

A-Engrossed
Senate Bill 614

Ordered by the Senate May 8
Including Senate Amendments dated May 8

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

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.

[Requires health care institutions and providers of hospital facilities, except rural hospitals, to obtain certificate of need in order to qualify to receive proceeds of public borrowing for capital construction.]

[Caps amount of bond proceeds Oregon Facilities Authority and hospital authority may provide to nonprofit health care institution or nonprofit provider of hospital facilities if institution or provider has specified amount of cash on hand.]

[Requires members of Oregon Facilities Authority to declare actual or potential conflict of interest based on relationship with nonprofit corporation.]

Requires members of board of directors of hospital authority to file statement of economic interest and declare actual or potential conflict of interest based on relationship with nonprofit corporation.

A BILL FOR AN ACT

1
2 Relating to public borrowing for health care facilities; amending ORS 244.050 and 441.540.

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

4 **SECTION 1.** ORS 441.540 is amended to read:

5 441.540. (1) An authority shall be managed and controlled by a board of directors, who shall be
6 appointed by the governing body. The directors may be removed for cause or at the will of the
7 governing body. The directors shall serve without compensation. However, the authority may re-
8 imburse the directors for their expenses incurred in the performance of their duties.

9 (2) The board of directors shall adopt and may amend rules for calling and conducting its
10 meetings and carrying out its business and may adopt an official seal. All decisions of the board
11 shall be by motion or resolution and shall be recorded in the board's minute book which shall be a
12 public record. A majority of the board shall constitute a quorum for the transaction of business and
13 a majority thereof shall be sufficient for the passage of any such motion or resolution.

14 (3) The board may employ such employees and agents as it deems appropriate and provide for
15 their compensation.

16 (4) **Notwithstanding the exception for pecuniary benefit or detriment described in ORS**
17 **244.020 (14)(c), a director is a public official subject to the requirements of ORS chapter 244**
18 **based on an actual conflict of interest or a potential conflict of interest arising out of the**
19 **director's relationship with a nonprofit corporation that is tax-exempt under section 501(c)**
20 **of the Internal Revenue Code, including employment with the nonprofit corporation or a re-**
21 **lationship with a foundation that provides assistance to the nonprofit corporation.**

22 **SECTION 2.** ORS 244.050 is amended to read:

23 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon

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 Government Standards and Practices Commission a verified statement of economic interest as re-
2 quired under this chapter:

3 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
4 Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and mem-
5 bers of the Legislative Assembly.

6 (b) Any judicial officer, including justices of the peace and municipal judges, except municipal
7 judges in those cities where a majority of the votes cast in the subject city in the 1974 general
8 election was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws
9 1974 (special session), and except any pro tem judicial officer who does not otherwise serve as a
10 judicial officer.

11 (c) Any candidate for an office designated in paragraph (a) or (b) of this subsection.

12 (d) The Deputy Attorney General.

13 (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
14 Secretary of the Senate and the Chief Clerk of the House of Representatives.

15 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and
16 vice presidents, or their administrative equivalents, in each institution under the jurisdiction of the
17 State Board of Higher Education.

18 (g) The following state officers:

19 (A) Adjutant General.

20 (B) Director of Agriculture.

21 (C) Manager of State Accident Insurance Fund Corporation.

22 (D) Water Resources Director.

23 (E) Director of Department of Environmental Quality.

24 (F) Director of Oregon Department of Administrative Services.

25 (G) State Fish and Wildlife Director.

26 (H) State Forester.

27 (I) State Geologist.

28 (J) Director of Human Services.

29 (K) Director of the Department of Consumer and Business Services.

30 (L) Director of the Department of State Lands.

31 (M) State Librarian.

32 (N) Administrator of Oregon Liquor Control Commission.

33 (O) Superintendent of State Police.

34 (P) Director of the Public Employees Retirement System.

35 (Q) Director of Department of Revenue.

36 (R) Director of Transportation.

37 (S) Public Utility Commissioner.

38 (T) Director of Veterans' Affairs.

39 (U) Executive Director of Oregon Government Standards and Practices Commission.

40 (V) Director of the State Department of Energy.

41 (W) Director and each assistant director of the Oregon State Lottery.

42 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.

43 (i) Every elected city or county official except elected officials in those cities or counties where
44 a majority of votes cast in the subject city or county in any election on the issue of filing statements
45 of economic interest under this chapter was in opposition.

1 (j) Every member of a city or county planning, zoning or development commission except such
2 members in those cities or counties where a majority of votes cast in the subject city or county at
3 any election on the issue of filing statements of economic interest under this chapter was in oppo-
4 sition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special ses-
5 sion).

6 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
7 cipal administrator of the city or county except such employees in those cities or counties where a
8 majority of votes cast in the subject city or county in an election on the issue of filing statements
9 of economic interest under this chapter was in opposition.

10 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

11 (m) Every member of a governing body of a metropolitan service district and the executive of-
12 ficer thereof.

13 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.

14 (o) The chief administrative officer and the financial officer of each common and union high
15 school district, education service district and community college district.

16 (p) Every member of the following state boards and commissions:

17 (A) Board of Geologic and Mineral Industries.

18 (B) Oregon Economic and Community Development Commission.

19 (C) State Board of Education.

20 (D) Environmental Quality Commission.

21 (E) Fish and Wildlife Commission of the State of Oregon.

22 (F) State Board of Forestry.

23 (G) Oregon Government Standards and Practices Commission.

24 (H) Oregon Health Policy Commission.

25 (I) State Board of Higher Education.

26 (J) Oregon Investment Council.

27 (K) Land Conservation and Development Commission.

28 (L) Oregon Liquor Control Commission.

29 (M) Oregon Short Term Fund Board.

30 (N) State Marine Board.

31 (O) Mass transit district boards.

32 (P) Energy Facility Siting Council.

33 (Q) Board of Commissioners of the Port of Portland.

34 (R) Employment Relations Board.

35 (S) Public Employees Retirement Board.

36 (T) Oregon Racing Commission.

37 (U) Oregon Transportation Commission.

38 (V) Wage and Hour Commission.

39 (W) Water Resources Commission.

40 (X) Workers' Compensation Board.

41 (Y) Oregon Facilities Authority.

42 (Z) Oregon State Lottery Commission.

43 (AA) Pacific Northwest Electric Power and Conservation Planning Council.

44 (BB) Columbia River Gorge Commission.

45 (CC) Oregon Health and Science University Board of Directors.

1 (q) The following officers of the State Treasury:

2 (A) Chief Deputy State Treasurer.

3 (B) Executive Assistant to the State Treasurer.

4 (C) Director of the Investment Division.

5 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
6 and 777.915 to 777.953.

7 (s) **Every member of the board of directors of an authority created under ORS 441.525**
8 **to 441.595.**

9 (2) By April 15 next after the date an appointment takes effect, every appointed public official
10 on a board or commission listed in subsection (1) of this section shall file with the commission a
11 statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

12 (3) By April 15 next after the filing deadline for the primary election, each candidate for elective
13 public office described in subsection (1) of this section shall file with the commission a statement
14 of economic interest as required under ORS 244.060, 244.070 and 244.090.

15 (4) Within 30 days after the filing deadline for the general election, each candidate for elective
16 public office described in subsection (1) of this section who was not a candidate in the preceding
17 primary election, or who was nominated for elective public office described in subsection (1) of this
18 section at the preceding primary election by write-in votes, shall file with the commission a state-
19 ment of economic interest as required under ORS 244.060, 244.070 and 244.090.

20 (5) The Legislative Assembly shall maintain a continuing review of the operation of this chapter.

21 (6) Subsections (1) to (5) of this section apply only to persons who are incumbent, elected or
22 appointed officials as of April 15 and to persons who are candidates for office on April 15. Those
23 sections also apply to persons who do not become candidates until 30 days after the filing deadline
24 for the statewide general election.

25 (7)(a) Failure to file the statement required by this section subjects a person to a civil penalty
26 that may be imposed as specified in ORS 183.745, but the enforcement of this subsection does not
27 require the Oregon Government Standards and Practices Commission to follow the procedures in
28 ORS 244.260 before finding that a violation of this section has occurred.

29 (b) Failure to file the required statement in timely fashion shall be prima facie evidence of a
30 violation of this section.

31 (c) If within five days after the date on which the statement is to be filed under this section the
32 statement has not been received by the commission, the commission shall notify the public official
33 and give the public official not less than 15 days to comply with the requirements of this section.
34 If the public official fails to comply by the date set by the commission, the commission may impose
35 a civil penalty of \$5 for each day the statement is late beyond the date fixed by the commission.
36 The maximum penalty that may be accrued under this section is \$1,000.

37 (d) A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions
38 that may be imposed under ORS 244.380.

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