

Senate Bill 476

Sponsored by Senator MORRISETTE; Senators PROZANSKI, WALKER, Representatives HOLVEY, NATHANSON

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**.

Requires election of five members and appointment of two members to board of directors of mass transit district situated in standard metropolitan statistical area with population of 400,000 or fewer individuals.

A BILL FOR AN ACT

1
2 Relating to mass transit districts; creating new provisions; and amending ORS 267.090, 267.095 and
3 267.109.

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

5 **SECTION 1. ORS 267.109 and section 2 of this 2007 Act are added to and made a part of**
6 **ORS 267.010 to 267.390.**

7 **SECTION 2. For a mass transit district formed under ORS 267.085 and situated in a**
8 **standard metropolitan statistical area with a population of 400,000 or fewer individuals:**

9 (1) **The board of directors of the district shall consist of five elected members and two**
10 **appointed members as follows:**

11 (a) **One director who resides in the subdistrict must be elected from each of five subdis-**
12 **tricts.**

13 (b) **The Governor shall appoint two members-at-large from within the district or, if less**
14 **than the entire district is taxed by the district, from within the taxed area. One appointed**
15 **member must be a regular user of district services and one appointed member must be a**
16 **person with a disability. Appointed members are subject to confirmation by the Senate pur-**
17 **suant to section 4, Article III of the Oregon Constitution.**

18 (2) **The subdistricts must be as nearly equal in population as possible based on the latest**
19 **federal decennial census and must be designed to ensure representation of the most populous**
20 **city, other cities and unincorporated territory in the district in proportion to the respective**
21 **populations in the most populous city, other cities and unincorporated territory. If less than**
22 **the entire district is taxed by the district, the subdistricts must be wholly within the taxed**
23 **area.**

24 (3) **The Secretary of State shall divide the district, or the taxed area if the taxed area is**
25 **less than the entire district, into five subdistricts upon initial formation of the district and**
26 **shall reapportion the subdistricts after each succeeding federal decennial census so that the**
27 **populations of the subdistricts remain as nearly equal as possible.**

28 (4) **The term of office of a director is four years beginning July 1 following election or**
29 **appointment and ending June 30. A director shall hold office until a successor is, as appro-**
30 **priate:**

31 (a) **Elected and qualified; or**

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 (b) Appointed by the Governor.

2 (5) When a vacancy occurs in the office of a director, the remaining members of the
3 board shall appoint a resident of the affected subdistrict or a member-at-large, as appropri-
4 ate, to serve until June 30 of the next odd-numbered year, in which year a director shall be
5 elected to serve the remainder of the unexpired term.

6 (6) Directors are not entitled to compensation for their services but are entitled to re-
7 imbursement for actual and necessary expenses incurred or paid in the performance of their
8 duties as members of the board.

9 **SECTION 3.** Notwithstanding ORS 267.095 (2), for a mass transit district formed under
10 ORS 267.085 that is in existence on the effective date of this 2007 Act and situated in a
11 standard metropolitan statistical area with a population of 400,000 or fewer individuals:

12 (1) In cooperation with the Secretary of State, the district shall develop and implement
13 a plan for conversion to a board of directors composed of elected and appointed members as
14 described in section 2 of this 2007 Act.

15 (2) The Secretary of State shall establish five subdistricts in the district, as described in
16 section 2 of this 2007 Act, within three months after the effective date of this 2007 Act.

17 (3) One director who resides in the subdistrict must be elected from each of the new
18 subdistricts at the first election date specified in ORS 255.345 (1)(a) or (b) that occurs at least
19 six months after completion of the redistricting described in subsection (2) of this section.

20 (4) The Governor shall appoint from within the district two members-at-large whose
21 terms begin as described in subsection (5) of this section.

22 (5) Notwithstanding the term of office specified in section 2 of this 2007 Act, for the
23 purpose of staggering the terms of office of directors:

24 (a) Of the directors elected to the district board under this section, the term of office
25 of two elected directors is two years, ending June 30.

26 (b) Of the directors first appointed to the district board under this section, one shall
27 serve a term of one year beginning July 1 following the election described in subsection (3)
28 of this section, and one shall serve a term of three years beginning July 1 following the
29 election described in subsection (3) of this section.

30 (6) The district board in existence on the effective date of this 2007 Act shall determine,
31 by lot prior to the first election and appointments described in this section, the elected and
32 appointed directors who must serve the staggered terms described in subsection (5) of this
33 section.

34 (7) Until the office of a director of the board of the mass transit district is held by a
35 person elected or appointed to the office as provided in this section, the Governor may con-
36 tinue to appoint persons to office and fill a vacancy in the office after the effective date of
37 this 2007 Act.

38 (8) The expenses incurred for an election held under this section must be paid by the
39 district.

40 (9) The terms of office of directors serving on the district board on the effective date of
41 this 2007 Act end on June 30 before the terms of directors elected or appointed under this
42 section begin.

43 **SECTION 4.** ORS 267.090 is amended to read:

44 267.090. *[Except as provided in ORS 267.112]* For a mass transit district formed under ORS
45 267.085 and situated in a standard metropolitan statistical area with a population of more

1 **than 400,000 individuals:**

2 (1) District board members *[shall]* **may** not be elected at the time of formation, but if a district
3 is formed, the Governor shall, within 60 days after receiving a certified copy of the formation order,
4 appoint from subdistricts the members of the first board of directors of the district, designate one
5 the temporary chairperson, and fix the time and place of the organizational meeting. *[If the district*
6 *has formed before October 4, 1977, the Governor, within 60 days after October 4, 1977, shall appoint*
7 *from subdistricts a new board of directors, designate one as temporary chairperson, and fix the time*
8 *and place of the organizational meeting.]*

9 (2) The board of directors of *[a]* **the** mass transit district shall consist of seven members. One
10 director *[shall]* **must** be appointed from each of seven subdistricts. The Governor shall appoint as
11 one of the directors a person who regularly uses the services provided by a mass transit system.
12 Directors shall reside in the subdistrict from which they are respectively appointed. *[The subdis-*
13 *tricts shall be as nearly equal in population as possible based on the latest federal census, and shall*
14 *be designed to assure representation of the most populous city, other cities and unincorporated territory*
15 *in the proposed district proportionate to their respective populations provided that if less than the entire*
16 *district is taxed by the district, the subdistricts shall be wholly within the taxed area. The district or,*
17 *if the taxed area is less than the entire district, the taxed area shall be divided into subdistricts ini-*
18 *tially, and after each succeeding federal census, by the Secretary of State.]*

19 **(3) The subdistricts must be as nearly equal in population as possible based on the latest**
20 **federal decennial census and must be designed to ensure representation of the most populous**
21 **city, other cities and unincorporated territory in the district in proportion to the respective**
22 **populations in the most populous city, other cities and unincorporated territory. If less than**
23 **the entire district is taxed by the district, the subdistricts must be wholly within the taxed**
24 **area.**

25 **(4) The Secretary of State shall divide the district, or the taxed area if the taxed area is**
26 **less than the entire district, into seven subdistricts upon initial formation of the district and**
27 **shall reapportion the subdistricts after each succeeding federal decennial census so that the**
28 **populations of the subdistricts remain as nearly equal as possible.**

29 *[(3)]* **(5)** The term of office of a director is four years, but each director shall serve at the
30 pleasure of the Governor. Before the expiration of the term of a director, the director's successor
31 shall be appointed. A director is eligible for reappointment. In case of a vacancy for any cause, the
32 Governor shall appoint a person to serve for the unexpired term. A director whose term has expired
33 shall continue to serve until the appointment of a successor unless discharged by the Governor.

34 *[(4)]* **(6)** All appointments of members of the board by the Governor are subject to confirmation
35 by the Senate pursuant to section 4, Article III of the Oregon Constitution.

36 **SECTION 5.** ORS 267.095 is amended to read:

37 267.095. **(1)** *[Except as provided in ORS 267.112]* **For a mass transit district formed under**
38 **ORS 267.085 to which ORS 267.090 applies, notwithstanding the term of office specified in ORS**
39 **267.090:**

40 *[(1)]* **(a)** *[Notwithstanding ORS 267.090,]* The terms of three of the directors of the first board
41 *[of a district]* expire on the first Tuesday in the second January after the date of their appointment.

42 *[(2)]* **(b)** The terms of four of the directors *[so appointed]* **of the first board** expire on the first
43 Tuesday in the fourth January after the date of their appointment.

44 *[(3)]* **(c)** The respective terms of the directors of the first board shall be determined by the
45 Governor.

1 **(2) For a mass transit district formed under ORS 267.085 to which section 2 of this 2007**
2 **Act applies, notwithstanding the term of office specified in section 2 of this 2007 Act:**

3 **(a) Two of the directors first elected shall serve a term of three years to end June 30**
4 **following the election of a successor.**

5 **(b) Three of the directors first elected shall serve a term of four years to end June 30**
6 **following the election of a successor.**

7 **(c) One of the directors first appointed shall serve a term of one year to end June 30**
8 **following the appointment of a successor.**

9 **(d) One of the directors first appointed shall serve a term of three years to end June 30**
10 **following the appointment of a successor.**

11 **(e) The Governor shall determine the respective terms of the directors described in par-**
12 **agraphs (a) to (d) of this subsection.**

13 **SECTION 6.** ORS 267.109 is amended to read:

14 267.109. The expenses incurred for [*the*] **an** election held under ORS 267.080, 267.107[,] **and**
15 267.112 and [*this*] **section 2 of this 2007 Act** shall be paid by:

16 (1) The district, if the resolution is approved by the people.

17 (2) Each county participating in the election in the proportion of the number of precincts in the
18 county voting on the resolution to the total number of precincts voting on the resolution, if the re-
19 solution is rejected by the people.

20