

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Ratification of Unanimous IGR Actions and Action on Non-Unanimous IGR
Actions from March 3, and March 9, 2011

Meeting Date: March 14, 2011
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Brenda Wilson
Contact Telephone Number: 541-682-8441

ISSUE STATEMENT

This is an action item to discuss and ratify the actions of the Intergovernmental Relations (IGR) Committee from the March 3 and March 9, 2011, IGR Committee meetings.

BACKGROUND

As a matter of procedure, during the legislative session, the City Council is routinely asked to ratify the actions taken by the Intergovernmental Relations (IGR) Committee on legislation. The IGR Committee reviews all bills and their associated staff recommendations and provides direction for each piece of legislation introduced during the legislative session.

Any member of the IGR Committee may pull a bill off the IGR Bill Report for discussion. If a bill is not pulled for discussion, the staff recommendation stands. If a bill is pulled for discussion, the IGR Committee may keep or change the staff recommendation. Actions on which the IGR committee is not unanimous must be brought before the full City Council for consideration. These bills must be addressed by the full council in order to provide direction to staff in Salem.

The IGR Committee met on March 3 and March 9, 2011, to review staff recommendations on bills that have been introduced in the state legislature. However, the IGR Committee vote on one bill was not unanimous. Accordingly, the full council must provide direction before this bill can be lobbied in Salem. The bill for which there was not a unanimous vote is listed below. Staff comments for the bill are listed in the attached document. I have also attached a copy of the bill.

A motion needs to be made to state the position for the bill listed below.

MARCH 3, 2011:

HB 3184: This bill would require public notices be published in newspapers, broadcast by radio or television stations, or posted on websites maintained by statewide associations of stations or broadcasters.

Staff Recommendation: Priority 3 Support (By Jerry Lidz and Beth Forrest)

IGR Committee Vote: Monitor (2/1, Poling, Taylor / Clark, No)

(See page 4-5 of the March 3, IGR Bill Report for staff comments).

RELATED CITY POLICIES

Ratification of IGR Committee actions is the making or affirming of the City of Eugene's policy with respect to Federal and State legislative issues or such other matters as may come to the council from the committee.

COUNCIL OPTIONS

The council may ratify or decline to ratify the IGR Committee's unanimous actions and approval of staff recommendations. Actions on which the IGR committee is not unanimous must be addressed by the full council in order to provide direction to staff in Salem.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends ratification of the IGR Committee's actions and that there be a discussion on the actions that were not unanimous.

SUGGESTED MOTION

Move to ratify the IGR Committee's unanimous actions on bills and approval of staff recommendations in the March 3 and March 9, 2011, IGR Bill Reports for bills not pulled for discussion at those IGR meetings.

ATTACHMENTS

- A. March 3, 2011, IGR Bill Report
- B. March 9, 2011, IGR Bill Report
- C. Bill up for Discussion

FOR MORE INFORMATION

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Staff E-Mail: brenda.s.wilson@ci.eugene.or.us

IGR BILL REPORT
 March 3, 2011 / IGR COMMITTEE MEETING
 CITY OF EUGENE

HB 2081

Relating Clause: Relating to greenhouse gas emissions from trucking; creating new provisions; amending ORS 468.140; and declaring an emergency.

Title: Requires Environmental Quality Commission to adopt rules establishing requirements for certain heavy-duty trucks and box-type trailers. Specifies timetable for compliance with rules. Requires commission to adopt rules establishing requirements for fleet compliance plans for certain heavy-duty trucks and box-type trailers. Requires commission to adopt rules relating to prohibition on idling of commercial motor vehicles. Provides exceptions. Declares emergency, effective on passage.

Sponsored by: Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Department of Environmental Quality)

URL: <http://www.leg.state.or.us/11reg/measpdf/hb2000.dir/hb2081.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Eric Jones		PW-ADM	1/24/2011	--	Monitor

Comments: Defer to Tony Jobanek's recommendation. The specific language we're looking for is an exemption of public agency fleet vehicles.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Ethan Nelson		PDD-BPS	2/9/2011	--	--

Comments: Defer to Eric Jones in PW.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Sharon Olson		PWW	1/11/2011	--	--

Comments: Defer to Tony Jobanek.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Michelle Cahill		PWW	2/18/2011	--	--

Comments: Defer to Tony Jobanek.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Tony Jobanek		PWM	1/24/2011	--	Monitor

Comments: We need to determine what the exceptions are in this bill. If the City fleet is required to retrofit its large class vehicles with emission reduction technology there would be cost to the organization. We already have a no-idling policy in place for City owned vehicles, but if required, a more restrictive no-idling policy could be necessary to meet changes in idling restrictions if the municipal fleet was not exempt from the new regulations. For

some Public Works operations additional idling restrictions may have a negative impact on operational efficiencies.

HB 3081

Relating Clause: Relating to discrimination in public contracting; declaring an emergency.

Title: Prohibits contracting agency from awarding public contract to prospective contractor that discriminates in providing employee benefits between employee that has domestic partner and employee that has spouse.

Sponsored by: By Representative HUNT

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3000.dir/hb3081.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Emmy Jenson		CS-CMO	2/4/2011	Pri 3	Support

Comments: Concur with Mike Penwell. Additional comments: the City has a long history of supporting domestic partnerships and providing employee domestic partnership benefits. City purchasing policies need to consistently reflect our commitment to domestic partnership and anti-discrimination practices.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jenifer Willer		PWE	2/3/2011	--	--

Comments: I defer to others on a recommendation for this bill.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Paul Klope		PWE	2/2/2011	--	--

Comments: I will defer to others on this bill.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz		CS-CMO-ATTY	2/13/2011	Pri 3	Support

Comments: I agree with Mike Penwell's comments. Implementing and enforcing the new contracting requirements, however, will take time and cost some money. I think City policy is that those are worthwhile costs, but we should be aware that the changes have a (relatively small) price.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jamie Garner		CS-FIN	2/4/2011	Pri 3	Support

Comments: I agree with Mike Penwell's analysis/comments.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mike Penwell		CS-FAC	2/4/2011	Pri 3	Support

Comments: This bill is intended to make purchasing law more consistent with domestic partnership laws by prohibiting contracting agencies from contracting with contractors who discriminate against employees in domestic partnerships by withholding benefits from employees' domestic partners that are offered to other employees' spouses.

HB 3129

Relating Clause: Relating to the Oregon Medical Marijuana Program.

Title: Modifies provisions relating to release of information from Oregon Medical Marijuana Program to Oregon Health Authority and law enforcement.

Sponsored by: By Representative OLSON; Representatives BARKER, FREEMAN, JOHNSON, KRIEGER, SCHAUFLE, SPRENGER, THOMPSON, WHISNANT, WINGARD, Senators KRUSE, MORSE

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3100.dir/hb3129.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/17/2011	Pri 3	Support

Comments: This law is a step in the right direction of untangling a web of information that requires us to ask "just the right" question of the authority, especially as it relates to grow sites. It would be better if we have language that prohibits the authority from disclosing the existence of a law enforcement request or subpoena. The impact of this law on CoE is to provide a mechanism to obtain the correct information regarding grow sites, thus being better able to triage cases. A majority of tips received from citizens are regarding marijuana growers that appear to be going beyond the law. This bill potentially saves many hours of background work. At the least, it would help identify growers that are out of compliance on a large scale, focusing our efforts on the most egregious offenders.

HB 3152

Relating Clause: Relating to hate crimes; declaring an emergency.

Title: Renames crime of intimidation as hate crime.

Sponsored by: By Representative BARKER (at the request of Department of Justice)

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3100.dir/hb3152.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/17/2011	Pri 2	Support

Comments: It is largely symbolic to change "intimidation" to "hate crime." This is common labeling throughout the country, so is probably a good thing. Additionally, this bill adds a section to "hate crime" in the first degree to apply to a single individual, which the current "intimidation" in the first degree does not. Good move. The mandatory 60 day sentence

will have an impact on jail population, but very little because most of these defendants do jail time anyway.

Adding the Attorney General to DA's for filing civil cases is a current focus of the new Attorney General. This is probably a good addition because DA's tend not to file the civil litigation if the standard of proof for the criminal case is not met. This gives victims another avenue of obtaining justice. I don't know why one would limit the liability to \$250,000.

Section 5 of this bill is a minor problem because it mandates us to report now to the Dept of Justice and State Police. As long as it's just crime statistics it is a minor impact. However, that whole ORS is problematic already because it asks for reporting of information we do not collect. But that is not addressed in this bill. We are good with the recommended Pri 2 Support

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz		CS-CMO-ATTY	2/13/2011	Pri 2	Support

Comments: Although I think the bill's merits are largely symbolic, sometimes symbolism is valuable. My only substantial reservation about the bill is that a \$250,000 civil penalty, on top of any actual damages, is excessive. I defer to Emmy's and Holly's recommendation on priority.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Holly LeMasurier		CS-CMO	2/10/2011	Pri 2	Support

Comments: This is the HB version of SB 0044 already brought to IGR 2/9/11.

City Council goal: Safe community
Current City Manager focus on hate crimes response, significant leadership efforts among Eugene's public agencies

This action is aligned with recommendations of our recently implemented City of Eugene Hate Response (stronger sentencing; monitoring and reporting)

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Emmy Jensen		CS-CMO	2/9/2011	Pri 2	Support

Comments: We support the renaming of crimes of intimidation as hate crimes to strengthen the City of Eugene's commitment to denounce hate, intolerance and bias activities as per Resolution No.5013 adopted by Council July 26. 2010.

House Bill 3152 increases law enforcement's ability to impose terms of incarceration, allows for civil action based on commission of hate crime, and directs law enforcement to monitor and report statistics to the Department of Justice.

HB 3184

Relating Clause: Relating to public notices.

Title: Provides that public notices required by law to be published by public body may be published in newspaper, broadcast by radio or television station or posted on website maintained by statewide association of stations or broadcasters.

Sponsored by: By Representatives GARRARD, HUFFMAN (at the request of Oregon Association of Broadcasters)

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3100.dir/hb3184.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz	CS-CMO-ATTY		2/10/2011	Pri 3	Support

Comments: This bill would allow more flexibility in the ways the City (and others, including private persons) could provide a required public notice. In addition to the traditional newspaper publication, it would allow broadcast by radio or TV and would allow publication on a state-wide website created by broadcasters. The website would result in a central location to check for notices, greater efficiency and some cost savings.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Beth Forrest	CS-CMO		2/17/2011	Pri 3	Support

Comments: Maintains City's flexibility to determine best way to give public notice, and provides a centralized location for such notice.

HB 3186

Relating Clause: Relating to operating a motor vehicle while using a mobile communication device.

Title: Removes exception for person operating motor vehicle in scope of person's employment from offense of operating motor vehicle while using mobile communication device.

Sponsored by: By Representative BERGER, Senator PROZANSKI; Representatives BEYER, BOONE, BUCKLEY, CANNON, CONGER, COWAN, ESQUIVEL, KOMP, MATTHEWS, PARRISH, THOMPSON, TOMEI, Senators BOQUIST, WINTERS

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3100.dir/hb3186.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Eric Jones	PW-ADM		2/10/2011	Pri 3	Oppose

Comments: Identical to SB 407

We're trying to protect the situation where a Public Works motor vehicle operator uses a cell phone to communicate with dispatch or with an incident commander when the emergency command center has been activated. It is unclear whether the existing law at Section 1(3)(e) would allow this possibility (because the phrase "as a volunteer" at the end of the clause might exclude a Public Works equipment operator). It's also not clear to this reviewer what "one-way voice communication" would entail (and whether the exemption at Section 1(3)(j)(C) would apply).

As written, the bill would continue to allow two-way radio communication. However, cell phones are increasingly a viable communication tool for Public Works equipment operators. Recommend priority 3 oppose, seeking an amendment at Section 1(1)(e) to strike the words "as a volunteer" (i.e., to allow the use of a cell phone for a Public Works equipment operator providing emergency services). (Eric Jones)

Comments from other reviewers on SB 407:

The City already has a policy on this issue which, while it was being developed, considered what this bill proposes. I believe that the feedback received from managers for the City was that it would unnecessarily limit the ability to communicate or respond under some circumstances. (Craig Sorseth)

City staff do use cellular devices on occasion in city vehicles while performing aspects of their operational responsibilities. e.g. building inspectors calling supervisors, or customers with updates of their scheduling and work flow. Although Public Works field staff primarily use a two way radio system for emergency communications, there are times when their work flows require the use of cell phones to communicate while driving. If the use of a cell phone was not permitted these operations would be required to pull over to the side of the road to complete their communications or use a dedicated hands free device. Currently there is a City cell phone use policy that addresses most operational questions within the organization. Elimination of the proposed cell phone use language in this bill could potentially have a negative effect on certain City staff operations. The impact should be mitigated by the use of vehicle based blue tooth devices. (Tony Jobanek)

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/17/2011	Pri 3	Oppose

Comments: EPD likes the idea of eliminating the general exclusion of anyone who uses one of the prohibited devices as part of their employment. Just because it is work related does not mean they have the training and experience to operate a vehicle under those conditions any more than the average motorist. That said, we are ok with PW concerns over the wording, and defer to their recommendation.

HB 3192

Relating Clause: Relating to traffic offenses; declaring an emergency.

Title: Provides that fines and costs collected by court for traffic offenses committed on state highways be credited and distributed as monetary obligation payable to state.

Sponsored by: By Representative KIMP; Representatives GILLIAM, KENNEMER, SCHAUFLER

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3100.dir/hb3192.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/17/2011	Pri 2	Oppose

Comments: Concur with Jeff. This would divert all money for violations written on Hwy 99, `126 (Franklin, 6th and 7th, 11th) etc. Large negative monetary loss to the City. The state has

chosen not to fund the State Police at the level where they can enforce on these highways, but want the City's to give them the money.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jeff Perry		CS-MUNI	2/10/2011	Pri 2	Oppose

Comments: Bill would require that all fines and fees collected by the court for traffic offenses committed on state highways be credited to the state. The bill would create a significant impact on revenue since a large number of citations are issued on state highways. The bill is also inconsistent with other revenue sharing scenarios with the state - for instance when a state police officer cites into Municipal Court under Eugene Code the revenue must be split between the agencies.

HB 3195

Relating Clause: Relating to electronic records; declaring an emergency.

Title: Provides that if governmental agency conducts transaction by electronic means or in electronic form in ordinary course of business and under authority of law, agreement of person that conducts transaction with agency to conduct transaction by electronic means is presumed.

Sponsored by: By Representative ESQUIVEL

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3100.dir/hb3195.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz		CS-CMO-ATTY	2/13/2011	Pri 2	Support

Comments: Bill would facilitate electronic transactions in government and make it easy to rely on electronic signatures in government transactions. Promotes electronic transactions, reduces need for paper records.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Beth Forrest		CS-CMO	2/17/2011	Pri 2	Support

Comments: Agree with Jerry; supports City's sustainability goals by reducing paper transactions.

HB 3213

Relating Clause: Relating to noise control.

Title: Prohibits roads in certain areas from being used for transportation purposes related to mining or processing of rock, aggregate or minerals during certain hours.

Sponsored by: By Representative BARNHART (at the request of John Tyler, John Bauguess, Nena Lovinger)

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3200.dir/hb3213.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Eric Jones		PW-ADM	2/15/2011	Pri 2	Oppose

Comments: While this bill pertains primarily to rural areas, it does include, by definition, "urban unincorporated areas," which could include portions of River Road and Santa Clara, and the gravel mining operations north of Beacon Drive and along Division Avenue and Delta Highway. In terms of direct impact to the City of Eugene, some road repair projects are done at nights (e.g., portions of Coburg Road this summer). If the bill prevented or was amended to prevent gravel or asphalt trucks from traveling from a gravel yard or asphalt plant to the job site at night, this would create significant issues for us. The bill's sponsors are local, so it is likely that there is intent to implement this legislation in our area. See Paul Klope's analysis for other potential local impacts.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Paul Klope		PWE	2/15/2011	Pri 2	Oppose

Comments: This bill prohibits trucking from and to gravel mining sites on roads through urban unincorporated areas between the hours of 7 pm and 6 am. If passed, this law would have significant impact on the ability to perform City capital projects. Work is done in the evening and at night on projects around the City to enable completion of work in a timely manner and to avoid major traffic disruptions on busier streets. This bill would effectively eliminate the possibility of performing construction work on City streets and utilities after 7 pm, because trucking for all of the sources for gravel and paving materials in the area are located in and/or must travel through unincorporated urban areas to reach City projects. This bill takes away local control of how we perform our work. I don't see any way to amend the bill to make it acceptable.

HB 3224

Relating Clause: Relating to food sold in public buildings.

Title: Establishes nutritional requirements for food items sold in public buildings.

Sponsored by: By Representative KOTEK; Representative GREENLICK

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3200.dir/hb3224.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Michael Magee		LRCS-ADM	2/17/2011	Pri 3	Oppose

Comments: While LRCS generally supports efforts to reduce obesity in the general population, especially in children, we do not support this bill as written. It would significantly impact current operations at our facilities that are operated by both City and contracted vendors. If this bill were to be enacted, LRCS could lose thousands of dollars in revenue as our contract food service vendors may opt out of agreements. Further, if food and beverage service is unavailable at our facilities, it would be seen by our patrons as a reduction in service and convenience.

Additionally, some of our facilities serve alcohol. There are OLCC regulations that mandate food be served and there may be some conflicts with this bill and OLCC regulations that should be investigated if it looks like it will move forward.

LRCS makes every effort to limit food and beverage options that add to obesity at facilities that predominately cater to youth programs. At facilities that are not predominately youth focused, we concentrate more on providing a service that patrons value, which could mean offering traditional “snack shack” type of services like at ball fields, pools and golf courses. LRCS does try to offer healthy options where appropriate but do not want to legislate to adult patrons what they should or should not be eating or drinking and instead look at it as a service issue and want to provide items patrons request.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz	CS-CMO-ATTY		2/17/2011	Pri 3	Oppose

Comments: This bill would establish detailed nutritional standards for food and beverages sold in public buildings. "Public building," is defined as "a building owned or controlled by a public body." There is no clear definition of what's a building, but it probably would be interpreted to cover any enclosed structure. It doesn't matter whether the City or a concessionaire is selling the food and drink.

I doubt this bill has legs. It addresses one aspect of a major social problem, but is this top-down regulation the right approach? Will our vendors - e.g., at the Library - simply lose business? I agree with Mike Magee's comments and recommendation.

HB 3232

Relating Clause: Relating to homeless individuals; declaring an emergency.

Title: Provides civil immunity for person providing medical, dental or outreach services to homeless individuals if person has registered as volunteer with nonprofit corporation and services are provided without compensation.

Sponsored by: By Representative WHISNANT; Representatives BARKER, BOONE, ESQUIVEL, HUFFMAN, MATTHEWS, WITT, Senator BOQUIST

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3200.dir/hb3232.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Amanda Nobel Flannery	S. Jennings	PDD-ADM	2/15/2011	Pri 3	Support

Comments: Increased access to probono medical and dental services helps reduce costs for human services programs. This bill would make it easier for medical and dental professionals to participate in events like Project Homeless Connect.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz	CS-CMO-ATTY		2/15/2011	Pri 3	Support

Comments: Agree with Stephanie. Excellent idea that removes a disincentive to providing services to homeless people.

HB 3262

Relating Clause: Relating to prevention, treatment and recovery tax; appropriating money; prescribing an effective date; providing for revenue raising that requires approval by a three-fifths majority.

Title: Imposes prevention, treatment and recovery tax on malt beverages.

Sponsored by: By COMMITTEE ON REVENUE

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3200.dir/hb3262.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Larry Hill		CS-FIN	2/18/2011	Pri 1	Oppose

Comments: Oppose unless significantly amended to protect cities' and counties' shares of malt liquor revenue. HB 3262 is unnecessary, complex and could reduce state shared revenue received by the City of Eugene. The bill would revise the state malt beverages tax. The proposed tax rate is blank in the bill as introduced, and the shares to be distributed to cities and counties are also blank, so the impact of the bill on state shared revenue cannot yet be determined. The bill also layers a new distribution scheme on top of the existing statutory distributions for malt beverage tax revenue. Instead this bill, the state could simply appropriate the 56% share it already gets from the existing malt beverage tax for the State Police and alcohol remediation services, leaving city and county shares intact. What is apparent to me is that this bill intends to steer significant malt beverage tax revenue to a new Alcohol Remediation fund and to the State Police away from counties and cities.

The existing state tax on malt beverages is \$2.60 per barrel. The revenue from the existing tax is currently distributed according to statute: 56% to the state general fund; 20% to cities based on shares of incorporated population; 10% to counties based on population; and 14% to cities based on a complex formula. HB 3262 would circumvent this established distribution formula for malt beverage revenues. Note: HB 3262 would not affect wine or liquor revenues, which are not included in the measures proposed changes. In FY11 the City of Eugene projects it will receive \$3,510,000 from malt beverage, wine and liquor tax revenues collected by the state. A significant share of this is derived from taxes on malt beverages, but I cannot as yet determine the exact share.

HB 3305

Relating Clause: Relating to county property tax collections.

Title: Directs counties to recover costs of property assessment and tax collection from taxing districts.

Sponsored by: By Representative ESQUIVEL; Representatives BUCKLEY, FREEMAN, GARRARD

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3300.dir/hb3305.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Larry Hill		CS-FIN	2/17/2011	Pri 1	Oppose

Comments: HB 3305 would have a significant negative revenue impact on the City of Eugene. The bill would require that county assessors withhold the cost of property assessment and tax collection off the top of the total amount of property taxes revenue collected countywide, excluding tax revenue to service bonded debt. The county's costs would then be prorated among the taxing jurisdictions according to the tax amount collected for each. No more than 2% of any taxing jurisdiction's total taxes could be retained by a county.

In FY11 Lane County appropriated \$7,000,000 in expenditures of the County's Department of Assessment & Taxation. City of Eugene taxes total about 24.6% of the total property taxes collected by Lane County in FY11. Under the bill the City's tax revenue is 1/4 of total property taxes collected by the County, and the County would have withheld from the City's property tax revenue 1/4 of the \$7 million costs of assessment and collection, amounting to an estimated \$1,700,000 reduction in property tax revenue to the City.

SB 0598

Relating Clause: Relating to discharge of water into district facilities.

Title: Prohibits public body from discharging drainage or storm water into facilities owned by specific districts without intergovernmental agreement.

Sponsored by: By Senator ATKINSON

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0500.dir/sb0598.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Sharon Olson		PWW	2/10/2011	--	--

Comments: Defer to Michelle and Therese

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Michelle Cahill		PWW	2/18/2011	Pri 2	Oppose

Comments: I agree with information Therese Walch has provided.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Therese Walch		PWE	2/14/2011	Pri 2	Oppose

Comments: This bill has the potential to significantly impact the City of Eugene. It would require an Intergovernmental Agreement (IGA) between the City and the Junction City Water Control District in order for Eugene to discharge stormwater into the District's system. Stormwater runoff from northwest and north Eugene eventually discharges into the

District's system of ditches and waterways en route to the Long Tom and Willamette Rivers. According to the bill, if an IGA cannot be agreed upon, the City would need to develop (within 2 years) and implement (within 5 years) a plan to provide an alternate system that does not rely on the District's system. In practical terms, it could mean piping and pumping stormwater runoff from north-west Eugene and the River Road – Santa Clara area to the Willamette River. The bill would require water quality monitoring for the water being discharged, which raises questions of duplicative and potential conflicting regulations. The City of Eugene's stormwater runoff is already regulated under the federal Clean Water Act through the National Pollution Discharge Elimination System (NPDES) permitting program, which ensures that pollutants in stormwater runoff are reduced to the maximum extent practicable.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Paul Klope		PWE	2/2/2011	--	--

Comments: I defer to Michelle and Therese on this bill.

SB 0681

Relating Clause: Relating to zoning of property.

Title: Authorizes person that obtains written assertion of zoning status of property before purchasing property to rely on asserted zoning status in land use application submitted after purchasing property.

Sponsored by: By Senator ATKINSON

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0600.dir/sb0681.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Steve Nystrom		PDD-ADM	2/16/2011	Pri 3	Oppose

Comments: Fundamental question with this bill is whether it makes sense to honor an error and accept the development consequences that could occur (e.g. incompatible uses, etc).

Beyond this, the bill raises several questions about how this bill would be administered. If the incorrect zoning is in conflict with the Comprehensive Plan (Metro Plan or Neighborhood Plan), how is that discrepancy reconciled? Bill is not clear whether it would in fact trump all other applicable state and local laws. Also unclear if other parties could use this written determination. Finally, bill does not give good guidance regarding applicant's obligation to provide good information which led to the written determination.

SB 0688

Relating Clause: Relating to residential energy; prescribing an effective date.

Title: Extends sunsets for tax credits for use of biofuel and fuel blends, for use of biodiesel in home heating and for construction or installation of alternative energy devices.

Sponsored by: By COMMITTEE ON FINANCE AND REVENUE

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0600.dir/sb0688.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Larry Hill		CS-FIN	2/15/2011	Pri 3	Support

Comments: SB 688 will have no financial impact on the City of Eugene. It is consistent with City policy however as pointed out by Ethan, and I concur with his recommendation to support.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Ethan Nelson		PDD-BPS	2/15/2011	Pri 3	Support

Comments: This is the Senate Version of HB 2522. It would have no direct impact on city of Eugene operations.

The city should support this bill because it will extend tax credits for residential biofuel use and alternative energy devices (e.g. solar thermal or pv systems), which has been a main financial driver for many of the installed residential systems in Eugene. It does remove the tax credit for alternative fuel vehicles, which will reduce the tax burden of the program as this was a large portion of the tax credits in previous years. The alternative fuels vehicle market (hybrids) is mature enough to continue without tax subsidies, this is not true in regards to alternative energy device markets. The cost of power (vs. the cost of transportation fuels) is still at a low level that the rate of return needs a tax boost to attract residents to invest in renewable energy at the home level.

SB 0692

Relating Clause: Relating to county tobacco taxes; prescribing an effective date.

Title: Removes prohibition against imposition of taxes by county on cigarettes and tobacco products.

Sponsored by: By COMMITTEE ON FINANCE AND REVENUE

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0600.dir/sb0692.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Larry Hill		CS-FIN	2/10/2011	Pri 3	Support

Comments: **Support and seek amendment.** SB 692 would remove preemption on county taxes on cigarettes and tobacco products. This would give counties an option for new revenue. Lane County is facing complete loss of federal revenue and will have a shortfall in FY12 of over \$7 million. This could cause reduction in services, such as jail beds, of great value to the City of Eugene. The bill would be improved if amended to include cities.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jamie Garner		CS-FIN	2/15/2011	--	--

Comments: I will defer to the opinions of Larry Hill as I do not see an impact to the City's procurement processes from this bill.

SB 0694

Relating Clause: Relating to the collection of transient lodging taxes.

Title: Defines "transient lodging tax collector" as transient lodging provider or transient lodging intermediary.

Sponsored by: By COMMITTEE ON FINANCE AND REVENUE

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0600.dir/sb0694.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Larry Hill		CS-FIN	2/10/2011	--	Monitor

Comments: Monitor for impact of proposed change, and oppose if city revenue is likely to be decreased. SB 694 changes the definition of who collects a transit lodging tax, and it changes the basis on which calculation of the tax is made to "the amount of consideration rendered at retail by a person for occupancy". The first change is not significant to the City of Eugene. The effect of the second change in the basis on which the tax is calculated is not clear. I need additional information to determine if the change would decrease the City's transit lodging tax revenue. For instance, does the new definition exclude payments for wholesale occupancy purchases, such as may be made by an agency for resale.

SB 694 does not address statutes that address the transit lodging tax rates paid, however it does include the statute setting the percentage retained by the transit lodging provider at 5%. Any amendment to change this retainage should be opposed.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mike Magee		LRCS-ADM	2/16/2011	--	Monitor

Comments: LRCS defers to Finance on the financial impact of this bill. We do believe that this bill is attempting to get at a long standing issue of lodging provider clearinghouses not having to pay lodging taxes on the full price paid. If this is the case, and the clarifications mentioned by Larry Hill are addressed, LRCS would be in support of this bill.

IGR BILL REPORT
MARCH 9, 2011 / IGR COMMITTEE MEETING
CITY OF EUGENE

HB 3034

Relating Clause: Relating to jury service.

Title: Provides that judge or clerk of court may not defer jury service for person more than once unless person seeks deferral for specified emergency and person could not have anticipated circumstances when first deferral was granted.

Sponsored by: By Representatives OLSON, SCHAUFLER

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3000.dir/hb3034.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jeff Perry		CS-MUNI	2/23/2011	Pri 2	Oppose

Comments: Bill greatly limits judge's discretion in granting jury service deferrals for defendants. Bill would likely create a hardship on many individuals because their situation may not fit exactly within the conditions of the proposed bill. Judge would no longer have the discretion to decide what is reasonable.

HB 3249

Relating Clause: Relating to the Oregon Officer Down Advisory Plan; declaring an emergency.

Title: Directs Department of State Police to coordinate establishment and implementation of Oregon Office Down Advisory Plan pursuant to which alert must be issued in certain circumstances when law enforcement officer is killed or seriously injured by suspect in course of officer's duty.

Sponsored by: By Representative WHISNANT

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3200.dir/hb3249.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/24/2011	Pri 3	Support

Comments: This mirrors Amber Alerts, only for cases where police officers are killed or seriously injured. This is a good system that is largely underutilized in the state because there aren't many cases that apply (fortunately). Having other high impact cases apply to this method of getting information out makes sense. The reason that a police officer killing might apply where a citizen killing may not is found in the mechanism where officers are killed. Most of the time there is no relationship between the actor and the officer, so normal avenues of investigation are not usually fruitful. Therefore, having the ability to get information to the public in an efficient way is more meaningful in these cases. In most homicides, there is an established relationship between the victim and suspect, so normal

investigations reveal the suspect. This would be a good plan for many different kinds of cases, but it works well in officer killings.

HB 3273

Relating Clause: Relating to address on Department of Transportation records.

Title: Allows household member to continue to use confidential address on records maintained by Department of Transportation for up to four years after eligible employee or corrections officer is killed in line of duty.

Sponsored by: By Representative WINGARD; Representatives BAILEY, BARKER, BARNHART, BENTZ, BERGER, BOONE, BREWER, CAMERON, CLEM, CONGER, DOHERTY, ESQUIVEL, FREDERICK, FREEMAN, GARRARD, GARRETT, GELSER, GILLIAM, HANNA, HARKER, HOLVEY, HOYLE, HUFFMAN, HUNT, JENSON, JOHNSON, KENNEMER, KOMP, KOTEK, KRIEGER, LINDSAY, MATTHEWS, MCLANE, NOLAN, OLSON, PARRISH, ROBLAN, SCHAUFLEER, SHEEHAN, G SMITH, SPRENGER, THATCHER, THOMPSON, TOMEI, WAND, WEIDNER, WHISNANT, WITT (at the request of Vicki Jeffries Bilton)

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3200.dir/hb3273.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/24/2011	Pri 3	Support

Comments: Good bill. The issues that present to officers and family do not stop if the officer is killed. In fact, they are probably enhanced because clients who wish them harm, would now know that the officer is not around and the family is vulnerable. I anticipate a high degree of support for this bill. The only time it would have a significant impact on CoE is if one of our officers is killed. Then the impact is huge. There are myriad reasons to support this bill from a purely "good idea needs support" position, but probably won't require much work.

HB 3295

Relating Clause: Relating to addressing the impacts of alcoholic beverages; declaring an emergency.

Title: Allows city to order cessation of alcoholic beverage sales or other operations at premises licensed for full or limited on-premises sales or as brewery-public house upon reasonable belief that continued sales or operation are immediate threat to public safety.

Sponsored by: By Representatives KOTEK, ESQUIVEL, Senators ATKINSON, DINGFELDER; Representatives BARKER, BREWER, CANNON, DOHERTY, THOMPSON, TOMEI, Senators MONNES ANDERSON, MONROE, VERGER

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3200.dir/hb3295.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/24/2011	Pri 3	Support

Comments: This bill allows emergency suspension of the ability of a premise to serve alcohol if the following crimes are being committed on or around the premises within the prior 24 hours: homicide, agg murder, assault 1-3, kidnapping, rape 1, sodomy 1, unlawful sexual penetration 1, unlawful use of weapon, unlawful possession of firearms, felon in possession of firearm, manufacture or delivery or possession of narcotics. I It also codifies certain standards for the commission to deny or revoke a license from a premise. This bill gives the community more tools to deal with licensed premises that are significant problems in the community. The advantage is that the rules will be much clearer than they currently are for dealing with problem locations AND we will have emergency tools to deal with a major, emerging problem. While we have had relatively good success with the commission in dealing with problems, it is clear that these provisions will help. This is not a major impact on the City at the present time, but we are on borrowed time in dealing with any establishment that creates this kind of problem.

HB 3323

Relating Clause: Relating to crime; declaring an emergency.

Title: Modifies crimes relating to child pornography.

Sponsored by: By Representative BARKER (at the request of Department of Justice)

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3300.dir/hb3323.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/24/2011	Pri 2	Support

Comments: This bill fills a hole in current law exposed by a court decision. Currently, someone who just views child pornography, but does not save the file in any way, commits no crime. This makes it a crime to view the file.

HB 3329

Relating Clause: Relating to smoke shops.

Title: Revises definition of “smoke shop” for purposes of Oregon Indoor Clean Air Act.

Sponsored by: By Representative SCHAUFLEER

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3300.dir/hb3329.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Rachelle Nicholas		PDD-BPS	2/23/2011	Pri 2	Oppose

Comments: This bill will not close the “smoke shop” loop hole that currently exists at the State and local level. If this bill passes businesses may be allowed to apply for a smoke shop certification (as they do now) and smoke indoors.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz	CS-CMO-ATTY		2/23/2011	Pri 2	Oppose

Comments: I agree with Rachelle’s comments. This is another bill that would allow a business to qualify as a “smoke shop” where smoking is allowed. Protection for adjacent premises is inadequate.

HB 3363

Relating Clause: Relating to public records.

Title: Revises public records law.

Sponsored by: By Representative THATCHER

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3300.dir/hb3363.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Beth Forrest	CS-CMO		2/23/2011	Pri 2	Oppose

Comments: Passage of this bill would limit the amount the City is able to charge for a public records request, without taking into account the complexity of the request or the level of staff needed to respond.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz	CS-CMO-ATTY		2/22/2011	Pri 2	Oppose

Comments: This bill would amend the Public Records Law. It would substantially restrict our ability to charge fees for staff time needed to fulfill public records requests, and that alone merits our opposition.

It would also require a city to publish an index of public records unless it issues a formal order explaining why that would interfere with City operations. Appeals from a local government's denial of a request would go to the Attorney General instead of the District Attorney; while the AG's office has more expertise, the DA understands local circumstances better.

The bill also reorganizes and revises the exemptions from required disclosure, and those appear to be a mixed bag. The bill would create a commission to oversee exemptions, but local governments would have only one of 13 members.

Generally, I think this bill is not as well thought-out as the AG's bill to revise the Public Records Law.

HB 3387

Relating Clause: Relating to the Trust for Cultural Development Account; declaring an emergency.

Title: Designates Trust for Cultural Development Account as trust account exclusively for arts and culture purposes.

Sponsored by: By Representative KENNEMER; Representatives ESQUIVEL, HUFFMAN, PARRISH, WEIDNER, WITT, Senator GIROD

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3300.dir/hb3387.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Michael Magee		LRCS-ADM	2/24/2011	Pri 3	Support

Comments: This bill attempts to safeguard the funds in the Oregon Cultural Trust. There have been past attempts to divert funding for the Oregon Cultural Trust and this bill attempts to ensure that future funding goes to the Trust as intended.

While this bill does not directly affect current LRCS programs and services, many of the Resident Companies who call the Hult Center home have been and are, recipients of funding from the Oregon Cultural Trust/Oregon Arts Commission. LRCS feels that keeping the Oregon Cultural Trust on stable financial footing will benefit cultural offerings not only throughout the state as a whole but in our local community for years to come.

HB 3412

Relating Clause: Relating to exemptions from a competitive bid process for public contracts; declaring an emergency.

Title: Prohibits contracting agency from using alternative contracting method to award public improvement contract in which single contractor provides services as construction manager and general contractor unless value of contract is \$5 million or more.

Sponsored by: By COMMITTEE ON GENERAL GOVERNMENT AND CONSUMER PROTECTION

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3400.dir/hb3412.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jamie Garner		CS-FIN	2/23/2011	Pri 2	Oppose

Comments: If passed, this bill would specifically target Construction Manager/General Contractor (CMGC) and Design-Build projects. This bill would prohibit the use of CMGC projects if the estimated contract cost is under \$5 million. The City has used CMGC processes and Design-Build processes successfully, primarily in our Facility Management Division to construct complex and sensitive projects that have traditionally had budgetary limitations. These processes have almost certainly saved the City time and money over the low bid procedures and a \$5 million minimum eliminates many of these candidate projects from consideration.

Additionally, the provision within this bill that requires three interested bidders or proposers to state their interest prior to allowing the CMGC or Design-Build process poses an ethical conflict from a purchasing standpoint. Historically speaking we do not solicit input from a select few companies prior to issuing an RFP or ITB because we could potentially provide an unfair advantage to those firms. To enable this process and make it ethically sound we would have to advertise the possibility of the process, have basic specifications drafted so that vendors could make an informed decision, have vendors reply to this advertisement and THEN present these findings for approval. The added process would create additional costs for the vendor community, especially small and disadvantaged vendors, for a process that ultimately might not be approved.

Overall this bill has negative impacts on both the City and the citizens and I recommend that we oppose.

<u>Contact</u> Mike Penwell	<u>Respondent</u>	<u>Dept</u> CS-FAC	<u>Updated</u> 2/23/2011	<u>Priority</u> Pri 2	<u>Recommendation</u> Oppose
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Comments: The \$5 million threshold for using alternative contracting methods is onerous and unnecessary. Alternative contracting methods such as Construction Manager/General Contractor and Design-Build have been used successfully by public agencies in Oregon for over a decade without limiting competition or increasing costs for the contracting agency. In fact, these alternative methods usually result in better value for the agency, particularly on public buildings and facilities.

Current requirements for using alternative contracting methods in Oregon are quite rigorous in order to maintain a level playing field among prospective offerors. This proposed bill would likely cause project delays and would make alternative contracting more expensive and less desirable. This bill also violates the principle of Home Rule.

<u>Contact</u> Mark Whitmill	<u>Respondent</u>	<u>Dept</u> PDD-BPS	<u>Updated</u> 2/22/2011	<u>Priority</u> --	<u>Recommendation</u> --
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Comments: This bill would have no impact on Building Permit Services; defer to others for recommendation.

<u>Contact</u> Jenifer Willer	<u>Respondent</u>	<u>Dept</u> PWE	<u>Updated</u> 2/23/2011	<u>Priority</u> Pri 2	<u>Recommendation</u> Oppose
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Comments: While not as controlling as SB 581 (a state contract review panel must approval all alternative contracting); this bill does take control away from the local agencies in deciding how best to contract work for their local conditions as well add process to existing contracting.

I see this bill as having two parts - there are specific findings that the agency must make in order to determine if alternative contracting methods may be used (including holding a public hearing on the determination) and further, an agency may not award a contract in which a single contractor acts as construction manager and general contractor unless the contract is \$5 million or more.

<u>Contact</u> Paul Klope	<u>Respondent</u>	<u>Dept</u> PWE	<u>Updated</u> 2/23/2011	<u>Priority</u> Pri 2	<u>Recommendation</u> Oppose
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Comments: Does not allow a contracting agency to proceed with an alternative contracting method (like design-build or construction manager-general contractor(CMGC)) unless a minimum of three bidders/proposers have indicated they will submit bids/proposals.

Prohibits a local agency using an alternative contracting method to hire a CMGC unless the value of the contract is \$5 million or more.

Both of these provisions take away rights from local agencies to control their own contracting processes, and are unnecessarily restrictive. There are only disadvantages to the City if this bill passes in any form.

HB 3413

Relating Clause: Relating to urban renewal.

Title: Requires urban renewal agency to determine every year whether maximum indebtedness of urban renewal plan will be fully paid within subsequent 12-month period and, if so, to notify county assessor.

Sponsored by: By COMMITTEE ON GENERAL GOVERNMENT AND CONSUMER PROTECTION

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3400.dir/hb3413.intro.pdf>

<u>Contact</u> Larry Hill	<u>Respondent</u>	<u>Dept</u> CS-FIN	<u>Updated</u> 2/22/2011	<u>Priority</u> --	<u>Recommendation</u> --
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Comments: Defer to Sue and Amanda.

<u>Contact</u> Sue Cutsogeorge	<u>Respondent</u>	<u>Dept</u> CS-FIN	<u>Updated</u> 2/24/2011	<u>Priority</u> Pri 3	<u>Recommendation</u> Oppose
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Comments: There are two changes to URA in this bill. The first change is that the Agency would have to make an affirmative determination of whether the Agency could fully pay the maximum indebtedness within the next 12 months prior to January 1. The timing of this requirement does not work very well. The new requirement is that Agencies look at their plans over the upcoming calendar year. The URA works on a fiscal year basis, which does not line up with calendar years. The Agency goes through a budget process and notification to the tax assessor each year in the spring. This new requirement would make for additional work at a different time of the year. Staff recommend that if this requirement is enacted, that the timing and process be lined up with the current budget process and notification to the tax assessor through the UR-50.

The second change for this legislation is that the Secretary of State would audit each agency once every five years. This is redundant, as agencies are currently required to have an annual audit by an outside auditor. The SOS would charge the Agency for the audit, which would reduce the amount available for important redevelopment projects. In

addition, the legislation would require that the SOS make the audits available to the public; the City makes the annual URA audits available to the public on the City's web site, so that provision would also be redundant.

If amended to remove the SOS audit provisions (section 3) and to change the timing and process in section 2 to line up with current budget timelines and processes, then the recommendation would be a neutral position.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Amanda Nobel Flannery		PDD-ADM	2/24/2011	Pri 3	Oppose

Comments: See Sue's comments.

HB 3468

Relating Clause: Relating to management of public records containing personal information; declaring an emergency.

Title: Directs Oregon Department of Administrative Services to conduct study of public records containing personal information and exemptions from disclosure of public records containing personal information.

Sponsored by: By Representative NATHANSON

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3400.dir/hb3468.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Beth Forrest		CS-CMO	2/23/2011	Pri 3	Support

Comments: Reasonable and prudent to study and enact exemptions that protect personal information.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz		CS-CMO-ATTY	2/22/2011	Pri 3	Support

Comments: This bill would require the state Department of Administrative Services to review the Public Records Law provisions that protect personal information. It's a reasonable idea; it causes no harm at this point and may yield real improvements to the law; and the bill is sponsored by a Eugene legislator.

HB 3476

Relating Clause: Relating to scholarships for children of individuals killed or injured while providing public safety services.

Title: Expands scholarships for children of public safety officers killed or injured in line of duty to include children of reserve police officers and volunteer firefighters killed or injured in line of duty.

Sponsored by: By Representative COWAN; Representatives BARKER, GARRETT, HICKS, KRIEGER, MATTHEWS, SCHAUFLEER, WAND, Senators DINGFELDER, VERGER

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3400.dir/hb3476.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/25/2011	Pri 3	Support

Comments: Since volunteer police officers (reserves) and volunteer fire fighters are an integral part of service delivery in the state, this bill is worthy of support. They are delivering the same service, just not getting paid for it. The CoE is not directly affected at this time, however, volunteer officers and firefighters work in many jurisdictions in our area.

HB 3483

Relating Clause: Relating to vehicle lighting; prescribing an effective date.

Title: Requires use of headlights when windshield wipers are on.

Sponsored by: By Representative WHISNANT; Representative THOMPSON

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3400.dir/hb3483.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/25/2011	Pri 3	Support

Comments: This bill, which requires operation of lights when windshield wipers are being used for inclement weather, is worthy of support even though the impact on CoE operations is minimal and should only need work if the bill is in trouble. The law already mandates use of wipers when visibility is adversely affected, but the common interpretation of that section does not recognize that when it's raining and wipers are needed, visibility is hampered.

HB 3506

Relating Clause: Relating to elections; declaring an emergency.

Title: Modifies and repeals laws relating to elections conducted by mail.

Sponsored by: By Representative THOMPSON; Representatives ESQUIVEL, FREEMAN, KRIEGER, THATCHER, WEIDNER, WINGARD (at the request of Americans for Prosperity Marion/Polk County Branch)

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3500.dir/hb3506.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Beth Forrest		CS-CMO	2/23/2011	Pri 2	Oppose

Comments: Agree with Jerry. Anecdotal evidence that vote-by-mail increases voter participation rates and costs less to administer.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jerry Lidz	CS-CMO-ATTY		2/22/2011	Pri 2	Oppose

Comments: The primary purpose and effect of this bill are to repeal vote-by-mail. In light of the positive effect vote-by-mail has had on voter participation, I suggest Oppose Priority 2.

If an in-depth analysis of the bill is needed, I can look at it in more detail.

HB 3508

Relating Clause: Relating to firearms.

Title: Repeals provisions authorizing local governments to regulate certain activities related to firearms.

Sponsored by: By Representative SCHAUFLEER; Representatives BARKER, KRIEGER

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3500.dir/hb3508.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby	EPD-ADM		2/25/2011	Pri 3	Oppose

Comments: This bill repeals local authority to regulate discharge of firearms, possession of firearms in public places, and the prohibition of cities and counties from regulating possession and sale of firearms. It appears that this effort is to put all regulation of activities involving firearms to the State. Not limited to just local control issues, the CoE it would not be able to prosecute those activities and cases sent to circuit court, therefore fines would go to the state.

HB 3531

Relating Clause: Relating to affordable housing.

Title: Repeals provision that prevents local governments from imposing conditions on approved permits that effectively establish sales price for residential development or limit purchase to class or group of purchasers.

Sponsored by: By Representative J SMITH (at the request of The Coalition for Affordable and Safe Housing)

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3500.dir/hb3531.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Amanda Nobel Flannery	S. Jennings	PDD-ADM	2/24/2011	Pri 2	Support

Comments: ORS 197.309 prohibits inclusionary zoning for development of affordable housing. Repeal of this measure would enable the City to use this mechanism to meet state land use requirements and create more housing opportunities for persons with limited incomes.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Steve Nystrom		PDD-ADM	2/25/2011	Pri 2	Support

Comments: Concur with Amanda. Reinstates local choice in addressing housing affordability strategies.

HB 3540

Relating Clause: Relating to public employee retirement; declaring an emergency.

Title: Prohibits public employer from agreeing to pay or provide retirement benefit to member of Public Employees Retirement System other than payments required or provided for in statutes governing retirement benefits of members of system.

Sponsored by: By Representatives PARRISH, SHEEHAN; Representatives CONGER, JOHNSON, MCLANE, WAND, Senator OLSEN

URL: <http://www.leg.state.or.us/11reg/measpdf/hb3500.dir/hb3540.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Susan Mullett		CS-HR	2/22/2011	--	--

Comments: Defer to Risk.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Myrnie Daut		CS-RS	2/27/2011	Pri 3	Oppose

Comments: This bill prohibits public employer from agreeing to pay or provide retirement benefits to employees other than payments required under PERS/OPSRP, including retiree health insurance and contributions to deferred compensation accounts. The City currently contributes 2% of salary to deferred compensation accounts for non-represented employees who contribute at least 1% of their salary to the program. This bill would eliminate that option for the City. I think this bill puts unreasonable constraints on local governments' ability to offer benefits programs that meet the needs of their employees.

HM 0005

Relating Clause: Urging Congress to enact legislation that supports authority of Federal Communications Commission to regulate Internet service providers for certain purposes.

Title: Urges Congress to refrain from enacting legislation that overturns or thwarts intent of Federal Communications Commission regulations concerning net neutrality and to enact

legislation that supports authority of commission to regulate Internet service providers for certain purposes.

Sponsored by: By Representative BARNHART

URL: <http://www.leg.state.or.us/11reg/measpdf/hm1.dir/hm0005.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Pam Berrian		CS-ISD	2/25/2011	Pri 3	Support

Comments: Support- The City is on record as desiring that FCC Net Neutrality rules be permitted to be implemented. This Resolution supports the FCC on this matter in light of Verizon filing litigation to stop the FCC and a federal bill to prevent FCC funding for implementation.

SB 0129

Relating Clause: Relating to failure to yield right of way within roundabout; creating new provisions; and amending ORS 811.292.

Title: Modifies offense of failure to yield right of way within roundabout.

Sponsored by: Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber for Department of Transportation)

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0100.dir/sb0129.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/25/2011	--	--

Comments: No impact on EPD.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Steve Gallup		PWE	2/7/2011	--	--

Comments: I see no impacts to the City since we don't have any multi-land roundabouts. Defer comments and recommendation to Tom Larsen.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Tom Larsen		PWM	1/31/2011	Pri 3	Support

Comments: This bill is very limited in its scope. It adds clarifying details to the duties of a driver in a multi-lane roundabout. Drivers will be prohibited from passing a large commercial truck in a multilane roundabout. For the most part the bill is housekeeping, adding to the motor vehicle code to cover situations which did not exist before the advent of the modern roundabout. The bill is supported by ODOT and addresses concerns raised by the trucking industry.

Impact on the City of Eugene is currently none as we have no multi-lane roundabouts. There is one in Springfield. Passage of this bill will make the multilane roundabout safer for Eugene residents to navigate. The City of Springfield Traffic Engineer supports passage of this bill.

The modern roundabout offers safety and reduction in delay benefits to the motoring public. While the City of Eugene has no current plans to install a multilane roundabout, this bill helps assure this option is available in the future.

SB 0397

Relating Clause: Relating to tort claims against public bodies; amending ORS 30.265 and 65.369.

Title: Allows action based on tort to be brought against officer, employee or agent of public body if complaint alleges that plaintiff is entitled to damages in excess of limitations imposed by Oregon Tort Claims Act.

Sponsored by: Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0300.dir/sb0397.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/25/2011	--	Monitor

Comments: Concur with Cathy Joseph's comments.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Myrnie Daut	Cathy Joseph	CS-RS	1/27/2011	--	Monitor

Comments: No financial impact on City of Eugene but we will want to monitor since it relates to the Oregon Tort Claims Act.

SB 0428

Relating Clause: Relating to prostitution; amending ORS 419B.150; and declaring an emergency.

Title: Authorizes placement of child in facility that provides care and services to victims of sexual exploitation if child engages in certain prostitution-related activities and if peace officer or other person taking child into protective custody has reason to believe that, if released, child is likely to continue to engage in prostitution-related activities. Declares emergency, effective on passage.

Sponsored by: Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0400.dir/sb0428.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/28/2011	Pri 1	Support

Comments: This bill allows for protective custody for juveniles suspected of prostitution when there is also reason to believe the juvenile would leave anything other than a secure facility (the facility must agree to provide services to juveniles involved in sexual exploitation). This appears to be a good alternative, since prostitutes most often leave group and foster care because at that point in time they are participants in their crimes and often do not want or feel they need services designed to remove them from prostitution. The coercive nature of their existence results in their decision to return to prostitution, almost every time, unless they are in a controlled environment for long enough for counselors to work with them. This would increase the chances that we can help these girls extricate themselves from a very oppressive and destructive environment.

SB 0429

Relating Clause: Relating to prostitution; amending ORS 419C.136; and declaring an emergency.

Title: Authorizes detention of a minor accused of certain prostitution-related conduct for up to three judicial days under certain circumstances. Declares emergency; effective on passage.

Sponsored by: Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0400.dir/sb0429.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/28/2011	Pri 1	Support

Comments: A companion bill to SB 0428 where a juvenile believed to be involved in prostitution may be taken into protective custody for a maximum of 3 days if police also believe that the juvenile will continue the activity.

SB 0430

Relating Clause: Relating to civil forfeiture; creating new provisions; amending ORS 131A.005; and declaring an emergency.

Title: Includes specified crimes as prohibited conduct for purposes of civil forfeiture. Declares emergency, effective on passage.

Sponsored by: Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0400.dir/sb0430.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/27/2011	Pri 3	Support

Comments: Provides for civil forfeiture for crimes of involuntary servitude, human trafficking and compelling prostitution. Good bill in that it attacks assets of people involved in these activities. Could have significant positive impact for CoE in added tools for justice, and also new revenue. In order to be relevant to the offenses, the Ordinance regarding civil forfeiture would have to be modified as it mandates proceeds to go only to drug treatment for Eugene residents.

SB 0431

Relating Clause: Relating to crime; creating new provisions; and amending ORS 161.005.

Title: Creates crime of failure to identify oneself. Punishes by maximum of 30 days' imprisonment, \$1,250 fine, or both.

Sponsored by: Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0400.dir/sb0431.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/28/2011	Pri 3	Support

Comments: This bill mandates that a person who is legally "stopped" by police, must provide their true identity - C misdemeanor. Currently, the only time that a person must identify themselves is when they are driving a motor vehicle. There is a crime for providing false name for a citation or arrest, but that's pretty limited. This bill extends the same concept to any lawful stop. A person may be lawfully stopped if an officer has "reasonable grounds to believe" that the person has, is or is about to commit a crime. In essence, there are more restrictions on drivers of motor vehicles than persons involved in criminal activity that are not driving. It seems like a reasonable extension of the current activity relating to traffic offenses.

SB 0557

Relating Clause: Relating to sexual assault response; and declaring an emergency.

Title: Requires district attorney of each county to organize sexual assault response team. Requires each team to adopt protocols addressing sexual assault response. Requires certain health care facilities to adopt policies for treatment of acute sexual assault patients. Requires certain health care facilities that perform forensic medical examinations of sexual assault patients to adopt guidelines developed by Sexual Assault

Task Force and to employ or contract with sexual assault forensic examiner trained to satisfy certification requirements of Oregon SAE/SANE Certification Commission. Declares emergency, effective July 1, 2011.

Sponsored by: Sponsored by Senator EDWARDS, Representative HOYLE; Senators BONAMICI, DEVLIN, DINGFELDER, MONNES ANDERSON, PROZANSKI, ROSENBAUM, Representatives BAILEY, BARKER, BERGER, BREWER, DOHERTY, GELSER, GREENLICK, KOTEK, MATTHEWS, READ, J SMITH, TOMEI (Presession filed.)

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0500.dir/sb0557.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/28/2011	Pri 3	Support

Comments: This bill establishes a multi-disciplinary team to develop procedures and protocols for sexual assault case handling. It also mandates that trained medical and nursing staff work on sexual assault cases and also develop internal protocols. This standardizes sexual assault forensic investigations around the state. This has little impact on CoE since Lane County officers and hospitals already process these cases at a level recommended by SATF, etc.

SB 0657

Relating Clause: Relating to retainage on contract payments.

Title: Reduces percentage of construction contract, home improvement contract or public improvement contract payment that may be held as retainage.

Sponsored by: By COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0600.dir/sb0657.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mike Penwell		CS-FAC	2/11/2011	Pri 2	Oppose

Comments: This bill would reduce the retainage held on public improvement projects from 5% to 1%. This would have a negative impact on City projects as the retainage protects the City by keeping enough money set aside to bring in another contractor if the original contractor defaults, but not so much that it penalizes the contractor. The contractor is also protected financially as they are entitled to the interest earned on funds held in retainage. The existing 5% retainage system (with interest accruing to the contractor) has worked well for years. Why fix something that isn't broken?

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mark Whitmill		PDD-BPS	2/23/2011	--	--

Comments: Bill does not impact Building Permit Services; I defer to others.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
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Jenifer Willer PWE 2/15/2011 Pri 2 Oppose

Comments: I agree with Mike and Paul's comments.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Paul Klope		PWE	2/15/2011	Pri 2	Oppose

Comments: I concur with Mike Penwell. In addition, the reduction of retainage will potentially lead to more legal actions by the City against contractors to force work to be done correctly, or, due to potential legal expense, for the City to accept work that is incomplete or substandard and doesn't function properly or creates additional costs for the City to maintain in the future. It is also not a good bill for contractors, because it will cause the City to file claims against performance bonds in situations it doesn't today (because we have adequate funds retained), and these claims by the City will make it more difficult and expensive for contractors to obtain performance bonds in the future. There are no amendments that will make this bill acceptable to the City.

SB 0667

Relating Clause: Relating to indefinite quantity contracts for certain personal services; declaring an emergency.

Title: Permits contracting agency to enter into indefinite quantity contract for architectural, engineering or land surveying services.

Sponsored by: By COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0600.dir/sb0667.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jamie Garner		CS-FIN	2/15/2011	Pri 2	Oppose

Comments: **Oppose unless amended** to remove requirements for agencies to give preference to consultants the agency hasn't used prior or frequently, to remove the 2% penalty on the public agency if they don't issue a work order for the minimum quantity to awarded consultants, and to eliminate the provision preventing agencies from soliciting for new contracts before they have issued work orders under an existing contract same, similar or related services.

I agree with Paul's assessment of this bill and see the negative impact it would have specifically on Engineering's qualified pool of contractors and the format that they employ to utilize this pool. ORS 279C.120(2) (copied below) allows a home-ruled contract agency to establish rules for the selection of contractors in this class and the City has an established and successful procedure based on qualifications of the interested parties. This legislation would infringe upon the local contract review board's right to establish these rules and the City could incur costly penalties as a result. Additionally this class of work is generally awarded on a qualifications basis and the proposed amendments would restrict the City's selection process to give preference to contractors not previously utilized by the City which is a risky prospect given the complexity and

public nature of many City projects.

ORS 279C.120 states:

279C.120 Selection procedure for related services. (1) A contracting agency may select consultants to perform related services:
(a) In accordance with screening and selection procedures adopted under ORS 279C.105;
(b) On the basis of the qualifications of the consultants for the types of related services required, under the requirements of ORS 279C.110; or
(c) On the basis of price competition, price and performance evaluations, an evaluation of the capabilities of bidders to perform the needed related services or an evaluation of the capabilities of the bidders to perform the needed related services followed by negotiations between the parties on the price for those related services.
(2) Subject to the requirements of subsection (1) of this section, the procedures that a contracting agency adopts for the screening and selection of consultants and the selection of a candidate under this section is within the sole discretion of the contracting agency and may be adjusted to accommodate the contracting agency's scope, schedule and budget objectives for a particular project. Adjustments to accommodate a contracting agency's objectives may include provision for the direct appointment of a consultant if the value of the project does not exceed a threshold amount as determined by the contracting agency. [2003 c.794 §95]

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mike Penwell		CS-FAC	2/14/2011	--	--

Comments: This bill might provide some flexibility and convenience for certain projects, but it wouldn't have much effect on the way we do business in my opinion.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Mark Whitmill		PDD-BPS	2/23/2011	--	--

Comments: Bill does not impact Building Permit Services; I defer to others.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jenifer Willer		PWE	2/23/2011	Pri 2	Oppose

Comments: This bill is regarding Architect and Engineering services contracts. I agree with the comments from Jamie and Paul.

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Paul Klope		PWE	2/15/2011	Pri 2	Oppose

Comments: This bill is written to provide additional contracting opportunities to consultants and to reduce flexibility for agencies to hire consultants based on qualifications, and to penalize agencies who don't give consultants enough work under this type of contract.

If the bill is revised to remove requirements for agencies to give preference to consultants the agency hasn't used prior or frequently, to remove the 2% penalty on the public agency if they don't award a large enough work order to consultants, and to eliminate the provision preventing agencies from soliciting for new contracts before they have issued work orders under an existing contract, then I would recommend we remain neutral on

the bill. As it is written, however, I believe it has significant negative impacts on the City for this type of contracting, so I recommend we **oppose the bill unless amended**.

SB 0731

Relating Clause: Relating to deoxyribonucleic acid; declaring an emergency.

Title: Modifies obligation of custodian of evidence to preserve biological evidence related to certain crimes.

Sponsored by: By COMMITTEE ON JUDICIARY

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0731.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/28/2011	Pri 2	Support

Comments: This bill repeals a sunset of a requirement to retain DNA evidence for an extended period of time. 5 crimes (agg murder, murder, rape 1, sodomy 1 and sexual penetration 1) requires 60 year retention, or suspect death. Aggravated vehicular homicide, manslaughter 1 and 2, until sentence is served. If no person is arrested, only need to keep evidence until statute of limitations runs. This bill also requires that the DA authorize requests to destroy the evidence. They will be required to communicate the pending destruction to people involved and they will have the ability to object and get the decision reviewed through due process. This bill was a product of work done by sponsors and the association representing police evidence custodians.

SB 0770

Relating Clause: Relating to public contracting preferences for Oregon residents; declaring an emergency.

Title: Requires contracting agency in certain circumstances to give preference to Oregon residents that bid on public contracts.

Sponsored by: By COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0770.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Jamie Garner		CS-FIN	2/22/2011	Pri 3	Oppose

Comments: **Oppose unless amended** to remove the tax calculation stipulation. This bill would require that agencies, when calculating the lowest bid, utilize either the reciprocal preference law (which is the current process) or add a straight 5% on to the bid of any non-resident bidder. From a purchasing perspective, standardizing to 5% preference has its benefits, namely that it is much easier to decipher than using the Department of Administrative Services chart to check the preference for other states. Other state

preference laws are often confusing and can contain many exceptions. However, standardizing to 5% (as optional) would make it difficult for other states that also utilize reciprocal preference as they would not know whether we penalize or not given that the choice is left to the entity. This could also spark other states that utilize reciprocal preference laws to instate their own preference laws in retaliation, thereby damaging Oregon vendors.

The most problematic portion of this proposed bill is that an entity could choose to utilize the 5% preference only if the estimated revenue from income taxes, unemployment taxes and other applicable taxes that a resident bidder would pay in connection with the public contract equals or exceeds the monetary equivalent of the increase the contracting agency would apply to the nonresident bidder's bid (among other minor requirements). There is no mention of whether the government agency or the bidder would be required to provide this information and also no mention of liability if this amount is incorrectly calculated. Most City staff are not properly trained to determine tax liability and this would add an additional complication to the award process, costing time and potentially money.

Given that the choice between preference appears to be up to the government agency this bill would probably have minimal impact on the City but this particular portion should be amended.

<u>Contact</u> Mike Penwell	<u>Respondent</u>	<u>Dept</u> CS-FAC	<u>Updated</u> 2/23/2011	<u>Priority</u> Pri 3	<u>Recommendation</u> Oppose
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Comments: Oppose for reasons stated by others, plus the fact that this bill could spur retaliatory measures by other states that would actually hurt Oregon bidders and vendors more than it would help.

<u>Contact</u> Jenifer Willer	<u>Respondent</u>	<u>Dept</u> PWE	<u>Updated</u> 2/23/2011	<u>Priority</u> Pri 3	<u>Recommendation</u> Oppose
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Comments: This bill is regarding goods and services under ORS 279A and preferences given to resident bidders. I defer to Jamie for the bill impacts and her recommendation.

<u>Contact</u> Paul Klope	<u>Respondent</u>	<u>Dept</u> PWE	<u>Updated</u> 2/23/2011	<u>Priority</u> --	<u>Recommendation</u> --
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Comments: Requires public agencies to give preference to in state bidders by either adding 5% to out of state bidders or an amount equivalent to the percentage preference given by the bidder's home state. The exception to this is if there are no in-state bidders or where the estimated tax revenue a successful in-state bidder would pay does not equal or exceed the preference amount.

This bill is unlikely to have much effect on the City for public infrastructure contracts as we rarely have successful out of state bidders.

SB 0774

Relating Clause: Relating to restrictive covenants in documents conveying real property.

Title: Prohibits inclusion in instrument conveying or contracting to convey real property, or in declaration or bylaws of planned community or condominium governed by declaration, of provision that limits use of real property in ways otherwise permissible under applicable planning and zoning for areas.

Sponsored by: By COMMITTEE ON BUSINESS, TRANSPORTATION AND ECONOMIC DEVELOPMENT

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0700.dir/sb0774.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Steve Nystrom		PDD-ADM	2/23/2011	Pri 3	Support

Comments: Bill would appear to address potential conflicts between local codes and privately adopted covenants. Like many cities, Eugene does not typically enforce privately initiated Covenants, Conditions and Restrictions (CC&R's).

On occasion, we will see covenants which are more restrictive than local zoning requirements (e.g. no allowance for secondary dwelling, lower height limits, less animals allowed). However, the city has no authority to enforce these restrictions and must administer the provisions in our code. Homeowners Associations are left to enforce the CC&R's, assuming they are in existence. This bill would help eliminate future conflicts.

SB 0803

Relating Clause: Relating to crime; declaring an emergency.

Title: Modifies crimes relating to child pornography.

Sponsored by: By Senators VERGER, MONNES ANDERSON

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0800.dir/sb0803.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/24/2011	Pri 2	Support

Comments: Seems identical to SB 0816. This bill fills a hole in current law exposed by a court decision. Currently, someone who just views child pornography, but does not save the file in any way, commits no crime. This makes it a crime to view the file.

SB 0816

Relating Clause: Relating to crime; declaring an emergency.

Title: Modifies crimes relating to child pornography.

Sponsored by: By COMMITTEE ON JUDICIARY

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0800.dir/sb0816.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Chuck Tilby		EPD-ADM	2/24/2011	Pri 2	Support

Comments: Seems identical to SB 0803. This bill fills a hole in current law exposed by a court decision. Currently, someone who just views child pornography, but does not save the file in any way, commits no crime. This makes it a crime to view the file.

SB 0823

Relating Clause: Relating to tax credits for affordable housing lenders; prescribing an effective date.

Title: Extends sunset for tax credit for affordable housing lenders.

Sponsored by: By COMMITTEE ON FINANCE AND REVENUE

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0800.dir/sb0823.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Amanda Nobel Flannery	S. Jennings	PDD-ADM	2/24/2011	Pri 3	Support

Comments: This bill matches SB 0900. The bill extends another source of subsidy for affordable housing that works in concert with other state and local sources. This resource will help the City reach the goals set forth under Envision Eugene.

SB 0884

Relating Clause: Relating to state finance; prescribing an effective date.

Title: Repeals Ballot Measure 66 (2010).

Sponsored by: By Senator OLSEN; Senators TELFER, THOMSEN, Representatives CONGER, PARRISH

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0800.dir/sb0884.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Larry Hill		CS-FIN	2/23/2011	Pri 1	Oppose

Comments: SB 884 would repeal both Measure 66 and 67. The bill would also significantly lower income taxes for upper-income taxpayers and corporations. It would reduce state revenue significantly. While it would not directly impact the City of Eugene, the necessary reductions in state funding for the universities, schools and a range of state services would have an adverse effect on the city.

SB 0900

Relating Clause: Relating to tax credits for affordable housing lenders; prescribing an effective date.

Title: Extends sunset for tax credit for affordable housing lenders.

Sponsored by: By Senators STARR, JOHNSON

URL: <http://www.leg.state.or.us/11reg/measpdf/sb0900.dir/sb0900.intro.pdf>

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Recommendation</u>
Amanda Nobel Flannery	S. Jennings	PDD-ADM	2/24/2011	Pri 3	Support

Comments: This bill matches SB 0823. The bill extends another source of subsidy for affordable housing that works in concert with other state and local sources. This resource will help the City reach the goals set forth under Envision Eugene.

House Bill 3184

Sponsored by Representatives GARRARD, HUFFMAN (at the request of Oregon Association of Broadcasters)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that public notices required by law to be published by public body may be published in newspaper, broadcast by radio or television station or posted on website maintained by statewide association of stations or broadcasters. Specifies requirements for notices that are broadcast or posted on website.

A BILL FOR AN ACT

1
2 Relating to public notices; creating new provisions; amending ORS 35.395, 193.010, 193.020, 193.040,
3 193.060, 193.070, 193.080, 193.090, 193.100, 193.330, 198.540, 251.295, 341.357, 548.920 and 548.925;
4 and repealing ORS 193.030, 193.050, 193.310, 193.320, 193.340, 193.350 and 193.360.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 193.010 is amended to read:

7 193.010. As used in [*this section and in ORS 193.020*] **ORS 193.010 to 193.100:**

8 (1) "Bona fide subscriber" means a person who has been a paid subscriber for an uninterrupted
9 period of 12 months, such subscription in no case to be over six months in arrears.

10 (2) "**Broadcast**" means the transmission of information by means of radio or television
11 facilities.

12 [(2)] (3) "Newspaper" means a newspaper of general circulation[,];

13 (a) Published in the English language for the dissemination of local or transmitted news or for
14 the dissemination of legal news[,];

15 (b) Made up of at least four pages of at least five columns each, with type matter of a depth
16 of at least 14 inches, or, if smaller pages, then comprising an equivalent amount of type matter[,];

17 (c) [*which*] **That** has bona fide subscribers representing more than half of the total distribution
18 of copies circulated, or distribution verified by an independent circulation auditing firm[,]; and

19 (d) [*which*] **That** has been established and regularly and uninterruptedly published at least once
20 a week during a period of at least 12 consecutive months immediately preceding the first publication
21 of the public notice. Interrupted publication because of labor-management disputes, fire, flood or the
22 elements for a period not to exceed 120 days, either before or after a newspaper is qualified for
23 publication of public notices, [*shall not affect such qualification*] **does not affect qualification as a**
24 **newspaper under this subsection.**

25 (4) "**Public body**" has the meaning given that term in ORS 174.109.

26 (5) "**Public notice**" has the meaning given that term in ORS 174.104.

27 (6) "**Publication**" means published in a newspaper, broadcast by a station or posted on a
28 website described in section 6 of this 2011 Act.

29 (7) "**Station**" means any radio or television station licensed for commercial operation by
30 the Federal Communications Commission.

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in boldfaced type.

SECTION 2. ORS 193.020 is amended to read:

193.020. (1) Any public notice of any description[, *the publication of which is now or hereafter required by law,*] **required by law to be published by a person that is not a public body** shall be published in any newspaper[, *as defined in ORS 193.010, which*] **that** is published within the county, city of which any part lies within that county, city, district or other jurisdiction where the action, suit or other proceeding is pending, or is to be commenced or had, or in which the legal publication is required to be given.

(2) Any public notice of any description required by law or other legal authority to be published by a public body shall be:

(a) Published in a newspaper as described in ORS 193.010 to 193.100;

(b) Broadcast by a station; or

(c) Posted on a website described in section 6 of this 2011 Act.

[(2) If publication in only one newspaper is required by law, and if more than one newspaper fulfills the requirements of subsection (1) of this section, the public notice shall be published in that newspaper which the moving party considers best suited to give actual notice. However, nothing in this subsection prohibits the publication in more than one newspaper if desired by the moving party.]

[(3) If no newspaper is published within the county, city, district or jurisdiction where the action, suit or other proceeding is pending, or is to be commenced or had, or in which the legal publication is required to be given, public notice shall be published in:]

[(a) The newspaper published nearest to such county, city, district or jurisdiction; or]

[(b) Any publication that is published in such county, city, district or jurisdiction and that satisfies all the requirements for being a newspaper except that it is published less than once a week but not less than once a month.]

[(4) If more than one newspaper or publication fulfills the requirements of subsection (3) of this section, the public notice shall be published in that newspaper or publication which the moving party considers most effective for providing actual notice.]

SECTION 3. Sections 4 to 6 of this 2011 Act are added to and made a part of ORS 193.010 to 193.100.

SECTION 4. For public notices published in a newspaper:

(1) If publication in only one newspaper is required by law, and if more than one newspaper fulfills the requirements of ORS 193.020 (1), the public notice shall be published in the newspaper that the moving party considers best suited to give actual notice. Nothing in this subsection prohibits the publication in more than one newspaper if desired by the moving party.

(2) If a newspaper is not published within the county, city, district or jurisdiction where the action, suit or other proceeding is pending, or is to be commenced or had, or in which the legal publication is required to be given, public notice shall be published in:

(a) The newspaper published nearest to the county, city, district or jurisdiction; or

(b) Any publication that is published in the county, city, district or jurisdiction and that satisfies all the requirements for being a newspaper except that it is published less than once a week but not less than once a month.

(3) If more than one newspaper or publication fulfills the requirements of subsection (2) of this section, the public notice shall be published in the newspaper or publication that the moving party considers most effective for providing actual notice.

SECTION 5. For public notices that are broadcast:

1 (1) A public official performing functions under ORS 193.010 to 193.100 shall select a sta-
2 tion or stations that the public official determines best ensures effective publicity for the
3 notice based on the nature of the notice. In making a selection under this subsection, the
4 public body may consider the scope of the broadcast coverage of the station, the audience
5 of the station and the length and text of the public notice to be broadcast.

6 (2) The public notice may not exceed 180 words in length.

7 (3) A station shall broadcast the public notice between the hours of 6 a.m. and 10 p.m.

8 **SECTION 6. For public notices posted on a website:**

9 (1) The website must be a single website available statewide and maintained by a state-
10 wide association of stations or broadcasters.

11 (2) The website shall allow public notices to be posted on the website by the association
12 of stations or broadcasters or by the public body responsible for publishing the notice.

13 (3) The association of stations or broadcasters shall maintain public notices on the
14 website to ensure that notices on the website are current.

15 **SECTION 7.** ORS 193.040 is amended to read:

16 193.040. [Where] If publication of any form of public notice for successive or consecutive days
17 [in a daily paper is provided for by statute, the publication of such notice on weekdays is a full com-
18 pliance with such statute] is required by law, and the notice is published in a newspaper or
19 broadcast by a station, the publication of the notice on weekdays is considered to be in
20 compliance with the law.

21 **SECTION 8.** ORS 193.060 is amended to read:

22 193.060. The time for the publication of [legal] public notices shall be computed so as to exclude
23 the first day of publication and to include the day on which the act or event of which notice is given
24 is to happen, or which completes the full period required for publication.

25 **SECTION 9.** ORS 193.070 is amended to read:

26 193.070. (1) Proof of publication of a [document or notice required by law, or by an order of a
27 court or judge, to be published] public notice in a newspaper[,] may be made by the affidavit of the
28 owner, editor, publisher, manager or advertising manager of the newspaper or the principal clerk
29 of any of them, or the printer or the foreman of the printer, showing the same. The affidavit may
30 be in substantially the form set forth in ORCP 7 F(2)(b) and shall have annexed a copy of the [doc-
31 ument or] public notice.

32 (2) Proof of publication of a public notice or other material under ORS 193.010 to 193.100
33 and 251.295 by broadcasting shall be by affidavit of the owner, manager, assistant manager
34 or program director of the station, in substantially the following form:

35 _____
36
37 **AFFIDAVIT OF BROADCAST**

38 State of Oregon,)
39) ss.
40 County of _____)

41 I, _____, being first duly sworn, depose and say that I am the owner, manager, assist-
42 ant manager or program director of station _____, a radio (television) station broadcasting
43 from _____ in the aforesaid county and state, and that the notice (or other material) de-
44 scribed as _____ was broadcast on the following days: (here set forth dates and times when
45 the same was broadcast).

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Subscribed and sworn to before me _____ (Month) ____ (Day), 2____.

Notary Public for Oregon

My commission expires: _____

(3) Proof of publication of a public notice by posting on a website described in section 6 of this 2011 Act may be made by the affidavit of the association or stations or broadcasters that maintains the website. The affidavit may be in substantially the form set forth in ORCP 7 F(2)(b) and shall have annexed a copy of the public notice.

SECTION 10. ORS 193.080 is amended to read:

193.080. If an affidavit of publication of a public notice is made in an action, suit or proceeding pending in a court, [it] the affidavit may be filed with the clerk [thereof; if not so made, it may be filed] of the court. If the affidavit is not filed with the clerk of the court, it may be presented for recordation with the county clerk of the county where the newspaper is printed, the station is located or the association that maintains the website is located. In either case, the original affidavit, or if the [same is filed with the clerk, a copy thereof, duly certified] original affidavit is filed with the clerk of the court or the county clerk, a certified copy of the original affidavit, is primary evidence of the facts stated therein.

SECTION 11. ORS 193.090 is amended to read:

193.090. (1)(a) Subject to paragraph (b) of this subsection, the compensation for the publication of a public notice in a newspaper [of all public notices which are now or hereafter required by law to be published] shall be at a rate not to exceed that published by a newspaper as its open display advertising rate, that is, the per column inch rate charged local advertisers not under contract to a newspaper for a fixed rate or minimum quantity of advertising.

(b) [However,] A newspaper shall grant its customary discounts or contractual rates to [the county, city, district or other jurisdiction which] a public body that fulfills the requirements necessary to qualify for the discounts or contractual rates.

(2) The published size of all public notices published in a newspaper shall be determined by the [person] public official authorizing publication of the public notice, but shall be designed to afford the public reasonable ease in reading the information contained [therein] in the public notice. Any public notice [which] that must be typeset by the newspaper shall be in a type size no smaller than that used by that newspaper in its regular classified advertising columns, with spacing between lines and copy blocks commensurate with similar type matter.

(3) The compensation for publication of a public notice by broadcasting may not exceed the fee the station charges to local advertisers for a like period and class of commercial time.

SECTION 12. ORS 193.100 is amended to read:

193.100. [When any law or notice is published in any newspaper of this state, by virtue of any law authorizing any state officer to direct such publication at the expense of the state, all charges for such publication shall be paid as provided in ORS 293.295 to 293.462. The Oregon Department of Administrative Services shall draw a warrant upon the State Treasurer therefor, specifying the account upon which the warrant is drawn. The treasurer shall pay the same in like manner as other appropriations are paid] When any public notice is published in a newspaper, broadcast by a station or posted

1 on a website described in section 6 of this 2011 Act at the expense of the state, all charges
 2 for the publication, broadcast or posting shall be paid as provided in ORS 293.295 to 293.462.
 3 The Oregon Department of Administrative Services shall draw a warrant upon the State
 4 Treasurer for the amount of the charges, specifying the account upon which the warrant is
 5 drawn. The treasurer shall pay the amount in the same manner as other amounts owed by
 6 the state are paid.

7 **SECTION 13.** ORS 193.330 is amended to read:

8 193.330. (1) *[In the broadcast of the notice or material under ORS 193.310 to 193.360]* **A broadcast**
 9 **of a public notice under ORS 193.010 and 193.100** and 251.295~~, no~~ **may not contain a** reference
 10 by name to any person who is a candidate for elective public office at the time of the broadcast
 11 *[shall be made]*.

12 (2) Each station that broadcasts any *[notice or material under ORS 193.310 to 193.360]* **public**
 13 **notice under ORS 193.010 to 193.100** and 251.295 shall retain at its office a copy or transcription
 14 of the text of the *[notice or material]* **public notice** as broadcast for a period of six months after the
 15 broadcast. The copy or transcript shall be available for public inspection at reasonable times.

16 **SECTION 14.** ORS 35.395 is amended to read:

17 35.395. (1) The period specified in an agreement or judgment as provided in ORS 35.385 may be
 18 changed as provided in this section, if the prior owner of the real property has not waived the right
 19 of repurchase and the condemner finds that it will be unable to use all or a portion of the real
 20 property for such purpose within the specified period and requires a reasonable extension of such
 21 period for the completion of its project on the real property.

22 (2) Upon a finding under subsection (1) of this section, a condemner shall notify the prior owner
 23 or designated beneficiary of the requested change in period. The condemner shall negotiate with the
 24 prior owner or beneficiary on the requested change.

25 (a) Notification under this subsection shall consist of mailing a letter by certified mail to the
 26 last address of the prior owner or the designated beneficiary of the owner as shown in the agree-
 27 ment or judgment whereby the real property was acquired or the address subsequently supplied by
 28 such owner or beneficiary. If no response has been received by the condemner within 60 days after
 29 receipt of notice by the owner or designated beneficiary, all the rights of the owner or designated
 30 beneficiary under ORS 35.385 to 35.415 shall be considered waived.

31 (b) If the condemner cannot locate the prior owner or the designated beneficiary of the owner
 32 at the last-known address of the owner or the designated beneficiary, notice may be effected by
 33 publication. The publication shall be made in a newspaper published in the county where the prop-
 34 erty is located, or if no newspaper is published in the county, then in a newspaper designated as
 35 being most likely to give notice to the prior owner or the beneficiary of the prior owner. The
 36 newspaper utilized shall meet the requirements of ORS 193.020 **and section 4 of this 2011 Act**. The
 37 notice shall contain the name of the public project, a general description of the location of the
 38 property, the change in purpose or extension of time desired by the condemner and a time within
 39 which the owner or the beneficiary of the owner must respond to the notice. The notice shall be
 40 published not less than once each week for four weeks. The publication of notice may be directed
 41 to one or more owners or beneficiaries affected by the same project. If no response is received by
 42 the condemner within 10 days after the date of the last publication of notice, all rights of the prior
 43 owner or designated beneficiary shall be considered waived.

44 (3) If, after negotiation, the prior owner or beneficiary and the condemner agree on the proposed
 45 change in period, the period as changed shall, for the purposes of ORS 35.385 to 35.415, be consid-

1 ered the period as specified in the agreement or judgment under ORS 35.385. In the case of real
 2 property acquired by a condemner by judgment under ORS 35.325, the condemner shall notify the
 3 court by which the judgment was given of the agreed upon change in period and the court shall
 4 modify such judgment accordingly.

5 (4) If the prior owner or beneficiary and the condemner cannot, after negotiation, agree on the
 6 proposed change in period, the condemner may:

7 (a) In the case of real property acquired by an agreement under ORS 35.235 (1), petition the
 8 circuit court for the county within which such real property is situated for a hearing to determine
 9 whether the proposed change in period is reasonable and necessary in the public interest; or

10 (b) In the case of real property acquired by a judgment given under ORS 35.325, petition the
 11 court by which such judgment was given for a hearing to determine whether it is reasonable and
 12 necessary in the public interest to modify such judgment to permit the proposed change in period.
 13 The condemner in its petition may include as parties and serve all or any owners and designated
 14 beneficiaries whose property is affected by the same project.

15 (5) If, after a hearing under subsection (4) of this section, the court finds that the proposed
 16 change in period is reasonable and necessary in the public interest, the court shall grant such
 17 change. For the purposes of ORS 35.385 to 35.415, a period as changed by the court shall be con-
 18 sidered the period specified in the agreement or judgment described in ORS 35.385. For the purposes
 19 of this subsection, the resolution or ordinance of the condemner is presumptive evidence that the
 20 change in period proposed by the condemner is reasonable and necessary in the public interest.

21 (6) If, after a hearing under subsection (4) of this section, the court finds that the proposed
 22 change in period is unreasonable or not necessary in the public interest, the court shall deny the
 23 requested change. In such case, the terms of the original agreement or judgment shall control for
 24 the purpose of the exercise of the right of repurchase under ORS 35.385 to 35.415.

25 **SECTION 15.** ORS 198.540 is amended to read:

26 198.540. (1) Except in an emergency, an ordinance adopting, amending or repealing a regulation
 27 shall not be considered or voted upon by a district board unless the ordinance is included in the
 28 published agenda of the meeting. The agenda of a meeting shall state the time, date and place of the
 29 meeting, give a brief description of the ordinances to be considered at the meeting and state that
 30 copies of the ordinances are available at the office of the district board.

31 (2) The presiding officer shall cause the agenda to be published not more than 10 days nor less
 32 than four days before the meeting, in one or more newspapers of general circulation within the
 33 district or, if there is no such newspaper, in a newspaper of general circulation in each county in
 34 which the district is located. The presiding officer may also cause the agenda:

35 (a) To be posted in three public places within the district at least 10 days before the meeting;
 36 or

37 (b) To be published by radio and television stations broadcasting in the district as provided by
 38 ORS [193.310 and 193.320] **193.010 to 193.100.**

39 **SECTION 16.** ORS 251.295 is amended to read:

40 251.295. The Secretary of State, pursuant to ORS [193.310 to 193.360] **193.010 to 193.100**, may
 41 supplement the special or general election voters' pamphlet by causing to have broadcast by radio
 42 or television, material specified in this section at times the secretary determines suitable during the
 43 four weeks immediately preceding the election at which state measures are to be submitted to the
 44 people. The material provided by broadcast shall include only the following:

45 (1) The ballot title or popular name of each state measure.

1 (2) The number and form in which the ballot title of the state measures will be printed on the
2 official ballot.

3 (3) A summary of the explanatory statements filed relating to each state measure.

4 **SECTION 17.** ORS 341.357 is amended to read:

5 341.357. (1) Except as provided by ORS chapter 255 and ORS 294.421 (Local Budget Law), notice
6 of community college district organization and merger, community college district budgets and
7 community college district purchasing shall be given only as provided in this section.

8 (2) Whenever notice is required, the board shall cause the notice to be published in one or more
9 of the newspapers published in the district and having a general circulation in the district. If no
10 newspaper is published in the district, the notice shall be published in some newspaper designated
11 by the board and having circulation throughout the district. The notice shall be published in at least
12 two issues of each designated newspaper.

13 (3) The board may also cause broadcasting of any notice required to be published in the manner
14 provided in ORS [193.310 to 193.360] **193.010 to 193.100.**

15 (4) The board shall cause the time and place of publishing each of the notices required by sub-
16 section (1) of this section and the content of such notices to be recorded in the minutes of the board.

17 **SECTION 18.** ORS 548.920 is amended to read:

18 548.920. (1) If the petition is accepted and filed by the district secretary, the secretary shall,
19 within 30 days thereafter, cause a notice of the filing to be published in one or more newspapers
20 of general circulation within the district or, if there is no such newspaper, in a newspaper of general
21 circulation in each county in which the district is located. The secretary may also cause the notice
22 to be published by radio and television stations broadcasting in the district as provided by ORS
23 [193.310 and 193.320] **193.010 to 193.100.**

24 (2) The published notice shall state:

25 (a) That a petition proposing a plan for the dissolution or reorganization of the district, as the
26 case may be, has been filed with the district secretary.

27 (b) That a copy of the petition is available at a reasonable fee for each person who desires a
28 copy.

29 (c) That unless a petition signed by not less than 10 percent of the qualified electors and land-
30 owners of the district requesting that an election be called by the district board is filed with the
31 district secretary within 30 days of the date of the publication of the notice, the district board will
32 file its petition in circuit court as provided by ORS 548.930 (2).

33 (3) A petition requesting an election must be signed in the manner provided by ORS 548.915 (1)
34 and shall be subject to the examination and requirements provided by ORS 548.915 (2) and (3).

35 **SECTION 19.** ORS 548.925 is amended to read:

36 548.925. (1) Within 10 days after the filing of a petition that meets the requirements of ORS
37 548.920 (3) and 548.920 (2)(c), the district board shall call a special election to be held not less than
38 30 or more than 60 days after date the petition is filed.

39 (2) The board shall cause notice of the election to be published once a week for three successive
40 weeks, being three publications in all, in one or more newspapers meeting the requirements of ORS
41 548.920 (3). In addition, notice may be published by radio and television stations broadcasting in the
42 district as provided by ORS [193.310 and 193.320] **193.010 to 193.100.**

43 (3) The notice shall state the date of the election, and the fact that there will be submitted to
44 the voters a proposal to dissolve or reorganize the district, as the case may be.

45 (4) The election shall be held and the results determined and declared in all respects as nearly

1 as practicable in conformity with the provisions governing the election of officers in irrigation dis-
2 tricts. At the election, the ballot shall contain the words, "dissolution (or reorganization, as the case
3 may be) of the district ____ Yes," or "Dissolution (or reorganization) of the district ____ No," or
4 words equivalent thereto.

5 **SECTION 20. ORS 193.330 is added to and made a part of ORS 193.010 to 193.100.**

6 **SECTION 21. ORS 193.030, 193.050, 193.310, 193.320, 193.340, 193.350 and 193.360 are re-**
7 **pealed.**

8
