

updated - 6/24/11

HOUSE OF REPRESENTATIVES

THIRD READING ALERT

PROJECTED THIRD READINGS FOR MONDAY, JUNE 27, 2011

HOUSE CONVENES AT 10:00 A.M.

BILL# COMM RECOMMENDATION Filed CARRIER

PROPOSITIONS AND MOTIONS:

(Possible Consideration of Senate Amendments)

HB 2244 B-Eng GGCP 06/13/11 Holvey/Whisnant

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Note:

Requires state agencies to adopt written policies regarding use, access, retention and ownership of public records. And allows each agency to have different policies.

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Amends definition of "public record" in ORS 192.005 to include information that meets the following criteria: prepared, owned, used or retained by a state agency or political subdivision; relates to an activity, transaction or function of a state agency or political subdivision; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision. Clarifies that "public record" does not include records of the Judicial Department, its officers or subdivisions, or spoken communication that is not recorded. Requires state agencies to have a written policy that sets forth the agency's use, retention and ownership of public records and to submit the written policy to the State Archivist for approval before the policy takes effect. Requires state agencies to maintain a public record without regard to the technology or medium used to create or communicate the record. Exempts from disclosure records of domestic violence service or resource center that concern individuals affected by domestic or sexual violence who visit center for referrals, resource information or related services, or individuals' family members. Declares emergency, effective on passage Senate amendments replace the A-engrossed measure. (Senate vote: 27-0)

Please note: Has minimal fiscal impact, no statement issued.

HB 2257 B-Eng RULES CONCUR 06/23/11 Olson

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Note:

Bill is not of real importance but shows the absolute inefficiency and absurdity of government. This bill allows voter pamphlet information from candidates to be filed electronically instead of just through paper forms. A real world company would be changing this to have electronic filing as an option to cut costs of operation. But not the government.....We need to pass a new law to allow them to do what ANY private company would have already done.

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Allows for or requires the electronic filing of certain documents with the Secretary of State for inclusion in voters' pamphlets. The measure requires the Secretary of State to adopt an electronic filing system for the filing of these documents using the Internet. Senate amendments resolve conflicts. (Senate vote: Ayes, 27; Nays, 1 - Atkinson)

Please note: Has Fiscal Impact Statement

HB 2380 C-Eng HC 06/23/11 Greenlick/Thompson

Provides for confidentiality of information disclosed during peer review of a direct entry midwife. Establishes protections for physicians and hospitals treating patients of direct entry midwives. Transfers direct entry midwife data collection responsibilities from the Oregon Health Licensing Agency (OHLA) to the Center for Health Statistics (CHS). Clarifies data to be collected by CHS. Eliminates a certified nurse midwife member from the State Board of Direct Entry Midwifery. Declares emergency, effective on passage. Senate amendments clarify direct entry midwife peer review provisions. Transfers direct entry midwife data collection responsibilities from the OHLA to the CHS. Clarifies data to be collected by CHS. Reestablishes limitations on legend drugs authorized for use by direct entry midwives. (Senate vote: 28-0)

Please note: Has Budget Report.

HB 2578 A-Eng VET 06/23/11 Esquivel/Witt

Modifies existing statutory language to direct the Oregon Department of Veterans' Affairs to establish a third Oregon Veterans' Home in Roseburg, Oregon. Senate amendments resolve conflicts. (Senate vote: 28-0)

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Note:

Bill Directs Director of Veterans' Affairs to establish third Oregon Veterans' Home in Roseburg.

I'm not sure if this is the best place for a home. How about we let the VA determine where the most economical, best location would be for this facility; instead of the government telling them where to put their new building.

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Please note: Has Fiscal Impact Statement

HB 2726 B-Eng HC 06/23/11 Greenlick/Thompson

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Note:

This is a bad bill as it prohibitively restricts business so that no business can be transacted. Puts limits on number of people inside the business, size of the building, and other provisions. This bill points out a major distinction between the thinking of a conservative and a progressive/ Liberal. If a progressive/ liberal/democrat/ doesn't like something they must outlaw it so everyone else cannot make a free choice themselves. When a conservative, doesn't smoke, they don't try to outlaw smoking for others, they just don't go into smoke shops.

Senate amendments allow certain establishments to remain in business if they were operating before a certain time frame and meet other requirements.

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Requires Oregon Health Authority (OHA) to adopt rules establishing certification system for smoke shops. Requires recertification every five years instead of annually. Modifies definition of smoke shop for purpose of Oregon Indoor Clean Air Act by limiting seating to four persons, prohibiting food and beverage, allowing smoking for sampling only, and granting OHA unannounced inspection authority. Requires OHA to certify smoke shop businesses that, as of December 31, 2008 were either standalone or had ventilation system that exhaust smoke. Allows smoke shops, that met specified criteria as of December 31, 2008, to continue to be certified and allows smoke shop in attached structure to continue to be certified in new location if new location meets specified size requirements. Creates "grandfather

clause” to allow existing smoke shops to continue operating, and to include those with applications pending before effective date of Act, whose certification process will be completed by December 31, 2012. Allows smoke shop to change owners and to move to new location not larger than 3,500 square feet. Specifies that new location larger than 2,500 square feet may not be more than 10 percent larger than previous location. Specifies that cigarettes may not be smoked unless 75 percent of revenues are from cigarettes. Increases violations from \$2,000 to \$4,000 per month. Declares emergency, effective on passage. **Senate amendments add requirement that OHA certify smoke shop business that, as of December 31, 2008, were either standalone businesses or had ventilation systems that exhaust smoke and met specified criteria. Allows smoke shops, that met specified criteria as of December 31, 2008, to continue to be certified and allows smoke shop in attached structure to continue to be certified in new location if new location meets specified size requirements. Changes application filing date from December 31, 2010 to effective date of Act; changes certification deadline from July 1, 2011 to December 31, 2012.** (Senate vote: Ayes, 18; Nays, 11--Beyer, Bonamici, Burdick, Dingfelder, Johnson, Kruse, Monnes Anderson, Rosenbaum, Shields, Thomsen, Whitsett)

Please note: Has Fiscal Impact Statement

Please note: Has minimal fiscal impact, no statement issued.

(Possible Consideration of Senate Amendments – requires rule suspension)

HB 2100 B-Eng HC 06/27/11 Greenlick/Thompson

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Note:

Passed house with unanimous vote.

Establishes Pharmacy and Therapeutics Committee to perform functions of Drug Use Review Board, which is abolished.

Establishes 11-member Pharmacy and Therapeutics Committee (P &T Committee) to perform functions of Drug Use Review Board, which is abolished. Establishes Health Evidence Review Commission (HERC) to perform functions of Health Resources Commission and Health Services Commission, which are abolished. Describes roles of Oregon Health Authority (OHA) and Department of Human Services (DHS) in administering medical assistance program. Permits sharing of information between OHA and DHS for specified reasons. Prohibits charging hospital for complaint investigations in excess of specified number and for related fees in excess of specified amount. Extends end date for OHA and DHS to cross-delegate. Corrects references, updates terminology, makes other technical corrections and creates enabling provisions for OHA. Declares emergency, effective on passage. Senate amendments resolve conflicts with enrolled and pending measures. (Senate vote: 27-0)

(Consideration of Conference Committee Reports)

HB 2792 B-Eng* Conference Hse concur, amend, repass 06/23/11 Barker

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Note:

This bill Passed the house already with all republicans and about a dozen democrats voting for this bill. Berger, clem, weidner did not vote.

Passed the senate with Larry George as the only vote against the bill.

The a-engrossed bill is far different than the original introduced bill as the original had nothing to do with off road vehicles or appeal rights of felons, and had the intent of allowing handgun reciprocity between states. The senate amended b-engrossed bill is vastly different as well. The conference committee has approved moving forward on the b-engrossed version with only 2 small time changes.

Allows persons to possess firearms while operating motorcycles, all-terrain vehicles and snowmobiles so long as firearm is in locked container or equipped with trigger inhibitor. Permits persons operating snowmobiles to carry unloaded firearm, bow, or concealed handgun. Prohibits reinstatement of gun rights for persons convicted of person-felonies involving a firearm or deadly weapon, for persons convicted of crimes requiring imposition of a minimum mandatory sentence, and for one year after end of jurisdiction for other convicted felons. Declares emergency, effective on passage. Conference Committee amendments permit otherwise eligible convicted felons to seek reinstatement of gun rights one year after the end of jurisdiction rather than three. (Committee Vote: 5 - 0 - 0)

Please note: Has minimal fiscal impact, no statement issued.

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HB 3280 B-Eng* Conference Hse concur, amend, repass 06/23/11 Holvey

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Note:

Ultimately this comes down to whether we want land owners to be able to use their property, within reason, for economic purposes and putting excessive land use regulations on individuals who want to run a winery is not a good idea. **Ultimately all these regulations about wineries, on-site restaurants, percentages of income from certain aspects, wine tours, and limiting the number of days a winery can have events on site are hard on business. It says to a winery, "have a good business, but not too good of a business" because then you will be over one of these arbitrary limits and you will be shut down.**

How about we let the free market work. Do we really need a law that tells a winery that they need to provide parking?

Repeals Section 3, chapter 97, Oregon Laws 2010. **Deletes maximum annual production for winery established as permitted use on exclusive farm use (EFU) land.** Authorizes winery to market and sell wine produced in conjunction with winery, including wine tours, wine tasting in a tasting room or other location at the winery, wine clubs, and similar activities conducted for primary purpose of promoting wine produced in conjunction with the winery. Authorizes winery to market and sell items directly related to sale and promotion of wine produced in conjunction with winery, including food and beverage prepared by limited service restaurant; and to provide services related to **sale and promotion of wine including private events, limited to 25 days or fewer in a calendar year. Limits gross income from sale of items and services to 25 percent of gross income from on-site retail sale of wine produced in conjunction with the winery.** Effective January 1, 2013 stipulates at request of local government winery shall submit written statement, prepared by a certified public accountant, that certifies compliance with the 25 percent of gross income requirement for the previous tax year. **Authorizes local government that has issued permits to wineries for hosting outdoor concerts, for which admission is charged, facility rentals or celebratory events to continue to issue permits.** Requires winery to provide parking. Defines "private events" to include but not be limited to facility rentals and celebratory events. Sunsets provisions that allow for private events and 25 percent income requirement on January 1, 2014. **Authorizes winery to be established as permitted use on EFU land if at least 80 acres with at least 50 acres of vineyard; winery owns at least 80 additional acres in Oregon of additional planted vineyards; and winery has produced at least 150,000 gallons of wine in at least three of last five years. Authorizes winery to market and sell wine produced in conjunction with the winery,** including wine tours, wine tasting in a tasting room or other location at the winery, wine clubs, and similar activities conducted for primary purpose of promoting wine produced in conjunction with the winery. **Authorizes winery to market and sell items directly related to sale and promotion of wine produced in conjunction with the winery, including food and beverage prepared by limited service restaurant, wine not produced in conjunction with the winery and gifts; and to provide services related to sale and promotion of wine including private events, limited to 25 days or fewer in a calendar year. Limits gross income from sale of items and services to 25 percent of gross income from on-site sale of wine produced in conjunction with the winery. Effective January 1, 2013 stipulates at request of local government winery shall submit written statement, prepared by a certified public accountant, that certifies compliance with the 25 percent of gross income requirement for the previous tax year. Authorizes local government that has issued permits to wineries for hosting outdoor concerts, for which admission is charged, facility rentals or celebratory events to continue to issue permits. Defines "private events" to include but not be limited to facility rentals and celebratory events. Authorizes winery to operate restaurant in which food is prepared for consumption on premises of winery. Requires winery to obtain permit from local government if winery operates restaurant that is open to public more than 25 days in calendar year or provides for private events on more than 25 days**

in a calendar year. Authorizes local government to approve permit application if activity complies with ORS 215.296, is incidental and subordinate to retail sale of wine produced in conjunction with the winery, and does not materially alter stability of land use pattern in area. Requires permit review at least once every five years. Directs local government to require winery to establish setback of at least 100 feet from all property lines for winery and all public gathering places and direct road access and internal circulation. Requires winery to provide parking. Authorizes local government to approve the sale or delivery of other items or services under criteria for commercial activity in conjunction with farm use. Establishes that lawfully established use or structure that exists on effective date of Act at winery sited on EFU lands including events and activities that exceed income limit imposed by ORS 215.452 may be continued, altered, restored or replaced. Clarifies Act does not affect lawful continuation, alteration, restoration or replacement of winery sited on same tract. Declares emergency, effective on passage. Senate amendments replace measure. (Committee Vote: Ayes, 6 – Representatives Cameron, Holvey, Johnson; Senators Dingfelder, Prozanski, Thomsen; Nays, 1 – Representative Nolan)

Please note: Has minimal fiscal impact, no statement issued.

Please note: Has Revenue Impact Statement

(Consideration of Conference Committee Reports – requires rule suspension)

SB 600 B-Eng* Conference Sen concur, amend, repass 06/23/11 Boone

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Note:

600 A Modifies provisions related to lease of submersible lands.

Passed senate with unanimous vote, one member excused. Highlighted red due to large amount of land this bill would affect and comments from bill summary; "Authorizes DSL to charge for uses on state-owned submerged or submersible lands for habitat restoration projects for environmental mitigation credit or settlement or credit obtained as offset against natural resource damages liability. Requires registration of specific uses. Allows DSL to authorize by rule use of specific state-owned submerged or submersible lands without charge if minimally intrusive to public rights of navigation, fishery or recreation. Modifies provisions related to lease of state lands for kelp harvesting."

Modifies preference right for upland adjacent landowner when current lessee is in compliance with all lease terms and conditions of submersible lands lease. Clarifies applicability of statutes to submerged, submersible lands or both. Authorizes Department of State Lands (DSL) to authorize use without charge for rights of way for any county or city road over state-owned submerged and submersible lands established prior to November 1, 1981. Authorizes DSL to charge for uses on state-owned submerged or

submersible lands for habitat restoration projects for environmental mitigation credit or settlement or credit obtained as offset against natural resource damages liability. Requires registration of specific uses. Allows DSL to authorize by rule use of specific state-owned submerged or submersible lands without charge if minimally intrusive to public rights of navigation, fishery or recreation. Modifies provisions related to lease of state lands for kelp harvesting. Authorizes DSL to establish by rule a general permit that allows removal of no more than 100 cubic yards of material from waters of state, including in essential indigenous anadromous salmonid habitat, for purpose of maintaining drainage and protecting agricultural land. Authorizes DSL to waive fees for removal taking place under provisions of bill. Senate amendments authorize DSL to establish by rule a general permit that allows removal of no more than 100 cubic yards of material from waters of state, including in essential indigenous anadromous salmonid habitat, for purpose of maintaining drainage and protecting agricultural land. Authorizes DSL to waive fees for removal taking place under provisions of bill. (Committee Vote: 5 - 0 - 0)

Please note: Has minimal fiscal impact, no statement issued.

HOUSE BILLS:

(Carried over from Thursday, June 23, 2011 Calendar)

HB 5030 A-Eng WM dpa PE 06/10/11 Kotek

Budget: Department of Human Services (Committee vote: Ayes, 13 – Beyer, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, G. Smith, Thatcher, Whisnant, Buckley, Richardson; Nays, 1 – Nolan)

Please note: Has Budget Report.

HOUSE BILLS:

(Requires Rule Suspension)

HB 2113 B-Eng WM dpa PE 06/24/11 G. Smith

Modifies retirement plan statutes administered by the Public Employees Retirement System (PERS). (Committee vote: 14-0)

Please note: Has Budget Report.

HB 2456 B-Eng WM dpa PE 06/24/11 G. Smith

Eliminates a benefit for certain Public Employees Retirement System (PERS) retirees who reside out of state. (Committee vote: Yeas, 12 - Beyer, Buckley, Cowan, Freeman, Komp, Kotek, Nathanson, Nolan, Richardson, G. Smith, Thatcher, Whisnant; Nays, 2 - Garrard, McLane)

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Note:

Prohibits the Public Employees Retirement Board from paying increased benefits by reason of state income taxation of payments made by the Board if the person receiving payments does not pay Oregon income tax on their retirement benefits. Clarifies that the measure does not apply to certain retirees whose retirement date is on or before January 1, 2012.

House Bill 2456-A establishes that the increased benefit provided by House Bill 3349 (1995) will not be paid to affected Tier One retirees whose payments are not subject to Oregon personal income tax on or after January 1, 2012.

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Please note: Has Budget Report.

HB 3100 A-Eng WM dpa PE 06/24/11 Tomei

Develops and implements a certification process for providers of psychiatric and psychological evaluations to ensure that evaluators have specific forensic mental health training. States a person may not introduce evidence on the issue of insanity unless the defendant files with the court a report of psychiatric or psychological evaluation conducted by a certified evaluator. Removes the requirement that the court place a person under the jurisdiction of the Psychiatric Security Review Board (PSRB) if the person has been found guilty except for insanity of a misdemeanor involving physical injury or risk of physical injury to another. (Committee vote: 14-0)

Please note: Has Budget Report.

HB 3102 B-Eng WM dpa PE 06/24/11 Nathanson

Establishes the nine-member Court Appointed Special Advocate (CASA) Task Force charge with studying and making recommendations regarding the appropriate structure and operation for funding and

administration of the [CASA Volunteer Programs in Oregon](#). The bill directs the task force to report to appropriate interim committees no later than January 15, 2012. The task force sunsets on June 30, 2013. The bill contains an emergency clause and takes effect on passage. (Committee Vote: 14-0)

Please note: Has Fiscal Impact Statement

HB 3260 B-Eng WM dpa PE 06/24/11 Freeman

[Transfers from the State Commission on Children and Families \(Commission\) to the Department of Human Services \(DHS\) all of the duties, functions and powers for coordinating the statewide planning for delivery of services to runaway and homeless youth and their families.](#) (Committee vote: 13-0)

Please note: Has Budget Report.

HB 3636 A-Eng WM dpa PE 06/24/11 G. Smith

Requires applications for State Fish and Wildlife Commission licenses, tags, and permits to have a separate section where applicants can make voluntary contributions to be used for predatory animal control to the extent allowed under federal and state law. Establishes Wildlife Conservation Fund continuously appropriated to the State Fish and Wildlife Commission for holding contributions and distributing contributions to counties for predatory animal control programs. (Committee Vote: 14-0)

Please note: Has Fiscal Impact Statement

HB 3650 B-Eng WM dpa PE 06/24/11 Freeman/Kotek

[Establishes the Oregon Integrated and Coordinated Health Care Delivery System to replace prepaid managed care systems for recipients of medical assistance, including those who are dually eligible for medical assistance and Medicare.](#) (Committee vote: Yeas, 13 - Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, Richardson, G. Smith, Whisnant; Nays, 1 – Thatcher)

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Note:

Establishes Oregon Integrated and Coordinated Health Care Delivery System to replace managed care systems for recipients of medical assistance.

From Jeff Kruse: As HB 3650 is currently written the biggest things it does is grow government authority and expand public employee unions. Fiscal impact statement says there may be a cost to this but will be determined later. From Bill:

"Establishes Oregon Integrated and Coordinated Health Care Delivery System to replace managed care systems for recipients of medical assistance. Specifies criteria for coordinated care organizations. Requires Oregon Health Authority to seek federal approval to allow enrollment of individuals who are dually eligible for Medicare and Medicaid into coordinated care organizations. Requires authority to establish alternate payment methodologies for coordinated care organizations. Requires coordinated care organizations to report outcome and quality measures developed by authority. **Requires coordinated care organizations to use patient centered primary care homes to extent practicable.** Establishes consumer protections for members of and providers in coordinated care organizations. Allows sharing of confidential information within coordinated care organization. **Creates exemption from antitrust laws** for activities under Oregon Integrated and Coordinated Health Care Delivery System."

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Please note: Has Budget Report.

SENATE BILLS:

(Carried over from Thursday, June 23, 2011 Calendar)

SB 829 A-Eng RULES dp 06/15/11 Holvey

Increases maximum annual production to 150,000 gallons for winery to be established as outright permitted use on exclusive farm use (EFU) land when grapes produced on at least 40 contiguous acres. Requires winery to provide on-site parking. Requires setback of at least 100 feet for winery and all public gathering places. Adds authorization for winery to be established as outright permitted use on EFU lands, or any area zoned for agricultural use on a parcel of land at least 80 contiguous acres if at least 50 acres of parcel have vineyards planted at least five years before winery is qualified to operate; owner owns at least 80 additional acres in Oregon of contiguous planted vineyards; and winery has produced at least 150,000 gallons of wine in at least three of last five years before qualifying. Authorizes winery established under Act to sell wines produced by the winery; items directly related to sale and promotion of wine produced by the winery; and services related to sale and promotion of wine including catered dinners, weddings, charitable or political events and other private events. Authorizes winery established under Act to operate full service restaurant. Authorizes local government to approve sale or delivery of

other items or services. Prohibits person from having substantial ownership interest in more than one winery operating a full service restaurant. Requires local government to adopt findings on standards to limit conflicts with accepted farming or forest practices on adjacent lands, limited to establishment of setback of at least 100 foot from all property lines for winery and all public gathering places and provisions for direct road access, internal circulation and parking. Requires winery to provide on-site parking. Declares emergency, effective upon passage. (Committee Vote: 7 - 0 - 1)

Please note: Has minimal fiscal impact, no statement issued.

Please note: Has Revenue Impact Statement

SENATE BILLS:

(Requires Rule Suspension)

SB 5511 A-Eng WM dp 06/24/11 G. Smith

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Note:

Bill title: Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by State Department of Energy.

Voted out of joint committee but Representatives Freeman, & Thatcher, along with Senators Whitsett, Thomsen, and Girod all opposed the measure.

One reason to oppose measure may be from section 4 where it says "**expenditures by the State Department of Energy for loans for small scale energy loan projects and expenditures by the department for debt service are not limited.**"

Budget: Department of Energy (Committee vote: Yeas: 12 - Beyer, Buckley, Cowan, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, Richardson, G. Smith, Whisnant; Nays, 2 - Freeman, Thatcher)

Please note: Has Budget Report.

SB 5512 A-Eng WM dp 06/24/11 G. Smith

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Note:

Approves certain new or increased fees adopted by State Department of Energy.

Ratifies fees enacted by the Department of Energy via administrative rule during the 2009-11 biennium, to cover administrative costs associated with evaluation of projects under a tiered Business Energy Tax Credit program (HB 3680, 2010 Legislative Session), and the enactment of the Biomass Tax Credit Program (HB 2078, 2009 Legislative Session).

Passed from joint committee but without support of 8 republican house and Senate members (Freeman, Garrard, Komp, McLane, Whisnant, Girod, Thomsen, and Whitsett voted against)

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SB 170 B-Eng WM dpa PE 06/24/11 Gelser

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Note:

Passed senate with no opposition.

Requires Department of Education to be responsible for payment of costs of education of students in eligible day treatment program or eligible residential treatment program by contracting with school district in which program is located.

Resolves conflict between House Bill 2281 (2011), relating to residential treatment programs and House Bill 3599 (2011), relating to education of students in day treatment programs. Allows day treatment programs and residential treatment programs to co-exist within Oregon Department of Education long-term care and treatment funding statute. (Committee Vote: 14-0)

Please note: Has Fiscal Impact Statement

SB 234 B-Eng WM dp 06/24/11 Freeman

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Note:

Bill will Modify terminology relating to emergency medical services providers.

From BACKGROUND: According to proponents, this language is intended to place national standard terminology/nomenclature for emergency medical personnel in Oregon statute. This is critical for three reasons: 1) national standard level nomenclature has already changed. Oregon needs to remain consistent for reciprocity of personnel across state lines. If an emergency medical technician (EMT) moves to Oregon from out of state and Oregon has not adopted the new language, the EMT could be prevented from obtaining an Oregon license and volunteering or gaining employment here, simply because of terminology. This could have a significant impact on smaller and rural communities, in particular. 2) The Oregon Medical Board (OMB) has already adopted the new nomenclature in its administrative rules regarding scope of practice; without the statutory change and Oregon Health Authority (OHA) rule changes this would leave a mismatch between OMB and OHA rules/terminology. 3) During disaster response where EMS personnel come to Oregon to assist or Oregon EMS personnel are deployed elsewhere, having levels that do not match national standards make it difficult to assure that responders are used effectively and within a known scope of practice.

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Directs Oregon Health Authority to establish levels of licensure for emergency medical services (EMS) providers. Modifies emergency medical services provider terminology. (Committee vote: 14-0)

SB 242 C-Eng WM dpa PE 06/24/11 Dembrow

Redefines Oregon University System (OUS) as public university system with greater authority and independence to manage affairs, operations and obligations. Creates Higher Education Coordinating Commission (Commission). Authorizes Commission to coordinate higher education goals and policy with OUS. **Places responsibility for liability, defense and indemnity on OUS and State Board of Higher Education.** Creates process for State Board of Higher Education to enter into performance compact with state in conjunction with biennial funding request. **Eliminates requirement to seek permission to exceed expenditure limitation to spend other available moneys, including enrollment fees collected.** **Exempts OUS from certain laws relating to state agencies.** Preserves labor contracts, retirement, benefits and preferences. **Authorizes board to purchase property and construct facilities without legislative approval.** Maintains all interest earned in Oregon University System Fund to OUS. Transfers functions of the Office of Degree Authorization to Higher Education Coordinating Commission. Changes the name of the Oregon Student Assistance Commission to the Oregon Student Access Commission. Most OUS governance sections become operative January 1, 2012. Creation of the Higher Education Coordinating Commission operative July 1, 2012. Declares emergency, effective on passage. (Committee Vote: Ayes, 12 – Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, G. Smith, Whisnant, Buckley, Richardson; Nays, 2 – Beyer, Thatcher)

Please note: Has Fiscal Impact Statement

Please note: Has Revenue Impact Statement

SB 395 B-Eng RULES dp 06/24/11 Olson

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Note:

Passed senate with 3 republicans and a democrat voting against the bill.

From summary:

SB 395-B clarifies sentencing confusion by requiring CJC to treat only the fourth DUI conviction at ORS 813.010(5) as a category 6 crime for sentencing purposes. Permitting CJC to distinguish between the two C felony DUIs allows the minimum mandatory sentence required by Measure 73 to be imposed for a third conviction, and allows the 12 to 14-month presumptive sentence to be imposed for a fourth conviction.

Allows state to reimburse counties for cost of incarcerating those charged with and convicted of third DUI. Directs counties to use existing reimbursement rate, which is used to reimburse counties for cost of inmates serving twelve months or less. Directs Department of Corrections (DOC) to make rules for counties to seek reimbursement. Requires reimbursements be made from moneys appropriated to DOC for that purpose. Declares emergency, effective on passage

Clarifies driving under the influence (DUI) as category 6 felony with thirteen to thirty-month presumptive sentence. Allows state to reimburse counties for cost of incarcerating those charged with and convicted of third DUI. Directs counties to use existing reimbursement rate, which is used to reimburse counties for cost of inmates serving twelve months or less. Directs Department of Corrections (DOC) to make rules for counties to seek reimbursement. Requires reimbursements be made from moneys appropriated to DOC for that purpose. Declares emergency, effective on passage. (Committee Vote: 7 - 0 - 1)

Please note: Has Fiscal Impact Statement