



# LOC Legislative Bulletin



Number 8

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## Mayors Take Capitol By Storm

With a record turn out, February 23 truly was “Mayor’s Day at the Capitol.” Sponsored by the Oregon Mayors Association (OMA), about 60 Mayors from across Oregon came to Salem to advocate for their communities. Not only did mayors show up in force, but over one-third were new mayors eager to engage with their legislators. The event was part of “Hometown Voices,” the League’s new grassroots advocacy program.

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“Old Home Week” – Mayors hear from Sen. Joanne Verger (D-Coos Bay), former mayor and LOC president.

## Hometown Action

**Mayors** – build on the success of Mayor’s Day at the Capitol by sending a note and following up with your legislators.

## Hearing Held on Collective Bargaining Bills

The Senate Commerce Committee, chaired by Sen. Floyd Prozanski (D-Eugene), held a contentious hearing Thursday on SB 319, SB 320 and SB 321. These bills would increase the cost and weaken the management of public safety employees at the expense of other city services.

Witnesses from the unions and from local government seemed as if they were testifying on different bills. The unions claimed that the bills were minor changes in collective bargaining laws that would restore balance to the subsystem, while local government witnesses clearly articulated how the bills were a major change in the collective bargaining process and would dramatically increase costs, weaken management, increase litigation and threaten local governments’ ability to gain control of personnel cost.

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## (Mayor's Day at the Capitol, continued from page 1)

After a warm welcome by Salem Mayor Janet Taylor, mayors heard from Sen. Betsy Johnson (D-Scappoose), who stressed the importance of the partnership between state and local governments. She acknowledged that in the past the partnership has suffered, but that working together must be a priority. Sen. Johnson also expressed the importance of mayors having a

presence in the Capitol and advocating for their communities.

Next, OMA President and La Grande Mayor Colleen Johnson provided an overview of the day's events and recognized the record attendance.

"As mayors we are leaders in our community; together we can also be leaders in Salem," Mayor Johnson commented.

That sentiment was echoed by League President Helen Berg, Mayor of Corvallis.

"We know that cities are strong when we come together and speak with a unified voice," Berg said. "This event is one of the best ways to demonstrate that strength. Together with League staff, we will ensure that the voice of our communities is heard in Salem."

Attendees spent the day learning about priority legislative issues from League staff, networking and, most importantly, meeting with legislators. With issues evolving seemingly by the minute, priorities of the day included annexation, water rights and collective bargaining.

During lunch, Sen. Joanne Verger (D-Coos Bay), former Coos Bay mayor and LOC president, offered her own welcome and then provided mayors with some wisdom from her experience of serving at the city and legislative level. She also reiterated her support for cities.

Mayors were all ears during visits from legislative leadership, which included Senate President Peter Courtney (D-Salem) and Senate Majority Leader Kate Brown (D-Portland). House Speaker Karen Minnis (R-Wood Village) and Majority Leader Wayne Scott (R-Canby) were unfortunately struck by the flu bug (the latest danger lurking in the capitol) and went home before they could address the mayors at a late afternoon session. The League appreciates the effort that both leaders made to meet with their local mayors before going home.

Sen. Brown began by asking the mayors what their priorities are and asked probing questions on the impacts of several issues that are important to cities, such as annexation and Measure 37. It was clear that addressing the impacts of Measure 37 is high on her list of priorities.

After being recognized as a former Salem city councilor and a long-time supporter of "local control," Sen. Courtney had some serious concerns to share, including the current image of the Legislature.

"Folks, we've got a serious problem outside of this building," Sen. Courtney stressed. "We've lost the confidence of the public in our ability to do the people's work."

Sen. Courtney added that legislators were trying to address this issue by having committees meet in communities around Oregon. He acknowledged that the traveling meetings not only give citizens a chance to participate in the legislative process without traveling to Salem, but that legislators are gaining an important perspective by hearing from constituents other than their own.

The day ended with a legislative reception hosted by the city of Salem and its citizens, a fitting close to a very successful day of advocacy for cities.

A special "Thank You" to mayors for providing feedback during Mayor's Day at the Capitol. We appreciate you taking your time to give us vital information. Feedback is essential to ensure we most effectively advocate for your community.

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### Hometown Calendar:

**City Hall Day at the Capitol**  
April 13

**In-District Day for Legislators**  
March 25 (Good Friday)

**In-District Day for Legislators**  
May 30 (Memorial Day)

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**Save the date!**  
**April 13, 2005**

### City Hall Day at the Capitol

Building on the success of Mayor's Day at the Capitol, city officials will have the opportunity to continue those advocacy efforts on **April 13** during City Hall Day at the Capitol. Watch for more information from the League.

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For more information, visit the Hometown Voices web page: [www.orcities.org/legislative/grassroots/index.cfm](http://www.orcities.org/legislative/grassroots/index.cfm), or contact Andrea Fogue at LOC: (503) 588-6550 or [afogue@orcities.org](mailto:afogue@orcities.org)

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## Local Government Shines at Telecom Hearing

Local government, local business leaders and consumer and media advocates made a very strong case for preserving local authority to provide telecom services at a hearing on HB 2445, held Wednesday by the House Committee on Business, Labor and Consumer Affairs.

The bill would require local governments to produce a three-year cost projection, which would show a loss because major capital projects carry significant start-up costs and require a public vote. Vague language in the bill could require additional public votes prior to the offering of new services.

Industry representatives from the Oregon Telecommunications Association, Sprint and Century Tel led the testimony arguing for restrictions on local government. Among their arguments: seeking a "level playing field" with local government; telecom is so risky that the public should vote; and local government should not compete with the private sector. They also asserted that this was a simple bill that would not affect existing government operated systems and was not meant to be a barrier to the provision of service. These arguments were soon refuted by the testimony from local government.

The first panel of opponents was comprised of The Dalles Mayor Robb Van Cleave, Wasco County Commissioner Dan Erickson, and The Dalles Chamber of Commerce Director Susan Huntington. The panelists explained that without local government's action to provide fiber, they would not have attracted Google to locate a facility in their community. Huntington testified that the community first went to their telecom provider, Sprint, to ask for the needed services and was refused. They then approached Sprint about managing the system and were again refused. Sprint then tried to block the project at the federal and state level. This testimony was well received by the committee.

The second local government panel, led by Independence Mayor John McArdle, told a similar story: local government got involved after it was clear that the private sector would not provide telecom services that businesses, citizens and public institutions required until well into the next decade.

In a bipartisan show of support for local government, Rep. Phil Barnhart (D-Eugene), Rep. John Dallum (R-The Dalles) and Rep. Peter Buckley (D-Ashland) offered spirited testimony in opposition to the industry bill.

LOC Legislative Director David Barenberg, Oregon Municipal Electric Utilities Director Tom O'Connor and Bill Penhollow of the Association of Oregon Counties offered a detailed analysis of how the bill's impacts would deal a severe blow to spreading advanced telecom services throughout the state. They also detailed how local government officials are accessible and accountable to their constituents and how local government is subject to open meeting and record requirements, annual audit requirements and citizen involvement in budget decisions.

Others testifying in opposition to the bill were the Oregon Citizen Utility Board (ORTCC), Lincoln County, the Oregon Telecommunications Coordinating Council (ORTCC), Noa Net and the Oregon Alliance to Reform Media. Providing testimony in support of the restrictions were Verizon, the Oregon Cable Telecommunications Association and Qwest.

The hearing was a classic example of how testimony from local officials explaining the impacts of legislation on their community allows legislators to move from the theory to the effect of legislation on their constituents. No further action on the bill has been scheduled by the committee.

## Mixing Zone Hearing Set for Monday

The Senate Environment and Land Use Committee, chaired by Sen. Charlie Ringo (D-Beaverton), will hold a hearing February 28 on SB 555. The bill would limit the ability of the Oregon Department of Environmental Quality (DEQ) to issue wastewater permits to cities and industries that include mixing zones, areas within the water column that allow for the dilution of pollutants being discharged into a river. The bill is sponsored by Ringo and Senate President Peter Courtney (D-Salem).

League testimony will express city concerns with provisions of the bill. Other members of the committee include Sen. Ginny Burdick (D-Portland), Sen. Frank Shields (D-Portland), Sen. Jason Atkinson (R-Grants Pass) and Sen. Roger Beyer (R-Molalla).

## Senate Revenue Contemplates Urban Renewal Changes

The Senate Revenue Committee chaired by Ryan Deckert (D-Beaverton) heard two days of testimony this week related to the effectiveness of urban renewal. Chair Deckert expressed a desire to use SB 412 as a vehicle to enact changes to urban renewal.

SB 412 would eliminate the funding of urban renewal projects by dividing the growth in school district taxes. Sen. Deckert indicated several times that state budget pressures necessitated careful evaluation of programs that impact school funding at the state and local level. He acknowledged that urban renewal can be a successful tool in many circumstances, and suggested that SB 412 in its current form could undermine that effectiveness.

Sen. Deckert requested a work group to evaluate a variety of proposals that fall under the following general categories: opt-out proposals; increasing the “transparency” or scrutiny in the urban renewal plan adoption and plan amendment process; and stricter limits on the duration and scope of urban renewal plans. The exact make-up of the work group remains to be defined, but urban renewal agencies are likely to be represented.

It does not appear that the committee’s intention is to pass SB 412 as written. Based on the chair’s comments, the bill is likely to undergo a “gut and stuff,” with one or more amendments in the categories described above.

Tuesday’s committee hearing primarily focused on how urban renewal works, with background provided by Karen Williams of Lane Powell Spears Lubersky and Jeff Tashman from the Association of Oregon Redevelopment Agencies. Former Oregon City Mayor John Williams, who requested the bill, also cited several concerns regarding urban renewal in Oregon City.

On Wednesday, Williams continued his testimony, and was followed by fire district representatives. The fire districts argued for their ability to opt out of an urban renewal agency’s division of tax after 15 years, and suggested that the urban renewal agency should be given the option to excuse fire districts from participation.

The Portland Development Commission (PDC) provided data demonstrating the value added to all taxing districts, and pointed out that in several circumstances value can be returned to the tax rolls before completion of an urban renewal plan. Chip Lazenby of PDC likened the relation between urban renewal agencies and other taxing districts to an investor relationship: through

participation, taxing districts are investing in the probability of greater assessed value than would otherwise have occurred.

“Perhaps we should treat them like investors,” Lazenby suggested. “If they choose to withdraw their investment prior to completion of the plan, they would forgo their share of additional growth in value after the date of their withdrawal.”

Testimony from LOC’s Michelle Deister attempted to shift the focus of urban renewal agencies in the metro area, providing examples of its utility and success in other regions of the state for communities of various sizes. She stressed that changes to urban renewal should not: impact existing commitments to bond holders, limit the overall effectiveness of urban renewal; or limit the flexibility that urban renewal affords to allow very different communities to meet very different needs.

Todd Scott from Astoria’s urban renewal agency painted a vivid picture of how, over time, urban renewal has helped to transform his city. He also described how the agency garnered the support of other taxing districts and the public for the plan.

Future editions of the Bulletin will have updates on the progress and conclusions offered by the urban renewal legislative workgroup.

## House Committee Passes Fluoride Mandate

On Wednesday, the House Committee on Water passed HB 2025. Originally, the bill would have required any water supplier serving more than 10,000 people to add fluoride to their water system and the state would be required to reimburse the water supplier for the costs of implementing a fluoride system.

Several amendments to the bill were offered to the committee, and three were considered. Rep. Alan Brown (R-Newport) offered one on behalf of Rep. Jerry Kummel (R-Wilsonville), who was excused from the hearing, which would have given the water supplier the discretion to add fluoride and provided access to a

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*(Fluoride Mandate, continued from page 4)*

funding source in the Oregon Economic & Community Development Department. Ultimately, this amendment failed.

Rep. Gordon Anderson (R-Grants Pass) offered an amendment on behalf of the Oregon Dental Association that would require a water supplier serving more than 10,000 people to fluoridate their system if resources become available from non-local sources. Rep. Phil Barnhart (D- Eugene) tried to substitute another amendment which would have allowed a water supplier out of the mandate if they had a public vote before January 1, 2006. This amendment also failed, but the committee then unanimously supported the amendment offered by Rep. Anderson.

The bill sets up an interesting situation for Oregon cities. Because the state is not willing to pay the costs of implementing fluoridation, this bill will leave the decision of whether a city will or will not fluoridate to any third party that has sufficient resources (i.e. a local citizen, an association, the federal government, a foundation from outside Oregon, etc.), regardless of the will of citizens.

HB 2025 now moves to the House floor for a vote.

### **Committee Continues Hearing on HB 2484**

Monday afternoon, the House Land Use Committee, chaired by Representative Bill Garrard (R-Klamath Falls), will continue hearing HB 2484, which would require a majority of votes cast in a city and a territory for passage of urban service provider annexations (ORS 195.205).

The current requirement is a combined vote of the city and territory to be annexed. These types of annexations are unique because cities must complete urban service agreements and develop an annexation plan in conjunction with service providers. This is a time-consuming, planning-rich public process, in which the voting requirement was intentionally different from other types of annexations.

### **Retirement Health Savings Accounts Bill Heard**

All systems appeared to be “go” for HB 2436 (sponsored by Rep. Sal Esquivel, R-Medford, for ICMA Retirement Corporation), until an amendment intended to clarify instead caused confusion for the firefighter’s union. After a back-and-forth exchange, the House Business, Labor and Consumer Affairs Committee, chaired by Rep. Alan Brown (R-Newport), halted activity for the day.

LOC’s Michelle Deister and Greg Settle of ICMA Retirement Corporation testified in favor of the bill, explaining that it could eliminate a current disincentive that exists for those who would like to save for health care costs incurred in retirement.

With the bill, employers could provide at no cost a powerful tool to employees, consisting of a tax-free savings account to employees, the money from which could be drawn on (again, tax-free) to reimburse the employee for health care costs once they retire; think of it as similar to deferred compensation, but for health care costs. This kind of health reimbursement arrangement is currently not included in PERS statute as a definition of salary; since any amount an employee elects to contribute to such an account through payroll deduction would reduce the employee’s PERS retirement benefit, the accounts are not widely offered or utilized.

The requestors included an amendment to clarify that only an employee’s election “through salary reduction” would be included in the definition of salary for purposes of PERS. This amendment is necessary so that additional contributions over and above what an employee might contribute through payroll deduction would not be included as part of the “final average salary” that is used to calculate a PERS benefit. However, this clarifying amendment raised concerns from the firefighter’s association. Bob Livingston testified that the amendment limited applicability of the accounts, and that it would disadvantage employee groups that wanted to bargain for such contributions.

In an opportunity to rebut, Michelle pointed out that without the legislation, employees had no incentive to utilize such an account at all. But employers could not open themselves up to increased costs that could occur in the absence of the clarifying amendment; without the amendment, the League could not support the bill.

The League and ICMA will work with the firefighter’s association to see if these concerns can be accommodated without increasing employer costs. LOC will keep cities posted on the outcome of this bill.

## How to Tax a Unique Entity

How should the Klamath Falls co-generation energy facility be taxed? This was the question facing the House Revenue Committee when it met to consider HB 2047 on Wednesday. The city of Klamath Falls assumed that no tax was due since it has complete ownership of the facility. However, the Oregon Department of Revenue argued in tax court that taxes are due, and it is centrally assessing PPM Energy, the facility's private sector operator.

A municipally-owned utility that is wholly operated by a private sector partner is unique in Oregon. The tax court determined that tax on the facility was due, but the decision is being appealed. Since there's no telling when a decision or settlement will be reached, PPM is seeking legislation – HB 2047 – to exempt from taxation the intangible property derived from contracts between qualifying public entities and an energy marketing company operating or distributing energy from a public energy facility. (If it sounds confusing, it is.)

The city of Klamath Falls and PPM Energy testified in favor of the bill. The Department of Revenue answered questions on central assessment, the companies that are subject to it and how value is derived. The Association of Oregon Counties testified in opposition.

Not surprisingly, no conclusions were reached by the committee, and chair Tom Butler (R-Ontario) appointed a work group to sort out the issues and make recommendations to the committee. The League will be represented on the workgroup, and looks forward to “blazing new trails” in state tax policy.

## Bill Could Bring Local Governments into State Benefit Program

A new bill introduced by the Senate Rules Committee at the request of the AFSCME Union would permit cities and counties to become members of the state's Public Employees Benefits Board (PEBB) to obtain group health insurance. SB 976 would permit local governments to elect to join the state program only if all of their employees participated. Joining PEBB would be similar to joining PERS in that the decision would be irrevocable. Once a city or county joined the state program, they could not choose to opt out. The bill would also temporarily add two local government representatives to the PEBB governing board until 2012, when their board positions would be eliminated.

SB 976 calls for a study of the cost effectiveness of the program to be conducted in 2010, presumably assuming some local governments would have joined the program by then. Based on current rates, it would be generally more expensive for cities and counties to get their health insurance through the PEBB program than it currently is through the local government pool arrangement offered through City County Insurance Services (CIS), which is a joint program sponsored by the League of Oregon Cities and the Association of Oregon Counties. Rates for CIS-covered entities are expected to increase less than 10 percent in the upcoming budget year due to careful usage of benefits by city and county employees.

The bill has not been scheduled for a hearing.

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### *(Collective Bargaining, continued from page 1)*

Testifying for local government were: Sandy City Manager Scott Lazenby; Gresham Assistant City Attorney Miles Wade; labor attorney Aiken Blitz of Bullard Smith Jernstedt Wilson, who represents a number of local governments on labor issues; and John Watt, representing Jackson County.

The local government testimony explained how SB 319 changes the factors an arbitrator considers in last best offer arbitration by diminishing the importance of the “interest and welfare of the public” criteria. Watt testified that “the interest and welfare of the public” criteria is the only one that the public cares about, while Lazenby commented that “people choose to enter public service to act in the best interest and welfare of the public.”

Testimony also illustrates how the bills' elimination of consideration of “other services, provided by, and other priorities of ...the governing body” would create a dynamic in which public safety wages are considered to be in a vacuum. This would also stand elected government on its head by ceding to an unelected arbitrator decisions that will re-prioritize programs offered by local government.

SB 320 would expand police and fire bargaining units to include any supervisory employee that does not have the authority to impose economic discipline. Lazenby testified that his city – which has a chief, two sergeants and seven officers, sergeants that truly are managers – would have to be included in the bargaining unit.

The local government panel provided examples of the dramatic impact of SB 321, which allows arbitrators to set staffing levels for police and firefighters based on a “potential” impact on safety, and to make “workload” a negotiable issue with unions. Current law allows bargaining only over issues that have a “direct and substantial” effect on safety. Blitz detailed how nearly every issue could be seen to have a “potential impact on safety.” He spoke of a recent case where a union argued that allowing officers to wear a stocking cap was a safety issue. He also said that if safety is truly the issue, two-thirds of the firefighters in the state aren’t covered by this bill because they are volunteers.

Lazenby said the costs would be enormous, and ultimately, an unelected arbitrator could decide on city police and fire staffing levels rather than city officials.

“This is a horrible solution in the guise of a public safety bill,” Ward said.

The unions concluded their testimony by saying they would like to raise the issue of staffing and that staffing ratios in places like prisons and Oregon Youth Authority facilities are too low.

The committee chair is forming a work group in an attempt to see if there is any middle ground on these issues.

Last session, the three predecessor bills passed the Senate early in the session and stalled in the House. Senators “gutted and stuffed” (a maneuver where a bill farther along in the process is amended by striking all of the original contents and replacing it with another bill) with the intent of passing it to the House and having it referred to a more sympathetic committee. The bill failed on the floor in a dramatic 15-15 vote.

Thirteen Democrats and two Republicans voted for the bill, and 13 Republicans and two Democrats voted against. One of the Democrats that voted with local government, Sen. Kurt Schrader (D-Canby), remains in the Senate (the other, Joan Dukes, was recently appointed to the Northwest Power Planning Council). The House Rules Committee, chaired by Rep. Dan Doyle (R-Salem), withstood tremendous pressure and killed another “gut and stuff” in the final hours of the session.

The public safety unions are gearing up for a major push in the Senate and hoping that the 18-12 Democratic advantage in the Senate bodes well for their efforts. The League is working with the counties, police and fire chiefs, special districts and sheriffs to kill these bills. Please speak with your legislators about how your city cannot afford these bills and be prepared to respond to League legislative alerts and information requests on this issue. At press time the bills have not yet been referred to committee.

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## New Faces

*(Editor’s Note – sixth in a series on legislators serving in their first session)*

### Representative Kim Thatcher, District 25

Rep. Kim Thatcher (R-Keizer) owns a contracting company that specializes in traffic management at road construction sites, and a company that rents and sells traffic control devices. She is serving on the House Elections and Rules Committee (vice chair), the Elections and Rules Subcommittee on Campaign Finance Reform, the House Judiciary Committee, the Judiciary Subcommittee on Criminal Law and the House Transportation Committee.

House District 25 includes portions of Marion and Yamhill counties and Keizer, Newberg and St. Paul.



*(New Faces, continued on page 8)*

*(New Faces, continued from page 7)*

### **Representative Andy Olson, District 15**

Rep. Andy Olson (R-Albany) is a public safety consultant and retired state police officer. He served Oregon in the state police for 29 years as a lieutenant and station commander in Albany and McMinnville. Rep. Olson also had assignments in Klamath Falls, Cottage Grove, Beaverton and Salem.



This session, Rep. Olson is serving on the House Judiciary Committee (vice chair), its Subcommittee on Criminal Law, the House Revenue Committee and the Joint Legislative Counsel Committee. His district covers portions of Benton and Linn Counties and Adair Village, Albany, Millersburg and Tangent.

### **Representative Chuck Riley, District 29**

Rep. Chuck Riley (D-Hillsboro) is a retired computer consultant who worked as a code breaker and cartographer in the U.S. Air Force. During his military service, he co-designed the interior of Air Force One.



Rep. Riley has served as a member of the Hillsboro and Forest Grove chambers of commerce. He is serving on the House Revenue Committee and the House Trade and Economic Development Committee.

District 29 is in Washington County and includes Cornelius, Forest Grove and Hillsboro.

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## **Mayor's Day at the Capitol Highlights**



Oregon mayors are recognized for their leadership during the Senate and House sessions on Wednesday.



Mayors Janet Taylor (Salem, left), Gary Williams (Cottage Grove) and Jim Thompson (Turner, right) are entertained by Senate President Peter Courtney (D-Salem).



Sen. Joanne Verger (D-Coos Bay) with LOC Legislative Director David Barenberg.



New Rep. Gene Whisnant (R-Sunriver, left) and Rep. Arnie Roblan (D-Coos Bay) enjoy the city of Salem's hospitality at the evening reception.

## Selected Bill Summaries

The following are bills of city interest. Summaries are included weekly to outline the issues that may be discussed in hearings during the session.

The bills are categorized by city concern, using the League's standing and issue committee titles. The bill's number is followed by an identifying title and a summary of the salient features.

### COURTS

SB 581 Court traffic fine discretion: Expands court's discretion in reducing fines for traffic violations. (By Sen. Prozanski)

### ELECTIONS

HJR 14 Double majority: Proposes amendment to Oregon Constitution to modify double majority voting requirements in property tax elections so that double majority requirement does not apply to local property tax measures submitted to electors in elections in May or November of any year. (By Rep. Hunt et al., Sens. Devlin, Morse et al.)

### EMERGENCY MANAGEMENT

SB 2 Seismic needs assessment: Directs State Department of Geology and Mineral Industries to develop statewide seismic needs assessment. (By Sen. Courtney)

SB 3 Seismic rehabilitation grants: Requires Director of Office of Emergency Management to develop grant program for seismic rehabilitation of certain critical public buildings, including police stations and other public safety and school buildings. (By Sen. Courtney)

SB 557 OEM tsunami warning plans: Requires Office of Emergency Management (OEM) to develop tsunami warning information and evacuation plans and establish uniform tsunami warning signal. (By Sen. Morrisette)

SB 562 Emergency mapping: Directs Office of Emergency Management to develop and operate statewide first responder building mapping information system. (By Sen. Brown)

SB 817 Emergency communications chain of command: Directs Department of State Police to adopt rules to provide for communications chain of command in which county emergency program manager facilitates flow of information between department and emergency services providers within county. (By Sen. Metsger)

### EMPLOYEE RIGHTS

SB 644 Workers compensation exclusion from Oregon Family Leave Act: Redefines "family leave" to exclude leave taken by employee who is unable to work because of disabling compensable injury under Workers' Compensation Law. (By Rep. Rosenbaum; Sen. Walker)

### EMPLOYMENT

SB 987 Limits on use of employee funds: Provides that local government collecting, contributing or receiving funds to provide fringe benefits for employees may use funds only for that purpose. (By Rules Comm. at the request of American Federation of State, County and Municipal Employees)

### ENVIRONMENTAL QUALITY

SB 715 Abolition of OWEB: Abolishes Oregon Watershed Enhancement Board (OWEB). (By Sen. Kruse)

HB 2592 Solid waste management advisory committee: Requires Director of Department of Environmental Quality to appoint Solid Waste Management Advisory Committee to review statewide material recovery goals and make recommendations. (By Committee on Environment)

### ETHICS

SB 550 Lobbying and ethics penalties: This bill prohibits a legislative official from accepting payments (other than his or her salary paid by State of Oregon) for acting as lobbyist. It also disallows judicial proceedings regarding lobby law violations to be moved to Marion County Circuit Court. Lastly, it increases civil penalties for violations of lobby or government ethics laws and deletes a provision allowing an award of attorney fees to people who prevail in a case involving alleged lobby or ethics violations. (By Committee on General Government)

FINANCE & TAX: LOCAL FINANCE

SB 686 Local taxes based on income: Requires local government taxes to be imposed on or measured by taxable income, eliminating gross receipts taxes. (By Sen. C. Starr)

HEALTH INSURANCE

SB 612 Health mandate moratorium: Imposes a moratorium on the enactment of health insurance mandates through January 1, 2012. (By Sen. Kruse)

SB 639 Oregon Educators Benefit Board: Establishes Oregon Educators Benefit Board. (By Sen. Deckert)

SB 976 Local governments joining PEBB: Permits local governments to elect to provide health benefit plan through Public Employees' Benefit Board (PEBB). Makes participating local governments responsible for all costs under the plan; once participating, the government cannot withdraw. Creates a work group in 2010 to study cost effectiveness of the plan; adds two local government members to the PEBB board until 2012, when the seats are eliminated. (By Rules Comm. at the request of American Federation of State, County and Municipal Employees)

INSURANCE

SB 632 OIGA laws: Modifies laws regulating Oregon Insurance Guaranty Association (OIGA). (By Sen. Metsger)

LAND USE

SB 649 Conditions for UGB expansion or increasing intensity of use: Requires local government amending comprehensive plan or land use regulation for protection of natural resources and conservation of scenic, historic and open space resources to concurrently expand urban growth boundary or modify type and intensity of use of land within boundary to ensure that development capacity is maintained. (By Committee on Environment and Land Use)

SB 650 Standards for urban growth boundary expansions: Modifies standards for amending existing urban growth boundary and repeals the priority of lands 197.298 provision. (By Committee on Environment and Land Use)

SB 688 Vested right authorization: Authorizes landowner to obtain vested right to development approved as part of site-specific development plan. (By Senator Morse)

SB 699 Consent requirement for annexation of industrial land: Prohibits annexation or incorporation of specified industrial lands without written consent of landowner. (By Rep. Richardson; Senator Bates)

SB 732 Prohibition of annexation without consent for 2 industrial sites: Modifies requirements for 2 specific industrial sites that the city may not annex without written petition for annexation from owner of property. (By Committee on Environment and Land Use)

SB 886 Public hearing requirement for certain annexations: Requires public hearing prior to proposed island annexation of territory or annexation by consent from all property owners and a majority of electors in the affected territory by city without election. (By Reps. Garrard, Avakian, Hass, Hunt; Sen Ringo)

SB 900 Metro sub regional requirement: Requires metropolitan service district to treat noncontiguous areas created by urban growth boundary as discrete sub regions when planning to modify boundary or change type and intensity of use. (By Rep. Riley; Senator B. Starr)

SB 963 County withdrawal from Metro: Establishes procedure by which county within metropolitan service district may withdraw from district. (By Senator B. Starr)

HB 2549 Lot of record: Authorizes construction of single family dwelling on lot or parcel on which land use restriction or reinterpretation prevents construction of dwelling that could have been constructed when owner acquired lot or parcel. (By Reps. Richardson, Ackerman, Boone, Garrard; Senator Atkinson for OR Assn. Realtors)

HB 2619 Rural development zones for industrial/commercial/residential use: Authorizes counties to designate rural development zones without adopting exceptions to statewide planning goals relating to urbanization or to public facilities and services. (By Committee on Land Use for Oregonians in Action)

HB 2652 Land use planning program: Overhauls statewide land use planning process. (By Rep. Garrard)

MISCELLANEOUS

SB 929 Race licensing: Prohibits Oregon Racing Commission from granting race meet license to applicant who is required to obtain recommendation of county or city governing body unless governing

body recommends granting license. (By Committee of Judiciary for Greyhound Park)

SB 969 OEG: Establishes Oregon Governance Council. (By Rules Committee)

#### MUNICIPAL LIABILITY

SB 837 Public bodies self-insuring: Establishes requirements for public bodies self-insuring for tort liability or property damage. (By Sen. Shields, Rep. Brown)

HB 2548 Mandated arbitration: Mandates arbitration in circuit court proceedings in which \$50,000 or less is involved. (By Rep. Ackerman)

#### OPEN MEETINGS/PUBLIC RECORDS

SB 978 Criminal records disclosure prohibition: Prohibits disclosure of public records relating to criminal investigation or prosecution or to confinement of persons convicted of crimes unless personal identifiers have been deleted. (By Rules Comm. at the request of American Federation of State, County and Municipal Employees)

HB 2545 Prohibition on charging for public records: Prohibits public body from including cost of legal services in fees established for disclosing public records. (By Rep. Ackerman)

#### PUBLIC SAFETY

SB 544 Smoking prohibition and preemption repeal: Prohibits smoking in places of employment and repeals preemption on local governments which disallowed cities to enact their own smoking laws. (By Committee on Commerce)

SB 546 Traffic ticket quota prohibition: Prohibits law enforcement units from requiring peace officers to issue minimum number of traffic citations. (By Sen. Prozanski)

SB 547 Impersonation of a peace officer: This bill expands the crime of criminal impersonation of peace officer to prohibit wearing law enforcement uniform to deceive others in commission of crime. (By Sen. Prozanski)

SB 548 Peace officer interference: Modifies crime of interfering with peace officer. (By Sen. Prozanski)

SB 582 Cell phone limitations for 911: Limits use of cellular telephones for dispatch by public safety answering point that receives 9-1-1 emergency calls. (By Sen. Prozanski)

SB 588 Photo radar for certain cities: Authorizes use of photo radar in Lake Oswego, Milwaukie and Roseburg. (By Sen. Brown)

SB 591 Crosswalk lanes: Clarifies which parts of roadway are considered adjacent to lane in which driver's vehicle is traveling for purposes of offense of failure to stop and remain stopped for a pedestrian in a crosswalk. (By Sen. Prozanski)

SB 850 Substitute addresses: Establishes Address Confidentiality Program in Department of Justice for victims of abuse. This bill would direct public bodies to use substitute addresses when disclosing address information of a victim.

SB 907 Meth related child abuse reporting: Creates crime of criminal mistreatment in first degree through intentional exposure of a dependent to controlled substances or precursor substances. Expands the definition of "public official" for abuse reporting requirements. (By Committee on Judiciary for Gov. Kulongoski)

SB 910 Declared nuisances: Expands list of places declared to be public nuisances subject to enjoinder and abatement, includes any place determined to be not fit for use or not decontaminated. (By Committee on Judiciary for Governor Kulongoski)

SB 911 Meth dumping: Creates the crime of dumping methamphetamine waste and punishes by maximum of 20 years imprisonment or \$375,000. (By Committee on the Judiciary at the request of the G)

SB 912 Meth immunity: Provides immunity under certain circumstances for person reporting possession of or transaction involving precursor substance. (By Committee on the Judiciary at the request of the Go)

SB 938 Bicycle exclusions: Provides exception for bicycles for offense of unsafe passing on right and modifies the prohibited bicycle speeds. Also exempts bicycles from the offense of failing to use a bike lane. (By Committee on the Judiciary for Bicycle Transportation Alliance)

SB 957 Gun regulation preemption: Provides that cities, counties and other political subdivisions may regulate only possession of firearms and ammunition in public places. (By Committee on the Judiciary)

HB 2569 Police reporting exemption: Exempts law enforcement officials acting in course of official duty from motor vehicle accident reporting requirements. (By Committee on the Judiciary)

TRANSPORTATION

SB 566 Freight route prohibition: Prohibits Oregon Transportation Commission and Department of Transportation from designating highway or portion of highway as freight route if also designated as historic and scenic highway. (By Sen. Morrisette)

WATER

SB 531 Water right cancellation: Requires Water Resources Commission to initiate proceedings for cancellation of water right within an undeclared number of days of determination by commission or by submission to commission of evidence of water right forfeiture. (By Committee on Environment and Land Use)

SB 539 Fluoridation: Requires water supplier serving more than 10,000 people to fluoridate water supply. (By Sen. Westlund)

SB 563 Refusal to supply water: Provides that water utility may not refuse to supply water to owner or occupant of premises solely because former owner or occupant of premises failed to pay for water supplied to former owner or occupant. (By Sen. Beyer)

SB 716 Maximum water bond: Sets maximum amount of bond or letter of credit required to be filed when staying operation of surface water right determination of Water Resources Director. (By Sen. Kruse)

SB 724 Dewatering permits: Restricts Water Resources Department in issuing permits that result in dewatering stream. (By Committee on Environment and Land Use)

SB 731 Water metering: Requires all water users to measure amounts of water withdrawn or stored. (By Committee on Environment and Land Use)

SB 851 Water additives: Requires that substances added to public water supply for purposes other than to treat water to make water safe or potable meet specific safety requirements. (By Sen. Shields, Sen. George)

SB 852 Water additives: Requires that substances added to public water supply for purposes other than to treat water to make water safe or potable meet specific safety requirements. (By Sen. Shields, Sen. George)

HB 2599 Public records exemption: Exempts from public disclosure personal information about customers of public body providing water, sewer or storm drain services. (By Rep. Barker)

HB 2600 Partial perfection: Changes percentage of water authorized by permit that municipality may partially perfect without loss of priority or cancellation of permit. (By Rep. Dingfelder)

WATER QUALITY

SB 532 Water quality standards: Prohibits Environmental Quality Commission from establishing water quality standards that are less stringent than standards previously established. (By Committee on Environment and Land Use)

SB 555 Mixing zones: Directs Department of Environmental Quality to condition discharge permits to prohibit discharge of toxic substances in amounts or concentrations that may be harmful to aquatic life or human health. (By Sen. Courtney, Sen. Ringo)

SB 653 Willamette cleanup: Directs Department of Environmental Quality to establish program for testing of waters and sediment in Willamette River and its tributaries. (By Committee on Environment and Land Use)

WATER QUALITY

SB 722 Water pollution fines: Increases fine for second conviction for unlawful water pollution in first degree within five-year period. (By Committee on Environment and Land Use)

WORKERS COMP

SB 551 Injured worker rights: Recognizes injured workers' rights as stated objective of Workers' Compensation Law, expanding rights to physician access, claim investigation, additional medical exams, and return to work. (By General Government Committee)

SB 668 Expanded "physician" definition: Defines term "physician" for purposes of Oregon statutes to include chiropractors, osteopaths, naturopaths, and podiatrists, as well as medical doctors. Prohibits public bodies from discriminating against any "physician" unless a specific statute limits the term. (By Sens. Shields, George, Morrisette, C. Starr)

SB 669 Naturopaths as WC attending physicians: Authorizes person licensed as naturopathic doctor or physician to serve as attending physician for workers' compensation claim for a limited period of time or number of visits. (By Sens. Shields, C. Starr)

# Hearing Schedule

All hearings are held at the Capitol unless otherwise noted

## Monday, February 28, 2005

Re: SB 71. Lottery bonds for Connect Oregon  
Where: HR C - Senate Transportation  
Time: 3:10 P.M.

Re: SB 502. Hospital rate review  
Where: HR B - Senate Health Policy Committee  
Time: 1:00 P.M.

Re: SB 555. Mixing zones  
Where: HR B - Senate Environment and Land Use  
Time: 3:00 P.M.

Re: HB 2484. Urban service provider annexation vote  
Where: 50 - House Land Use Committee  
Time: 1:30 P.M.

Re: SB 5508. OECD budget  
Where: HR F - Joint Ways and Means Subcommittee on  
Transportation and Economic Development  
Time: 1:00 P.M.

Re: SB 218. Public official injunctive relief from  
criminal conduct  
Where: 343 - Senate Judiciary  
Time: 1:00 P.M.

Re: SB 341. Damascus financing  
Where: HR A - House Revenue Committee  
Time: 1:00 P.M.

Re: HB 2234. Electronic commerce zones  
Where: 343 - House Trade and Economic Development  
Time: 8:30 A.M.

Re: HB 2349. Strategic investment program  
Where: 343 - House Trade and Economic Development  
Time: 8:30 A.M.

Re: HB 2545. Prohibition on charging for public  
records  
Where: 357 - House Judiciary Subcommittee on Civil Law  
Time: 8:30 A.M.

Re: HB 2548. Mandated arbitration  
Where: 357 - House Judiciary Subcommittee on Civil Law  
Time: 8:30 A.M.

## Tuesday, March 1, 2005

Re: SB 17. Task force on telecommunications law  
revision  
Where: HR B - Senate Business and Economic  
Development Committee  
Time: 1:00 P.M.

Re: SB 94. Child abuse notification  
Where: 343 - Senate Judiciary  
Time: 1:00 P.M.

Re: SB 191. Sustainability board  
Where: HR B - Senate General Government Committee  
Time: 3:10 P.M.

Re: SB 333. Tort cap increase for attorney fees  
Where: 343 - Senate Judiciary  
Time: 1:00 P.M.

Re: SB 357. Liquor license timelines  
Where: HR B - Senate General Government Committee  
Time: 3:10 P.M.

Re: SB 419. Hearing aid coverage mandate  
Where: HR D - Senate Human Services Committee  
Time: 3:00 P.M.

Re: SB 425. Union recognition  
Where: HR C - Senate Commerce Committee  
Time: 3:00 P.M.

Re: HB 2214. Public contracting clean-up  
Where: HR B - Senate General Government Committee  
Time: 3:10 P.M.

## Thursday, March 3, 2005

Re: SB 94. Child abuse notification  
Where: 343 - Senate Judiciary  
Time: 1:00 P.M.

Re: SB 5517. Bureau of Labor and Industries budget  
Where: HR F - Joint Ways and Means Subcommittee on  
Transportation and Economic Development  
Time: 1:00 P.M.

Re: HB 2253. Bancroft bonding clarification  
Where: HR B - House General Government  
Time: 8:30 A.M.

Re: HB 2259. Contracts under \$5,000  
Where: HR B - House General Government  
Time: 8:30 A.M.

Re: HJR 4. Highway trust fund for buses  
Where: HR A - House Revenue Committee  
Time: 1:00 P.M.

Re: HJR 5. Highway trust fund for police  
Where: HR A - House Revenue Committee  
Time: 1:00 P.M.

## Wednesday, March 2, 2005

