

Senate Bill 77

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 Theodore R. Kulongoski)

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**.

Establishes process to declare public safety services emergency in fiscally distressed county that fails to provide minimally adequate level of public safety services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to fiscally distressed counties; and declaring an emergency.

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

4 **SECTION 1. (1) If the governing body of a county or the Governor believes that the**
5 **county is in a state of fiscal distress that compromises the county's ability to provide a**
6 **minimally adequate level of public safety services, the governing body or the Governor may**
7 **seek a declaration of a public safety services emergency by requesting in writing that the**
8 **Oregon Criminal Justice Commission review and analyze public safety services provided by**
9 **the county.**

10 (2) When a request for review of public safety services is made under subsection (1) of
11 this section, the commission shall:

12 (a) Review and analyze public safety services provided in the county to determine, based
13 on the guidelines established pursuant to subsection (9) of this section, whether the county
14 is providing a minimally adequate level of public safety services; and

15 (b) Report its findings and recommendation to the Governor within 14 days after the re-
16 quest for a review is made.

17 (3) If the commission finds that the county is providing a less than minimally adequate
18 level of public safety services, the commission shall recommend to the Governor that the
19 Governor declare a public safety services emergency for the county. The commission shall
20 copy its findings and recommendation to the Legislative Assembly and the governing body
21 of the fiscally distressed county.

22 (4) Upon receipt of the findings and recommendation from the commission's review and
23 analysis the Governor shall:

24 (a) Review the findings and recommendation;

25 (b) Within 14 days of receipt of the commission's findings and recommendation, either
26 issue the declaration of a public safety services emergency, if the Governor determines that
27 the county's fiscal distress prevents the county from providing a minimally adequate level
28 of public safety services, or issue a determination that the county's fiscal distress does not
29 cause the county to provide a less than minimally adequate level of public safety services;
30 **and**

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.

1 (c) If the Governor issues the declaration of a public safety services emergency under
2 paragraph (b) of this subsection, establish a fiscal control board, as described in section 2
3 of this 2009 Act, for the distressed county.

4 (5) The fiscal control board shall meet with county officials, including the governing body
5 of the county, and members of the public to gain a fuller understanding of the county's fiscal
6 alternatives and public safety service needs and shortcomings. The board shall propose to the
7 governing body of the county a recovery plan designed to restore minimally adequate public
8 safety services. As part of the proposed recovery plan, the board may recommend that the
9 governing body of the county:

10 (a) Reallocate funds;

11 (b) Cut services, lay off employees or otherwise reduce expenditures;

12 (c) Sell or lease real or personal property of the county;

13 (d) Issue bonds;

14 (e) Renegotiate payment terms of the county's legal and moral indebtedness;

15 (f) Refer measures to the voters;

16 (g) Request an emergency election under ORS 203.085; or

17 (h) Authorize the state to take over services as authorized by law other than this sec-
18 tion.

19 (6) The governing body of the county shall approve or reject the recovery plan proposed
20 by the fiscal control board. If the governing body:

21 (a) Approves the recovery plan, the board shall provide technical assistance in support
22 of the governing body's implementation of the plan.

23 (b) Rejects the recovery plan, the board shall monitor the governing body's efforts to
24 restore minimally adequate public safety services and, at the request of the governing body,
25 shall provide technical assistance in support of the governing body's efforts to restore mini-
26 mally adequate public safety services in the county.

27 (7) The fiscal control board shall periodically update the Governor and the Legislative
28 Assembly from the time the board proposes a recovery plan to the fiscally distressed county
29 until the Governor declares the public safety services emergency terminated pursuant to
30 subsection (8) of this section. When the fiscal control board concludes that minimally ade-
31 quate public safety services have been restored in the fiscally distressed county, the board
32 shall recommend that Governor terminate the public safety services emergency.

33 (8) The Governor shall declare the public safety services emergency terminated when the
34 Governor concludes that the fiscally distressed county has restored minimally adequate
35 public safety services in the county.

36 (9) The commission shall establish, by rule, public safety services guidelines by which to
37 identify the minimally adequate level at which public safety services must be delivered in a
38 county. In establishing the guidelines, the commission shall seek broad public input and take
39 into consideration the population density, geographic characteristics, historical crime rates
40 and other relevant factors in Oregon counties. The guidelines must provide a basis for ana-
41 lyzing whether the county provides a minimally adequate level of public safety services in the
42 areas of:

43 (a) County jail operations;

44 (b) Law enforcement, investigation and patrol;

45 (c) Community corrections;

- 1 (d) Juvenile justice;
- 2 (e) Emergency operations and emergency response;
- 3 (f) Search and rescue operations;
- 4 (g) Criminal prosecution; and
- 5 (h) Court facility operations.

6 **SECTION 2.** (1) A fiscal control board established pursuant to section 1 of this 2009 Act
7 consists of three nonvoting ex officio members and five appointed members who have
8 knowledge of and experience with public safety services and fiscal management as follows:

9 (a) The Governor shall appoint three members.

10 (b) The President of the Senate shall appoint one member.

11 (c) The Speaker of the House shall appoint one member.

12 (d) The Secretary of State, the State Treasurer and the director of the Department of
13 Revenue shall serve as nonvoting ex officio members.

14 (2) A fiscal control board shall perform the functions described in this section and section
15 1 of this 2009 Act.

16 (3) A majority of the members of the board constitutes a quorum for the transaction of
17 business.

18 (4) Official action by the board requires the approval of a majority of the members of the
19 board.

20 (5) The board shall elect one of its members to serve as chairperson.

21 (6) Appointed members serve at the pleasure of the appointing authority for a term of
22 four years, subject to subsection (10) of this section.

23 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
24 ment to become immediately effective.

25 (8) The board shall use the services of permanent staff of the offices of the Governor, the
26 Secretary of State and the State Treasurer, and the Department of Revenue to the greatest
27 extent practicable. However, the Governor, the Secretary of State and the State Treasurer
28 may agree to employ individuals to support the performance of the functions of the board,
29 if necessary, and the employing state official shall fix the duties and amounts of compen-
30 sation of these employees.

31 (9) All agencies of state government, as defined in ORS 174.111, are directed to assist the
32 board in the performance of its duties and, to the extent permitted by laws relating to
33 confidentiality, to furnish information and advice as the members of the board consider
34 necessary to perform their duties.

35 (10) A fiscal control board terminates when the Governor declares that the public safety
36 services emergency declared under section 1 (4) of this 2009 Act has ended.

37 **SECTION 3.** This 2009 Act being necessary for the immediate preservation of the public
38 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
39 on its passage.