

Enrolled Senate Bill 10

Sponsored by Senator COURTNEY, Representatives HANNA, ROBLAN

CHAPTER

AN ACT

Relating to sessions of the Legislative Assembly; creating new provisions; amending ORS 1.735, 1.740, 171.130, 171.415, 171.460, 171.580, 171.615, 171.852, 171.857, 172.020, 173.191, 173.215, 173.342, 173.730, 173.750, 177.120, 177.180, 182.132, 183.724, 184.656, 184.666, 184.843, 185.310, 185.410, 197.065, 240.185, 246.140, 260.076, 273.245, 276.390, 291.002, 291.110, 291.218, 291.332, 291.342, 291.349, 291.357, 291.445, 293.640, 293.771, 294.745, 305.170, 311.506, 329.165, 336.245, 336.475, 348.950, 357.015, 409.161, 411.154, 412.079, 414.720, 414.815, 417.270, 417.735, 418.319, 420A.010, 430.216, 430.366, 442.205, 459A.015, 469.421, 469.617, 496.232, 496.289, 543A.415, 555.160, 624.121, 634.550, 810.434, 810.438 and 825.482 and section 2, chapter 30, Oregon Laws 2008, section 1, chapter 782, Oregon Laws 2009, and section 23, chapter 865, Oregon Laws 2009; and declaring an emergency.

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

PROVISIONS RELATING TO PRESESSION FILING OF MEASURES

SECTION 1. ORS 171.130 is amended to read:

171.130. (1) At any time in advance of any regular or special session of the Legislative Assembly fixed by the Legislative Counsel Committee, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

- (a) Members who will serve in the session and members-elect.
- (b) Interim and statutory committees of the Legislative Assembly.

(2) On or before December 15 of [*the year preceding a regular legislative session*] **an even-numbered year**, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

- (a) The Oregon Department of Administrative Services, to implement the fiscal recommendations of the Governor contained in the budget report of the Governor.
- (b) The person who will serve as Governor during the session.
- (c) The Secretary of State, the State Treasurer, the Attorney General, the Commissioner of the Bureau of Labor and Industries and the Superintendent of Public Instruction.
- (d) The Judicial Department.

(3) Notwithstanding subsection (2) of this section, a statewide elected official who initially assumes office in January of an odd-numbered year may submit proposed measures for introduction by members or committees of the Legislative Assembly until the calendar day designated by rules

of either house of the Legislative Assembly. The exemption granted by this subsection to a newly elected Governor does not apply to state agencies in the executive branch.

(4) On or before December 15 of [*the year preceding a regular legislative session*] **an even-numbered year**, a state agency may file a proposed legislative measure with the Legislative Counsel through a member or committee of the Legislative Assembly.

(5) The Legislative Counsel shall order each measure filed pursuant to subsections (1) to (4) of this section prepared for printing and may order the measure printed. If the person filing a measure specifically requests in writing that the measure be made available for distribution, the Legislative Counsel shall order the measure printed and shall make copies of the printed measure available for distribution before the beginning of the session to members and members-elect and to others upon request.

(6) Copies of all measures filed and prepared for printing or printed pursuant to this section shall be forwarded by the Legislative Counsel to the chief clerk of the house designated by the person filing the measure for introduction.

(7) The costs of carrying out this section shall be paid out of the money appropriated for the expenses of that session of the Legislative Assembly for which the measure is to be printed.

(8) The Legislative Counsel Committee may adopt rules or policies to accomplish the purpose of this section.

(9) This section does not affect any law or any rule of the Legislative Assembly or either house thereof relating to the introduction of legislative measures.

SECTION 2. ORS 184.843 is amended to read:

184.843. (1) There is created the Road User Fee Task Force.

(2) The purpose of the task force is to develop a design for revenue collection for Oregon's roads and highways that will replace the current system for revenue collection. The task force shall consider all potential revenue sources.

(3) The task force shall consist of 12 members, as follows:

(a) Two members shall be members of the House of Representatives, appointed by the Speaker of the House of Representatives.

(b) Two members shall be members of the Senate, appointed by the President of the Senate.

(c) Four members shall be appointed by the Governor, the Speaker and the President acting jointly. In making appointments under this paragraph, the appointing authorities shall consider individuals who are representative of the telecommunications industry, of highway user groups, of the Oregon transportation research community and of national research and policy-making bodies such as the Transportation Research Board and the American Association of State Highway and Transportation Officials.

(d) One member shall be an elected city official, appointed by the Governor, the Speaker and the President acting jointly.

(e) One member shall be an elected county official, appointed by the Governor, the Speaker and the President acting jointly.

(f) Two members shall be members of the Oregon Transportation Commission, appointed by the chairperson of the commission.

(4)(a) The term of a legislator appointed to the task force is four years except that the legislator ceases to be a member of the task force when the legislator ceases to be a legislator. A legislator may be reappointed to the task force.

(b) The term of a member of the task force appointed under subsection (3)(c) of this section is four years and the member may be reappointed.

(c) The term of a member of the task force appointed under subsection (3)(d) or (e) of this section is four years except that the member ceases to be a member of the task force when the member ceases to be a city or county elected official. A city or county elected official may be reappointed to the task force.

(d) The term of a member of the Oregon Transportation Commission appointed to the task force is four years except that the member ceases to be a member of the task force when the member

ceases to be a member of the commission. A member of the commission may be reappointed to the task force.

(5) A legislator appointed to the task force is entitled to per diem and other expense payments as authorized by ORS 171.072 from funds appropriated to the Legislative Assembly. Other members of the task force are entitled to compensation and expenses as provided in ORS 292.495.

(6) The Department of Transportation shall provide staff to the task force.

(7) The task force shall study alternatives to the current system of taxing highway use through motor vehicle fuel taxes. The task force shall gather public comment on alternative approaches and shall make recommendations to the Department of Transportation and the Oregon Transportation Commission on the design of pilot programs to be used to test alternative approaches. The task force may also make recommendations to the department and the commission on criteria to be used to evaluate pilot programs. The task force may evaluate any pilot program implemented by the department and report the results of the evaluation to the Legislative Assembly, the department and the commission.

(8) In addition to the requirements of subsection (9) of this section, the task force shall propose to the Seventy-second Legislative Assembly options for the design of a revenue collection system for Oregon's roads and highways that would replace the current system for revenue collection.

(9) The task force shall report to each regular session of the Legislative Assembly on the work of the task force, the department and the commission in designing, implementing and evaluating pilot programs.

(10) Official action by the task force requires the approval of a majority of the members of the task force.

(11) Notwithstanding ORS 171.130 and 171.133, the task force by official action may recommend legislation. Legislation recommended by the task force must indicate that it is introduced at the request of the task force. Legislative measures proposed by the task force shall be prepared in time for pre-session filing with the Legislative Counsel by December 15 of [*the year preceding a regular session of the Legislative Assembly*] **an even-numbered year.**

SECTION 3. Section 1, chapter 782, Oregon Laws 2009, is amended to read:

Sec. 1. (1) The Oregon Broadband Advisory Council is established within the Oregon Business Development Department. The council shall consist of 14 members, of whom:

(a) The Governor shall appoint 12 members as follows:

(A) One member to represent the counties of this state.

(B) One member to represent the cities of this state.

(C) Three members to represent telecommunications service providers and Internet service providers in this state. At least one member must represent rural telecommunications consortia.

(D) One member to represent Oregon tribes.

(E) One member to represent education.

(F) One member to represent economic development.

(G) One member to represent public safety.

(H) One member to represent health.

(I) One member to represent government's electronic interface with the public.

(J) One member from the Public Utility Commission.

(b) The Speaker of the House of Representatives shall appoint one nonvoting member who is a member of the House of Representatives.

(c) The President of the Senate shall appoint one nonvoting member who is a member of the Senate.

(2) The term of office of each voting member is four years, but a voting member serves at the pleasure of the Governor. Before the expiration of the term of a voting member, the Governor shall appoint a successor whose term begins on January 1 next following. A voting member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) The nonvoting legislative members shall serve two-year terms and are eligible for reappointment.

(4) Members of the council are not entitled to compensation, but voting members may be paid expenses if funding is available from contributions accepted under section 3 (2), **chapter 782, Oregon Laws 2009** [of this 2009 Act].

(5) The council shall select one of its voting members as chairperson and another voting member as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the council determines.

(6) A majority of the voting members of the council constitutes a quorum for the transaction of business.

(7) The council shall meet at least once every three months at a place, day and hour determined by the council. The council may also meet at other times and places specified by the call of the chairperson or of a majority of the members of the council.

(8) Official action by the council requires the approval of a majority of the voting members. The council may recommend legislation, which must be prepared in time for pre-session filing [at the next regular session] **by December 15 of the year preceding an odd-numbered year regular session** of the Legislative Assembly.

(9) The Oregon Business Development Department shall provide staff or facilities to the council.

(10) The Oregon Department of Administrative Services, the Public Utility Commission and the Department of Education may provide staff or facilities to the council.

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

PROVISIONS RELATING TO LEGISLATIVE COMMITTEES, EMERGENCY BOARD AND EDUCATION COMMISSION OF THE STATES

SECTION 4. ORS 171.415 is amended to read:

171.415. (1) Except as provided in subsections (2) and (3) of this section, a committee or employee of the Legislative Assembly having possession of legislative records that are not required for the regular performance of official duties shall, within 10 days after the adjournment sine die of a regular or special session, deliver all such legislative records to the Legislative Administration Committee.

(2) The chairperson, member or employee of a legislative interim committee responsible for maintaining the legislative records of that committee shall, within 10 days after the committee ceases to function or before January 1 next preceding the beginning of [a regular biennial] **an odd-numbered year regular** session of the Legislative Assembly, whichever is earlier, deliver all such legislative records to the Legislative Administration Committee.

(3) This section does not apply to the records of the Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee or the Joint Committee on Ways and Means.

SECTION 5. ORS 171.580 is amended to read:

171.580. (1) There is created a Joint Legislative Audit Committee consisting of the cochairs of the Joint Committee on Ways and Means, members of the House of Representatives appointed by the Speaker and members of the Senate appointed by the President.

(2) The committee has a continuing existence and may meet, act and conduct its business during sessions of the Legislative Assembly or any recess thereof and in the interim between sessions.

(3) The term of a member shall expire upon the **date of the** convening of the **odd-numbered year regular session of the** Legislative Assembly [in regular session] next following the commencement of the member's term. When a vacancy occurs in the membership of the committee in

the interim between **odd-numbered year regular** sessions, until such vacancy is filled, the membership of the committee shall be considered not to include the vacant position for the purpose of determining whether a quorum is present and a quorum is a majority of the remaining members.

(4) Members of the committee shall receive an amount equal to that authorized under ORS 171.072 from funds appropriated to the Legislative Assembly for each day spent in the performance of their duties as members of the committee or any subcommittee thereof in lieu of reimbursement for in-state travel expenses. However, when engaged in out-of-state travel, members shall be entitled to receive their actual and necessary expenses therefor in lieu of the amount authorized by this subsection. Payment shall be made from funds appropriated to the Legislative Assembly.

(5) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(7) The Legislative Fiscal Office shall furnish to the committee such services of personnel and such other facilities as are necessary to enable the committee to carry out its functions as directed by law, with such assistance as the Division of Audits and Oregon Department of Administrative Services can provide.

SECTION 6. ORS 171.615 is amended to read:

171.615. (1) An interim committee may function during the period beginning at the adjournment sine die of [*that*] **the odd-numbered year regular** session of the Legislative Assembly during which it was created, and ending at the convening of the next **odd-numbered year regular** [*biennial legislative*] session **of the Legislative Assembly**.

(2) Notwithstanding subsection (1) of this section, the activities of an interim committee are suspended during the period beginning at the convening of the even-numbered year regular session of the Legislative Assembly and ending at the adjournment sine die of that session.

SECTION 7. ORS 171.852 is amended to read:

171.852. (1) There is hereby created a Joint Legislative Committee on Information Management and Technology. The President of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee.

(2) The committee has a continuing existence and may meet, act and conduct its business during sessions of the Legislative Assembly or any recess thereof, and in the interim between sessions.

(3) The term of a member shall expire upon the **date of the** convening of the **odd-numbered year regular session of the** Legislative Assembly [*in regular session*] next following the commencement of the member's term. When a vacancy occurs in the membership of the committee in the interim between **odd-numbered year regular** sessions, until such vacancy is filled, the membership of the committee shall be deemed not to include the vacant position for the purpose of determining whether a quorum is present and a quorum is a majority of the remaining members.

(4) Members of the committee shall receive an amount equal to that authorized under ORS 171.072 from funds appropriated to the Legislative Assembly for each day spent in the performance of their duties as members of the committee or any subcommittee thereof in lieu of reimbursement for in-state travel expenses. However, when engaged in out-of-state travel, members shall be entitled to receive their actual and necessary expenses therefor in lieu of the amount authorized by this subsection. Payment shall be made from funds appropriated to the Legislative Fiscal Office.

(5) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(7) The Legislative Fiscal Office shall furnish to the committee such services of personnel and such other facilities as are necessary to enable the committee to carry out its functions as provided by law.

SECTION 8. ORS 171.857 is amended to read:

171.857. (1) **For each odd-numbered year regular session of the Legislative Assembly**, the President of the Senate and the Speaker of the House of Representatives shall jointly appoint a special legislative committee to issue a report pursuant to section 8, Article VIII of the Oregon Constitution.

(2) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(3) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(4) The Legislative Assembly in the report shall:

(a) Demonstrate that the amount within the budget appropriated for the state's system of kindergarten through grade 12 public education is the amount of moneys as determined by the Quality Education Commission established by ORS 327.500 that is sufficient to meet the quality goals; or

(b) Identify the reasons that the amount appropriated for the state's system of kindergarten through grade 12 public education is not sufficient, the extent of the insufficiency and the impact of the insufficiency on the ability of the state's system of kindergarten through grade 12 public education to meet the quality goals. In identifying the impact of the insufficiency, the Legislative Assembly shall include in the report how the amount appropriated in the budget may affect both the current practices and student performance identified by the commission under ORS 327.506 (4)(a) and the best practices and student performance identified by the commission under ORS 327.506 (4)(b).

(5)(a) Notwithstanding subsection (4) of this section, the Legislative Assembly may make a determination that the report of the Quality Education Commission should not be used as the basis for carrying out the reporting requirements of section 8, Article VIII of the Oregon Constitution, and subsection (4) of this section. If the report is not used, the Legislative Assembly shall identify the reasons for not using the report to meet the reporting requirements and shall outline an alternative methodology for making the findings required by section 8, Article VIII of the Oregon Constitution.

(b) The alternative methodology shall be based on:

(A) Research, data and public values; and

(B) The performance of successful schools, professional judgment or a combination of the performance of successful schools and professional judgment.

(c) The Legislative Assembly shall include in the report that uses the alternative methodology a determination of how the amount appropriated may affect the ability of the state's system of kindergarten through grade 12 public education to meet quality goals established by law, including expected student performance against those goals.

(6) The Legislative Assembly shall identify in the report whether the state's system of post-secondary public education has quality goals established by law. If there are quality goals, the Legislative Assembly shall include in the report a determination that the amount appropriated in the budget is sufficient to meet those goals or an identification of the reasons the amount appropriated is not sufficient, the extent of the insufficiency and the impact of the insufficiency on the ability of the state's system of post-secondary public education to meet those quality goals.

(7) The report shall be issued within 180 days after [*the regular session of*] the Legislative Assembly adjourns sine die.

(8) The Legislative Assembly shall provide public notice of the report's issuance, including posting the report on the Internet and providing a print version of the report upon request.

SECTION 9. ORS 173.191 is amended to read:

173.191. (1) The Legislative Counsel Committee shall consist of the Speaker of the House of Representatives, the President of the Senate, members of the House appointed by the Speaker and members of the Senate appointed by the President. The Speaker of the House of Representatives and the President of the Senate may each designate from among the members of the appropriate house an alternate to exercise powers as a member of the committee. The appointing authorities shall appoint members of a new committee within 30 days after the **date of the convening of each odd-numbered year regular session** of the Legislative Assembly [*in regular session*].

(2) The term of a member of the committee shall expire upon the **date of the convening of the odd-numbered year regular session of the** Legislative Assembly [*in regular session*] next following the member's appointment. Vacancies occurring in the membership of the committee shall be filled by the appointing authority.

(3) The committee has a continuing existence and may meet, act and conduct its business during the sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions but the committee has no authority to affect the rules of either house.

(4) The Legislative Counsel Committee may appoint advisory committees or subcommittees. Except as otherwise provided in this subsection, individuals other than members of the Legislative Assembly may serve on such advisory committees or subcommittees. A member of such committee or subcommittee who is not a member of the Legislative Assembly shall be compensated and reimbursed in the manner provided in ORS 292.495. An advisory committee or subcommittee appointed to assist the Legislative Counsel Committee in review of state agency rules may consist only of two or more members of the Legislative Assembly.

(5) The Legislative Counsel Committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

SECTION 10. ORS 173.215 is amended to read:

173.215. (1) The expiration of the terms of members of the Legislative Counsel Committee, as provided by ORS 173.191, does not affect the employment of any individual filling a position previously approved by the committee.

(2) After the convening of the Legislative Assembly in **an odd-numbered year** regular session and until the newly appointed Legislative Counsel Committee provides otherwise, the Legislative Counsel may employ and fix the compensation of individuals the Legislative Counsel considers necessary for the effective conduct of the work supervised or managed by the Legislative Counsel.

(3) Notwithstanding ORS 173.111 and 173.200, if a vacancy occurs in the position of Legislative Counsel after the convening of the Legislative Assembly in **an odd-numbered year** regular session and before the appointment of a Legislative Counsel Committee, the President of the Senate and the Speaker of the House of Representatives may jointly select a Legislative Counsel who has the qualifications set forth in ORS 173.200. The Legislative Counsel selected by the President and the Speaker serves at their pleasure at a salary jointly fixed by the President and the Speaker that does not exceed the salary last fixed by the committee. The President and Speaker may act in lieu of the Legislative Counsel Committee under ORS 293.335 in designating the Legislative Counsel they select to approve disbursements and in filing the statement of designation. After appointment of a Legislative Counsel Committee, the Legislative Counsel selected under this subsection serves at the pleasure of the committee and the committee may exercise power and authority over the Legislative Counsel as if the Legislative Counsel had been selected by the committee.

SECTION 11. ORS 173.730 is amended to read:

173.730. (1) The Legislative Administration Committee shall consist of the Speaker of the House of Representatives, the President of the Senate, members of the House appointed by the Speaker and members of the Senate appointed by the President. The Speaker of the House of Representatives and the President of the Senate may each designate an alternate from time to time from among the members of the house over which that person presides to exercise the powers, except as

cochairperson, as a member of the committee. No more than three House members of the committee shall be of the same political party. No more than three Senate members of the committee shall be of the same political party.

(2) The committee has a continuing existence and may meet, act and conduct its business during sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions.

(3) The term of a member shall expire upon the **date of the** convening of the **odd-numbered year regular session of the** Legislative Assembly [*in regular session*] next following the commencement of the member's term. When a vacancy occurs in the membership of the committee in the interim between **odd-numbered year regular** sessions, until such vacancy is filled, the membership of the committee shall be deemed not to include the vacant position for the purpose of determining whether a quorum is present and a quorum is a majority of the remaining members.

(4) The presiding officers shall act as cochairpersons and may alternate at succeeding meetings as presiding chairperson of the committee and vice chairperson thereof. The cochairpersons, jointly or singly, may, in addition to other acts authorized, approve voucher claims.

(5) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

SECTION 12. ORS 173.750 is amended to read:

173.750. The expiration of the terms of members of the Legislative Administration Committee upon the convening of the Legislative Assembly in **the odd-numbered year** regular session next following the commencement of their terms, as provided in ORS 173.730, does not affect the employment of any individual filling a position previously approved by the committee. After the convening of the [*Legislative Assembly in regular session*] **odd-numbered year regular session of the Legislative Assembly** and until such time as the newly appointed committee provides otherwise, the Legislative Administrator may employ and fix the compensation of individuals the Legislative Administrator deems necessary for the effective conduct of the work under the charge of the Legislative Administrator.

SECTION 13. ORS 183.724 is amended to read:

183.724. (1) As soon as is practicable after the end of each **odd-numbered year** regular legislative session, the Legislative Counsel shall develop a list of state agencies with areas of responsibility that are primarily within the subject-matter jurisdiction of interim committees of the Legislative Assembly. The Legislative Counsel shall assign all state agencies to at least one interim committee. The Legislative Counsel may modify the list to reflect changes in interim committees. The Legislative Counsel shall distribute the list to all state agencies whenever the list is developed or modified.

(2) If an interim committee of one house of the Legislative Assembly has overlapping subject-matter jurisdiction with an interim committee of the other house, the Legislative Counsel may assign a state agency to either committee or to both committees. The Legislative Counsel shall strive to assign state agencies so as to ensure that the rule review workload is approximately equally distributed between the interim committees of both houses of the Legislative Assembly.

(3) The consideration of the written findings prepared by the Legislative Counsel on a rule by any one interim committee of either house of the Legislative Assembly satisfies the requirements of ORS 183.710 to 183.725.

SECTION 14. ORS 291.332 is amended to read:

291.332. (1) The Emergency Board shall meet immediately upon adjournment **sine die** of each **odd-numbered year regular session of the** Legislative Assembly and elect a chairperson from their number. The board shall meet thereafter at such times as it may determine, **except that the activities of the board are suspended during the period beginning at the convening of an**

even-numbered year regular session of the Legislative Assembly and ending at the adjournment of that session.

(2) The board may not transact business unless a quorum is present. A quorum consists of a majority of board members from the House of Representatives and a majority of board members from the Senate.

(3) Action by the board requires the affirmative vote of a majority of board members from the House of Representatives and a majority of board members from the Senate.

(4) The term of members of the board shall run from the adjournment of one **odd-numbered year** regular session to the [organization] **convening** of the next **odd-numbered year** regular session.

(5) If a vacancy occurs in the board, either the Speaker, if the legislator previously filling the position was a member of the House, or the President, if the legislator previously filling the position was a member of the Senate, shall fill such vacancy by an appointment for the unexpired term. However, such appointment, before becoming effective, shall be confirmed by the remaining members of the board, sitting as such board.

SECTION 15. ORS 348.950 is amended to read:

348.950. (1) If the state decides to participate in the activities of the Education Commission of the States, it may pay the appropriate dues. Other costs of membership may be paid from funds available therefor.

(2) The persons appointed to represent the state in activities of the commission shall be appointed as follows:

(a) Three by the Governor, to serve at the pleasure of the Governor.

(b) Two by the President of the Senate, who shall be members of the Senate, to serve at the pleasure of the President of the Senate and until the convening of the **odd-numbered year** regular session of the Legislative Assembly next following the appointment [who]. **Members appointed under this paragraph** are entitled to payment of compensation and expense reimbursement under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

(c) Two by the Speaker of the House of Representatives, who shall be members of the House of Representatives, to serve at the pleasure of the Speaker of the House and until the convening of the **odd-numbered year** regular session of the Legislative Assembly next following the appointment [who]. **Members appointed under this paragraph** are entitled to payment of compensation and expense reimbursement under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

PROVISIONS RELATING TO STATE FINANCIAL ADMINISTRATION

SECTION 16. ORS 184.656 is amended to read:

184.656. (1) The Governor shall submit to the Legislative Assembly a proposed biennial program budget for the Department of Transportation that specifies how existing revenues from all sources will be spent. The program budget shall include proposed expenditures for each program or item specifically listed in the budget bills for the department enacted during the preceding **odd-numbered year** regular session of the Legislative Assembly.

(2) The budget shall be accompanied by the Highway Construction Plan described in ORS 184.658.

SECTION 17. ORS 240.185 is amended to read:

240.185. (1) On and after January 1, 1984, the number of persons employed by the state shall not exceed 1.5 percent of the state's population of the prior year.

(2) The population figure shall be that required by ORS 190.510 to 190.610.

(3) This section applies to all full-time equivalent budgeted positions.

(4) This section does not apply to the Governor, the Secretary of State, the State Treasurer, the Supreme Court or the Legislative Assembly in the conduct of duties vested in any of them by the

Oregon Constitution. However, this exception applies only to the office of the Governor and not to the executive branch of government.

(5) This section does not apply to personnel who administer unemployment insurance benefits programs of the Employment Department, to personnel who administer programs required to be implemented as a condition for the continued certification of the Employment Division Law by the United States Secretary of Labor or to personnel who administer programs implemented by the United States Department of Labor under federal law if the state is required to enter into contracts to provide such programs.

(6) This section does not apply to personnel whose positions are funded by the gifts, grants and contracts program in the Oregon University System.

(7) In order to assess the effect of subsection (1) of this section, the Oregon Department of Administrative Services by December 31 of each even-numbered year shall conduct a workload analysis of each state agency, regardless of whether the agency is exempt from the application of subsection (1) of this section. The workload analysis of each agency shall be submitted to the Legislative Assembly prior to its convening in **the subsequent odd-numbered year** regular session and shall accompany the agency's budget request before the Joint Ways and Means Committee.

SECTION 18. ORS 291.002 is amended to read:

291.002. As used in ORS 291.001 to 291.034, 291.201 to 291.222, 291.232 to 291.260, 291.261, 291.307 and 291.990, unless the context requires otherwise:

(1) "Classification of expenditures" means the major groups or categories of expenditures for the purpose of budget-making and accounting that are established as provided in ORS 291.206.

(2) "Dedicated fund" means a fund in the State Treasury, or a separate account or fund in the General Fund in the State Treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose, but "dedicated fund" does not include a revolving fund or a trust fund.

(3) "Department" means the Oregon Department of Administrative Services.

(4) "Director" means the Director of the Oregon Department of Administrative Services.

(5) "Legislatively adopted budget" means the budget enacted by the Legislative Assembly during [a] **an odd-numbered year** regular session.

(6) "Legislatively approved budget" means the legislatively adopted budget as modified by the Emergency Board **meeting in an interim period** or by the Legislative Assembly meeting in special session **or in an even-numbered year regular session**.

(7) "Revolving fund" means a fund in the State Treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds; and specifically includes funds derived from receipts by the State Board of Higher Education of tuition, fees, dormitory earnings, student activity receipts and sales of products and services incident to education functions.

(8) "State agency" or "agency" means every state officer, board, commission, department, institution, branch or agency of the state government, whose costs are paid wholly or in part from funds held in the State Treasury, except:

(a) The Legislative Assembly, the courts and their officers and committees;

(b) The Public Defense Services Commission; and

(c) The Secretary of State and the State Treasurer in the performance of the duties of their constitutional offices.

(9) "State officer" means any elected or appointed state officer, including members of boards and commissions, except the members and officers of the Legislative Assembly, the courts, the Secretary of State and the State Treasurer in the performance of the duties of their constitutional offices and the members of the Public Defense Services Commission.

(10) "Trust fund" means a fund in the State Treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise or bequest that limits the use of the fund to designated objects or purposes.

SECTION 19. ORS 291.110 is amended to read:

291.110. (1) The Oregon Department of Administrative Services shall ensure that state agency activities and programs are directed toward achieving the Oregon benchmarks. The department shall:

(a) Monitor progress, identify barriers and generate alternative approaches for attaining the benchmarks.

(b) Ensure the development of a statewide system of performance measures designed to increase the efficiency and effectiveness of state programs and services.

(c) Provide agencies with direction on the appropriate format for reporting performance measures to ensure consistency across agencies.

(d) Consult with the Legislative Assembly to assist in devising a system of performance measures.

(e) Facilitate the development of performance measures in those instances where benchmarks involve more than one state agency.

(f) Prior to budget development, consult with the legislative review agency, as defined in ORS 291.371, or other appropriate legislative committee, as determined by the President of the Senate and the Speaker of the House of Representatives, prior to the formal adoption of a performance measurement system.

(g) No later than October 1 of each year, submit a report to the Legislative Fiscal Officer on the progress state agencies have made in meeting performance measures.

(2) State agencies shall develop measurable performance measures consistent with and aimed at achieving Oregon benchmarks. To that end, each state agency shall:

(a) Identify the mission, goals and objectives of the agency and any applicable benchmarks to which the goals are directed.

(b) Develop written defined performance measures that quantify desired organization intermediate outcomes, outputs, responsibilities, results, products and services, and, where possible, develop unit cost measures for evaluating the program efficiency.

(c) Involve agency managers, supervisors and employees in the development of statements of mission, goals, objectives and performance measures as provided in paragraphs (a) and (b) of this subsection and establish teams composed of agency managers, supervisors and employees to implement agency goals, objectives and performance measures. Where bargaining unit employees are affected, they shall have the right to select those employees of the agency, through their labor organization, to serve on any joint committees established to develop performance measures.

(d) Use performance measures to work toward achievement of identified missions, goals, objectives and any applicable benchmarks.

(e) Review agency performance measures with the appropriate legislative committee, as determined by the President of the Senate and the Speaker of the House of Representatives, during *[the regular legislative session]* **each odd-numbered year regular session of the Legislative Assembly.**

SECTION 20. ORS 291.218 is amended to read:

291.218. Except when the Governor under whose supervision the budget report and the tax expenditure report have been prepared will be succeeded in office in January next following:

(1) The Oregon Department of Administrative Services shall have as many copies of the approved budget report and the tax expenditure report printed as the Governor directs.

(2) Not later than December 1 of each even-numbered year, the Governor shall transmit a copy of each report to each member of the legislature who is to serve during the next *[session]* **regular session of the Legislative Assembly.**

(3) Upon request, the Governor shall distribute copies free of charge, under such regulations as the Governor may establish, to public libraries, schools and state officials. The Governor shall make copies available to the general public at a reasonable charge for each copy.

SECTION 21. ORS 291.342 is amended to read:

291.342. (1) By August 15 of each year, but not earlier than 90 days from the end of the regular session[, *if any,*] of the Legislative Assembly held in that calendar year, the Oregon Department of Administrative Services, with the assistance of the Department of Revenue, shall:

(a) Ascertain by computation and estimate the total amount of revenue available for state purposes for the current fiscal year; and

(b) Apportion the state tax levy on property, if any, among the several counties in the manner provided in ORS 291.445.

(2) In addition to the requirement in subsection (1) of this section, the Oregon Department of Administrative Services with the assistance of the Department of Revenue shall for each calendar quarter of the year ascertain by computation and estimate the total amount of revenue available for state purposes for the current fiscal year, as well as the amount of revenue received quarterly, cumulated throughout the biennium, and report its estimate to the Legislative Revenue Officer and to the Emergency Board, or if the Legislative Assembly is in session, to the Joint Committee on Ways and Means.

(3) In carrying out its duties under subsection (2) of this section, the Oregon Department of Administrative Services shall issue quarterly a statement setting forth the methodology and assumptions used in making the revenue estimate. Nothing in this subsection requires the statement to set forth procedures used or methods used to determine either the methodology or the assumptions.

SECTION 22. ORS 291.349 is amended to read:

291.349. (1) As soon as practicable after adjournment sine die of the **odd-numbered year** regular session of the Legislative Assembly, the Oregon Department of Administrative Services shall report to the Emergency Board the estimate as of July 1 of the first year of the biennium of General Fund and State Lottery Fund revenues that will be received by the state during that biennium. The Oregon Department of Administrative Services shall base its estimate on the last forecast given to the Legislative Assembly before adjournment sine die of the **odd-numbered year** regular session on which the printed, adopted budget prepared in the Oregon Department of Administrative Services is based, adjusted only insofar as necessary to reflect changes in laws adopted at that session. The report shall contain the estimated revenues from corporate income and excise taxes separately from the estimated revenues from other General Fund sources. The Oregon Department of Administrative Services may revise the estimate if necessary following adjournment sine die of [*any special or emergency*] **a special session or an even-numbered year regular** session of the Legislative Assembly, but any revision does not affect the basis of the computation described in subsection (3) or (4) of this section.

(2) As soon as practicable after the end of the biennium, the Oregon Department of Administrative Services shall report to the Emergency Board, or the Legislative Assembly if it is in session, the amount of General Fund revenues collected as of the last June 30 of the preceding biennium. The report shall contain the collections from corporate income and excise taxes separately from collections from other sources.

(3) If the revenues received from the corporate income and excise taxes during the biennium exceed the amounts estimated to be received from such taxes for the biennium, as estimated after adjournment sine die of the **odd-numbered year** regular session, by two percent or more, the total amount of that excess shall be credited to corporate income and excise taxpayers in a percentage amount of prior year corporate excise and income tax liability as determined under subsection (5) of this section. However, no credit shall be allowed against tax liability imposed by ORS 317.090.

(4) If the revenues received from General Fund revenue sources, exclusive of those described in subsection (3) of this section, during the biennium exceed the amounts estimated to be received from such sources for the biennium, as estimated after adjournment sine die of the **odd-numbered year** regular session, by two percent or more, there shall be refunded from personal income tax revenues an amount equal to the total amount of that excess, reduced by the cost certified by the Department of Revenue under ORS 291.351 as being allocable to payments described under this subsection. The

excess amount to be refunded shall be paid to personal income taxpayers in a percentage amount of prior year personal income tax liability as determined under subsection (6) of this section.

(5)(a) If there is an excess to be credited under subsection (3) of this section, on or before October 1, following the end of each biennium, the Oregon Department of Administrative Services shall determine and certify to the Department of Revenue the percentage amount of credit for purposes of subsection (3) of this section. The percentage amount determined shall be a percentage amount to the nearest one-tenth of a percent that will distribute the excess to be credited to corporate excise and income taxpayers.

(b) The percentage amount shall equal the amount distributed under subsection (3) of this section divided by the estimated total corporate income and excise tax liability for all corporate income and excise taxpayers for tax years beginning in the calendar year immediately preceding the calendar year in which the excess is determined.

(c) The amount of the surplus credit is determined by multiplying the percentage amount determined under paragraph (b) of this subsection by the total amount of a corporate income or excise taxpayer's tax liability for the tax year beginning in the calendar year immediately preceding the calendar year in which the excess is determined in order to calculate the amount to be credited to the taxpayer.

(d) The credit shall be determined based on the tax liability as shown on the return of the taxpayer or as corrected by the Department of Revenue.

(e) The credit shall be computed after the allowance of a credit provided under ORS 316.082, 316.131 or 316.292, but before the allowance of any other credit or offset against tax liability allowed or allowable under any provision of law of this state, and before the application of estimated tax payments, withholding or other advance tax payments.

(f) If a credit applied against tax liability as described in paragraph (e) of this subsection reduces tax liability to zero and an amount of the credit remains unused, the remaining unused amount shall be carried forward and applied against tax liability as prescribed in paragraph (e) of this subsection in the succeeding tax year. Following application of the credit against tax liability in a succeeding tax year, any amount continuing to remain unused shall be carried forward and applied against tax liability in a succeeding tax year until all remaining amounts of unused credit are offset against tax liability.

(g) Notwithstanding paragraph (e) of this subsection, if an excess is credited under subsection (3) of this section for a tax year and an unused credit amount from a prior tax year is carried forward to the tax year as prescribed under paragraph (f) of this subsection, the amount of the carryforward credit shall be applied against tax liability prior to applying the new credit.

(h) The Department of Revenue may prescribe by rule the manner of calculating and claiming a credit if the filing status of a corporation changes between the tax year described in paragraph (b) of this subsection and the succeeding tax year.

(6)(a) If there is an excess to be refunded under subsection (4) of this section, on or before September 15, following the end of each biennium, the Oregon Department of Administrative Services shall determine and certify to the Department of Revenue the percentage amount of refund payment for purposes of subsection (4) of this section. The percentage amount so determined shall be a percentage amount to the nearest one-hundredth of a percent that will distribute the excess to be refunded to personal income taxpayers under subsection (4) of this section. The percentage amount shall equal the amount distributed under subsection (4) of this section divided by the estimated total personal income tax liability for all personal income taxpayers for tax years beginning in the calendar year immediately preceding the calendar year in which the excess is determined.

(b) The Department of Revenue shall multiply the percentage amount determined under paragraph (a) of this subsection by the total amount of a personal income taxpayer's tax liability for the tax year beginning in the calendar year immediately preceding the calendar year in which the excess is determined in order to calculate the amount of the refund to be made to the taxpayer. For purposes of this paragraph, the taxpayer's tax liability is the amount as shown on the return of the taxpayer or as corrected by the Department of Revenue, and is determined:

- (A) After the allowance of a credit provided under ORS 316.082, 316.131 or 316.292;
- (B) Before the allowance of any other credit or offset against tax liability allowed or allowable on the return for the tax year; and
- (C) Before the application of estimated tax payments, withholding or other advance tax payments.

(c) The refund described under this subsection shall be mailed by the Department of Revenue to personal income taxpayers eligible for the payment on or before December 15 following the end of the biennium for which the payment described under this subsection is being made.

(d) Notwithstanding paragraph (c) of this subsection, the Department of Revenue shall mail the refund at the earliest date of practicable convenience in the case of a return:

(A) For a tax year beginning in the calendar year immediately preceding the calendar year in which the excess is determined for which refund is being made; and

(B) That is first filed on or after August 15 after the end of the biennium.

(7) No refund shall be made to a taxpayer if, after making the calculation described under subsection (6) of this section, the amount calculated is less than \$1.

(8) For purposes of ORS chapters 305 and 314 to 318, refunds issued under subsection (6) of this section are refunds of an overpayment of tax imposed under ORS chapter 316, but do not bear interest.

SECTION 23. ORS 291.357 is amended to read:

291.357. (1) As used in this section, "general governmental purposes" means:

(a) Those activities defined as governmental activities under the accounting standards promulgated by the Governmental Accounting Standards Board of the Financial Accounting Foundation that are in effect on August 10, 2001; and

(b) Post-secondary educational activities that are partially funded by student tuition and fees.

(2) Each biennium, state governmental appropriations for general governmental purposes shall be no greater than eight percent of projected personal income in Oregon for the same biennium. Projected personal income shall be based on the United States Department of Commerce projections used by the Oregon Department of Administrative Services in the last forecast given to the Legislative Assembly before adjournment sine die of the **odd-numbered year** regular session on which the printed, adopted budget is based.

(3) For purposes of this section, the following are considered to be appropriations:

(a) An authorization, given by law, to expend moneys in a biennium;

(b) A limitation, imposed by law, on the expenditure in a biennium of moneys that are continuously appropriated; and

(c) An estimate of amounts of moneys that are continuously appropriated that will be spent in a biennium without limitation.

(4) The following appropriations are not subject to the limitation on appropriations contained in this section:

(a) Appropriations for the construction or acquisition of assets that are financed by state bonds, certificates of participation or other forms of borrowing.

(b) Appropriations of moneys received directly or indirectly from the federal government.

(c) Appropriations for fee remission programs of the Oregon University System.

(d) Appropriations of moneys voluntarily donated to a state agency.

(e) Appropriations of moneys from revenue increases or new revenue sources if the increases or sources result from approval of a measure by the people at an election held on or after August 10, 2001.

(f) Appropriations to fund new programs or to increase funding for existing programs if the need for new or increased funding results from approval of a measure by the people at an election held on or after August 10, 2001.

(5) The limitation on appropriations established by this section may be exceeded for a biennium if the Governor declares an emergency and three-fifths of the members serving in each house of the Legislative Assembly affirmatively vote to exceed the limitation for the biennium.

SECTION 24. ORS 291.445 is amended to read:

291.445. (1) Before July 1 of each fiscal year, the Oregon Department of Administrative Services shall request from the appropriate state agency a certificate as prescribed in this section. The request shall be made by letter to the agency.

(2) Each state agency authorized to issue general obligation bonds that are ordinarily to be repaid from other than General Fund appropriations shall, on or before August 15 of each fiscal year:

(a) Certify to the Director of the Oregon Department of Administrative Services that the amounts available or that will become available during the current year to the bond program debt service fund to pay bond principal and interest that has accrued or will accrue during the current year are sufficient and will be sufficient to pay bond program principal and interest scheduled for payment during the current year; or

(b) Certify to the Director of the Oregon Department of Administrative Services that the amounts available or that will become available during the current year to the bond program debt service fund will not be sufficient to pay bond program principal and interest scheduled for payment during the current year. A certificate issued under this paragraph shall specify the amount of the anticipated current year deficit. The Director of the Oregon Department of Administrative Services shall review and confirm the correctness of each certification made under this paragraph.

(3) On or before August 15 of each fiscal year, the administrative division of the Oregon Department of Administrative Services that has primary responsibility for accounting for each general obligation bond program in which the bond principal and interest is ordinarily to be repaid from General Fund appropriations shall:

(a) Certify to the Director of the Oregon Department of Administrative Services that the amounts available or that will become available during the current year from General Fund appropriations to defray program bond principal and interest that has accrued or will accrue during the current year are sufficient and will be sufficient to pay program bond principal and interest scheduled for payment during the current year; or

(b) Certify to the Director of the Oregon Department of Administrative Services that the amounts available or that will become available during the current year from General Fund appropriations will not be sufficient to pay program bond principal and interest scheduled for payment during the current year. A certificate issued under this paragraph shall specify the amount of the anticipated current year deficit.

(4)(a) If a deficit in funds available to pay principal and interest in any general obligation bond program is certified and confirmed under subsection (2) or certified under subsection (3) of this section, the amount of the deficit, together with any deficit that is certified for any other general obligation bond program shall upon certification constitute a state tax levy on property that shall be apportioned among and charged to the several counties in that proportion which the total assessed value of all the taxable property in each county bears to the total assessed value of all the taxable property of the state as equalized.

(b) If any agency fails to make the certification under subsection (2) or (3) of this section with respect to any general obligation bond fund program, the Oregon Department of Administrative Services shall determine the amount of revenue and other funds that are available and the amount of taxes, if any, that should be levied in addition to the revenues and funds, to pay bond principal and interest under the program for the fiscal year in question. The additional amount so determined shall thereupon constitute a state tax levy on property that shall be apportioned, certified, collected and distributed as if determined and certified as a deficit by the agency. The Oregon Department of Administrative Services shall charge the agency for cost recovery for time spent on that agency's behalf.

(5) Immediately after the department has determined the amount of a state tax levy on property in accordance with subsection (4) of this section, a certificate of levy, signed by the director of the department, shall be filed in the office of the department. If no state levy is required for the fiscal or tax year, a certificate so stating and signed by the director shall be filed in the office of the department.

(6) If, for any reason, after the close of any regular [*biennial*] session of the Legislative Assembly, it becomes necessary to reduce General Fund appropriations, General Fund appropriations for a debt service fund of a general obligation bond program described under subsection (3) of this section may not be reduced.

(7) For purposes of this section:

(a) State agencies that are authorized to issue general obligation bonds ordinarily to be repaid from other than General Fund appropriations include but are not limited to:

(A) The Director of Veterans' Affairs, as authorized by Article XI-A of the Oregon Constitution and ORS chapter 407 (veterans loans).

(B) The State Board of Higher Education, as authorized by Article XI-F(1) of the Oregon Constitution and ORS 351.350 (building projects).

(C) The Department of Environmental Quality, as authorized by Article XI-H of the Oregon Constitution and ORS 468.195 to 468.260 (pollution control).

(D) The Water Resources Commission and the Water Resources Director, as authorized by Article XI-I(1) of the Oregon Constitution and ORS 541.700 to 541.855 (water development).

(E) The Housing and Community Services Department, as authorized by Article XI-I(2) of the Oregon Constitution and ORS 456.515 to 456.725 and 458.505 to 458.515 (housing).

(F) The Director of the State Department of Energy, as authorized by Article XI-J of the Oregon Constitution and ORS 470.220 to 470.290 (small scale energy projects).

(G) Other agencies as required by the Oregon Department of Administrative Services by rule adopted using the criterion of this subsection.

(b) Each agency authorized to issue general obligation bonds that are ordinarily to be repaid from other than General Fund appropriations shall determine the amount of revenues or other funds that are available and the amount of taxes, if any, that should be levied for the ensuing year in the manner required under rules adopted by the Oregon Department of Administrative Services and make the certification required under subsection (2) of this section.

(8)(a) State agencies that are authorized to issue general obligation bonds that are ordinarily to be repaid from General Fund appropriations include but are not limited to:

(A) The State Board of Forestry and the State Forester, as authorized by Article XI-E of the Oregon Constitution and ORS 530.210 to 530.280 (state reforestation).

(B) The State Board of Higher Education, as authorized by Article XI-G of the Oregon Constitution and ORS 351.345 (higher education and community colleges).

(C) Other agencies as required by the Oregon Department of Administrative Services by rule adopted using the criterion of this subsection.

(b) Each agency authorized to issue general obligation bonds ordinarily to be repaid from General Fund appropriations shall furnish any data required by the Oregon Department of Administrative Services to determine the amount of revenues or other funds that are available and the amount of taxes, if any, that should be levied for the ensuing year and the administrative division of the Oregon Department of Administrative Services that has primary responsibility for accounting shall make the determination for purposes of the making of the certification required under subsection (3) of this section.

SECTION 25. ORS 311.506 is amended to read:

311.506. During each [*biennial*] **odd-numbered year** regular session, the Legislative Assembly shall review the rate of interest, as specified under ORS 311.505 (2) that is charged and collected on property taxes that are due and unpaid.

ANNUAL ASSESSMENT OF ENERGY FACILITY SITE CERTIFICATES

SECTION 26. ORS 469.421 is amended to read:

469.421. (1) Subject to the provisions of ORS 469.441, any person submitting a notice of intent, a request for exemption under ORS 469.320, a request for an expedited review under ORS 469.370,

a request for an expedited review under ORS 469.373, a request for the State Department of Energy to approve a pipeline under ORS 469.405 (3), an application for a site certificate or a request to amend a site certificate shall pay all expenses incurred by the Energy Facility Siting Council, the State Department of Energy and the Oregon Department of Administrative Services related to the review and decision of the council. These expenses may include legal expenses, expenses incurred in processing and evaluating the application, issuing a final order or site certificate, commissioning an independent study by a contractor, state agency or local government under ORS 469.360, and changes to the rules of the council that are specifically required and related to the particular site certificate.

(2) Every person submitting a notice of intent to file for a site certificate, a request for exemption or a request for expedited review shall submit the fee required under the fee schedule established under ORS 469.441 to the State Department of Energy when the notice or request is submitted to the council. To the extent possible, the full cost of the evaluation shall be paid from the fee paid under this subsection. However, if costs of the evaluation exceed the fee, the person submitting the notice or request shall pay any excess costs shown in an itemized statement prepared by the council. In no event shall the council incur evaluation expenses in excess of 110 percent of the fee initially paid unless the council provides prior notification to the applicant and a detailed projected budget the council believes necessary to complete the project. If costs are less than the fee paid, the excess shall be refunded to the person submitting the notice or request.

(3) Before submitting a site certificate application, the applicant shall request from the State Department of Energy an estimate of the costs expected to be incurred in processing the application. The department shall inform the applicant of that amount and require the applicant to make periodic payments of the costs pursuant to a cost reimbursement agreement. The cost reimbursement agreement shall provide for payment of 25 percent of the estimated costs when the applicant submits the application. If costs of the evaluation exceed the estimate, the applicant shall pay any excess costs shown in an itemized statement prepared by the council. In no event shall the council incur evaluation expenses in excess of 110 percent of the fee initially estimated unless the council provided prior notification to the applicant and a detailed projected budget the council believes is necessary to complete the project. If costs are less than the fee paid, the council shall refund the excess to the applicant.

(4) Any person who is delinquent in the payment of fees under subsections (1) to (3) of this section shall be subject to the provisions of subsection (11) of this section.

(5) Subject to the provisions of ORS 469.441, each holder of a certificate shall pay an annual fee, due every July 1 following issuance of a site certificate. For each fiscal year, upon approval of the State Department of Energy's budget authorization by [a] **an odd-numbered year** regular session of the Legislative Assembly or as revised by the Emergency Board **meeting in an interim period or by the Legislative Assembly meeting in special session or in an even-numbered year regular session**, the Director of the State Department of Energy promptly shall enter an order establishing an annual fee based on the amount of revenues that the director estimates is needed to fund the cost of ensuring that the facility is being operated consistently with the terms and conditions of the site certificate, any order issued by the department under ORS 469.405 (3) and any applicable health or safety standards. In determining this cost, the director shall include both the actual direct cost to be incurred by the council, the State Department of Energy and the Oregon Department of Administrative Services to ensure that the facility is being operated consistently with the terms and conditions of the site certificate, any order issued by the State Department of Energy under ORS 469.405 (3) and any applicable health or safety standards, and the general costs to be incurred by the council, the State Department of Energy and the Oregon Department of Administrative Services to ensure that all certificated facilities are being operated consistently with the terms and conditions of the site certificates, any orders issued by the State Department of Energy under ORS 469.405 (3) and any applicable health or safety standards that cannot be allocated to an individual, licensed facility. Not more than 35 percent of the annual fee charged each facility shall be for the

recovery of these general costs. The fees for direct costs shall reflect the size and complexity of the facility and its certificate conditions.

(6) Each holder of a site certificate executed after July 1 of any fiscal year shall pay a fee for the remaining portion of the year. The amount of the fee shall be set at the cost of regulating the facility during the remaining portion of the year determined in the same manner as the annual fee.

(7) When the actual costs of regulation incurred by the council, the State Department of Energy and the Oregon Department of Administrative Services for the year, including that portion of the general regulation costs that have been allocated to a particular facility, are less than the annual fees for that facility, the unexpended balance shall be refunded to the site certificate holder. When the actual regulation costs incurred by the council, the State Department of Energy and the Oregon Department of Administrative Services for the year, including that portion of the general regulation costs that have been allocated to a particular facility, are projected to exceed the annual fee for that facility, the Director of the State Department of Energy may issue an order revising the annual fee.

(8) In addition to any other fees required by law, each energy resource supplier shall pay to the State Department of Energy annually its share of an assessment to fund the activities of the Energy Facility Siting Council, the Oregon Department of Administrative Services and the State Department of Energy, determined by the Director of the State Department of Energy in the following manner:

(a) Upon approval of the budget authorization of the Energy Facility Siting Council, the Oregon Department of Administrative Services and the State Department of Energy by [a] **an odd-numbered year** regular session of the Legislative Assembly, the Director of the State Department of Energy shall promptly enter an order establishing the amount of revenues required to be derived from an assessment pursuant to this subsection in order to fund the activities of the Energy Facility Siting Council, the Oregon Department of Administrative Services and the State Department of Energy, including those enumerated in ORS 469.030 and others authorized by law, for the first fiscal year of the forthcoming biennium. On or before June 1 of each even-numbered year, the Director of the State Department of Energy shall enter an order establishing the amount of revenues required to be derived from an assessment pursuant to this subsection in order to fund the activities of the Energy Facility Siting Council, the Oregon Department of Administrative Services and the State Department of Energy, including those enumerated in ORS 469.030 and others authorized by law, for the second fiscal year of the biennium. The order shall take into account any revisions to the biennial budget of the Energy Facility Siting Council, the State Department of Energy and the Oregon Department of Administrative Services made by the Emergency Board **meeting in an interim period** or by [*a special session of the Legislative Assembly subsequent to the most recently concluded regular session of the Legislative Assembly*] **the Legislative Assembly meeting in special session or in an even-numbered year regular session**. However, an assessment under this section may not be used to derive revenue for funding State Department of Energy activities related to the energy efficiency and sustainable technology loan program described in ORS chapter 470.

(b) Each order issued by the director pursuant to paragraph (a) of this subsection shall allocate the aggregate assessment set forth therein to energy resource suppliers in accordance with paragraph (c) of this subsection.

(c) The amount assessed to an energy resource supplier shall be based on the ratio which that supplier's annual gross operating revenue derived within this state in the preceding calendar year bears to the total gross operating revenue derived within this state during that year by all energy resource suppliers. The assessment against an energy resource supplier shall not exceed five-tenths of one percent of the supplier's gross operating revenue derived within this state in the preceding calendar year. The director shall exempt from payment of an assessment any individual energy resource supplier whose calculated share of the annual assessment is less than \$250.

(d) The director shall send each energy resource supplier subject to assessment pursuant to this subsection a copy of each order issued, by registered or certified mail. The amount assessed to the energy resource supplier pursuant to the order shall be considered to the extent otherwise permitted

by law a government-imposed cost and recoverable by the energy resource supplier as a cost included within the price of the service or product supplied.

(e) The amounts assessed to individual energy resource suppliers pursuant to paragraph (c) of this subsection shall be paid to the State Department of Energy as follows:

(A) Amounts assessed for the first fiscal year of a biennium shall be paid not later than 90 days following *[the close of the]* **adjournment sine die of the odd-numbered year** regular session of the Legislative Assembly; and

(B) Amounts assessed for the second fiscal year of a biennium shall be paid not later than July 1 of each even-numbered year **or 90 days following adjournment sine die of the even-numbered year regular session of the Legislative Assembly, whichever is later.**

(f) An energy resource supplier shall provide the director, on or before May 1 of each year, a verified statement showing its gross operating revenues derived within the state for the preceding calendar year. The statement shall be in the form prescribed by the director and is subject to audit by the director. The statement shall include an entry showing the total operating revenue derived by petroleum suppliers from fuels sold that are subject to the requirements of section 3a, Article IX of the Oregon Constitution, and ORS 319.020 with reference to aircraft fuel and motor vehicle fuel, and ORS 319.530. The director may grant an extension of not more than 15 days for the requirements of this subsection if:

(A) The energy supplier makes a showing of hardship caused by the deadline;

(B) The energy supplier provides reasonable assurance that the energy supplier can comply with the revised deadline; and

(C) The extension of time does not prevent the Energy Facility Siting Council, the Oregon Department of Administrative Services or the State Department of Energy from fulfilling their statutory responsibilities.

(g) As used in this section:

(A) "Energy resource supplier" means an electric utility, natural gas utility or petroleum supplier supplying, generating, transmitting or distributing electricity, natural gas or petroleum products in Oregon.

(B) "Gross operating revenue" means gross receipts from sales or service made or provided within this state during the regular course of the energy supplier's business, but does not include either revenue derived from interutility sales within the state or revenue received by a petroleum supplier from the sale of fuels that are subject to the requirements of section 3a, Article IX of the Oregon Constitution, or ORS 319.020 or 319.530.

(C) "Petroleum supplier" has the meaning given that term in ORS 469.020.

(h) In determining the amount of revenues that must be derived from any class of energy resource suppliers by assessment pursuant to this subsection, the director shall take into account all other known or readily ascertainable sources of revenue to the Energy Facility Siting Council, the Oregon Department of Administrative Services and the State Department of Energy, including, but not limited to, fees imposed under this section and federal funds, and may take into account any funds previously assessed pursuant to ORS 469.420 (1979 Replacement Part) or section 7, chapter 792, Oregon Laws 1981.

(i) Orders issued by the director pursuant to this section shall be subject to judicial review under ORS 183.484. The taking of judicial review shall not operate to stay the obligation of an energy resource supplier to pay amounts assessed to it on or before the statutory deadline.

(9)(a) In addition to any other fees required by law, each operator of a nuclear fueled thermal power plant or nuclear installation within this state shall pay to the State Department of Energy annually on July 1, an assessment in an amount determined by the director to be necessary to fund the activities of the state and the counties associated with emergency preparedness for a nuclear fueled thermal power plant or nuclear installation. The assessment shall not exceed \$461,250 per year. Moneys collected as assessments under this subsection are continuously appropriated to the State Department of Energy for this purpose.

(b) The State Department of Energy shall maintain and shall cause other state agencies and counties to maintain time and billing records for the expenditure of any fees collected from an operator of a nuclear fueled thermal power plant under paragraph (a) of this subsection.

(10) Reactors operated by a college, university or graduate center for research purposes and electric utilities not connected to the Northwest Power Grid are exempt from the fee requirements of subsections (5), (8) and (9) of this section.

(11)(a) All fees assessed by the director against holders of site certificates for facilities that have an installed capacity of 500 megawatts or greater may be paid in several installments, the schedule for which shall be negotiated between the director and the site certificate holder.

(b) Energy resource suppliers or applicants or holders of a site certificate who fail to pay a fee provided under subsections (1) to (9) of this section or the fees required under ORS 469.360 after it is due and payable shall pay, in addition to that fee, a penalty of two percent of the fee a month for the period that the fee is past due. Any payment made according to the terms of a schedule negotiated under paragraph (a) of this subsection shall not be considered past due. The director may bring an action to collect an unpaid fee or penalty in the name of the State of Oregon in a court of competent jurisdiction. The court may award reasonable attorney fees to the director if the director prevails in an action under this subsection. The court may award reasonable attorney fees to a defendant who prevails in an action under this subsection if the court determines that the director had no objectively reasonable basis for asserting the claim or no reasonable basis for appealing an adverse decision of the trial court.

REPORTS AND OTHER INFORMATION TO BE SUBMITTED BIENNIALLY

SECTION 27. ORS 1.735 is amended to read:

1.735. (1) The Council on Court Procedures shall promulgate rules governing pleading, practice and procedure, including rules governing form and service of summons and process and personal and in rem jurisdiction, in all civil proceedings in all courts of the state which shall not abridge, enlarge or modify the substantive rights of any litigant. The rules authorized by this section do not include rules of evidence and rules of appellate procedure. The rules thus adopted and any amendments which may be adopted from time to time, together with a list of statutory sections superseded thereby, shall be submitted to the Legislative Assembly at the beginning of each **odd-numbered year** regular session and shall go into effect on January 1 following the close of that session unless the Legislative Assembly shall provide an earlier effective date. The Legislative Assembly may, by statute, amend, repeal or supplement any of the rules.

(2) A promulgation, amendment or repeal of a rule by the council is invalid and does not become effective unless the exact language of the proposed promulgation, amendment or repeal is published or distributed to all members of the bar at least 30 days before the meeting at which the council plans to take final action on the promulgation, amendment or repeal. If the language of the proposed promulgation, amendment or repeal is changed by the council after consideration of the language at the meeting, the council must publish or distribute notification of the change to all members of the bar within 60 days after the meeting. All changes made to proposed promulgations, amendments or repeals of rules pursuant to the provisions of this subsection must be clearly identified when the promulgation, amendment or repeal is submitted to the Legislative Assembly under subsection (1) of this section.

SECTION 28. ORS 172.020 is amended to read:

172.020. Each commissioner shall attend the meetings of the National Conference of Commissioners on Uniform State Laws, and both in and out of such national conference shall do all in the power of the commissioner to promote uniformity in state laws, in all subjects in which uniformity is desirable and practicable. The commission shall report to the legislature at each **odd-numbered year** regular session, and from time to time thereafter as the commission deems proper, an account of its transactions and its advice and recommendations for legislation. It also shall be the duty of

the commission to bring about as far as practicable the uniform judicial interpretation of all uniform laws.

SECTION 29. ORS 173.342 is amended to read:

173.342. The Oregon Law Commission shall file a report at each **odd-numbered year** regular session of the Legislative Assembly that contains recommendations for statutory and administrative changes and a calendar of topics selected by the commission for study, including a list of the studies in progress and a list of topics intended for future consideration.

SECTION 30. ORS 182.132 is amended to read:

182.132. (1) The Oregon Department of Administrative Services, with the advice of the Electronic Government Portal Advisory Board, shall provide the ability for state agencies to offer government services by means of an electronic government portal. The electronic government portal must be secure and must meet usability standards developed in cooperation with the advisory board.

(2) For the purposes of subsection (1) of this section, the department under the provisions of the Public Contracting Code may contract with an electronic government portal provider.

(3)(a) The department may charge members of the public a convenience fee or may authorize an electronic government portal provider to charge a convenience fee for an electronic government service if the advisory board recommends that the department charge or authorize a convenience fee for the electronic government service. The convenience fee must reflect the costs incurred in hosting, operating, maintaining or implementing the electronic government portal.

(b) The department shall cooperate with the advisory board to identify the electronic government portals or governmental services to which the convenience fee applies.

(4) The department may adopt rules to implement the provisions of this section.

(5) Not later than the beginning of each **odd-numbered year** regular legislative session, the department shall prepare and submit to the Legislative Assembly a report in the manner provided in ORS 192.245 that summarizes the department's activities under the provisions of this section.

SECTION 31. ORS 184.666 is amended to read:

184.666. The Department of Transportation shall develop a summary that shows, to the extent it can be determined, how the department's costs for maintenance, preservation and modernization are affected by state and federal mandates, environmental regulations or other factors that have a significant impact on cost. The summary shall be submitted to the Speaker of the House of Representatives and the President of the Senate at the beginning of each **odd-numbered year** regular session of the Legislative Assembly and need include only mandates, regulations and other factors issued or occurring on or after October 23, 1999. When the department submits the summary to the Speaker and the President, the department shall notify each member of the Legislative Assembly that the summary is available.

SECTION 32. ORS 185.310 is amended to read:

185.310. (1) It is declared to be the policy and intent of the Legislative Assembly that the Commission on Hispanic Affairs is created to work for the implementation and establishment of economic, social, legal and political equality for Hispanics in Oregon.

(2) The commission shall make recommendations to the Governor and shall report to each **odd-numbered year** regular session of the Legislative Assembly.

SECTION 33. ORS 185.410 is amended to read:

185.410. (1) It is declared to be the policy and intent of the Legislative Assembly that the Commission on Black Affairs is created to work for the implementation and establishment of economic, social, legal and political equality for blacks in Oregon.

(2) The commission shall make recommendations to the Governor and shall report to each **odd-numbered year** regular session of the Legislative Assembly.

SECTION 34. ORS 197.065 is amended to read:

197.065. (1) Prior to each **odd-numbered year regular** legislative session, the Land Conservation and Development Commission shall submit to the appropriate legislative committee a written report analyzing applications approved and denied for:

(a) New and replacement dwellings under:

(A) ORS 215.213 (1)(d) and (f), (2)(a) and (b), (3) and (4), 215.283 (1)(d) and (e), 215.284 and 215.705; and

(B) Any land zoned for forest use under any statewide planning goal that relates to forestland;
(b) Divisions of land under:

(A) ORS 215.263 (2), (4) and (5); and

(B) Any land zoned for forest use under any statewide planning goal that relates to forestland;

(c) Dwellings and land divisions approved for marginal lands under:

(A) ORS 215.317 or 215.327; and

(B) Any land zoned for forest use under any statewide planning goal that relates to forestland;

and

(d) Such other matters pertaining to protection of agricultural or forest land as the commission deems appropriate.

(2) The governing body of each county shall provide the Department of Land Conservation and Development with a report of its actions involving those dwellings, land divisions and land designations upon which the commission must report to the appropriate legislative committee under subsection (1) of this section. The department shall establish, after consultation with county governing bodies, an annual reporting period and may establish a schedule for receiving county reports at intervals within the reporting period. The report shall be on a standard form with a standardized explanation adopted by the commission and shall be eligible for grants by the commission. The report shall include the findings for each action except actions involving:

(a) Dwellings authorized by ORS 215.213 (1)(d) or 215.283 (1)(d); or

(b) Land divisions authorized by ORS 215.263 (2) creating parcels as large as or larger than a minimum size established by the commission under ORS 215.780.

(3) The governing body of each county shall, upon request by the department, provide the department with other information necessary to carry out subsection (1) of this section.

SECTION 35. ORS 273.245 is amended to read:

273.245. Not later than January 1, 1996, the State Land Board shall adopt an asset management plan in accordance with this section to guide management and disposition of real estate under the board's jurisdiction. The Department of State Lands shall provide a report to each **odd-numbered year** regular session of the Legislative Assembly on the progress of implementing the asset management plan. The asset management plan required by this section shall provide a schedule for disposition of state lands when the proper disposition, as determined, involves the sale, exchange or transfer of management responsibility from the Department of State Lands to other entities.

SECTION 36. ORS 276.390 is amended to read:

276.390. (1) Not later than June 30 of each even-numbered year, the Oregon Department of Administrative Services shall submit to the Emergency Board a schedule of rentals proposed for the biennium beginning on July 1 of the next calendar year. Any changes in an existing schedule of rentals, or rentals for new buildings or facilities, are subject to approval by the Emergency Board. The Emergency Board shall recommend to the next **odd-numbered year** regular session of the Legislative Assembly that it appropriate for each agency occupying space in such a building or facility an amount sufficient to pay rentals required under the schedule as approved by the Emergency Board.

(2) The Emergency Board shall adopt a schedule of rentals for each biennium with respect to the State Capitol and the Supreme Court Building.

SECTION 37. ORS 293.640 is amended to read:

293.640. The biennial report of any state officer or agency required to be submitted to the Legislative Assembly or the Governor shall cover the biennial period closing on June 30 next preceding the **odd-numbered year** regular session of the Legislative Assembly.

SECTION 38. ORS 293.771 is amended to read:

293.771. The Oregon Investment Council shall report to the Governor and Legislative Assembly on the investment funds investment program at each **odd-numbered year** regular session of the Legislative Assembly and at other times as the council considers in the public interest.

SECTION 39. ORS 294.745 is amended to read:

294.745. The Employment Department shall investigate the experience of political subdivision participation in operations of the fund, including the relationship of fund receipts to fund expenditures and report the results of the investigation to the legislature at least 30 days prior to the [*date a regular session of the legislature is scheduled to convene*] **convening of the odd-numbered year regular session of the Legislative Assembly**. The report shall include any recommended changes in the provisions of ORS 293.701, 294.725 to 294.755 and 657.513.

SECTION 40. ORS 305.170 is amended to read:

305.170. The Department of Revenue:

(1) Shall see that complaints concerning the law may be heard, information as to its effects may be collected and all proper suggestions as to amendments may be made.

(2) Shall report to the Legislative Assembly, at each **odd-numbered year** regular session, the total amount of taxes collected in the state for state, county and municipal purposes.

(3) May investigate the tax laws of this and other states and the possible taxable resources of this state for the purpose of recommending to the legislature methods by which a more just and equitable system of taxation may be developed.

(4) Shall recommend to the Legislative Assembly at each **odd-numbered year** regular session such amendments of the Constitution or laws as may seem necessary to remedy injustice or irregularity in taxation, or to facilitate the assessment and collection of public taxes and revenues.

SECTION 41. ORS 329.165 is amended to read:

329.165. (1) In consultation with the advisory committee for the Oregon prekindergarten program, the Department of Education shall develop a long-range plan for serving eligible children and their families and shall report to each **odd-numbered year** regular session of the Legislative Assembly on the funds necessary to implement the long-range plan, including but not limited to regular programming costs, salary enhancements and program improvement grants. The department shall determine the rate of increase in funding for programs necessary each biennium to provide service to all children eligible for the prekindergarten program.

(2) Each biennial report shall include but not be limited to estimates of the number of eligible children and families to be served, projected cost of programs and evaluation of the programs.

SECTION 42. ORS 336.245 is amended to read:

336.245. The Department of Education, the Oregon University System and the Oregon Health Authority shall report to [*regular sessions*] **each odd-numbered year regular session** of the Legislative Assembly and to the Governor on the progress and effectiveness of the policies and plans described in ORS 336.222, 336.227 and 352.008 by submitting a copy of the report to the offices of the President of the Senate and the Speaker of the House of Representatives and to the Governor.

SECTION 43. ORS 336.475 is amended to read:

336.475. The Department of Education shall report to the Legislative Assembly at each **odd-numbered year** regular session on the implementation of courses on family life, human immunodeficiency virus and human sexuality. The report shall be based on the data in the school districts' annual assurance reports.

SECTION 44. ORS 357.015 is amended to read:

357.015. The Trustees of the State Library shall be the policy-making body for the State Library and shall:

(1) Appoint the State Librarian who shall be a graduate of a library school accredited by the American Library Association or who possesses the equivalent in training and experience and who shall serve at the pleasure of the trustees. Except as otherwise provided by law, the trustees shall fix the compensation of the State Librarian.

(2) Formulate general policies for the State Library and, pursuant to ORS chapter 183, adopt rules for its operation.

(3) Review and approve budget requests for the State Library.

(4) Adopt long-range plans for the statewide development and coordination of library service in consultation with libraries, state and local governments and the people of this state.

(5) At the beginning of each **odd-numbered year** regular session of the Legislative Assembly, advise the Governor and the Legislative Assembly on new programs or legislation necessary for effective library service for the people of this state.

(6) Have control of, use and administer the State Library Donation Fund for the benefit of the State Library, except that every gift, devise or bequest for a specific purpose shall be administered according to its terms.

SECTION 45. ORS 409.161 is amended to read:

409.161. (1) The Department of Human Services shall report to all relevant committees of the Legislative Assembly at each **odd-numbered year** regular session with respect to department employees in the classified service who directly provide:

- (a) Child welfare services under ORS 418.005;
- (b) Temporary assistance for needy families under ORS 412.006;
- (c) Nutritional assistance under ORS 411.816;
- (d) Medical assistance under ORS 411.404;
- (e) Services to elderly persons and to persons with disabilities under ORS 410.070 and 412.014;

and

(f) Vocational rehabilitation services under ORS 344.530.

(2) The report of the department under this section shall address each of the following:

- (a) Workload increases or decreases over the current biennium.
- (b) Workload efficiencies achieved during the current biennium.

(c) Notwithstanding ORS 291.371 (5), additional staffing needs or decreases in staffing needs that exist for the current biennium or that are projected for the next biennium, including a statement of the number of full-time equivalent positions that are vacant on the date the report is prepared or that can be double filled in order to meet any needs for additional staffing.

(3) As used in this section, "double filled" means that the department is using one budgeted full-time equivalent position to employ more than one employee.

SECTION 46. ORS 411.154 is amended to read:

411.154. The Department of Human Services shall report to each **odd-numbered year regular** session of the Legislative Assembly on the status and efficacy of:

- (1) The domestic violence identification process under ORS 411.117;
- (2) Emergency assistance utilization for victims of domestic violence; and
- (3) Domestic violence training for department staff, information sharing and evaluation.

SECTION 47. ORS 412.079 is amended to read:

412.079. (1) Except as provided in subsections (2) and (3) of this section, a needy caretaker relative may not receive aid under ORS 412.006 for more than a total of 60 months.

(2) The Department of Human Services may not count toward the 60-month limit on receipt of aid described in subsection (1) of this section any month in which a needy caretaker relative:

(a) Receives a grant of temporary assistance to needy families under ORS 412.001 to 412.069, or assistance funded under Title IV-A of the Social Security Act in this or another state, prior to July 1, 2003;

(b) Resides in an area described in 18 U.S.C. 1151, and 50 percent or more of the adult residents in the area are unemployed;

(c) Is, in that month, a minor child and neither the head of the household nor married to the head of the household;

(d) Receives aid under ORS 412.001 to 412.155 that is not funded with grants under Title IV-A of the Social Security Act;

(e) Is enrolled at an educational institution under ORS 412.016;

(f) Is exempt from time limits pursuant to rules adopted by the department in accordance with section 408(a)(7)(C) of the Social Security Act; or

(g) Is unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the federally required participation rates because the needy caretaker relative:

(A) Is a victim of domestic violence as defined in ORS 411.117;

- (B) Has a certified learning disability;
- (C) Has a mental health condition or an alcohol or drug abuse problem;
- (D) Has a disability as defined by the department by rule in a manner consistent with the definition of disability in the Americans with Disabilities Act;
- (E) Has a child with a disability;
- (F) Is deprived of needed medical care; or
- (G) Is subjected to battery or extreme cruelty as defined by the department by rule.

(3) A needy caretaker relative may not be denied aid on the basis of the 60-month limitation described in subsection (1) of this section if the individual is experiencing a situation described in subsection (2) of this section.

(4)(a) The Department of Human Services shall monitor the average period of time a person receives aid and shall record such information by family size. The department shall monitor the wages and benefits received by an individual who becomes employed while receiving aid, including medical and child care benefits. The department shall monitor and record the rate at which persons who cease receiving aid for employment subsequently apply for and receive aid.

(b) The department shall report the results of the monitoring required under paragraph (a) of this subsection to the Legislative Assembly not later than the 15th day of each *[legislative session]* **odd-numbered year regular session.**

SECTION 48. ORS 414.720 is amended to read:

414.720. (1) The Health Services Commission shall conduct public hearings prior to making the report described in subsection (3) of this section. The commission shall solicit testimony and information from advocates representing seniors, persons with disabilities, mental health services consumers and low-income Oregonians, representatives of commercial carriers, representatives of small and large Oregon employers and providers of health care, including but not limited to physicians licensed to practice medicine, dentists, oral surgeons, chiropractors, naturopaths, hospitals, clinics, pharmacists, nurses and allied health professionals.

(2) The commission shall actively solicit public involvement in a community meeting process to build a consensus on the values to be used to guide health resource allocation decisions.

(3) The commission shall report to the Governor a list of health services ranked by priority, from the most important to the least important, representing the comparative benefits of each service to the entire population to be served. The list submitted by the commission pursuant to this subsection is not subject to alteration by any other state agency. The recommendation may include practice guidelines reviewed and adopted by the commission pursuant to subsection (4) of this section.

(4) In order to encourage effective and efficient medical evaluation and treatment, the commission:

(a) May include clinical practice guidelines in its prioritized list of services. The commission shall actively solicit testimony and information from the medical community and the public to build a consensus on clinical practice guidelines developed by the commission.

(b) Shall consider both the clinical effectiveness and cost-effectiveness of health services in determining their relative importance using peer-reviewed medical literature as defined in ORS 743A.060.

(5) The commission shall make its report by July 1 of *[the year preceding each regular session of the Legislative Assembly]* **each even-numbered year** and shall submit a copy of its report to the Governor, the Speaker of the House of Representatives and the President of the Senate.

(6) The commission may alter the list during interim only under the following conditions:

(a) Technical changes due to errors and omissions; and

(b) Changes due to advancements in medical technology or new data regarding health outcomes.

(7) If a service is deleted or added and no new funding is required, the commission shall report to the Speaker of the House of Representatives and the President of the Senate. However, if a service to be added requires increased funding to avoid discontinuing another service, the commission must report to the Emergency Board to request the funding.

(8) The report listing services to be provided pursuant to ORS 411.404, 414.065, 414.705 to 414.725 and 414.735 to 414.750 shall remain in effect from October 1 of the odd-numbered year through September 30 of the next odd-numbered year.

SECTION 49. ORS 414.815 is amended to read:

414.815. (1) The Law Enforcement Medical Liability Account is established separate and distinct from the General Fund. Interest earned, if any, shall inure to the benefit of the account. The moneys in the Law Enforcement Medical Liability Account are appropriated continuously to the Oregon Health Authority to pay expenses in administering the account and paying claims out of the account as provided in ORS 414.807.

(2) The liability of the Law Enforcement Medical Liability Account is limited to funds accrued to the account from assessments collected under ORS 137.309 (6), (8) or (9), or collected from individuals under ORS 414.805.

(3) The authority may contract with persons experienced in medical claims processing to provide claims processing for the account.

(4) The authority shall adopt rules to implement administration of the Law Enforcement Medical Liability Account including, but not limited to, rules that establish reasonable deadlines for submission of claims.

(5) Each biennium, the Oregon Health Authority shall submit a report to the Legislative Assembly regarding the status of the Law Enforcement Medical Liability Account. Within 30 days of the convening of each [*regular legislative session*] **odd-numbered year regular session of the Legislative Assembly**, the authority shall submit the report to the chair of the Senate Judiciary Committee and the chair of the House Judiciary Committee. The report shall include, but is not limited to, the number of claims submitted and paid during the biennium and the amount of money in the fund at the time of the report.

SECTION 50. ORS 417.270 is amended to read:

417.270. (1) The Legislative Assembly hereby acknowledges that females under 18 years of age often lack equal access, both individually and as a group, when compared with males under 18 years of age, to the facilities, services and treatment available through human services and juvenile corrections programs provided by or funded by the State of Oregon.

(2) The Legislative Assembly therefore declares that, as a matter of statewide concern, it is in the best interests of the people of this state that equal access for both males and females under 18 years of age to appropriate facilities, services and treatment be available through all state agencies providing or funding human services and juvenile corrections programs for children and adolescents.

(3) Recognizing this concern, the Legislative Assembly further declares that:

(a) Any state administrative agency that regularly provides services to minors shall, when the agency submits its annual budget to the Legislative Assembly, specify the percentages of moneys allocated to, and expended for, the two separate groups, males under 18 years of age and females under 18 years of age;

(b) All state agencies providing human services and juvenile corrections programs shall identify existing disparities in the allocations of moneys and services to, and expended for, the two groups, males under 18 years of age and females under 18 years of age, and shall document such disparities, if any, for the purpose of reporting the information to the next **odd-numbered year regular** session of the Legislative Assembly; and

(c) The state agencies described in subsection (1) of this section shall:

(A) Develop a plan to implement equal access to appropriate services and treatment, based on presenting behaviors, for both males under 18 years of age and females under 18 years of age, by January 1, 1995; and

(B) Monitor the implementation and results of newly enacted legislation intended to improve services for females under 18 years of age.

(4) As used in subsection (3)(b) of this section, disparities include, but are not limited to, disparities in:

(a) The nature, extent and effectiveness of services offered for females under 18 years of age within the areas of teen pregnancy, physical and sexual abuse, alcohol and drug abuse, services offered for runaway and homeless females under 18 years of age and services offered for females under 18 years of age who are involved in gangs or other delinquent activity; and

(b) The equity of services offered to at-risk children and youth with respect to gender within the areas of physical and sexual abuse, alcohol and drug abuse and services offered to runaway and homeless children and youth.

SECTION 51. ORS 417.735 is amended to read:

417.735. (1) The State Commission on Children and Families shall promote the wellness of children and families at the state level and shall act in accordance with the principles, characteristics and values identified in ORS 417.708 to 417.725. The state commission shall provide no direct services.

(2)(a) Funds for local commissions shall consist of payments from moneys appropriated for local commissions to the State Commission on Children and Families by the Legislative Assembly. The state commission shall develop an equitable formula for the distribution of funds to counties or regions for services for children and families, and a minimum annual grant shall be provided to each county or region.

(b) The state commission shall provide technical assistance and research-based information to local commissions to support the development of county goals, performance measures and outcomes for services and programs.

(c) The state commission may withhold funds from a local commission if services and programs funded through the local commission do not meet appropriate performance measures and outcomes.

(3) The state commission shall:

(a) Set guidelines for the planning, coordination and delivery of services by local commissions in partnership with other planning bodies and agencies providing services for children and families. The guidelines shall be consistent with the key elements of the service system developed and implemented under ORS 417.705 to 417.801. In conjunction with other planning bodies and agencies providing social supports, the state commission shall use the local coordinated comprehensive plans to advise agencies, the Legislative Assembly and the Governor;

(b) Advise the Legislative Assembly and the Governor concerning possible solutions to problems facing children and families;

(c) In consultation with other agencies, identify high-level and intermediate outcomes relating to children and families and monitor the progress of local coordinated comprehensive plans in meeting intermediate outcome targets;

(d) Encourage the development of innovative projects, based on proven practices of effectiveness, that benefit children and families;

(e) Ensure that all services for children and families are integrated and evaluated according to their outcomes;

(f) Compile, analyze and distribute information that informs and supports statewide coordinated planning;

(g) Establish a uniform system of reporting and collecting statistical data from counties and other agencies serving children and families;

(h) Provide a process whereby the Department of Human Services, Oregon Health Authority, Juvenile Crime Prevention Advisory Committee, Oregon Youth Authority, Department of Education, Department of Community Colleges and Workforce Development, Employment Department, Housing and Community Services Department and Oregon Business Development Department review all findings from data collected by the local commissions through the local coordinated comprehensive plans. The information gathered in this review shall be considered by those agencies in designing future economic resources and services and in the coordination of services;

(i) Make recommendations to the Commission for Child Care for the development of the state's biennial child care plan; and

(j) Communicate information and policy advice on current research and proven practices of effectiveness, from both inside and outside the state, including successful local strategies, to local commissions, the Governor, the Legislative Assembly, state agencies and the public. The information shall include progress in meeting intermediate outcome targets identified in the local coordinated comprehensive plans.

(4)(a) The state commission shall develop a review and approval process for local coordinated comprehensive plans that includes:

(A) A requirement that the local plan has been approved by the board or boards of county commissioners;

(B) Assurance that the local plan meets essential criteria and approval required by appropriate entities and meets appropriate systems and planning connections; and

(C) Review of state expenditures of resources allocated to the local commissions on children and families.

(b) The state commission shall develop the process under this subsection in consultation with other entities involved in the review and approval process.

(c) The state commission shall act on any waiver request from a local commission within 90 days after receipt of the request.

(d) The state commission may disapprove a local plan for failure to address the elements described in paragraph (a) of this subsection within 90 days after receipt of the request.

(5) The state commission, in coordination with the local commissions on children and families, shall:

(a) Assist the local commissions in the development and implementation of performance measures and outcomes for evaluating services at the local level;

(b) Monitor the progress in meeting intermediate outcome targets in the local coordinated comprehensive plans;

(c) In conjunction with the Department of Human Services and using the staff resources and other resources of the state commission, educate, inform and provide technical assistance to local commissions, including but not limited to technical assistance with:

(A) Federal and state laws, regulations and rules, and changes therein, governing the use of federal and state funds;

(B) Facilitation;

(C) Planning;

(D) Policy development;

(E) Proven practices of effectiveness;

(F) Local systems development;

(G) Community problem solving and mobilization; and

(H) Other services, as appropriate;

(d) Conduct research and disseminate information to local commissions on children and families;

(e) Negotiate federal waivers in consultation with the Department of Human Services; and

(f) Develop a process for reviewing requests for waivers from requirements of the state commission. Requests for waivers shall be granted or denied as a part of the approval process for a local coordinated comprehensive plan. The state commission shall not grant a request for waiver that allows funds to be used for any purpose other than early childhood prevention, intervention and treatment programs.

(6) The state commission shall employ a staff director who shall be responsible for hiring and supervising any additional personnel necessary to assist the state commission in performing its duties. The staff director shall be responsible for management functions of the state commission subject to policy direction by the state commission.

(7) To the extent that federal funding is not jeopardized, the State Commission on Children and Families shall enter into an interagency agreement with the Department of Human Services in which they agree on a system to:

(a) Distribute all Title XX Social Services Block Grant funds;

(b) Ensure that federal and state requirements are met for federal funds administered by the state commission; and

(c) Carry out the necessary auditing, monitoring and information requirements for federal funds distributed by the state commission.

(8) In addition to the authority under subsection (5)(e) of this section, the state commission may direct the Department of Human Services or the appropriate state department providing services for children and families to negotiate federal waivers. If the Department of Human Services or any other state agency does not pursue a federal waiver recommended by the state commission, the state commission may ask the Governor to direct the Department of Human Services or other state agency to apply for and negotiate the waiver.

(9) If the Department of Human Services or any other state agency refuses to distribute state or federal funds as requested by the state commission, the state commission may ask the Governor to direct the Department of Human Services or other state agency to distribute the funds.

(10) The programs shall be funded as fully as possible by Title XX of the federal Social Security Act, consistent with the terms and conditions of the block grant program and the local coordinated comprehensive plans that reflect community priorities established by the local planning process.

(11) In conjunction with the Department of Human Services, the state commission, as soon as possible, shall develop a plan to re-engineer and integrate the data processing systems related to children's programs with the objective of making management information more accessible. The state commission shall make regular presentations to the Joint Legislative Committee on Information Management and Technology on its progress in developing and implementing the plan.

(12) Before each **odd-numbered year** regular session of the Legislative Assembly, the state commission shall report, to the Governor and to the appropriate joint interim committee as determined by the Speaker of the House of Representatives and the President of the Senate, the following:

(a) Any additional proposals contained in "A Positive Future for Oregon's Children and Families" by the 1991-1992 Oregon Children's Care Team Interim Task Force that should be undertaken;

(b) The status in all counties of local service systems related to the health and wellness of children and the adequacy of financial resources to deliver services;

(c) The progress in achieving desired outcomes, including but not limited to the statewide guidelines set by the state commission under ORS 417.710 (1);

(d) Barriers to achieving intermediate and high-level outcome targets as identified in local coordinated comprehensive plans;

(e) Proposed solutions to barriers identified under paragraph (d) of this subsection, including proven, effective and innovative strategies; and

(f) County and community mobilization to increase public awareness and involvement and funding of community determined priorities.

(13)(a) The state commission may solicit, accept and receive federal moneys or moneys or other property from persons or corporations, public or private, for the purpose of carrying out the provisions of ORS 417.705 to 417.801 and 419A.170.

(b) All federal moneys collected or received under paragraph (a) of this subsection shall be accepted and transferred or expended by the state commission upon such terms and conditions as are prescribed by the federal government.

(c) All moneys and other property accepted by the state commission under this subsection shall be transferred, expended or used upon such terms and conditions as are prescribed by the donor in a manner consistent with applicable law.

(14) The state commission shall:

(a) Implement the recommendations of the Juvenile Crime Prevention Advisory Committee, as approved by the Governor; and

(b) In cooperation with other state and federal agencies, coordinate technical assistance efforts on a statewide and county-specific basis relating to juvenile crime prevention programs and services.

(15) The state commission may contract with local governments or other entities to administer juvenile crime prevention programs and services. In accordance with the applicable provisions of ORS chapter 183, the state commission may adopt rules necessary for the administration of juvenile crime prevention programs and services.

SECTION 52. ORS 418.319 is amended to read:

418.319. For each federal fiscal year beginning on and after October 1, 1983, the Department of Human Services establishes as a goal that no more than 33 percent of the children receiving assistance in foster home or substitute care placements under Title 4E of the Social Security Act shall have been in such placement at any time during that fiscal year for a period in excess of 24 months. The department shall report to [*the regular session of the Legislative Assembly next following October 1*] **each odd-numbered year regular session of the Legislative Assembly** with its plan for achieving its goal and any plans for reducing the number or percentage of children in such placements during the period before the next October 1.

SECTION 53. ORS 420A.010 is amended to read:

420A.010. (1) The Oregon Youth Authority is established. The youth authority shall:

(a) Supervise the management and administration of youth correction facilities, state parole and probation services, community out-of-home placement for youth offenders committed to its legal custody and other functions related to state programs for youth corrections;

(b) Provide capital improvements and capital construction necessary for the implementation of all youth correction facilities;

(c) Carry out dispositions of youth offenders committed to its legal custody;

(d) Exercise custody and supervision over those youth offenders committed to the youth authority by order of the juvenile court and persons placed in the physical custody of the youth authority under ORS 137.124 or other statute until the time that a lawful release authority authorizes release or terminates the commitment or placement;

(e) Provide adequate food, clothing, health and medical care, sanitation and security for confined youth offenders and others in youth authority custody;

(f) Provide youth offenders and others in youth authority custody with opportunities for self-improvement and work; and

(g) Conduct investigations and prepare reports for release authorities.

(2) To meet the individual circumstances of each person committed to its custody, the youth authority shall:

(a) Develop a flexible fee-for-service provider system that can respond quickly to each person's identified and changing circumstances; and

(b) Develop a process for joint state and county review of contracts entered into under subsection (6)(b) of this section and paragraph (a) of this subsection based on:

(A) Measurable outcomes, which must include in dominant part the reduction of future criminal or antisocial conduct and which also must include:

(i) Academic progress;

(ii) Social adjustments;

(iii) Behavioral improvements;

(iv) Rearrests; and

(v) Other measurements as determined by the youth authority;

(B) Performance measurements including:

(i) Fiscal accountability;

(ii) Compliance with state and federal regulations;

(iii) Record keeping, including data collection and management; and

(iv) Reporting; and

(C) Provision of services identified under the reformation plan.

(3) In order to measure performance as required in subsection (2) of this section, the youth authority shall require parties to the contracts to compile, manage and exchange data to the extent

of available information systems resources to facilitate the measurement of outcomes including, but not limited to, reduction in future criminal or antisocial conduct.

(4) The youth authority may administer a program of state assistance to counties for the construction and operation of local youth detention facilities or to purchase detention services.

(5) The youth authority shall accept and exercise legal or physical custody of youth offenders and others 12 years of age and over and under 25 years of age who are committed to, or placed with, the youth authority pursuant to:

(a) A juvenile court adjudication and disposition under ORS chapter 419C; or

(b) ORS 137.124.

(6)(a) The youth authority shall cooperate with and assist county governments and juvenile departments in carrying out the principles and purposes of the juvenile justice system as provided in ORS 419C.001.

(b) The youth authority is authorized to contract with counties, groups of counties or private providers to administer juvenile corrections programs and services as provided in ORS 420.017, 420.019, 420A.145 and 420A.155 (1) to (4).

(c) The youth authority may provide consultation services related to the juvenile justice system to local or statewide public or private agencies, groups and individuals or may initiate such consultation services. Consultation services include, but are not limited to, conducting studies and surveys, sponsoring or participating in educational programs and providing advice and assistance. Nothing in ORS 419C.001 and 420A.005 to 420A.155 is intended to diminish the state's efforts to plan, evaluate and deliver effective human services programs to youth offenders, either in a youth correction facility or on probation or parole. Therefore, the Oregon Youth Authority and the Department of Human Services shall jointly develop and implement needed social and rehabilitative services.

(7) The youth authority is the recipient of all federal funds paid or to be paid to the state to enable the state to provide youth correction programs and services assigned to the Department of Human Services prior to January 1, 1996.

(8) The youth authority shall report its progress in implementing the provisions of chapter 422, Oregon Laws 1995, to the Legislative Assembly at each **odd-numbered year** regular session.

(9) The equal access provisions of ORS 417.270 apply to the youth authority's development and administration of youth correction facilities, programs and services, including the development and implementation of the statewide diversion plan described in ORS 420.017.

(10) The youth authority shall:

(a) Be cognizant of and sensitive to the issue of overrepresentation of minority youth offenders in youth correction facilities;

(b) Endeavor to develop and operate, and require its subcontractors to develop and operate, culturally appropriate programs for youth offenders; and

(c) Keep data reflecting the ethnicity and gender of all youth offenders committed to its care.

(11) The youth authority is a designated agency as defined in ORS 181.010.

SECTION 54. ORS 430.216 is amended to read:

430.216. (1) The Department of Human Services shall report to each **odd-numbered year** regular session of the Legislative Assembly:

(a) On the safety of individuals receiving developmental disability services including, but not limited to:

(A) The average turnover of direct care workers in service settings.

(B) A summary of the training provided by the department or its contractors to direct care workers in service settings.

(C) A summary of the core competencies required of direct care workers in service settings by the state for licensing or certification.

(D) A summary of the average wages of direct care workers in service settings, presented by type of services provided.

(E) The number of complaints of abuse filed as required by ORS 430.765 and received by the department under ORS 430.743, reported by type of allegation.

(F) The number of direct care workers in service settings who were subject to criminal or civil action involving an individual with a developmental disability.

(G) The number of deaths, serious injuries, sexual assaults and rapes alleged to have occurred in service settings.

(b) A schedule of all license fees and civil penalties established by the department by rule pursuant to ORS 441.995, 443.455 and 443.790.

(2) The department shall provide the report described in subsection (1)(a) of this section to the appropriate legislative committees, the Oregon Developmental Disabilities Council and to the agency designated to administer the state protection and advocacy system under ORS 192.517.

(3) As used in this section, "service settings" means any of the following that provide developmental disability services:

(a) An adult foster home as defined in ORS 443.705;

(b) A residential facility as defined in ORS 443.400;

(c) A location where home health services, as defined in ORS 443.005, are received by a resident;

(d) A location where in-home care services, as defined in ORS 443.305, are received by a resident;

(e) An institution under the control of the department under ORS 179.321; and

(f) A domiciliary care facility as defined in ORS 443.205.

SECTION 55. ORS 430.366 is amended to read:

430.366. (1) Every proposal for alcohol and drug abuse prevention, early intervention and treatment services received from an applicant shall contain:

(a) A clear statement of the goals and objectives of the program for the following fiscal year, including the number of persons to be served and methods of measuring the success of services rendered;

(b) A description of services to be funded; and

(c) A statement of the minorities to be served, if a minority program.

(2) Thirty days before the end of each fiscal year, every service funded under ORS 430.306, 430.338 to 430.380, 471.810, 473.030 and 473.050 shall file a concise progress report with the Oregon Health Authority, including a narrative statement of progress made in meeting its goals and objectives for the year.

(3) The authority shall assemble all progress reports received in each biennium and transmit them to the [succeeding] **odd-numbered year regular** session of the Legislative Assembly.

SECTION 56. ORS 442.205 is amended to read:

442.205. (1) The Administrator of the Office for Oregon Health Policy and Research shall by rule adopt a cost-based community benefit reporting system for hospitals operating in Oregon that is consistent with established national standards for hospital reporting of community benefits.

(2) Within 90 days of filing a Medicare cost report, a hospital must submit a community benefit report to the Office for Oregon Health Policy and Research of the community benefits provided by the hospital, on a form prescribed by the administrator.

(3) The administrator shall produce an annual report of the information provided under subsections (1) and (2) of this section. The report shall be submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives. The report shall be presented to the Legislative Assembly during each **odd-numbered year** regular session and shall be made available to the public.

(4) The administrator may adopt all rules necessary to carry out the provisions of this section.

SECTION 57. ORS 459A.015 is amended to read:

459A.015. The Environmental Quality Commission shall:

(1) Amend the state solid waste management plan to conform to the requirements of ORS 459.005, 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665.

(2) Review Department of Environmental Quality reports on compliance with and implementation of ORS 459.005, 459.015, 459.035, 459.250, 459.992 (1) and (2), 459.995 and 459A.005 to 459A.665.

(3) Submit [a report to each regular session of the Legislative Assembly consisting of] the report by the department on the statewide integrated solid waste management plan under ORS 459A.020 (2) to each **odd-numbered year regular session of the Legislative Assembly**.

SECTION 58. ORS 469.617 is amended to read:

469.617. The Director of the State Department of Energy shall prepare and submit to the Governor for transmittal to the Legislative Assembly, on or before the beginning of each **odd-numbered year** regular legislative session, a comprehensive report on the transportation of radioactive material in Oregon and provide an evaluation of the adequacy of the state's emergency response agencies. The report shall include, but need not be limited to:

(1) A brief description and compilation of any accidents and casualties involving the transportation of radioactive material in Oregon;

(2) An evaluation of the effectiveness of enforcement activities and the degree of compliance with applicable rules;

(3) A summary of outstanding problems confronting the State Department of Energy in administering ORS 469.550, 469.563, 469.603 to 469.619 and 469.992; and

(4) Such recommendations for additional legislation as the Energy Facility Siting Council considers necessary and appropriate.

SECTION 59. ORS 496.232 is amended to read:

496.232. (1) The Access and Habitat Board shall meet, adopt and recommend to the State Fish and Wildlife Commission, within 120 days after November 4, 1993, and at not more than 120-day intervals thereafter, access and habitat programs.

(2) The commission shall review such programs and may approve or disapprove the program recommendation by the board. Funds may be expended from the subaccount referred to in ORS 496.242 for projects that have been approved by the commission.

(3) The State Department of Fish and Wildlife and the board jointly shall submit to each [biennial] **odd-numbered year regular** session of the Legislative Assembly a report on expenditure of funds for the access and habitat programs and on the status of various projects.

(4) In recommending access and habitat programs, the board shall:

(a) Recommend a mix of projects that provides a balance between access and habitat benefits.

(b) Recommend projects that are to be implemented by volunteers under volunteer coordinators and nonprofit organizations engaged in approved access and habitat activities.

(c) Recommend programs that recognize and encourage the contributions of landowners to wildlife and programs that minimize the economic loss to those landowners.

(d) Encourage agreements with landowners who request damage control hunts to ensure public access to those hunts.

(e) Encourage projects that result in obtaining matching funds from other sources.

(5) All moneys made available for the access and habitat programs from surcharges received under section 19, chapter 659, Oregon Laws 1993, and from gifts and grants made to carry out the access and habitat programs may be expended only if the board so recommends and the commission so approves. Such amounts may be expended:

(a) On programs that benefit wildlife by improving habitat. These programs shall be in coordination with the Wildlife Division and shall be in addition to programs provided by federal funds. These programs may:

(A) Be on private lands.

(B) Provide seed and fertilizer to offset forage consumed by wildlife and for other programs that enhance forage.

(C) Be adjacent to agricultural and forest land to attract animals from those crops.

(b) On programs that promote access to public and private lands:

(A) Through contracting for various levels of management of these lands. These management programs may include:

(i) Creating hunting lease programs that provide access at present levels or stimulate new access.

(ii) Controlling access.

(iii) Opening vehicle access.

(iv) Promoting land exchanges.

(v) Promoting proper hunting behavior.

(B) Through the acquisition of easements.

(c) On programs that would provide for wildlife feeding to alleviate damage, to intercept wildlife before wildlife becomes involved in a damage situation and for practical food replacement in severe winters.

(d) On programs to coordinate volunteers to improve habitat, repair damage to fences or roads by wildlife or recreationists, monitor orderly hunter utilization of public and private lands and assist the Oregon State Police in law enforcement activities.

(e) On programs that provide for auction or raffle of tags to provide incentives for habitat or access.

(6) The board may accept, from whatever source, gifts or grants for the purposes of access and habitat. All moneys so accepted shall be deposited in the subaccount referred to in ORS 496.242. Unless otherwise required by the terms of a gift or grant, gifts or grants shall be expended as provided in subsection (5) of this section.

SECTION 60. ORS 496.289 is amended to read:

496.289. (1) The Restoration and Enhancement Board shall meet, adopt and recommend to the State Fish and Wildlife Commission, within 120 days after July 1, 1989, and at not more than 120-day intervals thereafter, fish restoration and enhancement programs.

(2) The commission shall review such programs and may approve or disapprove any or all program recommendations by the board. Funds may be expended from the subaccount referred to in ORS 496.283 for projects that have been approved by the commission.

(3) The State Department of Fish and Wildlife and the board jointly shall submit to each [*biennial*] **odd-numbered year regular** session of the Legislative Assembly a report on expenditure of funds for the fish restoration and enhancement program and on the status of various projects.

(4) In recommending fish restoration and enhancement programs, the board shall:

(a) Recommend a mix of projects that provide a balance between restoration and enhancement benefits.

(b) Recommend projects that are to be implemented by the salmon and trout enhancement program and nonprofit organizations engaged in approved restoration and enhancement activities.

(c) Encourage projects that result in obtaining matching funds from other sources.

(5) All moneys made available for the fish restoration and enhancement program from surcharges received under sections 4, 6 and 8, chapter 512, Oregon Laws 1989, and from gifts and grants made to carry out the fish restoration and enhancement program may be expended only if recommended by the board and approved by the commission. Such amounts may be expended:

(a) On programs benefiting the commercial fishing industry in the same proportion as revenues received from surcharges under sections 6 and 8, chapter 512, Oregon Laws 1989, bear to the total amount of surcharge revenues.

(b) On programs benefiting recreational angling in the same proportion as revenues received from the surcharge under section 4, chapter 512, Oregon Laws 1989, bear to the total amount of surcharge revenues.

(6) The board may accept, from whatever source, gifts or grants for the purposes of fish restoration and enhancement. All moneys so accepted shall be deposited in the subaccount referred to in ORS 496.283. Unless otherwise required by the terms of a gift or grant, gifts or grants shall be expended as provided in subsection (5) of this section.

(7) As used in this section:

(a) "Enhancement" includes, but is not limited to, the following activities:

(A) Angler access.

- (B) New fishways and screens.
- (C) Habitat.
- (D) New hatchery equipment and technology.
- (E) Public education.
- (F) Aquatic inventories.
- (b) "Restoration" includes, but is not limited to, the following activities:
 - (A) Modification of existing fishways and existing screens.
 - (B) Hatchery restoration.
 - (C) Liberation equipment.

SECTION 61. ORS 543A.415 is amended to read:

543A.415. (1) Except as provided in subsection (2) of this section, each holder of an existing hydroelectric license shall pay to the Water Resources Department annually a reauthorization fee in an amount per theoretical horsepower covered by the existing license that, when added to the amount per theoretical horsepower covered by the existing license that is paid under ORS 543.300, equals 28 cents for each horsepower covered by the existing license, or \$15, whichever is greater, for the purpose of implementing the state reauthorization process established by this chapter and ORS 468.065, 468B.040, 468B.045, 468B.046, 536.015, 536.050, 543.012 and 543.710. The reauthorization fee shall be paid until the project is reauthorized, and a water right issued, under this chapter and ORS 468.065, 468B.040, 468B.045, 468B.046, 536.015, 536.050, 543.012 and 543.710. Upon reauthorization and issuance of a water right, a new annual fee shall be assessed under ORS 543.300, and the reauthorization fee shall no longer apply.

(2) The department shall notify existing license holders of the amount of the fee described in subsection (1) of this section. The notice shall state the date by which the license holder must notify the department if the license holder does not intend to reauthorize the project. The department shall assess the fee described in subsection (1) of this section unless the license holder notifies the state that it does not intend to apply to reauthorize the project upon expiration of the license. The holder of an existing hydroelectric license that notifies the department that it does not intend to reauthorize the project need not pay the reauthorization fee and may not seek reauthorization of the project upon expiration of the existing license.

(3) The department shall submit a report to the Legislative Assembly during each [*legislative*] **odd-numbered year regular** session describing the department's use of reauthorization funds.

(4) Four cents of each 28 cents paid as a reauthorization fee as required by subsection (1) of this section shall be deposited to the Water Resources Department Hydroelectric Fund and disbursed to the Department of Environmental Quality.

SECTION 62. ORS 555.160 is amended to read:

555.160. The Water Resources Commission shall issue, on or before September 30 of [*the year preceding each regular session of the legislature*] **each even-numbered year**, a full report of the work of the commission under the provisions of ORS 555.010 to 555.160, including a statement of expenditures and condition of all funds, and such recommendations for legislation as are deemed advisable.

SECTION 63. ORS 624.121 is amended to read:

624.121. The Oregon Health Authority shall appoint a State Food Service Advisory Committee. The committee shall consist of volunteer representatives from a cross section of the food service industry, the general public, appropriate local and state groups, county environmental health specialists and other appropriate state agencies, including the State Department of Agriculture. In addition to such other duties as may be prescribed by the authority, the committee, not later than [*January 1 of each year in which a biennial session of the Legislative Assembly convenes*] **October 1 of each even-numbered year**, shall submit to the authority and the Legislative Assembly recommendations regarding the implementation of ORS 624.020, 624.060, 624.073, 624.495 and 624.510.

SECTION 64. ORS 634.550 is amended to read:

634.550. (1) There is created a Pesticide Analytical and Response Center with a governing board consisting of the following members:

- (a) The Director of Agriculture or designee.
- (b) The State Forester or designee.
- (c) The State Fish and Wildlife Director or designee.
- (d) The Director of the Department of Environmental Quality or designee.
- (e) The Director of the Oregon Health Authority or designee.
- (f) The Administrator of the Occupational Safety and Health Division or designee.
- (g) The State Fire Marshal or designee.
- (h) The Director of the Poison Control and Drug Information Program of the Oregon Health and Science University or designee.

(i) One citizen from the state at large appointed jointly by the Director of Agriculture and the Director of the Oregon Health Authority.

(2) The Director of Agriculture shall appoint an administrator for the Pesticide Analytical and Response Center, who shall be responsible to the board for performance of the duties of the center and the board.

(3) The Director of Agriculture or designee and the Director of the Oregon Health Authority or designee shall alternate as chairperson of the board for terms of one year each. When one is serving as chairperson, the other shall serve as vice chairperson.

(4) The board shall seek expert consultation from the extension service toxicology program, the Center for Research on Occupational and Environmental Toxicology and such other sources as may be needed.

(5) The functions of the board are to:

(a) Direct the activities and priorities of the administrator of the center.

(b) Centralize receiving of information relating to actual or alleged health and environmental incidents involving pesticides.

(c) Mobilize expertise necessary for timely and accurate investigation of pesticide incidents and analyses of associated samples.

(d) Identify trends and patterns of problems related to pesticide use.

(e) Make recommendations for action to a state agency when a majority of the board considers that such action may be warranted on the basis of the findings of an incident investigation or on the basis of identification of a trend or pattern of problems. Recommended actions may include, but not be limited to, regulatory action, modification of administrative rules, proposal of new legislation, public education and consultation to industry.

(f) Report in a standardized format the results of the investigations of pesticide incidents.

(g) Establish by consensus, procedures for carrying out its responsibilities within the limits of available resources.

(h) Prepare and submit to each **odd-numbered year regular** session of the Legislative Assembly a report of the activities of the center that includes a record of recommendations made by the board and the actions resulting from the board's work.

(6) Upon receipt of a recommendation from the board, a state agency shall respond in a timely manner to inform the board of actions taken or the reasons for taking no action on the recommendation.

(7) Any medical information received by a member of the board or by a staff member of the center in the course of carrying out the duties of the center or the board shall be held confidential as provided in ORS 192.518 to 192.529 and 433.008.

(8) The functions of the board do not supersede the regulatory authority of any agency and are not in lieu of the regulatory authority of any agency.

SECTION 65. ORS 810.434 is amended to read:

810.434. (1) Any city may, at its own cost, operate cameras designed to photograph drivers who violate ORS 811.265 by failing to obey a traffic control device.

(2) Cameras operated under this section may be mounted on street lights or put in other suitable places.

(3) A city that chooses to operate a camera shall:

(a) Provide a public information campaign to inform local drivers about the use of cameras before citations are actually issued; and

(b) Once each biennium, conduct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:

- (A) The effect of the use of cameras on traffic safety;
- (B) The degree of public acceptance of the use of cameras; and
- (C) The process of administration of the use of cameras.

(4) By March 1 of [*the year of each regular session of the Legislative Assembly*] **each odd-numbered year**, each city that operates a camera under this section shall present to the Legislative Assembly the process and outcome evaluation conducted by the city under subsection (3) of this section.

SECTION 66. ORS 810.438, as amended by section 9, chapter 30, Oregon Laws 2010, is amended to read:

810.438. (1) The following jurisdictions may, at their own cost, operate photo radar:

- (a) Albany.
- (b) Beaverton.
- (c) Bend.
- (d) Eugene.
- (e) Gladstone.
- (f) Medford.
- (g) Milwaukie.
- (h) Oregon City.
- (i) Portland.
- (j) Tigard.

(2) A photo radar system operated under this section:

- (a) May be used on streets in residential areas or school zones.
- (b) May be used in other areas if the governing body of the city makes a finding that speeding has had a negative impact on traffic safety in those areas.
- (c) May not be used for more than four hours per day in any one location.
- (d) May not be used on controlled access highways.
- (e) May not be used unless a sign is posted announcing "Traffic Laws Photo Enforced." The sign posted under this paragraph must:

- (A) Be on the street on which the photo radar unit is being used;
- (B) Be between 100 and 400 yards before the location of the photo radar unit;
- (C) Be at least two feet above ground level; and
- (D) If posted in a school zone not otherwise marked by a flashing light used as a traffic control device, indicate that school is in session.

(3) A city that operates a photo radar system under this section shall, once each biennium, conduct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:

- (a) The effect of the use of the photo radar system on traffic safety;
- (b) The degree of public acceptance of the use of the photo radar system; and
- (c) The process of administration of the use of the photo radar system.

(4) By March 1 of [*the year of each regular session of the Legislative Assembly*] **each odd-numbered year**:

(a) The Department of Transportation shall provide to the Legislative Assembly an executive summary of the process and outcome evaluations conducted under subsection (3) of this section; and

(b) Each city that operates a photo radar system under this section shall present to the Legislative Assembly the process and outcome evaluation conducted by the city under subsection (3) of this section.

SECTION 67. ORS 825.482 is amended to read:

825.482. The Department of Transportation and the Oregon Transportation Commission shall review flat fee rates established under ORS 825.480 in each even-numbered year and shall recommend to [each] **the next following odd-numbered year** regular session of the Legislative Assembly any adjustments to the flat fee rates that the department and the commission deem appropriate.

SECTION 68. Section 23, chapter 865, Oregon Laws 2009, is amended to read:

Sec. 23. (1) The Department of Transportation shall undertake a pilot project to contract out all maintenance activities on a segment of the state highway that is at least 10 miles in length and no longer than 30 miles in length.

(2) No later than February 1, 2010, the department, through the Oregon Innovative Partnerships Program, shall prepare plans and specifications to conduct the procurement of contracts and begin procuring contracts.

(3) No later than June 1, 2010, the department shall implement the contracts procured under subsection (2) of this section.

(4) The department is encouraged to research successful programs in other states to determine best practices for carrying out the pilot project and replicate the best practices as much as practicable.

(5) The department shall continue the pilot project for at least six years from the date the contracts are entered into.

(6) The department shall submit, during each **odd-numbered year** regular session of the Legislative Assembly, a biennial report summarizing the progress toward achieving the goals of this section to the House and Senate committees related to business and labor and to the appropriate subcommittee of the Joint Committee on Ways and Means that considers the agency's budget.

CONFERENCES AND MEETINGS TO BE HELD BIENNIALY

SECTION 69. ORS 1.740 is amended to read:

1.740. In the exercise of its power under ORS 1.735, the council:

(1) May employ or contract with any person or persons, as the council considers necessary, to assist the council; and

(2) Shall endeavor to hold at least one public hearing in each of the congressional districts of the state during the period between [regular legislative sessions] **odd-numbered year regular sessions of the Legislative Assembly.**

SECTION 70. ORS 246.140 is amended to read:

246.140. (1) In carrying out the responsibility under ORS 246.110, the Secretary of State[, *not later than December 31 following the date of adjournment of the regular session of the Legislative Assembly,*] **biennially** shall organize and conduct at convenient places and times in this state at least three conferences on the administration of the election laws.

(2) The Secretary of State shall conduct the conferences described in subsection (1) of this section not later than December 31 of an odd-numbered year following adjournment sine die of that year's Legislative Assembly.

[2)] (3) The Secretary of State shall give written notice of the place and time of each conference to each county clerk.

[3)] (4) Each county clerk or designated deputy shall attend at least one of the conferences and shall comply with the instructions given under the authority of the Secretary of State at each conference the county clerk or deputy attends.

MISCELLANEOUS PROVISIONS

SECTION 71. ORS 171.460 is amended to read:

171.460. (1) Upon receipt of the complaint, the Secretary of State shall conduct an investigation to determine whether there is probable cause to believe that the alleged violation occurred, and that it was both deliberate and capable of having some possible effect upon the election.

(2) Upon a finding of probable cause, the Secretary of State shall report the finding [to the Legislative Assembly that will convene on the second Monday in January by delivery] to the Secretary of the Senate or Chief Clerk of the House of Representatives, as appropriate, at least five days prior to the convening of the **odd-numbered year** regular session of the **Legislative Assembly**.

(3) The findings under this section are a public record available for public inspection.

(4) Action under this section is in addition to and not in lieu of action under ORS 260.345.

SECTION 72. ORS 177.120 is amended to read:

177.120. (1) The Secretary of State shall compile and issue [biennially] on or about February 15 of [the same year as the regular sessions of the Legislative Assembly] **each odd-numbered year**, an official directory of all state officers, state institutions, boards and commissions and district and county officers of the state, to be known as the Oregon Blue Book, and include therein the information regarding their functions that the secretary considers most valuable to the people of the state, together with such other data and information as usually is included in similar publications. The Secretary of State may cause the Oregon Blue Book to be copyrighted.

(2) In order to fully carry out the intent and purposes of this section, the Secretary of State may request of any state, district and county officials any information concerning their offices, institutions or departments that the secretary desires to include in the Oregon Blue Book. The officials shall furnish the information.

(3) The Secretary of State may distribute the Oregon Blue Book free of charge, under such regulations as the secretary may establish, to schools and to federal, state, county and city officials of the State of Oregon. The copies distributed under this subsection shall not be sold.

(4) The Secretary of State shall determine a reasonable price, and charge such price, for each copy of the Oregon Blue Book distributed to the general public. The secretary may also establish a discount price for dealers and shall set the price for resale by dealers in order to maintain a uniform price. The sum collected shall be paid over to the State Treasurer and credited to the Secretary of State Miscellaneous Receipts Account established under ORS 279A.290.

SECTION 73. ORS 177.180 is amended to read:

177.180. (1) The Secretary of State shall designate one person employed by the Division of Audits of the Office of the Secretary of State to be responsible for reports of waste, inefficiency or abuse received through the Government Waste Hotline or received by the secretary through any other method. The person designated under this section shall log all reports received.

(2) Notwithstanding any other provision of law, the identity of any person making a report under ORS 177.170 is confidential. A report of waste, inefficiency or abuse received under ORS 177.170 and any resulting investigation are confidential unless the Secretary of State finds that waste, inefficiency or abuse has occurred and reports these findings as provided under subsection (4) of this section. If the Secretary of State finds that waste, inefficiency or abuse has occurred, a report of waste, inefficiency or abuse and any resulting investigation are confidential until the investigation described in subsection (3) of this section is complete.

(3) The secretary shall conduct an initial investigation of each report of waste, inefficiency or abuse made under ORS 177.170. Following the initial investigation, the secretary shall determine which reports shall be investigated further and assign the investigation to audit staff qualified to conduct waste, inefficiency and abuse investigations. The secretary may audit any state agency if it appears that officers or employees of the agency, or persons under contract with the agency, are engaging in activities that constitute waste, inefficiency or abuse. Notwithstanding subsection (2) of this section:

(a) If the secretary determines during the investigation that a violation of any provision of ORS chapter 244 may be occurring or may have occurred, the secretary shall notify the Oregon Government Ethics Commission of the potential violation; and

(b) If the secretary determines during the investigation that fraud or other criminal activity may be occurring or may have occurred, the secretary shall notify the appropriate law enforcement agency of the potential fraud or other criminal activity.

(4) Subject to the confidentiality requirements of subsection (2) of this section, upon completion of an investigation under this section:

(a) The secretary shall determine in writing whether officers or employees of a state agency, or persons under contract with a state agency, are engaging in activities that constitute waste, inefficiency or abuse. The written determination may include other information about the nature of the investigation or the secretary's determination.

(b) If the secretary finds that waste, inefficiency or abuse has occurred, upon request of the person who made the report under ORS 177.170, the secretary shall provide the person with a copy of the determination and any other information included by the secretary.

(c) If the secretary determines that officers or employees of another state agency or public body, or persons under contract with a state agency or public body, are involved in activities that constitute waste, inefficiency or abuse, the secretary shall notify the state agency or public body of the determination and deliver a copy of the secretary's findings to the agency or body.

(5) A written determination prepared by the secretary under this section is a public record.

(6) The secretary shall prepare an annual report and submit it to each regular session of the Legislative Assembly [*and to appropriate interim committees of the Legislative Assembly*]. The report shall describe the number, nature and resolution of reports made under ORS 177.170 and shall identify savings resulting from improved efficiencies or the elimination of waste or abuse resulting from reports received and investigations conducted under this section and ORS 177.170. The report shall also list the number and nature of any positive reports received relating to state agencies, state employees or persons under contract with state agencies.

SECTION 74. ORS 260.076 is amended to read:

260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or candidate's principal campaign committee, shall file statements showing contributions received by or on behalf of the official, candidate or committee during the period beginning January 1 [*immediately preceding a regular biennial session of the Legislative Assembly*] and ending upon adjournment of the regular [*biennial*] session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(2) The Governor, Governor-elect or a candidate for Governor, or the principal campaign committee of the Governor, Governor-elect or candidate, shall file statements showing contributions received by or on behalf of the Governor, Governor-elect, candidate or committee during the period beginning January 1 [*immediately preceding a regular biennial session of the Legislative Assembly*] and ending 30 business days following adjournment of the regular [*biennial*] session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(3) A person or political committee affiliated with a political party, caucus of either house of the Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or candidate for Governor shall file statements showing contributions received by the person or committee on behalf of a legislative official, statewide official or candidate therefor, during the period beginning January 1 [*immediately preceding a regular biennial session of the Legislative Assembly*] and ending upon adjournment of the regular [*biennial*] session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(4) A person or political committee affiliated with a political party, caucus of either house of the Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or candidate for Governor shall file statements showing contributions received by the person or committee on behalf of the Governor, Governor-elect or candidate for Governor, during the period beginning January 1 [*immediately preceding a regular biennial session of the Legislative Assembly*] and ending 30 business days following adjournment of the regular [*biennial*] session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(5) A statement described in subsections (1) to (4) of this section shall be filed with the Secretary of State on a form prescribed by the secretary. For contributions received during the period beginning on January 1 [*immediately preceding a regular biennial session of the Legislative Assembly*] and ending on the first day of the regular [*biennial*] session, a statement shall be filed not later than two business days after the first day of the regular [*biennial*] session. For contributions received on or after the first day of the regular [*biennial*] session, a statement shall be filed not later than two business days after the date a contribution is received. For contributions received during any special session of the Legislative Assembly, a statement shall be filed not later than two business days after the date a contribution is received.

(6) If a statement has been filed under subsections (1) to (4) of this section, the next statement filed by the Governor, Governor-elect, official, candidate, principal campaign committee or other political committee under ORS 260.057 shall include the contributions reported in statements filed under this section.

(7) This section applies notwithstanding the filing of a certificate under ORS 260.112.

(8) As used in this section:

(a) "Legislative official" means any member or member-elect of the Legislative Assembly.

(b) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public Instruction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

SECTION 75. Section 2, chapter 30, Oregon Laws 2008, is amended to read:

Sec. 2. (1) The Department of Transportation shall prepare and submit an annual report to each regular session of the Legislative Assembly [*and to the appropriate interim committees of the Legislative Assembly*]. The report shall describe the effects of the implementation of chapter 1, Oregon Laws 2008, by including data and analysis on:

(a) The fiscal impact of chapter 1, Oregon Laws 2008.

(b) Changes in the rates of uninsured drivers in Oregon.

(c) Changes in the rates of unlicensed drivers in Oregon.

(d) Changes in the number of accidents occurring in Oregon, particularly accidents that involve:

(A) Injuries or fatalities when an uninsured or unlicensed driver is involved; and

(B) Multiple-passenger accidents related to the transportation of laborers.

(e) Any trends in the information described in paragraphs (a) to (d) of this subsection, as compared to previous reports.

(2) Reports under this section shall be made in the manner provided by ORS 192.245.

SECTION 76. **The unit captions used in this 2011 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2011 Act.**

SECTION 77. **This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.**

Passed by Senate June 1, 2011

.....
Robert Taylor, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 16, 2011

.....
Bruce Hanna, Speaker of House

.....
Arnie Roblan, Speaker of House

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

.....
Kate Brown, Secretary of State