation of extraterritorial service originally provided to landowner or predecessor in interest of landowner without requiring consent to annexation.	Clarifies that a City can require a landowner to consent to annexation before providing water, sewer or power to a property. Also clarifies that a City cannot require a landowner to consent to annexation in order to continue receiving water, sewer, or power that was originally given to the property without requiring annexation or consent to annexation. This bill seems fair.

16)	HB	- 3654	PW	<b>Monitor</b>	<p>Reps Thompson, Berger, Boone, Hoyle, Huffman, Johnson, Olson, Schaufler, Sens, Boquist, Edwards</p> <p>Modifies criteria for siting winery in exclusive farm use zone. Authorizes siting of winery in forest zones and mixed farm and forest zones.</p> <p>Modifies authorized activity of winery sited in resource zone. Authorizes conditional approval of events or activities on tract of resource land that are incidental and subordinate to far use of, or production of wine on, tract.</p>	<p>Clarifies that wineries are an allowed use in forest zones. Since many wineries are on hillsides, it would remove the need to rezone forest land if it is put into production as a vineyard/winery. This bill does indicate that agritourism events are a permitted use, however, only if they are registered with the County. This registration would likely require a fee for the County to administer. It should also be noted that some of the text involving gallons of wine produced is not consistent with other bills related to wineries. Finally, it is unclear whether this bill authorizes all wineries to have a full-service restaurant or only large producers.</p>
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## ATTACHMENT B

### 5) HB 2122-A Measure Summary

This bill now only regulates firewood from outside Oregon, Washington, or Idaho, thereby eliminating Parks concerns.

[Prohibits importation of untreated firewood into state. Prohibits sales of unlabeled firewood.] **Prohibits transporting firewood into or within Oregon and selling firewood in Oregon, unless firewood has been harvested in Oregon, Idaho, or Washington or firewood meets certain standards.** Requires State Department of Agriculture to adopt rules regulating [importation, supplying and sale of] firewood. Makes violation of statute or department rules subject to civil penalty, not to exceed \$10,000. Directs deposit of civil penalty moneys into Invasive Species Control Account. Applies to [importation or other nonretail supplying of firewood, and to] **transporting into state, supplying of and** wholesale selling of firewood, that occurs on or after [July 1, 2012] **January 1, 2013**. Applies to sales of firewood that retail seller acquires on or after [July 1, 2012] **January 1, 2013**.

### Staff Analysis

**This new change would make this bill acceptable for Parks, though I believe the County would have no reason to support this based on staff expertise. It's possible that individuals from the biology/botany/forestry world may well be supportive given the potential biological threats from firewood from other sources. We would have no reason to oppose.**

**Previous analysis:** This would create an unfunded burden on LCP. LCP sells firewood at campgrounds as a convenience for paying campers. While providing bundles of firewood is an important service, it is not a net revenue center. Additionally, some firewood sold in parks comes from trees downed in parks due to weather or improvements. Labeling each bundle of firewood would create a significant demand on labor resources for something that is a service and not a money-maker, and it would do little to protect state-wide agricultural resources.

County support for this should be contingent upon an exemption for public campgrounds, or a simple requirement for a single document certifying that all firewood sold by LCP is not imported or is in compliance with the rules (we could maintain records of the sources of firewood, or something as simple as that rather than labeling firewood. If no exemption or modification of documentation/certification requirements, then County should oppose.

## 6) HB 2569-A Analysis

### What HB 2569A will do

Authorizes a county assessor to order a “deferred billing credit” to a taxpayer/appellant, if the value at issue in the property tax appeal exceeds \$1 million.

The bill originates from the County Assessors Association and an AOC work group on large value appeals, which included direct stakeholders in property tax collections (OSBA, COSA, LOC, SDAO, AOC, OCCA) with technical advice from the Department of Revenue.

HB 2569A, after technical amendments, passed the House 57-3

### Current law

When there is a large value appeal, such as a central assessment by DOR (e.g., Comcast), the taxpayer/appellant typically pays the taxes for the disputed amount of value, on which accrues 12% interest. After the appeal is settled by court or agreement, which likely could take years, and there is money owed to the taxpayer, the payment to the taxpayer of tax payments plus interest comes out of the current Unsegregated Tax Account. In other words, it is paid by other taxpayers, from their payments for schools and other public services. Moreover, the substantial refund and interest payments that can arise from these large value appeals can, at worst, blow holes in local budgets and, at best, cause uncertainty in the local budgeting process.

### Best solution available

HB 2569A grants authority to the county assessor to issue a deferred credit to the taxpayer for taxes owing on the disputed amount of value. The taxpayer keeps her money to use as she wishes without the threat of 16% delinquency interest accumulating against her. In return, no refund interest accumulates on that amount. Not a perfect solution: the taxes are not collected and distributed to schools and other districts. But it reduces exposure of the UTA and is eminently fair to the taxpayer/appellant.

### What is at stake

If HB 2569A does not pass, here is a single example of what is at stake. For districts in Multnomah County alone, in the Comcast appeal alone, interest in the first year accrued at \$40,000/month. Now in the second year, the accrued amount doubles as the amount in dispute accumulates, and so on in succeeding years. The common expectation is that the Comcast appeal will run five years or more. An adverse settlement will be paid to the appellant by other taxpayers, who paid their taxes for schools and other public services, not refund interest.

HB 2569A is straight forward, friendly to the taxpayer, and keeps more revenues working for public services.

## 7) HB 2726-A Measure Summary

### Amendments in Section 3:

- Grandfather in 30+ existing certified smoke shops (mainly hookah lounges) so that they do not have to abide by the rules listed above (1-4)
- Grandfathered smoke shops only have to apply for recertification every 5 years
- May transfer their certification to new ownership
- Have "portability with their certification so that they may close their shop down, but open it up in another community/location under the old rules (grandfathered)
- Grandfathered smoke shops may occupy a facility as large as 3,500 sq. ft/ or if the old facility was larger than 3,550 sq. ft.
- Certified smoke shops must also consent to unannounced site inspections of the business by the Oregon Health Authority

**Original summary:** Modifies definition of "smoke shop" for purposes of Oregon Indoor Clean Air Act. Modifications include:

1. May not offer or allow on premises consumption of food or beverage, including alcoholic drinks
2. Has a maximum seating capacity of four persons
3. Sells tobacco products and smoking instruments intended for off premises consumption or use
4. Allows smokings of tobacco products for the purpose of sampling prior to making retail purchase decision

Directs Oregon Health Authority to establish registration system for smoke shops.

### Staff Analysis

**Amendments to HB 2726 have neutralized most of the public health benefit that would have been seen, had the original law passed. Lane County currently has 3 certified smoke shops (all hookah lounges). These 3 locations would be grandfathered in under the current legislation. Although local communities would still have the option to pass stronger policies disallowing indoor smoking, the grandfathered establishments could simply move to an adjoining city (Springfield) and continue to allow indoor smoking of their addictive products marketed primarily to the 18-24 year old age group.**

The Indoor Clean Air Act prohibits smoking in almost all indoor workplaces and public places with the exception of cigar bars and certified smoke shops. Under the smoke shop exemption, a new type of business known as the "hookah smoking lounge" has emerged as a threat to the health of workers and the young people that frequent these establishments.

Hookahs are tall, narrow, glass pipes with one or more flexible hoses through which flavored tobacco called "shisha" is smoked. Shisha is a moist mixture of tobacco,

flavoring and honey or molasses syrup. Because shisha is moist, it doesn't burn in a self-sustaining manner, but must be continually heated by charcoal. The shisha smoke is cooled by water in the glass base of the pipe before it is inhaled. Shisha tobacco appeals to youth because it masks the harsher aspects of tobacco smoke and is available in dozens of flavors including candy, fruit, coffee and cocktail. Though federal legislation prohibits similarly flavored cigarettes because of their appeal to youth, currently, there is no such ban on flavored alternative tobacco products like shisha.

Oregon Healthy Teens survey data indicates an alarming upsurge in hookah tobacco use by 8th and 11th graders. While the prevalence of cigarette smoking has stayed statistically the same in 8th graders and has dropped from 16% to 14.9% among 11th graders, the prevalence of hookah tobacco smoking jumped 73% among 8th graders and 37% among 11th graders from 2008 to 2009.

Smoking lounges create an unhealthy workplace. Cigarette, cigar and hookah smoke contain dangerous amounts of cancer-causing chemicals and toxic gases, such as carbon monoxide. A hookah smoker may inhale as much smoke during a typical hookah session as a cigarette smoker would inhale from 100 cigarettes.

Since December 2008, the Oregon Health Authority has received 45 applications for smoke shop exemption. 82% of smoke shop applications have been for smoking lounge businesses, and 62% have been for hookah lounges.

HB 2726 would allow the original legislative intent for smoke shop exemptions to continue. (Allowing the sampling of tobacco products prior to the purchase of these products for off premises consumption) while eliminating smoking lounges.

## 12) HB 3241-A Sponsors

Reps Sheehan, Weidner, Barker, Barnhart, Bentz, Berger, Beyer, Boone, Brewer, Buckley, Conger, Dembrow, Doherty, Esquivel, Freeman, Garrett, Gilliam, Harker, Huffman, Hunt, Jenson, Johnson, Kenemer, Komp, Krieger, Lindsay, Matthews, McLane, Nathanson, Parrish, Read, Schaufler, Thatcher, Thompson, Tomei, Whisnant, Wingard, Witt, Sen Edwards

### Staff Analysis

**HS:** This bill appears to address the use of public facilities for funeral services and creates nuisance code (which for Lane County would functionally reside in the Land Management Division and the SO) related to a 400' distance around the facility.

I believe it would create a quasi special use permit requirement for the County for use of facilities (a person can reserve all or part of the 400' feet surrounding the facility)("a reservation may be made under this section")("If a funeral service is conducted at a place that is not within the boundaries of a city, a reservation under this section must be made with the County").



If the funeral were scheduled for inside a park, we would require a special use permit under current park rules; however, if we're talking about the PSB, someone other than Parks would need to administer this SUP. The proposed legislation also allows for a fee structure.

As Kent stated, this appears to be a response to the demonstrations that have happened at some military funerals across the country.

There are costs to the County for something that may never happen and for which we may already have tools to manage.

**BM:** Although it may be tough to not support the concept of non-interference with funeral services, particularly for members of the Armed Forces, here are practical issues with the bill and its potential implementation:

**Section 1(1.)** The language regarding "public real property" is vague. Although these services would typically be held in a park, what if someone wanted to use other public ownership locations not intended in the bill?

This would appear to be another unfunded mandate, requiring both cities and counties to develop and administer a permit process. The Board has typically established facility permit fees that do not capture all of the costs associated with administration and inspection. Therefore, the new bill would likely cost the County money to administer.

Who "draws the lines" to determine the 400 foot radius? What about private property within the 400 foot zone? Who makes the decision whether that 400 foot line has been encroached upon? As we assume it is presently illegal to block or disrupt traffic on our roadways for demonstration purposes, wouldn't the Sheriff or State Police already have authority to arrest those engaged in such activities? Would the volume of permit allocations be sufficient to either support new staff or could it be handled by existing staff?

Families have enough to cope with under these circumstances, do we want to add another regulatory layer to them at times like these?

Artificial distance limits would be difficult to enforce and could actually exacerbate the problem...i.e. demonstrator within 401 or 1001 feet? it would seem to bring more attention to the problem, which could create additional awareness on the part of those who engage in these activities.

For these reasons, we would recommend that the bill be closely monitored.

## ATTACHMENT C

**Draft Minutes  
Lane County Legislative Committee Meeting  
May 6, 2011  
2:00 PM  
BCC Conference Room**

The meeting was called to order at 2:05PM

Attending: Commissioner Faye Stewart, Commissioner Jay Bozievich, Alex Cuyler, Ben Nussbaum, Rob Rockstroh, Anette Spickard, Lynne Schroeder (leave 2:30), Alicia Hays, Stephen Vorhes, Marsha Miller (Arrive 2:30).

The meeting opened with a discussion of state budget issues and how Lane County can play a larger role in the Ways and Means public hearings process. Alex Cuyler sought direction from the Legislative Committee members regarding the role of the Board and of staff in this process. It was determined that staff could provide legislators with factual input about the effects of the budget on County services. When, and if, it becomes necessary to provide more than just factual input, the budget bills will be brought in front of the Board.

The discussion then shifted to federal issues. Commissioner Stewart presented the proposal for providing disaster relief and aid to Japan after the earthquake. The proposal would help Japan rebuild using 1 billion board feet of timber available on Oregon federal forest land. This project would create around 30,000 new jobs in Oregon and could help to save local timber industry. The President's administration is aware of the plan and it is supported by AOC, O&C Land, etc. It was determined to bring the issue to the Board and the upcoming meeting and the committee reviewed the draft resolution.

The second federal item regarded the SDA contract. They are asking for a \$4,000 increase in their compensation. Alex Cuyler asked what the County should do given Lane County's budget issues. The Legislative Committee determined it would like to know why they want the increase before making any recommendations.

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

Meeting adjourned at 4:05pm.

## ATTACHMENT D

WHEREAS, Lane County values its residents of Japanese descent and knows that many of its residents have relationships with people now living in Japan ; and

WHEREAS, many Lane County businesses have trade relationships with businesses based in Japan; and

WHEREAS, over 450,000 residents of Japan are suffering from the devastating effects of earthquake, tsunami, and nuclear accident related displacement; and,

WHEREAS, 60% of Oregon's land base is covered by federally managed forests; and

WHEREAS, Oregon's abundant forest lands can produce the timber resources that Japan will need in order to rebuild its nation; and;

WHEREAS, existing law prescribes the management of these lands and promises at least to do no harm to the impacted communities, and at best to support local well being through shared revenue structures.

WHEREAS, the management of federal lands has a direct impact on Oregon's schools, roads, and public safety investments; and,

WHEREAS, reversing unemployment in Lane County is a priority for the Board of County Commissioners; and

WHEREAS, there is one billion board feet of lumber legally allotted to be harvested in the Pacific Northwest under the Northwest Forest Plan; and

WHEREAS, at the harvest levels envisioned by the Northwest Forest Plan, it is estimated that 30,000 new jobs would be created in the Pacific Northwest; and,

WHEREAS, the United States Congress holds the power to develop and amend laws and fund agencies; and,

WHEREAS, federal laws and available resources have combined to limit the ability of federal land agencies to provide forest health and community stability.

NOW THEREFORE BE IT RESOLVED that the Lane County Board of Commissioners urges its state and federal elected officials to pursue legislation to streamline the ability of federal forest managers under the Northwest Forest Plan to get timber sales to market for the purposes of creating value added wood products when a finding of emergency or humanitarian assistance is declared; and,

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

## ATTACHMENT E

### **Saving America While Rebuilding Japan**

On March 11, 2011 the world witnessed one of the worst natural disasters known to mankind. A 9.0 magnitude earthquake struck Japan devastating and in most cases erasing the Northern portion of the country. It killed thousands and left more than 450,000 people homeless. This has left Japan and the world with the largest humanitarian need caused by a natural disaster. Japan needs help and it will be a multiyear effort to clean up and rebuild the communities that were destroyed.

In America we're in the worst economic times since the Great Depression. People throughout America have lost their jobs and in many cases their homes and lives as they knew them. We are struggling as a country to create jobs and opportunities to put our community members back to work, to save their livelihoods.

I would urge President Obama and Congress to commit American Manufactured products to Japan over the next 5 years to help them rebuild their country.

One specific way is to commit manufactured timber products from the Pacific Northwest. Due to low demand for timber products in our country most if not all the timber manufacturing companies are idle or at best, operating at minimum capacity to hang on through this recession. The United States could purchase products from these companies and give them to Japan by using Disaster Relief Funds.

The US is a very compassionate and caring country that in the past has stepped in and offered assistance in many ways, most often through cash donations.

In Oregon, the Federal government manages nearly 16 million acres of Forest Land (Forest Service and Bureau of Land Management or BLM). The Forest Service land is managed under the Northwest Forest Plan (Clinton Forest Plan). This plan allows up to 1.2 billion board feet of harvest per year in the Pacific Northwest. To date the average harvest has been between 200-350 million per year. This means that nearly a billion board feet per year could be utilized under the current NWF Plan. In addition under the BLM management there is the ability to increase harvest under the current plan by approximately 300 million board feet.

The Federal government could increase the harvest level under both plans by roughly 1-1.3 billion board feet and this additional volume could be committed to Japan in additional manufactured products from the Pacific Northwest. This would create nearly 30,000 new jobs. These jobs in turn would improve the local economies and jumpstart the road to economic recovery and stability.

The President and Congress would need to give direction to work out a commitment with Japan and instruct the Forest Service and BLM to fully implement their forest plans. They would also need to set aside for five years the road blocks keeping the plans from being implemented. At the end of that period, there would need to be a thorough review of the activity to assure that all environmental laws have been met and to add any necessary changes to continue protecting the environment.

In Oregon our Federal Forest Land is in dire need of management. The forest's health is deteriorating each year. According to The Oregon Forest Resources Institute, our Federal Forest Land (from 2000-2005) has averaged 300 million board feet of harvest, 760 million board feet lost to mortality, and 2.9

billion board feet of new growth. This shows that almost the entire allowed harvest under the NWF Plan could be generated in our Federal forests by harvesting the dead and down timber lost each year to mortality. We would be achieving new jobs and aiding a country in need by being better stewards of our land.

The State of Oregon should be partners in this effort as it owns and manages several million acres of timberland that could also help supply needed timber products to Japan. Currently, local timber product markets have reduced the demand and not warranted trying to sale or give away timber at a reduced value. Being able to sell timber at a higher value would help the State of Oregon generate much needed revenue to fund our school system, and other critical serves our residents need.

It is possible as Congress looks for an offset to pay for the Secure Rural School and Self Determination Act in the 2012 Budget that the revenue generated from the additional timber sold could be used to fund payments to the states in the Pacific Northwest or states that generate the timber that sold. If the current management plans can be fully implemented and meet the required standards under the Federal Law then the Federal government can transition payments under the SRS Act back to actual harvest payments as they existed pre-1994.