

# House Bill 2475

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Consumer Protection and Government Accountability for Government Efficiency Task Force)

## 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**.

Authorizes Oregon Criminal Justice Commission to recommend declaration of public safety services emergency for county one year in advance of anticipated emergency.

Requires proposed recovery plan for county to include proposed gap funding package based on estimate of revenue necessary to restore or maintain minimally adequate public safety services.

Authorizes governing body of county and Governor to request appropriation of funds from Legislative Assembly to fund gap funding package after governing body refers measure to voters to establish law enforcement district and provide ad valorem property tax revenues to fund district. If voters reject measure, appropriation of funds from Legislative Assembly is discontinued. If voters accept measure, appropriation of funds continues until county can borrow unpaid amount of appropriation against anticipated property tax revenues.

Authorizes ex officio member of fiscal control board to appoint designee to serve in member's place.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to public safety services funding emergencies; amending ORS 203.095 and 203.100; and  
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 203.095 is amended to read:

6 203.095. (1) If the governing body of a county or the Governor believes that the county is in a  
7 state of fiscal distress that compromises the county's ability to provide a minimally adequate level  
8 of public safety services, the governing body or the Governor may seek a declaration of a public  
9 safety services emergency by requesting in writing that the Oregon Criminal Justice Commission  
10 review and analyze public safety services provided by the county.

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

13 (a) Consult with the governing body of the county, the sheriff, the district attorney, judges and  
14 other appropriate county officials, with labor organizations representing county employees and with  
15 other public safety stakeholders to gather information regarding the current level of public safety  
16 services provided by the county;

17 (b) Review and analyze public safety services provided in the county to determine, based on the  
18 guidelines established pursuant to subsection [(9)] (11) of this section, whether the county is pro-  
19 viding a minimally adequate level of public safety services; and

20 (c) Report its findings and recommendation to the Governor within 14 days after the request for  
21 a review is made.

22 (3) If the commission finds that the county is providing, **or will within a period of one year**  
23 **provide**, a less than minimally adequate level of public safety services, the commission shall re-  
24 commend to the Governor that the Governor declare a public safety services emergency for the

**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 county. The commission shall copy its findings and recommendation to the Legislative Assembly and  
 2 the governing body of the fiscally distressed county.

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

5 (a) Review the findings and recommendation;

6 (b) Within 14 days of receipt of the commission's findings and recommendation, either issue the  
 7 declaration of a public safety services emergency, if the Governor determines that the county's fiscal  
 8 distress prevents the county from providing a minimally adequate level of public safety services, or  
 9 issue a determination that the county's fiscal distress does not cause the county to provide a less  
 10 than minimally adequate level of public safety services; and

11 (c) If the Governor issues the declaration of a public safety services emergency under paragraph  
 12 (b) of this subsection, establish a fiscal control board, as described in ORS 203.100, for the distressed  
 13 county.

14 (5) *[The]* A fiscal control board **established under subsection (4) of this section** shall meet  
 15 with the governing body of the county, the sheriff, the district attorney, judges and other *[appro-*  
 16 *priate]* county officials, *[with]* labor organizations representing county employees, *[with]* other public  
 17 safety stakeholders and *[with]* members of the public to gain a fuller understanding of the county's  
 18 fiscal alternatives and public safety service needs and shortcomings.

19 **(6)(a) After the meetings required under subsection (5) of this section, the fiscal control**  
 20 **board shall propose to the governing body of the county a recovery plan designed to restore mini-**  
 21 **minally adequate public safety services.**

22 **(b) [As part of] In** the proposed recovery plan, the **fiscal control** board may recommend that  
 23 the governing body of the county:

24 *[(a)] (A)* Reallocate funds;

25 *[(b)] (B)* Cut services, lay off employees or otherwise reduce expenditures;

26 *[(c)] (C)* Sell or lease real or personal property of the county;

27 *[(d)] (D)* Issue bonds;

28 *[(e)] (E)* Renegotiate payment terms of the county's legal and moral indebtedness;

29 *[(f)] (F)* Refer measures to the voters **at elections held in May or November; and**

30 *[(g)] Request an emergency election under ORS 203.085; or]*

31 *[(h)] (G)* Authorize the state to take over services as authorized by law other than this section.

32 **(c) In the proposed recovery plan, the fiscal control board must include a proposed gap**  
 33 **funding package that is based on an estimate of revenue necessary to restore or maintain**  
 34 **minimally adequate public safety services and the details of which are determined by nego-**  
 35 **tiation between the board and the governing body of the county.**

36 *[(6)] (7)* The governing body of the county shall approve or reject the recovery plan proposed  
 37 by the fiscal control board. If the governing body:

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

40 (b) Rejects the recovery plan, the board shall monitor the governing body's efforts to restore  
 41 minimally adequate public safety services and, at the request of the governing body, shall provide  
 42 technical assistance in support of the governing body's efforts to restore minimally adequate public  
 43 safety services in the county.

44 **(8)(a) The governing body of the county and the Governor may request an appropriation**  
 45 **of funds from the Legislative Assembly to fund the gap funding package after the governing**

1 **body of the county adopts an ordinance referring a measure to the voters that:**

2 (A) Establishes a law enforcement district and authorizes the district to establish a per-  
3 manent rate limit for ad valorem property taxes; or

4 (B) Imposes a local option ad valorem property tax to fund public safety services.

5 (b) If the measure referred to the voters:

6 (A) Is rejected by the voters, any appropriation of funds made by the Legislative As-  
7 sembly to fund the gap funding package is immediately discontinued.

8 (B) Is accepted by the voters, any appropriation of funds made by the Legislative As-  
9 sembly continues until the county can borrow against anticipated property tax revenues.

10 [(7)] (9) The fiscal control board shall periodically update the Governor and the Legislative As-  
11 sembly from the time the board proposes a recovery plan to the fiscally distressed county until the  
12 Governor declares the public safety services emergency terminated pursuant to subsection [(8)] (10)  
13 of this section. When the fiscal control board concludes that minimally adequate public safety ser-  
14 vices have been restored in the fiscally distressed county, the board shall recommend that **the**  
15 Governor terminate the public safety services emergency.

16 [(8)] (10) The Governor shall declare the public safety services emergency terminated when the  
17 Governor concludes that the fiscally distressed county has restored minimally adequate public safety  
18 services in the county.

19 [(9)] (11) The commission shall establish, by rule, public safety services guidelines by which to  
20 identify the minimally adequate level at which public safety services must be delivered in a county.  
21 In establishing the guidelines, the commission shall seek broad input from the governing body of the  
22 county, the sheriff, the district attorney, judges and other [*appropriate*] county officials, labor or-  
23 ganizations representing county employees, other public safety stakeholders and members of the  
24 public, and take into consideration the population density, geographic characteristics, historical  
25 crime rates and other relevant factors in Oregon counties. The guidelines must provide a basis for  
26 analyzing whether, **upon consideration of the county's physical, historical and fiscal circum-**  
27 **stances**, the county provides a minimally adequate level of public safety services in the areas of:

- 28 (a) County jail operations;
- 29 (b) Law enforcement, investigation and patrol;
- 30 (c) Community corrections;
- 31 (d) Juvenile justice;
- 32 (e) Emergency operations and emergency response;
- 33 (f) Search and rescue operations;
- 34 (g) Criminal prosecution; and
- 35 (h) Court facility operations.

36 **SECTION 2.** ORS 203.100 is amended to read:

37 203.100. (1) A fiscal control board established pursuant to ORS 203.095 consists of three non-  
38 voting ex officio members and five appointed members who have knowledge of and experience with  
39 public safety services and fiscal management as follows:

- 40 (a) The Governor shall appoint three members.
- 41 (b) The President of the Senate shall appoint one member.
- 42 (c) The Speaker of the House shall appoint one member.
- 43 (d) The Secretary of State, the State Treasurer and the director of the Department of Revenue  
44 shall serve as nonvoting ex officio members. **Each member serving pursuant to this paragraph**  
45 **may appoint a designee to serve in the member's place.**

1 (2) A fiscal control board shall perform the functions described in this section and ORS 203.095.

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

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

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

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

7 (7) If there is a vacancy for any cause, the appointing authority shall make an appointment to  
8 become immediately effective.

9 (8) The board shall use the services of permanent staff of the offices of the Governor, the Sec-  
10 retary of State and the State Treasurer, and the Department of Revenue to the greatest extent  
11 practicable. However, the Governor, the Secretary of State and the State Treasurer may agree to  
12 employ individuals to support the performance of the functions of the board, if necessary, and the  
13 employing state official shall fix the duties and amounts of compensation of these employees.

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

18 (10) A fiscal control board terminates when the Governor declares that the public safety ser-  
19 vices emergency declared under ORS 203.095 (4) has ended.

20 **SECTION 3. This 2011 Act takes effect on the 91st day after the date on which the 2011**  
21 **session of the Seventy-sixth Legislative Assembly adjourns sine die.**

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