

Enrolled
Senate Bill 440

Sponsored by Senator COURTNEY; Senators MONNES ANDERSON, ROSENBAUM, VERGER
(Presession filed.)

CHAPTER

AN ACT

Relating to the operation of public bodies with appointed members; creating new provisions; amending ORS 171.857, 173.315, 173.500, 184.486, 192.549, 192.670, 284.706, 285A.091, 409.520, 417.845, 442.830, 455.144, 455.492, 468A.220, 480.540, 507.050, 660.321 and 693.125 and section 8, chapter 802, Oregon Laws 2007, and section 1, chapter 782, Oregon Laws 2009; repealing ORS 171.865, 171.867 and 541.407; and declaring an emergency.

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

SECTION 1. (1) **A state board or commission may meet through telephone or other electronic means in accordance with ORS 192.610 to 192.690.**

(2)(a) **Notwithstanding ORS 171.072 or 292.495, a member of a state board or commission who attends a meeting through telephone or other electronic means is not entitled to compensation or reimbursement for expenses for attending the meeting.**

(b) **A state board or commission may compensate or reimburse a member, other than a member who is a member of the Legislative Assembly, who attends a meeting through telephone or other electronic means as provided in ORS 292.495 at the discretion of the board or commission.**

SECTION 2. ORS 192.670 is amended to read:

192.670. (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where, **or at least one electronic means by which**, the public can listen to the communication at the time it occurs [*by means of speakers or other devices*]. [*The*] **A** place provided may be a place where no member of the governing body of the public body is present.

SECTION 3. ORS 442.830 is amended to read:

442.830. (1) There is established the Oregon Patient Safety Commission Board of Directors consisting of 17 members, including the Public Health Officer and 16 directors who shall be appointed by the Governor and who shall be confirmed by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(2) Membership on the board shall reflect the diversity of facilities, providers, insurers, purchasers and consumers that are involved in patient safety. Directors shall demonstrate interest, knowledge or experience in the area of patient safety.

(3) The membership of the board shall be as follows:

- (a) The Public Health Officer or the officer's designee;
- (b) One faculty member, who is not involved in the direct delivery of health care, of the Oregon University System or a private Oregon university;
- (c) Two representatives of group purchasers of health care, one of whom shall be employed by a state or other governmental entity and neither of whom may provide direct health care services or have an immediate family member who is involved in the delivery of health care;
- (d) Two representatives of health care consumers, neither of whom may provide direct health care services or have an immediate family member who is involved in the delivery of health care;
- (e) Two representatives of health insurers, including a representative of a domestic not-for-profit health care service contractor, a representative of a domestic insurance company licensed to transact health insurance or a representative of a health maintenance organization;
- (f) One representative of a statewide or national labor organization;
- (g) Two physicians licensed under ORS chapter 677 who are in active practice;
- (h) Two hospital administrators or their designees;
- (i) One pharmacist licensed under ORS chapter 689;
- (j) One representative of an ambulatory surgical center or an outpatient renal dialysis facility;
- (k) One nurse licensed under ORS chapter 678 who is in active clinical practice; and
- (L) One nursing home administrator licensed under ORS chapter 678 or one nursing home director of nursing services.

(4) The term of office of each director appointed by the Governor is four years. Before the expiration of the term of a director, the Governor shall appoint a successor whose term begins on [October 1] **July 2** next following. A director is eligible for reappointment for an additional term. If there is a vacancy for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term. The board shall nominate a slate of candidates whenever a vacancy occurs or is announced and shall forward the recommended candidates to the Governor for consideration.

(5) The board shall select one of its members as chairperson and another as vice chairperson for the terms and with the duties and powers as the board considers necessary for performance of the functions of those offices. The board shall adopt bylaws as necessary for the efficient and effective operation of the commission.

(6) The Governor may remove any member of the board at any time at the pleasure of the Governor, but not more than eight directors shall be removed within a period of four years, unless it is for corrupt conduct in office. The board may remove a director as specified in the commission bylaws.

(7) The board may appoint subcommittees and advisory groups as needed to assist the board, including but not limited to one or more consumer advisory groups and technical advisory groups. The technical advisory groups shall include physicians, nurses and other licensed or certified professionals with specialty knowledge and experience as necessary to assist the board.

(8) No voting member of the board may be an employee of the commission.

SECTION 4. ORS 192.549 is amended to read:

192.549. (1) The Advisory Committee on Genetic Privacy and Research is established consisting of 15 members. The President of the Senate and the Speaker of the House of Representatives shall each appoint one member and one alternate. The Director of the Oregon Health Authority shall appoint one representative and one alternate from each of the following categories:

- (a) Academic institutions involved in genetic research;
- (b) Physicians licensed under ORS chapter 677;
- (c) Voluntary organizations involved in the development of public policy on issues related to genetic privacy;
- (d) Hospitals;
- (e) The Department of Consumer and Business Services;
- (f) The Oregon Health Authority;
- (g) Health care service contractors involved in genetic and health services research;

- (h) The biosciences industry;
- (i) The pharmaceutical industry;
- (j) Health care consumers;
- (k) Organizations advocating for privacy of medical information;
- (L) Public members of institutional review boards; and
- (m) Organizations or individuals promoting public education about genetic research and genetic privacy and public involvement in policymaking related to genetic research and genetic privacy.

(2) Organizations and individuals representing the categories listed in subsection (1) of this section may recommend nominees for membership on the advisory committee to the President, the Speaker and the director.

(3) Members and alternate members of the advisory committee serve two-year terms and may be reappointed.

(4) Members and alternate members of the advisory committee serve at the pleasure of the appointing entity.

(5) Notwithstanding ORS 171.072, members and alternate members of the advisory committee who are members of the Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the advisory committee. Other members and alternate members of the advisory committee are not entitled to compensation or reimbursement for expenses and serve as volunteers on the advisory committee.

[5] (6) The Oregon Health Authority shall provide staff for the advisory committee.

[6] (7) The advisory committee shall report biennially to the Legislative Assembly in the manner provided by ORS 192.245. The report shall include the activities and the results of any studies conducted by the advisory committee. The advisory committee may make any recommendations for legislative changes deemed necessary by the advisory committee.

[7] (8) The advisory committee shall study the use and disclosure of genetic information and shall develop and refine a legal framework that defines the rights of individuals whose DNA samples and genetic information are collected, stored, analyzed and disclosed.

[8] (9) The advisory committee shall create opportunities for public education on the scientific, legal and ethical development within the fields of genetic privacy and research. The advisory committee shall also elicit public input on these matters. The advisory committee shall make reasonable efforts to obtain public input that is representative of the diversity of opinion on this subject. The advisory committee's recommendations to the Legislative Assembly shall take into consideration public concerns and values related to these matters.

SECTION 5. ORS 285A.091 is amended to read:

285A.091. (1) The Oregon Infrastructure Finance Authority Board is created as a policy-making and advisory body within the Oregon Business Development Department. The board consists of nine members as follows:

- (a) One nonvoting member appointed from members of the Senate by the President of the Senate;
- (b) One nonvoting member appointed from members of the House of Representatives by the Speaker of the House of Representatives;

(c) One member appointed by the State Treasurer; and

(d) Six members appointed by the Governor.

(2) Persons appointed members of the board must be Oregon residents, well qualified by experience to make policy and recommendations in areas of concern to the Oregon Infrastructure Finance Authority and to perform the duties of office. Members shall be appointed with consideration given to knowledge and experience:

(a) In the field of state and municipal finance;

(b) Of the infrastructure and public works needs in Oregon cities;

(c) Of the infrastructure and public works needs in Oregon counties;

(d) Of issues related to ports that affect the state;

(e) Of issues related to special service district services furnished across the state; and

(f) Of infrastructure and public works necessary to further Oregon's long term economic growth.

(3) The office of the State Treasurer may recommend persons with expertise in the field of state and municipal finance for membership on the board.

(4) The term of a member of the board appointed by the Governor, the State Treasurer or the President of the Senate is four years. The term of a member appointed by the Speaker of the House of Representatives is two years.

(5) In case of a vacancy on the board for any cause, the appointing authority shall appoint a successor to serve for the unexpired term.

(6) A member of the board may be appointed to serve two consecutive terms. A member who serves two consecutive terms is not eligible for reappointment within one year following the expiration of the second term.

(7) The board shall select one of its members to chair the board for such term and with duties and powers necessary to perform the functions of the office as the board determines.

(8) A majority of the voting members of the board constitutes a quorum for the transaction of business.

(9) Notwithstanding ORS 171.072, members of the board who are members of the Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the board.

(10) Members of the board who are not members of the Legislative Assembly are entitled to compensation and reimbursement for expenses as provided in ORS 292.495.

SECTION 6. ORS 409.520 is amended to read:

409.520. (1) The Pain Management Commission shall consist of 19 members as follows:

(a) Seventeen members shall be appointed by the Director of the Oregon Health Authority. Prior to making appointments, the director shall request and consider recommendations from individuals and public and private agencies and organizations with experience or a demonstrated interest in pain management issues, including but not limited to:

(A) Physicians licensed under ORS chapter 677 or organizations representing physicians;

(B) Nurses licensed under ORS chapter 678 or organizations representing nurses;

(C) Psychologists licensed under ORS 675.010 to 675.150 or organizations representing psychologists;

(D) Physician assistants licensed under ORS chapter 677 or organizations representing physician assistants;

(E) Chiropractic physicians licensed under ORS chapter 684 or organizations representing chiropractic physicians;

(F) Naturopaths licensed under ORS chapter 685 or organizations representing naturopaths;

(G) Clinical social workers licensed under ORS 675.530 or organizations representing clinical social workers;

(H) Acupuncturists licensed under ORS 677.759;

(I) Pharmacists licensed under ORS chapter 689;

(J) Palliative care professionals or organizations representing palliative care professionals;

(K) Mental health professionals or organizations representing mental health professionals;

(L) Health care consumers or organizations representing health care consumers;

(M) Hospitals and health plans or organizations representing hospitals and health plans;

(N) Patients or advocacy groups representing patients;

(O) Dentists licensed under ORS chapter 679;

(P) Occupational therapists licensed under ORS 675.210 to 675.340;

(Q) Physical therapists licensed under ORS 688.010 to 688.201; and

(R) Members of the public.

(b) Two members shall be members of a legislative committee with jurisdiction over human services issues, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. Both members shall be nonvoting, ex officio members of the commission.

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

(3) Members of the commission are not entitled to compensation or reimbursement for expenses and serve as volunteers on the commission.

SECTION 7. ORS 417.845 is amended to read:

417.845. (1) The Juvenile Crime Prevention Advisory Committee is created within the State Commission on Children and Families.

(2) The committee shall have the following members:

(a) The Director of the Oregon Youth Authority or a designee of the director;

(b) The staff director of the State Commission on Children and Families or a designee of the staff director;

(c) The Director of the Oregon Health Authority or one or more designees of the director, one of whom has expertise in treatment and prevention of substance abuse;

(d) The executive director of the Oregon Criminal Justice Commission or a designee of the executive director;

(e) The Superintendent of Public Instruction or a designee of the superintendent;

(f) The Superintendent of State Police or a designee of the superintendent;

(g) The Director of the Department of Corrections or a designee of the director;

(h) One designee of the Governor;

(i) One member appointed by the President of the Senate, who shall be a member of the Senate and who shall be a nonvoting, advisory member;

(j) One member appointed by the Speaker of the House of Representatives, who shall be a member of the House of Representatives and who shall be a nonvoting, advisory member; and

(k) One designee of the Chief Justice of the Supreme Court from the Judicial Department who serves as a nonvoting member to provide information and support the partnership role of the courts in an effective comprehensive statewide approach to high-risk youth and their families.

(3) In addition to the members listed in subsection (2) of this section, the Governor shall appoint the following members who shall be representative of the geographic and cultural diversity of the state:

(a) To represent local public and private entities:

(A) A county commissioner;

(B) A local juvenile director;

(C) A director of a local commission on children and families;

(D) Two law enforcement officials;

(E) A county mental health director;

(F) An alcohol and drug abuse professional;

(G) A school superintendent;

(H) A private youth service provider; and

(I) An elected city official;

(b) A researcher;

(c) A citizen member; and

(d) Other members as determined by the Governor.

(4) Each member of the committee appointed by the Governor under subsection (3) of this section shall serve a term of four years. Members appointed by the Governor shall serve at the pleasure of the Governor. A vacancy in the office of any member appointed by the Governor under subsection (3) of this section shall be filled by the Governor by appointment for the unexpired term.

(5) The Governor shall select one of the members of the committee as chairperson and one of its members as vice chairperson.

(6) The committee shall meet at times, places and intervals deemed advisable by a majority of the members.

(7) The State Commission on Children and Families shall provide staff support to the committee.

(8) Members of the committee who are members of the Legislative Assembly are entitled to compensation and reimbursement of expenses as provided in ORS 171.072.

(9) Members of the committee who are not members of the Legislative Assembly are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to the State Commission on Children and Families for purposes of the committee.

SECTION 8. ORS 660.321 is amended to read:

660.321. (1) A State Workforce Investment Board shall be created under section 2821(b) and (c) of the Workforce Investment Act of 1998 to assist in the development of the State Unified Workforce Plan established under ORS 660.324 and to carry out the other functions described by the federal Act.

(2) The membership of the board [*shall*] **must** be in accordance with the requirements of section 2821(b) of the federal Act.

(3) Representatives of business described in section 2821(b)(1)(C)(i) of the federal Act who are appointed to the board [*shall*] **must** be confirmed by the Senate in the manner prescribed under ORS 171.562 and 171.565.

(4) The Governor shall select a chairperson in accordance with the requirements of section 2821(c) of the federal Act.

(5) A majority of the board [*shall*] **must** be representatives of business, as described in section 2821(b)(1)(C)(i) of the federal Act.

(6) Members of the Legislative Assembly appointed to the board are nonvoting members of the board and may act in an advisory capacity only.

(7) To transact business at a meeting of the board, a quorum of voting members must participate. A quorum [*shall consist*] **consists** of a majority of the voting members. At least 25 percent of the members participating [*shall*] **must** be representatives of business, as described in section 2821(b)(1)(C)(i) of the federal Act.

(8) Members of the board are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided for in ORS 292.495.

SECTION 9. 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 **who are not members of the Legislative Assembly** 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) Members of the council who are members of the Legislative Assembly are entitled to compensation and expense reimbursement as provided in ORS 171.072.

[5] (6) 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] (7) A majority of the voting members of the council constitutes a quorum for the transaction of business.

[7] (8) 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] (9) 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 of the Legislative Assembly.

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

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

[11] (12) 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.

SECTION 10. ORS 173.500 is amended to read:

173.500. (1) There is established within the legislative department the Oregon State Capitol Foundation. The foundation shall be composed of not fewer than nine and not more than 25 voting members, who shall each serve a term of four years. The President of the Senate shall appoint three voting members from members of the Senate. The Speaker of the House of Representatives shall appoint three voting members from members of the House of Representatives. The Legislative Administration Committee shall appoint the remaining voting members. A member is eligible for reappointment. At all times there shall be appointed to the foundation an odd number of voting members. The foundation may appoint honorary, nonvoting members to the foundation.

(2) The Oregon State Capitol Foundation shall:

(a) Advise the Legislative Administration Committee on the terms and conditions of contracts or agreements entered into under ORS 276.002.

(b) Recommend to the committee renovations, repairs and additions to the State Capitol.

(c) Recommend to the committee exhibits and events for the State Capitol.

(d) Deposit gifts, grants, donations and moneys converted from gifts or donations of other than money into separate trust accounts reserved for the purposes of the gifts, grants and donations.

(e) Develop, maintain and implement plans to:

(A) Enhance and embellish the State Capitol in keeping with the design and purpose of the building and adjacent areas; and

(B) Preserve the history of activities of state government that have occurred in the State Capitol and of persons who have participated in state government in the State Capitol.

(f) Adopt rules to guide the foundation and implement the foundation's responsibilities under this subsection and the foundation's authority under subsections (3) to (5) of this section.

(g) Consult with any advisory committees the Legislative Administration Committee may designate before the foundation makes a recommendation required by this subsection.

(3) The Oregon State Capitol Foundation may:

(a) Solicit and accept gifts, grants and donations from public and private sources in the name of the foundation.

(b) Under guidelines adopted by the Legislative Administration Committee, expend moneys from the Oregon State Capitol Foundation Fund for the purposes set out in subsection (2) of this section, including but not limited to the reasonable and necessary operating expenses of the foundation.

(c) Convert gifts or donations other than money into moneys.

(d) Become or create an organization under section 501(c)(3) of the Internal Revenue Code.

(4)(a) As used in this subsection, "community foundation" has the meaning given that term in ORS 348.580.

(b) The Oregon State Capitol Foundation may enter into agreements with a person, including a community foundation in Oregon, for the person to assume the management of the moneys in the Oregon State Capitol Foundation Fund. The Oregon State Capitol Foundation may transfer to the person any moneys in the fund.

(c) The Oregon State Capitol Foundation shall include in any agreement entered into under this subsection a requirement that:

(A) The person conduct a periodic independent financial audit of the moneys transferred to the person.

(B) The person prepare an annual financial report according to generally accepted accounting principles.

(C) The person submit an annual financial report to the Oregon State Capitol Foundation, the Legislative Administration Committee and the Oregon Investment Council.

(d) If a provision of an agreement entered into under this subsection would cause the person to be out of compliance with a federal law, the Oregon State Capitol Foundation may waive the provision.

(5) The Oregon State Capitol Foundation may, through the Legislative Administrator, enter into contracts or agreements to implement the foundation's responsibilities and authority. ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C do not apply to a contract or agreement entered into by the foundation.

(6) The Oregon State Capitol Foundation may take action under this section upon a majority vote of a quorum of members. A majority of the voting members of the foundation constitutes a quorum for the transaction of business.

(7) Notwithstanding ORS 171.072, members of the foundation who are members of the Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the foundation.

NOTE: Section 11 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 12. ORS 468A.220 is amended to read:

468A.220. (1) In addition to the members appointed under ORS 468A.215, the Oregon Global Warming Commission [*shall include*] **includes** the following ex officio **nonvoting** members:

(a) The Director of the State Department of Energy;

(b) The Director of Transportation;

(c) The chairperson of the Public Utility Commission of Oregon;

(d) The Director of the Department of Environmental Quality;

(e) The Director of Agriculture;

(f) The State Forester;

(g) The Water Resources Director; and

(h) Three additional ex officio nonvoting members, each from a state agency or an academic institution.

(2) The following representatives of the Legislative Assembly also shall serve as ex officio non-voting members:

(a) Two members of the Senate, not from the same political party, appointed by the President of the Senate; and

(b) Two members of the House of Representatives, not from the same political party, appointed by the Speaker of the House of Representatives.

(3) Each legislative member serves at the pleasure of the appointing authority and may serve so long as the member remains in the chamber of the Legislative Assembly from which the member was appointed.

(4) Notwithstanding ORS 171.072, members of the commission who are members of the Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the commission.

SECTION 13. ORS 284.706 is amended to read:

284.706. (1) There is created the Oregon Innovation Council consisting of the following voting members:

(a) The Governor or the Governor's designated representative, who shall be chairperson of the council.

(b) Five members appointed by the Governor who are engaged in the operations of Oregon traded sector industries.

(c) One member appointed by the Governor who is a representative of an Oregon-based, generally accredited, not-for-profit private institution of higher education.

(d) A member of the Oregon Growth Account Board, appointed by the board, who has experience in the field of venture capital.

(e) A member of the Engineering and Technology Industry Council, appointed by the Engineering and Technology Industry Council.

(f) The Director of the Oregon Business Development Department.

(g) The Chancellor of the Oregon University System.

(h) The Commissioner for Community College Services.

(i) The State Treasurer.

(2)(a) The Speaker of the House of Representatives shall appoint two members to the council who are members of the House of Representatives.

(b) The President of the Senate shall appoint two members to the council who are members of the Senate.

(c) Members of the Legislative Assembly appointed to the council are nonvoting members and may act in an advisory capacity only.

(3) The following persons, or their representatives, shall serve as ex officio, nonvoting members of the council:

(a) The [chairperson] **presiding officer** of the Oregon Business Development Commission.

(b) The president of the State Board of Higher Education.

(c) The chairperson of the State Board of Education.

(d) An executive officer of an association representing Oregon-based, generally accredited, not-for-profit private institutions of higher education, appointed by the Governor.

(4) The term of office of each appointed voting member of the council is three years, but an appointed member serves at the pleasure of the appointing authority. Before the expiration of the term of an appointed voting member, the appointing authority shall appoint a successor whose term begins on July 1 next following. An appointed member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the remainder of the unexpired term.

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

(6) Official action by the council requires the approval of a majority of the voting members of the council.

(7) The council shall meet at least twice per fiscal year at a place, day and time determined by the chairperson. The council may also meet at other times and places specified by a call of the chairperson or by written request of a majority of the voting members of the council.

(8) The council may adopt rules necessary for the operation of the council.

(9) The council may establish committees and delegate to the committees duties as the council considers desirable.

(10) The Oregon Business Development Department shall provide staff support to the council.

(11) Members of the council who are members of the Legislative Assembly are entitled to compensation and expense reimbursement as provided in ORS 171.072.

~~[(11)]~~ (12) Members of the council who are not members of the Legislative Assembly are entitled to compensation and expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses of members of the council who are public officers shall be paid out of funds appropriated to the public agency that employs the member. Claims for compensation and expenses of members of the council who are not public officers shall be paid out of funds appropriated to the Oregon Business Development Department for that purpose.

~~[(12)]~~ (13) 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.

SECTION 14. ORS 173.315 is amended to read:

173.315. (1) The Oregon Law Commission is established to conduct a continuous substantive law revision program as described in ORS 173.338.

(2) The Oregon Law Commission has 15 members, as follows:

(a) A person appointed by the President of the Senate who is a member of the Senate at the time of appointment;

(b) A person appointed by the President of the Senate who is a current or former member of the Senate at the time of appointment;

(c) A person appointed by the Speaker of the House of Representatives who is a member of the House of Representatives at the time of appointment;

(d) A person appointed by the Speaker of the House of Representatives who is a current or former member of the House of Representatives at the time of appointment;

(e) The deans of Oregon's accredited law schools, or their designees;

(f) Three persons appointed by the Board of Governors of the Oregon State Bar;

(g) The Attorney General, or the Attorney General's designee;

(h) The Chief Justice of the Supreme Court, or the Chief Justice's designee;

(i) The Chief Judge of the Court of Appeals, or the Chief Judge's designee;

(j) A person appointed by the Chief Justice of the Supreme Court who is a circuit court judge, or a retired circuit court judge who has been designated as a senior judge under ORS 1.300, at the time of appointment; and

(k) One person appointed by the Governor.

(3) The Attorney General, the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals and the deans of Oregon's accredited law schools are ex officio members of the commission and have the same powers as appointed members.

(4)(a) Except as provided in paragraph (b) of this subsection, appointed members of the commission serve four-year terms. Terms commence on July 1 of even-numbered years. Before the expiration of the four-year term, the appointing authority shall appoint a successor. A person who has served as a member is eligible for reappointment.

(b) A person appointed under subsection (2)(a) of this section serves a term of four years, or until the person ceases to be a member of the Senate, whichever occurs first. A person appointed under subsection (2)(c) of this section serves a term of four years, or until the person ceases to be a member of the House of Representatives, whichever occurs first.

(5) If there is a vacancy in the position of an appointed member:

(a) The appointing authority shall appoint a person as soon as possible to serve during the remainder of the unexpired term; and

(b) The appointing authority may specify that the person appointed to serve the remainder of the unexpired term is also appointed to the next following full term.

(6) If a member of the commission is authorized under subsection (2) of this section to name a designee, a person named as a designee has all of the powers and duties of the member until the designation expires or is revoked. The following persons may be designated:

(a) A dean of one of Oregon's accredited law schools may designate a member of the faculty of the law school.

(b) The Chief Justice may designate a Supreme Court judge.

(c) The Chief Judge of the Court of Appeals may designate another judge of the Court of Appeals.

(d) The Attorney General may designate an assistant attorney general or the Deputy Attorney General.

(7) The term of an appointed member of the commission shall cease if the member misses three consecutive meetings without prior approval of the chairperson, and the appointing authority for the position shall appoint a person to fill the vacancy in the manner provided by subsection (5) of this section.

(8) The Oregon Law Commission shall elect its chairperson and vice chairperson from among the members with such powers and duties as the commission shall determine.

(9) A majority of the members of the commission constitutes a quorum for the transaction of business. If a quorum is present at a meeting, the commission may take action by an affirmative vote by a majority of the members of the commission who are present.

(10) Members of the commission who are members of the Legislative Assembly are entitled to compensation and expense reimbursement as provided in ORS 171.072.

NOTE: Section 15 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 16. ORS 507.050 is amended to read:

507.050. (1) The State Fish and Wildlife Director, one legislator appointed as provided in this section and one public member appointed by the Governor shall act as representatives of the State of Oregon on the Pacific States Marine Fisheries Commission in accordance with the provisions of and with the powers and duties in the compact set forth in ORS 507.040.

(2) The legislative member shall be appointed by the President of the Senate or the Speaker of the House of Representatives from among those legislators who, at the time of appointment, are serving on the Pacific Fisheries Legislative Task Force.

(3) The legislative member shall serve for a term of four years. The Speaker of the House of Representatives and the President of the Senate shall alternate in making the appointment of the legislative member.

(4) Notwithstanding ORS 171.072, the legislative member is not entitled to mileage expenses or a per diem and serves as a volunteer on the commission.

(5) Members of the commission who are not members of the Legislative Assembly are not entitled to compensation or reimbursement of expenses and serve as volunteers on the commission.

SECTION 17. ORS 171.857 is amended to read:

171.857. (1) 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) Members of the committee are entitled to compensation and expense reimbursement as provided in ORS 171.072.

[(4)] (5) 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)] (6)(a) Notwithstanding subsection [(4)] (5) 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)] (5) 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)] (7) 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)] (8) The report shall be issued within 180 days after the regular session of the Legislative Assembly adjourns sine die.

[(8)] (9) 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 18. Section 8, chapter 802, Oregon Laws 2007, is amended to read:

Sec. 8. (1) The Oregon Student Assistance Commission shall establish a Shared Responsibility Steering Committee to provide advice to the commission on the implementation of the changes to the Oregon Opportunity Grant program by the amendments to ORS 348.180, 348.183, 348.205 and 348.260 by sections 1 to 4, **chapter 802, Oregon Laws 2007** [of this 2007 Act]. The committee shall consist of 12 members appointed as follows:

(a) The President of the Senate shall appoint one member from among the members of the Senate.

(b) The Speaker of the House of Representatives shall appoint one member from among the members of the House of Representatives.

(c) The commission shall appoint representatives of the following:

(A) Oregon Independent Colleges Association;

- (B) Oregon Student Association;
 - (C) A financial aid professional who is employed by a state institution of higher education within the Oregon University System;
 - (D) A financial aid professional who is employed by a community college; and
 - (E) A financial aid professional who is employed by a private institution of higher education.
 - (d) The Governor shall appoint a representative of the Office of the Governor.
 - (e) The Director of the Oregon Department of Administrative Services shall appoint a representative of the Budget and Management Division.
 - (f) The Chancellor of the Oregon University System shall appoint a representative.
 - (g) The Commissioner for Community College Services shall appoint a representative of the Department of Community Colleges and Workforce Development.
 - (h) The president of the Oregon Health and Science University shall appoint a representative of the university.
 - (2) The committee shall:
 - (a) Analyze the risks involved in implementing the amendments to ORS 348.180, 348.183, 348.205 and 348.260 by sections 1 to 4, **chapter 802, Oregon Laws 2007** [of this 2007 Act];
 - (b) Make recommendations to the commission on strategies for prevention and mitigation of those risks;
 - (c) Make recommendations to the commission on the management of moneys available to be awarded as Oregon Opportunity Grants; and
 - (d) Review and make recommendations on the implementation methodology and timetable for:
 - (A) The system for awarding grants;
 - (B) The adoption of rules necessary for implementation of the changes; and
 - (C) Communication outreach about changes to the grant program.
 - (3) A majority of the members of the committee constitutes a quorum for the transaction of business.
 - (4) Official action by the committee requires the approval of a majority of the members of the committee.
 - (5) The committee shall elect one of its members to serve as chairperson.
 - (6) The term of office of each member is four years, but a member serves at the pleasure of the appointing authority. Before the expiration of the term of a member, the appointing authority shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.
 - (7) The committee shall meet at times and places specified by the call of the chairperson or of a majority of the members of the task force.
 - (8) The committee may adopt rules necessary for the operation of the task force.
 - (9) The commission shall provide staff support to the committee.
 - (10) Members of the committee who are members of the Legislative Assembly are entitled to compensation and expense reimbursement as provided in ORS 171.072.**
 - [(10)] **(11)** Members of the committee who are not members of the Legislative Assembly are not entitled to compensation or reimbursement for actual and necessary travel and other expenses from the commission.
 - [(11)] **(12)** All agencies of state government, as defined in ORS 174.111, and the Oregon Health and Science University are directed to assist the committee 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 committee consider necessary to perform their duties.
- SECTION 19.** ORS 184.486 is amended to read:
- 184.486. (1) There is created the Transparency Oregon Advisory Commission consisting of nine members appointed as follows:
- (a) The President of the Senate shall appoint two members from among members of the Senate, one from the majority party and one from the minority party.

(b) The Speaker of the House of Representatives shall appoint two members from among members of the House of Representatives, one from the majority party and one from the minority party.

(c) The Governor shall appoint one member from an executive branch agency.

(d) The Director of the Oregon Department of Administrative Services shall appoint one member.

(e) The Legislative Fiscal Officer shall appoint one member.

(f) The President of the Senate and the Speaker of the House of Representatives shall each appoint one member of the public with experience or interest in public finance, public relations, measurement of performance outcomes or technology.

(2) The commission shall advise and make recommendations to the Oregon Department of Administrative Services regarding the creation, contents and operation of, and enhancements to, the Oregon transparency website.

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

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

(5) The commission shall elect one of its members to serve as chairperson. The chairperson shall be selected not later than October 1 of each odd-numbered year.

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

(7) The commission shall meet at times and places specified by the call of the chairperson or of a majority of the members of the commission.

(8) The commission may adopt rules necessary for the operation of the commission.

(9) The commission shall use the services of permanent staff of the Legislative Fiscal Office to the greatest extent practicable to staff the commission. The Oregon Department of Administrative Services may provide additional assistance.

(10) Notwithstanding ORS 171.072, members of the commission who are members of the Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the commission.

~~[(10)]~~ (11) Members of the commission who are not members of the Legislative Assembly are not entitled to compensation or reimbursement for expenses and serve as volunteers on the commission.

~~[(11)]~~ (12) All agencies of state government, as defined in ORS 174.111, are directed to assist the commission 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 commission consider necessary to perform their duties.

~~[(12)]~~ (13) The commission shall report to the Legislative Assembly not later than January 15 of each odd-numbered year. The report shall describe:

(a) Enhancements made to the Oregon transparency website during the previous two calendar years;

(b) Possible future enhancements to the website, including but not limited to the inclusion of information relating to:

(A) Performance outcomes that measure the success of state agency programs in achieving goals;

(B) State agency bond debt;

(C) State agency expenses for capital improvements;

(D) Numbers and descriptions of jobs created through state agency contracts and subcontracts;

(E) Lists of businesses and individuals receiving tax credits, deductions, refunds, rebates and other subsidies from a state agency;

(F) Lists of the names of contractors who received a contract from a state agency, including the number of contracts and compensation received; and

(G) Lists by contracting state agency of the number of contracts entered into during a biennium and the amount of moneys spent on the contracts; and

(c) The feasibility of including an interactive application where citizens can simulate balancing a biennial budget for the state.

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

SECTION 20. (1) **The Electrical and Elevator Board established in ORS 455.138, the Board of Boiler Rules established in ORS 480.535 and the State Plumbing Board established in ORS 693.115 shall each meet at least four times per year at times and places specified by the Director of the Department of Consumer and Business Services after consultation with the board, or at times and places specified by the call of a majority of the members of the board after consultation with the director.**

(2) **The Building Codes Structures Board established in ORS 455.132, the Residential and Manufactured Structures Board established in ORS 455.135, the Mechanical Board established in ORS 455.140 and the Construction Industry Energy Board established in ORS 455.492 shall each meet at least twice per year at times and places specified by the Director of the Department of Consumer and Business Services after consultation with the board, or at times and places specified by the call of a majority of the members of the board after consultation with the director.**

SECTION 21. ORS 455.144 is amended to read:

455.144. (1) The Building Codes Structures Board, the Electrical and Elevator Board, the Residential and Manufactured Structures Board and the Mechanical Board shall each be organized and governed as described in this section.

(2)(a) The term of office of each member is four years and *[no member shall be]* **a member is not** eligible for appointment to more than two full terms of office. The Governor shall appoint the members of each board and the board members shall serve at the pleasure of the Governor.

(b) Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. *[A 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) A member of each board is entitled to compensation and expenses as provided in ORS 292.495.

(4) A board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such position as the board determines.

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

[(6) *Each board shall meet once every three months at a place, day and hour determined by the board. A board shall also meet at other times and places specified by the call of the Director of the Department of Consumer and Business Services.*]

[(7)] (6) In accordance with applicable provisions of ORS chapter 183, the director may adopt rules necessary for the administration of the laws that the Department of Consumer and Business Services is charged with administering.

[(8)] (7) The Governor may remove a board member for good cause. "Good cause" for removal of a member includes, but is not limited to, three unexcused absences during any 12-month period from a regularly scheduled board meeting.

[(9)] (8) The appointment of a member of a board is subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution.

SECTION 22. ORS 455.492 is amended to read:

455.492. (1) There is established a Construction Industry Energy Board, consisting of seven members. The membership shall consist of the following:

(a) Two members selected by the Electrical and Elevator Board from the members of the Electrical and Elevator Board who have practical experience in the electric industry.

(b) Two members selected by the Residential and Manufactured Structures Board from the members of the Residential and Manufactured Structures Board who have practical experience in the residential structure industry or manufactured structure industry.

(c) Two members selected by the Building Codes Structures Board from the members of the Building Codes Structures Board who have practical experience in construction.

(d) One member who is an employee or officer of the State Department of Energy appointed by the Director of the State Department of Energy.

(2) The Construction Industry Energy Board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of those positions as the board determines.

(3) Except as provided in ORS 455.496 (2), a majority of the members of the board constitutes a quorum for the transaction of business.

[(4) The board shall meet at least twice each year, at times and places specified by the Director of the Department of Consumer and Business Services or by the call of a majority of the members.]

[(5)] (4) A member of the board is not entitled to compensation, but at the discretion of the director may be reimbursed from funds available to the Department of Consumer and Business Services for actual and necessary travel and other expenses incurred by the member in the performance of the member's official duties in the manner and amount provided in ORS 292.495.

SECTION 23. ORS 480.540 is amended to read:

480.540. (1) The term of office of a member of the Board of Boiler Rules is four years and *[no member shall be]* **a member is not** eligible for appointment to more than two full terms of office. A member shall continue to serve until a successor has been appointed and qualified. Vacancies shall be filled by appointment for the unexpired term.

[(2) In addition to ORS 480.545 and 480.615, the Board of Boiler Rules shall be governed by the following:]

[(a) The board shall meet not less than four times a year.]

[(b)] (2) The chief boiler inspector shall serve without a vote as secretary of the board.

[(c)] (3) The Governor may remove any member of the board for cause.

[(3)] (4) [Each.] A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 24. ORS 693.125 is amended to read:

693.125. (1) The State Plumbing Board shall select one of its members as chairperson and another as vice chairperson, for terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

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

[(3) The board shall meet as the board determines necessary, but not less than once every other month, at a place, day and hour determined by the board. The board also may meet at other times and places specified by the call of the chairperson or of a majority of the members of the board.]

SECTION 25. ORS 171.865, 171.867 and 541.407 are repealed.

SECTION 26. The amendments to ORS 442.830 by section 3 of this 2011 Act apply to appointments to the Oregon Patient Safety Commission Board of Directors made on or after the effective date of this 2011 Act.

SECTION 27. 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 April 18, 2011

Repassed by Senate May 26, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 24, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

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

Approved:

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

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

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

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Kate Brown, Secretary of State