

Enrolled
Senate Bill 276

Sponsored by Senators THOMSEN, COURTNEY, Representatives READ, HUFFMAN (at the request of Travel Information Council) (Presession filed.)

CHAPTER

AN ACT

Relating to the Travel Information Council; creating new provisions; and amending ORS 377.835, 377.840 and section 32, chapter 865, Oregon Laws 2009.

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

SECTION 1. ORS 377.840 is amended to read:

377.840. (1) All moneys collected, borrowed or received by the Travel Information Council shall be deposited into a Travel Information Council account established in a depository insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. In a manner consistent with the requirements of ORS 295.001 to 295.108, *[the chairperson of]* the council shall insure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the coverage of the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. *[Subject to the chairperson's approval,]* The council may invest moneys collected, borrowed or received by the council. Investments made by the council are limited to the types of investments listed in ORS 294.035. Interest earned from any amounts invested shall be made available to the council in a manner consistent with the council's approved biennial budget.

(2) Subject to the approval of the *[chairperson]* **Travel Information Council** or the director of the Travel Information Council, all necessary council expenses shall be paid from the moneys collected, borrowed or earned by the council.

(3) Upon approval of a majority of the Travel Information Council, the director may borrow money. The council may not borrow an amount that exceeds the estimated revenues from amounts collected, received or earned by the council for the year.

(4) The Travel Information Council may not borrow money under subsection (3) of this section unless the indebtedness or other obligations of the council attributable to the borrowing are payable solely out of the council's own resources. Such indebtedness or other obligations of the council do not constitute a pledge of the full faith and credit of the State of Oregon or any of the revenues of this state.

(5)(a) The Travel Information Council shall adopt a budget on a biennial basis using the classifications of expenditures and revenues required by ORS 291.206 (1). However, the budget shall not be subject to review and approval by the Legislative Assembly or to future modification by the Emergency Board or Legislative Assembly.

(b) The **Travel Information** Council shall adopt a budget only after a public hearing thereon. At least 15 days prior to any public hearing on the budget, the council shall give notice of the hearing to all persons known to be interested in the proceedings of the council and to any person who requests notice.

(6) All expenditures from the Travel Information Council account are exempt from any state expenditure limitation. The Travel Information Council shall follow generally accepted accounting principles and keep such other financial and statistical information as may be necessary to completely and accurately disclose the financial condition and financial operations of the council as may be required by the Secretary of State.

(7) The Secretary of State shall conduct an annual financial review of the moneys collected, borrowed or received by the Travel Information Council and the expenditure of those moneys. The Secretary of State may:

- (a) Contract for the financial review with an independent certified public accountant; or**
- (b) Accept a financial review conducted by an independent certified public accountant.**

[(7)] (8) As used in this section, "depository" has the meaning given in ORS 295.001.

SECTION 2. The first financial review under the amendments to ORS 377.840 by section 1 of this 2013 Act must be completed no later than April 1, 2014.

SECTION 3. Section 32, chapter 865, Oregon Laws 2009, as amended by sections 8 and 13, chapter 63, Oregon Laws 2012, is amended to read:

Sec. 32. (1) The Travel Information Council shall manage, maintain, improve and develop for local economic development and other purposes identified in ORS 377.705 roadside rest areas along the following highways:

- (a) Interstate 5, northbound, near milepost 63.
- (b) Interstate 5, southbound, near milepost 63.
- (c) Interstate 5, northbound, near milepost 241.
- (d) Interstate 5, southbound, near milepost 241.
- (e) Interstate 5, northbound, near milepost 281.
- (f) Interstate 5, southbound, near milepost 281.
- (g) Interstate 84, eastbound, near milepost 73.
- (h) Interstate 84, westbound, near milepost 73.
- (i) Interstate 84, eastbound, near milepost 160.
- (j) Interstate 84, westbound, near milepost 160.
- (k) Interstate 84, eastbound, near milepost 187.
- (L) Interstate 84, westbound, near milepost 187.
- (m) Interstate 84, eastbound, near milepost 269.
- (n) Interstate 84, westbound, near milepost 269.
- (o) Interstate 84, eastbound, near milepost 295.
- (p) Interstate 84, westbound, near milepost 295.
- (q) Interstate 84, westbound, near milepost 336.
- (r) Interstate 84, westbound, near milepost 377.
- (s) U.S. Highway 26, westbound, near milepost 54.
- (t) U.S. Highway 101, southbound, near milepost 70.

(2) Subject to subsection (4) of this section, in carrying out the provisions of subsection (1) of this section, the council may enter into contracts necessary to accomplish the purposes of subsection (1) of this section.

(3) The Department of Transportation shall:

(a) Maintain ownership of any roadside rest area located along an interstate highway that the council manages, maintains, improves and develops pursuant to subsection (1) of this section; and

(b) Enter into an intergovernmental agreement with the council under which the council has the authority to manage, maintain, improve and develop those rest areas owned by the department that are listed in subsection (1) of this section.

(4) Under the intergovernmental agreement entered into under subsection (3) of this section, the council shall conduct public contracting activities in accordance with the provisions of ORS 377.836.

(5) For the purpose of funding the management, maintenance, improvement and development of roadside rest areas under this section, the department shall allocate to the council, no later than January 2, 2013, \$4.96 million from the State Highway Fund.

[(6) The Secretary of State shall enter into agreements with the council to set an appropriate financial review schedule for moneys allocated to the council under this section and ORS 366.752. In lieu of conducting a financial review as required by that schedule, the Secretary of State may:]

[(a) Contract for the financial review with an independent certified public accountant; or]

[(b) Accept a financial review conducted by an independent certified public accountant.]

[(7)] (6) The council may not use any moneys originating from a local transient lodging tax or a state transient lodging tax, as those terms are defined in ORS 320.300, for the purpose of funding the management, maintenance, improvement and development of roadside rest areas under this section.

SECTION 4. Section 32, chapter 865, Oregon Laws 2009, as amended by sections 8, 13 and 15, chapter 63, Oregon Laws 2012, is amended to read:

Sec. 32. (1) The Travel Information Council shall manage, maintain, improve and develop for local economic development and other purposes identified in ORS 377.705 roadside rest areas along the following highways:

- (a) Interstate 5, northbound, near milepost 63.
- (b) Interstate 5, southbound, near milepost 63.
- (c) Interstate 5, northbound, near milepost 143.
- (d) Interstate 5, southbound, near milepost 143.
- (e) Interstate 5, northbound, near milepost 178.
- (f) Interstate 5, southbound, near milepost 178.
- (g) Interstate 5, northbound, near milepost 206.
- (h) Interstate 5, southbound, near milepost 206.
- (i) Interstate 5, northbound, near milepost 241.
- (j) Interstate 5, southbound, near milepost 241.
- (k) Interstate 5, northbound, near milepost 281.
- (L) Interstate 5, southbound, near milepost 281.
- (m) Interstate 84, eastbound, near milepost 73.
- (n) Interstate 84, westbound, near milepost 73.
- (o) Interstate 84, eastbound, near milepost 160.
- (p) Interstate 84, westbound, near milepost 160.
- (q) Interstate 84, eastbound, near milepost 187.
- (r) Interstate 84, westbound, near milepost 187.
- (s) Interstate 84, eastbound, near milepost 269.
- (t) Interstate 84, westbound, near milepost 269.
- (u) Interstate 84, eastbound, near milepost 295.
- (v) Interstate 84, westbound, near milepost 295.
- (w) Interstate 84, westbound, near milepost 336.
- (x) Interstate 84, westbound, near milepost 377.
- (y) U.S. Highway 26, westbound, near milepost 54.
- (z) U.S. Highway 101, southbound, near milepost 70.

(2) Subject to subsection (4) of this section, in carrying out the provisions of subsection (1) of this section, the council may enter into contracts necessary to accomplish the purposes of subsection (1) of this section.

(3) The Department of Transportation shall:

(a) Maintain ownership of any roadside rest area located along an interstate highway that the council manages, maintains, improves and develops pursuant to subsection (1) of this section; and

(b) Enter into an intergovernmental agreement with the council under which the council has the authority to manage, maintain, improve and develop those rest areas owned by the department that are listed in subsection (1) of this section.

(4) Under the intergovernmental agreement entered into under subsection (3) of this section, the council shall conduct public contracting activities in accordance with the provisions of ORS 377.836.

(5) For the purpose of funding the management, maintenance, improvement and development of roadside rest areas under this section, the department shall allocate to the council, no later than January 2 of each year, \$6.55 million from the State Highway Fund.

[(6) The Secretary of State shall enter into agreements with the council to set an appropriate financial review schedule for moneys allocated to the council under this section and ORS 366.752. In lieu of conducting a financial review as required by that schedule, the Secretary of State may:]

[(a) Contract for the financial review with an independent certified public accountant; or]

[(b) Accept a financial review conducted by an independent certified public accountant.]

[(7)] (6) The council may not use any moneys originating from a local transient lodging tax or a state transient lodging tax, as those terms are defined in ORS 320.300, for the purpose of funding the management, maintenance, improvement and development of roadside rest areas under this section.

SECTION 5. ORS 377.835, as amended by section 1, chapter 63, Oregon Laws 2012, is amended to read:

377.835. (1) The Travel Information Council is created as a semi-independent state agency.

(2) The Travel Information Council shall consist of 11 members. One shall be the chairperson of the Oregon Transportation Commission or a person designated by the chairperson. The Governor shall appoint the other 10 members from the public at large. The Governor shall appoint at least one member from each congressional district. The Governor shall select members for their knowledge of, experience with or interest in economic development, travel within Oregon, recreational opportunities in Oregon, Oregon history or Oregon natural history.

(3) Each appointed member shall serve for a term of four years, but an appointed member may be removed at the pleasure of the Governor. Before the expiration of the term of an appointed member, the Governor 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 Governor shall make an appointment to become effective immediately for the unexpired term.

(4) The council shall select one of its members as chairperson, another as vice chairperson and a third as secretary. *[Six members]* **A majority of the members serving on the council** shall constitute a quorum for the transaction of business. The council shall meet quarterly at a time and place to be determined by the chairperson. The chairperson or any three members of the council may call a special meeting upon not less than one week's written notice to the other members. All members are entitled to expenses as provided by ORS 292.495.

(5) The council may, in accordance with ORS chapter 183 and consistent with ORS 377.700 to 377.840, adopt, amend and repeal rules relating to tourist oriented directional signs, logo signs and motorist informational signs and all other matters necessary and appropriate to carry out its responsibilities under ORS 377.700 to 377.840. The sign rules for protected areas in effect on July 2, 1971, shall be continued in effect unless modified by the commission. All rules adopted under this subsection shall be consistent with federal laws and regulations relating to highways. The Director of Transportation shall take appropriate action for the administration and enforcement of orders issued and rules adopted under ORS 377.700 to 377.840, except rules adopted by the council under section 33, chapter 865, Oregon Laws 2009.

(6) The commission may continue or amend any existing agreements and may enter into new agreements with the United States or any agency thereof authorized to make agreements under section 131, title 23, United States Code relating to the regulation, control and removal of signs within or adjacent to the Interstate and Federal Aid Systems.

(7) The council shall be under the administrative control of a director who is appointed by and who holds office at the pleasure of the council. The director of the council may appoint all subordinate officers and employees of the council and may prescribe their duties and fix their compensation. The director of the council may delegate to any subordinate officer or employee any administrative duty, function or power imposed upon the council by or pursuant to law.

Passed by Senate March 7, 2013

Repassed by Senate June 17, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 12, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State