

For Council Meeting: November 9, 2009
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Agenda Item:

TO: SALEM CITY COUNCIL
FROM: COUNCIL LEGISLATIVE COMMITTEE
SUBJECT: FINAL 2009 LEGISLATIVE SESSION BILL REPORT

ISSUE:

Filing of the final 2009 Legislative "Bills Passed" report from the Legislative Committee.

RECOMMENDATION:

For information only.

BACKGROUND:


Mayor Taylor, Councilors Bennett, Clem and Sullivan serve on the 2009 Council Legislative Committee, with Councilors Nanke and Cannon serving as alternates. Bills for the 2009 session were first reviewed by Legislative staff and then were forwarded to departments for review. Priority 1 and Priority 2 bills were referred to the Legislative Committee for review and recommendation to Council. Following direction from Council, staff closely monitored the over 120 bills. During session, the Mayor, Councilors and staff provided testimony, submitted position letters and met with Legislators to ensure an understanding of the City's recommended positions.

FACTS AND FINDINGS:

Of the 120+ bills and issues tracked closely, 32 passed and the remainder failed, died in committee or were vetoed by the Governor. The attached report on the 35 bills that passed includes the bill number, subject, a brief description of the impact on the City and the effective date.

Complete text of the bills can be found at www.leg.state.or.us/bills_laws/.

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FINAL LEGISLATIVE REPORT – 2009 SESSION PASSED BILLS

SENATE BILLS

<u>BILL NUMBER AND SUBJECT</u>	<u>IMPACT OF BILL ON CITY</u>
SB 25 – State Hospital Advisory Board	Establishes a board to advise Hospital staff on patient care and hospital operations. Includes two residents from the area adjacent to the hospital. Effective Date: 7-14-09
SB 30 – Government Ethics	Addressed concerns with the 2007 legislation, including: The term “legislative or administrative interest” now applies only to decision makers acting in their official capacity. <ul style="list-style-type: none"> • Names of relatives/family member filed in 2008-09 will not be disclosed. • Public officials may accept invitations to events where they are representing the public body they serve. • Gifts of entertainment are subject to a \$50 annual gift limit. • Public Officials may accept gifts that are given as a result of business or volunteer activities not related of the office held. • Requirement to file quarterly statements of economic interest was eliminated, as of April 15, 2009; annual statements are still required. Effective Date: 1-1-10
SB 166 – State Hospital in Junction City	Authorizes the Department of Human Services to construct a hospital in Junction City to serve individuals committed under ORS 426.130 (court determined mental illness), ORS 161.327 (under jurisdiction of PSRB) or 161.370. (court determined unfit to stand trial). Effective Date: 6-16-09
SB 171 – Airports	Prohibits the construction of physical hazards to air navigation, as determined by the Oregon Department of Aviation in coordination with the city or county having land use jurisdiction. Authorizes department to establish standards to mitigate existing hazards. Effective Date: 1-1-10
SB 269 – ROW Facilities Relocation	Requires public bodies to coordinate with utilities in planning street projects to maximize benefit to the public. Outlines topics to be discussed during the planning and design phase of a project. If utilities fail to participate, it does not affect the ability to proceed with the project. Allows utilities to seek and receive reimbursement from private parties or customers, subject to PUC regulations. Effective Date: 1-1-10

SB 401 – PSRB, Conditional Release	Directs the Department of Human Services to develop and implement a plan to increase, in underserved regions of the state, the availability of supervision and treatment of for persons conditionally released by the PSRB. Effective Date: 1-1-10
SB 570 – Metal Property Theft	Requires scrap metal dealers to keep records of transactions and to make the records available to police. Requires dealers to mail payments to sellers within three days of taking possession, and requires dealers to contact law enforcement agencies if they have reason to believe that the material was stolen. Effective Date: 1-1-10
SB 671 – Capitol Planning Commission	Reestablishes the Capitol Planning Commission to provide advice on the development of state building/lands in the Salem-Keizer area. Members include the Mayor/or designee, Chair of the Planning Commission/or designee, plus one of the two county representatives must be a resident of the City of Salem. Effective Date: 1-10-10
SB 763 –Development	Provides for the use of transferable development credits to facilitate the continued management of private lands zoned for farm use, forest use and mixed farm and forest use. Effective Date: 6-24-09
SB 788 – New and Increased Water Fees	Levies a package of new and increased fees on a wide array of transactions related to water rights and transfers to provide support for the Oregon Water Resources Department. Effective Date: 7-1-09
SB 794 – Attorney Fee Provision for Condemnation Actions	Reinstates the pre-Measure 39 trigger for attorney fees by changing the trigger from the “initial” written offer to the “higher” written offer prior to the filing of a lawsuit. It also contains a provision permitting a city to make an offer of compromise up to 10 days before trial in an attempt to settle the case, which allows a property owner to recover fees and costs only up to the point that the offer was made. Effective Date: 1-1-10
SB 911 – Secure Community Facilities	Requires the Oregon Department of Human Resources to adopt rules mandating security, health, and safety standards for secure group home facilities that house PSRB clients. Effective Date: 1-1-10

<p>SB 915 – Building Code Enforcement</p>	<p>Imposes requirements on cities:</p> <ul style="list-style-type: none"> • The assessment of a monetary penalty for a building code violation must be a civil penalty and not exceed the statutory amounts assessed by the state. • Citations must include notice of the alleged violation, proposed penalty amount, and the process and deadline for challenging the fine. • Cities must offer an administrative process for a civil penalty to be challenged other than to the building inspector or official. • Cost of providing notice and administrative process may be covered by fees that support building inspection program administration and enforcement. <p>Effective Date: 1-1-10</p>
<p>SB 971 – Police Officer Training Reimbursement</p>	<p>Reimburses a police agency for training costs when another police agency hires an officer away from the first agency within three years of the officer’s initial hiring. The cost of reimbursement is based on the length of service and may be waived if the agency chooses to do so.</p> <p>Effective Date: 1-1-10</p>

FINAL LEGISLATIVE REPORT – 2009 SESSION PASSED BILLS

HOUSE BILLS

<u>BILL NUMBER AND SUBJECT</u>	<u>IMPACT OF BILL ON CITY</u>
<p>HB 2001 – Transportation Funding Package</p>	<p>Provisions in the bill that are of interest to Salem include:</p> <ul style="list-style-type: none"> • Prohibits a city from enacting or amending any ordinance imposing a fuel tax from Sept. 28, 2009 until Jan. 1, 2014 and requires voter approval before levying a fuel tax after Jan. 1, 2014. • Generates an additional \$54.6 million annually from the State Highway Fund to be allocated to cities from vehicle title and registration fee increases and an increase in the gas tax. • Reapportions State Highway Fund revenues. Cities will receive 20 percent of new revenues in addition to the approximately 16 percent they now receive from previously existing fees and taxes. • Earmarks 37 projects for state funding, including the Kuebler Interchange Southbound and Mill Creek Industrial Access. • Regulates medium speed electric vehicles. <p>Effective Date: 9-28-09</p>
<p>HB 2052 - Siting Secure Facilities</p>	<p>When a secure facility is being proposed in a community, the Local Public Safety Coordinating Council must appoint the local police chief, a representative of the city council, the county mental health director and mental health advocates and consumers to advise the sponsors of the facility on the location and other considerations.</p> <p>Effective Date: 1-1-10</p>
<p>HB 2156 – Wetland Mitigation Banks</p>	<p>Makes the following changes to the removal-fill program:</p> <ul style="list-style-type: none"> • Broadens the definition of compensatory mitigation to include activities to preserve functions and values of water resources of the state to compensate for removal-fill related adverse effects of a project. • Authorizes rulemaking by the Oregon Department of State Lands to provide guidelines for the use of mitigation banks and for allowing a permittee or third party to create a mitigation bank or to conduct compensatory mitigation. <p>Effective Date: 1-1-10</p>

<p>HB 2220 – “Big Look” Results</p>	<p>Provisions of interest to cities include: New, non-judicially enforceable overarching principals to guide the land use program.</p> <ul style="list-style-type: none"> • Additional criteria to be considered by local governments for the investment of infrastructure funds. • Authorization for a 90-day extension of statutory application deadlines to encourage mediation of local land use decisions, if agreed to by a city and an applicant. • Authorization for a policy-neutral review of land use statutes, goals and rules to reduce complexity by the Oregon Department of Land Conservation and Development and the Oregon Law Commission. <p>Effective Date: 8-4-09</p>
<p>HB 2287 – Court Funding</p>	<p>Allows municipal courts to impose a set offense surcharge in addition to any fine, cost or monetary obligation. Does not include parking violations. Covers offenses committed after Oct. 1, 2009 and before July 1, 2011.</p> <p>Effective Date: 6-30-09</p>
<p>HB 2403 – Civil Forfeiture</p>	<p>Amends the civil forfeiture statute to ensure that disabling a hidden compartment in a seized vehicle does not cost the seizing agency more than the value of the vehicle.</p> <p>Effective Date: 1-1-10</p>
<p>HB 2408 – Commuter Rail</p>	<p>Directs ODOT to study rail transportation in Oregon and to specifically analyze the extension of the Westside Express Service to Salem. The report is due by Oct. 1, 2010.</p> <p>Effective Date: 1-1-10</p>
<p>HB 2420 – Cancer Presumption for Firefighters</p>	<p>Shifts the burden of proof of compensability of a cancer claims in firefighters from the employee to the employer.</p> <p>Effective Date: 1-1-10</p>
<p>HB 2489 – Inmate ID Documents</p>	<p>Directs ODOT and the Department of Corrections to assist offenders in obtaining a driver’s license or identification card prior to release.</p> <p>Effective Date: 1-1-10</p>
<p>HB 2490 – Inmate Education/Work Documentation</p>	<p>Requires Department of Corrections to provide documentation of educational or treatment programs completed and work history upon discharge.</p> <p>Effective Date: 1-1-10</p>

HB 2623 – Prison Education Programs	Provides an opportunity for eligible inmates to receive a reduction in the term of incarceration by completing education programs. Effective Date: 1-1-10
HB 2834 – Closure of Blind School	Closes the School for the Blind by Sept. 1, 2009. Transitions students back to their local school districts and provides funding to districts. Directs DAS to dispose of the property. Effective Date: 6-25-09
HB 2834 – Public Contracting Criteria	Makes significant changes to the method cities larger than 15,000 residents use to enter into personal service and procurement contracts with a value greater than \$250,000, such as: <ul style="list-style-type: none"> • Requiring an agency to determine the cost of providing as service with existing employees compared to the cost of contracting out that service, by estimating what costs would be incurred by a contractor. • Prohibiting an agency from contracting out a service if it would be cheaper to perform the service with existing employees. • Prohibiting an agency from contracting out a service if the only reason is due to lower wages and benefits paid by the contractor. • Requiring a contracting agency to establish performance standards and penalties for non-performance of a contracted service. Effective Date: 8-4-09
HB 3056 – Urban Renewal	Makes several substantive changes to how urban renewal operates in Oregon, but only in new or significantly amended districts, instituted after Jan. 1, 2010. Effective Date: 1-1-10
HB 3450 – Carbon Monoxide Detectors	Prohibits transferring title to single-family dwelling or multi-family housing that has a carbon monoxide source, such as a fireplace, unless there are properly functioning carbon monoxide detectors that cover all sleeping areas. Requires a detector in multi-family units if a carbon monoxide source is present in the structure. Directs State Fire Marshall to adopt rules establishing standards for detectors in dwellings. Effective Date: 6-25-09
HB 3466 – Police Medical Data Base	Directs the State Police Department to create and maintain a voluntary medical health data base within LEADS for individuals with a qualifying illness or condition related to mental health or development disability. Effective Date: 1-1-10
HB 3466 – OLCC Budget	Reinstated the Salem OLCC office in the OLCC budget Effective Date: 1-1-01

**HJR 13 – Capital Cost Bond
Exemption**

Proposes an amendment to the Oregon Constitution, subject to voter approval, that would exempt local taxing districts from Measures 5 and 50 limitations on bonded indebtedness incurred after Jan. 1, 2011. Cities would be able to use proceeds from these bonds for capital costs, including assets with a useful life of greater than one year, such as construction, remodeling, furnishings and repairs, as well as police cars and fire trucks.

Effective Date: Subject to voter approval 1-10-10