

Senate Bill 300

Sponsored by Senator JOHNSON (at the request of John DiLorenzo) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that certain persons appointed by Governor and certain persons appointed to positions in executive department serve at pleasure of Governor.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to persons who serve at the pleasure of the Governor; amending ORS 97.774, 101.140,
3 127.675, 144.005, 146.035, 161.385, 179.331, 181.200, 181.220, 181.620, 181.637, 183.610, 184.628,
4 197.030, 197.085, 197.165, 197.810, 237.956, 240.065, 243.505, 244.310, 273.161, 273.573, 276.227,
5 284.107, 284.142, 284.325, 285A.101, 291.038, 294.610, 306.135, 326.375, 353.040, 353.060, 353.606,
6 357.015, 358.666, 359.135, 366.212, 374.360, 390.127, 390.565, 390.977, 396.150, 396.165, 398.012,
7 401.062, 401.072, 404.100, 406.500, 409.462, 410.603, 413.017, 413.574, 414.353, 417.040, 417.346,
8 417.810, 418.005, 418.704, 418.941, 418.985, 421.344, 423.085, 427.205, 430.050, 430.073, 431.035,
9 431.045, 431.623, 431.978, 432.020, 441.103, 442.011, 442.800, 442.835, 448.153, 453.645, 455.144,
10 455.492, 458.563, 462.230, 463.125, 463.149, 465.420, 468.030, 469.820, 470.070, 471.547, 471.705,
11 471.710, 471.720, 475.303, 476.020, 477.440, 479.810, 480.540, 496.085, 496.112, 496.228, 496.286,
12 506.465, 508.755, 508.867, 509.590, 516.120, 526.009, 526.031, 526.700, 536.090, 561.395, 561.700,
13 561.760, 565.021, 565.410, 569.600, 570.770, 570.780, 571.025, 571.515, 577.230, 578.030, 596.210,
14 602.020, 624.121, 633.479, 634.600, 654.189, 656.709, 656.712, 656.718, 672.250, 672.615, 673.455,
15 676.610, 677.540, 677.780, 682.039, 683.240, 685.145, 689.165, 689.645, 705.105, 735.610, 741.025,
16 741.029, 743.827, 756.014, 756.026, 757.834, 759.430, 802.350, 802.370 and 830.135; repealing ORS
17 240.075, 469.830, 577.250 and 656.714; and declaring an emergency.

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

18 **SECTION 1.** ORS 496.228 is amended to read:

19 496.228. (1) There is established within the State Department of Fish and Wildlife the Access
20 and Habitat Board, consisting of seven members appointed by the State Fish and Wildlife Commis-
21 sion.
22

23 (2) Three members shall be appointed to represent the broad spectrum of hunters. In making
24 appointments pursuant to this subsection, the commission shall consider recommendations from the
25 State Fish and Wildlife Director.

26 (3) Three members of the board shall be appointed to represent the broad spectrum of agricul-
27 ture and timber landowners. In making appointments pursuant to this subsection, the commission
28 shall consider recommendations from the State Fish and Wildlife Director from a list of at least five
29 persons submitted by the State Forester and the Director of Agriculture.

30 (4) One member of the board shall be appointed to represent the public and shall serve as the
31 board chairperson.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (5) A member of the board shall receive no compensation for services as a member. However,
 2 subject to any applicable law regulating travel and other expenses of state officers and employees,
 3 a member shall be reimbursed for actual and necessary travel and other expenses incurred in the
 4 performance of official duties from such moneys as are made available by section 19, chapter 659,
 5 Oregon Laws 1993.

6 (6) The term of office of a member of the board is four years. A member of the board is eligible
 7 for reappointment. **Members of the board serve at the pleasure of the commission and the**
 8 **Governor.**

9 (7) An official action of the board may be taken only upon the affirmative vote of at least four
 10 members.

11 (8) The board shall select such officers for such terms and with such duties and powers as the
 12 board considers necessary for the performance of those offices.

13 (9) The board shall meet at such times and at such places as may be determined by the chair
 14 or by the majority of the members of the board.

15 **SECTION 2.** ORS 374.360 is amended to read:

16 374.360. (1) If the applicant or permit holder of an approach permit requests a review by an
 17 Access Management Dispute Review Board under ORS 374.355, the Department of Transportation
 18 shall appoint an Access Management Dispute Review Board by selecting members for a board con-
 19 sisting of any or all of following:

20 (a) The Director of Transportation or a designee of the director who is familiar with the location
 21 in which the disputed approach is located.

22 (b) A representative of the local jurisdiction in which the disputed approach is located.

23 (c) A traffic engineer who practices engineering in Oregon.

24 (d) A representative from the economic or business sector.

25 **(2) Members of the Access Management Dispute Review Board serve at the pleasure of**
 26 **the department and the Governor.**

27 [(2)] **(3)** The Access Management Dispute Review Board shall consider information presented by
 28 the parties and shall notify the applicant or permit holder and the director of its findings regarding
 29 the department's original decision.

30 [(3)] **(4)** The director shall review the Access Management Dispute Review Board's findings and
 31 may approve, modify or reverse the department's original decision to approve an application for an
 32 approach permit with conditions, to modify or require mitigation measures for an existing approach
 33 permit, to deny the approach permit or to remove or modify an approach.

34 [(4)] **(5)** The director shall notify the applicant or permit holder in writing of the department's
 35 determination following a review by an Access Management Dispute Review Board appointed under
 36 this section.

37 **SECTION 3.** ORS 677.780 is amended to read:

38 677.780. (1) There is established an Acupuncture Advisory Committee consisting of six members
 39 appointed by the Oregon Medical Board. Of the committee members appointed by the board:

40 (a) One shall be a person who is a current member of the board.

41 (b) Two shall be physicians licensed under ORS chapter 677.

42 (c) Three shall be acupuncturists licensed under ORS 677.759. In appointing the three
 43 acupuncturists, the board may receive nominations from the Oregon Association of Acupuncture and
 44 Oriental Medicine and other professional acupuncture organizations.

45 (2) The term of office of each committee member is three years, but a committee member serves

1 at the pleasure of the board **and the Governor**. A committee member may not serve more than two
 2 consecutive terms. A committee member serves until a successor is appointed and qualified. If there
 3 is a vacancy for any cause, the board shall make an appointment to become immediately effective
 4 for the unexpired term.

5 (3) A committee member is entitled to compensation and expenses as provided for board mem-
 6 bers in ORS 677.235.

7 (4) A majority of the members of the committee constitutes a quorum for the transaction of
 8 business.

9 **SECTION 4.** ORS 396.150 is amended to read:

10 396.150. (1) The Governor shall appoint an Adjutant General who shall hold office for a four-year
 11 term or until relieved by reason of resignation, withdrawal of federal recognition, [or] for cause to
 12 be determined by a court-martial **or at the discretion of the Governor**. The current term of an
 13 Adjutant General continues until its prescribed expiration date while such Adjutant General is
 14 serving in a federal active duty status under an order or call by the President of the United States.
 15 Voluntary entry onto extended active duty by a person holding the office of Adjutant General is an
 16 automatic resignation of such officer.

17 (2) A person is eligible for appointment to the office of Adjutant General if the person is an of-
 18 ficer of the Oregon National Guard, federally recognized in the grade of lieutenant colonel or
 19 higher, and has completed at least six years' service in the Oregon National Guard as a federally
 20 recognized officer.

21 (3) The Adjutant General may be appointed in the grade of lieutenant colonel or higher, but not
 22 exceeding that of lieutenant general. If appointed in a lower grade, the Adjutant General may be
 23 promoted by the Governor to any grade not exceeding that of lieutenant general.

24 **SECTION 5.** ORS 396.165 is amended to read:

25 396.165. (1) The Adjutant General may appoint three Assistant Adjutants General, two from the
 26 Army National Guard of Oregon and one from the Air National Guard of Oregon who shall serve
 27 at the pleasure of the Adjutant General or until relieved by reason of resignation, withdrawal of
 28 federal recognition, [or] for cause to be determined by a court-martial **or at the discretion of the**
 29 **Governor**. Voluntary entry onto extended active duty by a person holding the office of Assistant
 30 Adjutant General shall be deemed automatic resignation of such officer.

31 (2) To be eligible for appointment to the office of Assistant Adjutant General, a person must be
 32 an officer of the Oregon National Guard, federally recognized in the grade of lieutenant colonel or
 33 higher, and must have completed at least six years service in the Oregon National Guard as a
 34 federally recognized officer.

35 (3) An Assistant Adjutant General may be appointed in the grade of lieutenant colonel or higher,
 36 but not exceeding that of brigadier general. An Assistant Adjutant General may be promoted by the
 37 Governor to any grade not exceeding that of brigadier general, to serve in such grade only upon
 38 receipt of federal recognition therein.

39 (4) The Assistant Adjutants General shall perform such duties as may be assigned by the Adju-
 40 tant General.

41 (5) An Assistant Adjutant General shall be compensated at a rate determined by the Oregon
 42 Department of Administrative Services.

43 (6) In any absence of the Adjutant General caused by death or other inability to perform the
 44 duties of the office, the Governor or the Adjutant General may designate an Assistant Adjutant
 45 General to be the Acting Adjutant General. Except when the Governor or the Adjutant General

1 designates another of the Assistant Adjutants General to be the Acting Adjutant General, the As-
2 sistant Adjutant General senior in military grade shall assume the responsibilities and powers and
3 perform all the duties required of the Adjutant General, and shall be Acting Adjutant General. An
4 officer serving as Acting Adjutant General under this section shall continue to receive the salary
5 authorized for an Assistant Adjutant General, when the officer is a state employee, but shall other-
6 wise receive the salary authorized for the Adjutant General. The Acting Adjutant General shall
7 serve until the Adjutant General is again able to perform the duties of the office, or if such office
8 is vacant, until an Adjutant General is regularly appointed and qualified. While so serving, the
9 Acting Adjutant General shall give to the state a fidelity bond in the same manner and in the same
10 sum as is required from the Adjutant General.

11 **SECTION 6.** ORS 183.610 is amended to read:

12 183.610. (1) The Governor shall appoint a person to serve as chief administrative law judge for
13 the Office of Administrative Hearings. The Governor shall consider recommendations by the Office
14 of Administrative Hearings Oversight Committee in appointing a chief administrative law judge. The
15 person appointed to serve as chief administrative law judge must be an active member of the Oregon
16 State Bar. The chief administrative law judge has all the powers necessary and convenient to or-
17 ganize and manage the office. Subject to the State Personnel Relations Law, the chief administrative
18 law judge shall employ all persons necessary for the administration of the office, prescribe the duties
19 of those employees and fix their compensation. The chief administrative law judge shall serve for a
20 term of four years. [*Notwithstanding ORS 236.140, the Governor may remove the chief administrative*
21 *law judge only for cause.*]

22 (2) The chief administrative law judge shall employ administrative law judges. The chief admin-
23 istrative law judge shall ensure that administrative law judges employed for the office receive all
24 training necessary to meet the standards required under the program created under ORS 183.680.

25 (3) The chief administrative law judge shall take all actions necessary to protect and ensure the
26 independence of each administrative law judge assigned from the office.

27 **SECTION 7.** ORS 471.547 is amended to read:

28 471.547. The Oregon Liquor Control Commission shall establish an Alcohol Server Education
29 Advisory Committee consisting of persons representing the commission, the Oregon State Police, the
30 Oregon District Attorneys Association, the Oregon Health Authority, the Department of Transpor-
31 tation, at least one person who is a service permittee under ORS 471.360, a nonprofit organization
32 the purpose of which is to reduce the incidence of drunk driving, and not more than three associ-
33 ations representing retail licensees and two associations representing insurance companies [*to*].
34 **Members of the committee serve at the pleasure of the commission and the Governor. The**
35 **committee shall** assist in:

36 (1) The development of the standards, curriculum and materials for the alcohol server education
37 courses required under ORS 471.542;

38 (2) The examination required by ORS 471.542, and procedures for administering that examina-
39 tion;

40 (3) The certification procedures, enforcement policies and penalties for alcohol server education
41 course instructors and providers; and

42 (4) The development of time requirements for completion of an alcohol server education course
43 and examination and conditions for probationary extension.

44 **SECTION 8.** ORS 390.565 is amended to read:

45 390.565. (1) The All-Terrain Vehicle Advisory Committee is established. The committee shall

1 consist of 14 voting members and one nonvoting member appointed by the State Parks and Recre-
2 ation Commission for a term of four years. Members are eligible for reappointment, and vacancies
3 may be filled by the commission. **Members serve at the pleasure of the commission and the**
4 **Governor.** A majority of members constitutes a quorum for the transaction of business.

5 (2) Of the voting members of the committee:

6 (a) One shall be a representative of a Class I all-terrain vehicle user organization.

7 (b) One shall be a representative of a Class II all-terrain vehicle user organization.

8 (c) One shall be a representative of a Class III all-terrain vehicle user organization.

9 (d) One shall be a representative of a Class IV all-terrain vehicle user organization.

10 (e) One shall be an all-terrain vehicle dealer.

11 (f) One shall be an at-large all-terrain vehicle user.

12 (g) One shall be a representative of the United States Forest Service who is knowledgeable
13 about all-terrain vehicle recreation areas on federal lands.

14 (h) One shall be a representative of the Bureau of Land Management who is knowledgeable
15 about all-terrain vehicle recreation areas on federal lands.

16 (i) One shall be a representative of the Department of Transportation who is knowledgeable
17 about transportation safety.

18 (j) One shall be a representative of the State Forestry Department who is knowledgeable about
19 all-terrain vehicle recreation areas on state lands.

20 (k) One shall be a representative of the Department of Human Services who is knowledgeable
21 about public health and safety.

22 (L) One shall be a representative of a law enforcement agency who is knowledgeable about and
23 active in enforcement of all-terrain vehicle laws.

24 (m) One shall be a representative of the State Department of Fish and Wildlife who is know-
25 ledgeable about all-terrain vehicle activities and the use of all-terrain vehicles in hunting and fish-
26 ing.

27 (n) One shall be a person who represents persons with disabilities.

28 (3) One representative from the State Parks and Recreation Department shall be a nonvoting
29 member of the committee.

30 (4) The committee shall:

31 (a) Review accidents and fatalities resulting from all-terrain vehicle recreation and make rec-
32 ommendations to the State Parks and Recreation Commission.

33 (b) Review changes to statutory vehicle classifications as necessary for safety considerations
34 and make recommendations to the commission.

35 (c) Review safety features of all classes of off-highway vehicles and make recommendations to
36 the commission.

37 (d) Recommend appropriate safety requirements to protect child operators and riders of off-
38 highway vehicles to the commission.

39 (5)(a) A subcommittee of the All-Terrain Vehicle Advisory Committee, titled the All-Terrain
40 Vehicle Grant Subcommittee, shall be established consisting of the following members:

41 (A) The representative of a Class I all-terrain vehicle user organization.

42 (B) The representative of a Class II all-terrain vehicle user organization.

43 (C) The representative of a Class III all-terrain vehicle user organization.

44 (D) The representative of a Class IV all-terrain vehicle user organization.

45 (E) The at-large all-terrain vehicle user.

1 (F) The representative of a law enforcement agency.

2 (G) The representative of persons with disabilities.

3 (b) The All-Terrain Vehicle Grant Subcommittee shall:

4 (A) Advise the State Parks and Recreation Department on the allocation of moneys in the All-
5 Terrain Vehicle Account established by ORS 390.555; and

6 (B) Review grant proposals and make recommendations to the commission as to which projects
7 should receive grant funding.

8 (c) Recommendations under this subsection on grant proposals must receive an affirmative vote
9 from at least four of the members of the subcommittee.

10 (6) The State Parks and Recreation Department shall provide staff support for the committee
11 and shall provide for expansion of programs for all-terrain vehicle users.

12 **SECTION 9.** ORS 561.760 is amended to read:

13 561.760. (1) The Director of Agriculture, in consultation with the Superintendent of State Police,
14 shall appoint an Anhydrous Ammonia Additive Review Committee consisting of not fewer than six
15 members. The term of a member is four years, but a member serves at the pleasure of the director
16 **and the Governor.**

17 (2) Members of the committee are not entitled to compensation, but in the discretion of the di-
18 rector may be reimbursed from funds available to the State Department of Agriculture for actual
19 and necessary travel and other expenses incurred by them in the performance of their official duties
20 in the manner and amount provided in ORS 292.495.

21 (3) The members of the committee shall include at least one representative from each of the
22 following:

23 (a) The Department of State Police.

24 (b) The State Department of Agriculture.

25 (c) Manufacturers of anhydrous ammonia fertilizers.

26 (d) The Oregon State University Extension Service.

27 (e) Retail distributors.

28 (f) Users who are growers of agricultural commodities.

29 (4) The committee:

30 (a) May review all relevant scientific and economic data on nontoxic dyes or other additives for
31 anhydrous ammonia that are submitted for certification to the State Department of Agriculture un-
32 der ORS 561.755.

33 (b) Shall, at a minimum, require the manufacturer of any product submitted under ORS 561.755
34 to provide sufficient scientifically valid data for each submitted nontoxic dye or other additive to
35 allow the State Department of Agriculture to determine the dye's or additive's:

36 (A) Impact on crop yield;

37 (B) Specific food crop residue analysis; and

38 (C) Impact on the environment.

39 (c) May issue recommendations to the director regarding whether a nontoxic dye or other ad-
40 ditive to anhydrous ammonia should be certified by the State Department of Agriculture under ORS
41 561.755.

42 **SECTION 10.** ORS 602.020 is amended to read:

43 602.020. (1) The State Department of Agriculture is authorized to appoint a Chief Apiary In-
44 spector and such deputy apiary inspectors as may be necessary to conduct service work requested
45 by the apiary industry. **The inspectors serve at the pleasure of the Director of Agriculture and**

1 **the Governor.**

2 (2) The administration of the program shall be under the direction and control of the director
3 [of Agriculture]. The apiary industry shall pay service fees in amounts established by the department
4 by rule to cover all expenses incurred in the conduct of the program.

5 **SECTION 11.** ORS 463.149 is amended to read:

6 463.149. (1) There is established an Oregon State Athletic Commission Medical Advisory Com-
7 mittee consisting of five members appointed by the Superintendent of State Police. Members of the
8 committee shall be physicians licensed under ORS chapter 677.

9 (2) The term of office of each committee member is four years, but committee members serve
10 at the pleasure of the superintendent **and the Governor**. A committee member may not serve more
11 than two consecutive terms, except that a committee member serves until a successor is appointed
12 and qualified. If there is a vacancy for any cause, the superintendent shall make an appointment to
13 become immediately effective for the unexpired term.

14 (3) A committee member is entitled to the same compensation and expenses provided for mem-
15 bers of the Oregon State Athletic Commission under ORS 463.125.

16 (4) A majority of the members of the committee constitutes a quorum for the transaction of
17 business.

18 (5) The committee shall gather, assess and update, when necessary, medical data for the purpose
19 of recommending to the commission:

- 20 (a) Fitness criteria for contestants to be applied in prefight medical examinations;
- 21 (b) Medical procedures and substances allowed for use by seconds in a contestant's corner;
- 22 (c) Emergency procedures for ring injuries;
- 23 (d) Post-fight examination and treatment procedures; and
- 24 (e) Safety equipment required to promote the best interests of the contestants.

25 (6) The committee shall periodically present to the commission the proposed safety and medical
26 procedures developed under subsection (5) of this section for discussion and consideration for
27 adoption.

28 (7) The committee shall identify and nominate for approval by the commission a sufficient num-
29 ber of qualified licensed physicians to serve as ringside physicians for boxing and mixed martial arts
30 events held throughout this state.

31 (8) A member of the committee who has been nominated by the committee and approved by the
32 commission may serve as a ringside physician.

33 **SECTION 12.** ORS 463.125 is amended to read:

34 463.125. (1) The Oregon State Athletic Commission shall consist of five members appointed by
35 the Superintendent of State Police for terms of four years. A member may not serve more than two
36 terms. Membership shall represent distinct geographic areas. The Portland metropolitan area, cen-
37 tral Willamette Valley and two other areas shall be represented. Vacancies occurring shall be filled
38 by appointment in the same manner for the balance of the unexpired term. A member of the com-
39 mission [*may be removed from office by the superintendent for cause*] **serves at the pleasure of the**
40 **superintendent and the Governor**. Each member of the commission, before entering upon the du-
41 ties of office, shall take and subscribe to an oath to perform the duties of this office faithfully,
42 impartially and justly to the best of the member's ability.

43 (2) The chairperson and vice chairperson shall be elected from among the members at the first
44 meeting of each calendar year or when a vacancy exists.

45 (3) An administrator shall be appointed by the superintendent using the State Personnel Re-

1 lations Law to establish suitable qualifications and compensation. The administrator shall be re-
2 quired to demonstrate adequate knowledge and experience related to boxing and mixed martial arts.

3 (4) The superintendent may employ other personnel as necessary.

4 (5) The commission may meet once a month at a time and place agreed upon. Special additional
5 meetings may be called by the administrator or at the request of one or more members of the com-
6 mission.

7 (6) Three members of the commission shall constitute a quorum.

8 (7) Three votes shall constitute a majority.

9 (8) Members of the commission and representatives of the commission shall be paid per diem and
10 travel expenses as designated under ORS 292.495 when conducting the business of the commission.

11 **SECTION 13.** ORS 577.230 is amended to read:

12 577.230. (1) The Director of Agriculture shall appoint members on the Oregon Beef Council, as
13 far as practicable and possible, from the various geographical areas of the state.

14 (2) Upon the expiration of the term of a member of the council, a successor shall be appointed
15 for a term of three years, except in case of a vacancy, when the appointee shall serve the unexpired
16 part of the term of the member[,] **whom** the appointee replaced. **Members of the council serve**
17 **at the pleasure of the director and the Governor.**

18 **SECTION 14. ORS 577.250 is repealed.**

19 **SECTION 15.** ORS 179.331 is amended to read:

20 179.331. (1) The superintendents shall be appointed **as follows** and, whenever the public service
21 requires such action, may be removed, suspended or discharged **by the Governor, or** as follows:

22 (a) The superintendent of the Eastern Oregon Training Center, by the Director of Human Ser-
23 vices.

24 (b) The superintendents of the Blue Mountain Recovery Center and the Oregon State Hospital,
25 by the Director of the Oregon Health Authority.

26 (c) The superintendents of Department of Corrections institutions as defined in ORS 421.005, by
27 the Director of the Department of Corrections.

28 (2) For purposes of the State Personnel Relations Law, the superintendents are assigned to the
29 unclassified service.

30 **SECTION 16.** ORS 480.540 is amended to read:

31 480.540. (1) The term of office of a member of the Board of Boiler Rules is four years, and a
32 member is not eligible for appointment to more than two full terms of office. A member shall con-
33 tinue to serve until a successor has been appointed and qualified. Vacancies shall be filled by ap-
34 pointment for the unexpired term.

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

36 (3) *[The Governor may remove any member of the board for cause.]* **Members of the board serve**
37 **at the pleasure of the Governor.**

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

39 **SECTION 17.** ORS 276.227 is amended to read:

40 276.227. (1) The State of Oregon recognizes that providing and operating state government fa-
41 cilities is a significant capital investment in public infrastructure. Accordingly, it is the policy of the
42 State of Oregon to plan, finance, acquire, construct, manage and maintain state government facilities
43 in a manner that maximizes and protects this investment.

44 (2) The Oregon Department of Administrative Services shall establish a statewide planning
45 process that evaluates the needs of the state's facilities, provides comparative information on the

1 condition of the state's facilities, establishes guidelines and standards for acquiring, managing and
2 maintaining state facilities and provides financing and budgeting strategies to allocate resources to
3 facilities' needs.

4 (3)(a) The Director of the Oregon Department of Administrative Services shall establish a public
5 review process for the proposed capital projects of all state agencies. To assist in this review, the
6 director shall establish a Capital Projects Advisory Board consisting of seven members. Five mem-
7 bers shall be public members knowledgeable about construction, facilities management and mainte-
8 nance issues. Two members may be state employees. The director shall appoint the chairperson of
9 the board. **Members of the board serve at the pleasure of the director and the Governor.**

10 (b) The director, in consultation with the board, may request that agencies submit updated
11 long-range facility plans and funding strategies that reflect changes in technology and priorities. The
12 director may ask the board to report on and make recommendations related to long-range plans, the
13 condition of facilities, maintenance schedules, funding strategies and options for new facilities. The
14 director may seek recommendations from the board regarding the needs of existing facilities, funding
15 strategies and long-term facility goals.

16 (c) The review process may be applicable to capital projects meeting the definition of major
17 construction/acquisition in the Governor's budget and to significant leases.

18 (d) For each state agency proposing a capital project, the review process may include an ex-
19 amination of the following:

20 (A) The effectiveness of asset protection, including maintenance, repair and other activities;

21 (B) The effectiveness of space utilization, including an inventory of existing occupied and unoc-
22 cupied building space;

23 (C) The advisability of lease, purchase or other funding strategies;

24 (D) The condition of existing occupied and unoccupied building space;

25 (E) Appropriate technology;

26 (F) The agency's mission and long-range facilities plans; and

27 (G) For new facilities, expansions and additions, the ability of the agency to maintain and op-
28 erate all of the agency's facilities in a cost-effective manner.

29 (e) The review process shall ensure that capital project decisions are approached in a cost-
30 effective manner after considering all reasonable alternatives.

31 (f) With assistance from the board, the department shall provide recommendations and informa-
32 tion to the Governor and the Legislative Assembly on the construction, leasing and facilities man-
33 agement issues of state government.

34 (4) The department shall establish and maintain a central database of information on state-
35 owned property of all state agencies, including land, buildings, infrastructure, improvements and
36 leases. This database shall include an inventory of state-owned facilities as well as descriptive and
37 technical information.

38 (5) State agencies shall establish and implement long-range maintenance and management plans
39 for facilities for which this state is responsible to ensure that facilities are maintained in good re-
40 pair and that the useful lives of facilities are maximized. For each new facility, a maintenance and
41 management plan appropriate to the use and useful life of the facility shall be developed and im-
42 plemented.

43 (6) The department may engage in cooperative projects with local government.

44 (7) The provisions of this section do not apply to public universities listed in ORS 352.002, the
45 Oregon Health and Science University or a community college as defined in ORS 341.005.

SECTION 18. ORS 184.628 is amended to read:

184.628. (1) The Director of Transportation, with the approval of the Oregon Transportation Commission, shall appoint a chief engineer. The chief engineer shall be a registered civil engineer and shall be qualified by technical training as well as by practical experience. **The chief engineer serves at the pleasure of the director and the Governor.**

(2) The chief engineer may designate persons within the Department of Transportation who have full authority to perform any duty required or permitted by law to be performed by the engineer.

(3) The director may authorize the employment by the chief engineer of such staff engineers, engineering and technical assistants and such other help that in the chief engineer's judgment may be necessary. Compensation, travel allowance and other expenses shall be fixed by the chief engineer with the approval of the director.

(4) This section is subject to any applicable provision of the State Personnel Relations Law.

SECTION 19. ORS 417.810 is amended to read:

417.810. (1) The Office of Children's Advocate is established in the Department of Human Services. The office is under the supervision and control of the Children's Advocate, who is responsible for the performance of the duties, functions and powers of the office. With the concurrence of the Governor, the Director of Human Services shall appoint the Children's Advocate. **The director or the Governor [and]** may terminate the Children's Advocate.

(2) Subject to available funds and the applicable provisions of ORS chapter 240, the Children's Advocate may hire staff to carry out the duties, functions and powers of the office and shall prescribe their duties and fix their compensation.

(3) The Children's Advocate shall be a person who has background and experience in:

- (a) Law enforcement with particular emphasis on crimes involving child victims; or
- (b) Social work with particular emphasis on child abuse.

SECTION 20. ORS 418.985 is amended to read:

418.985. (1) There is established the Children's Wraparound Initiative Advisory Committee consisting of members representing:

- (a) Partner agencies;
- (b) Local service providers;
- (c) Youth and the family of youth who have current or past involvement with at least two partner agencies; and
- (d) Organizations that advocate for youth.

(2) The majority of members of the committee shall be representatives of youth or the family of youth and advocacy organizations.

(3) The committee shall advise and assist in the implementation of the wraparound initiative described in ORS 418.977.

(4) The Department of Human Services and the Oregon Health Authority, in consultation with the committee, shall report biennially to the Governor and the Legislative Assembly on the progress toward and projected costs of full implementation of the wraparound initiative.

(5) Members of the committee serve at the pleasure of the Governor.

SECTION 21. ORS 571.515 is amended to read:

571.515. (1) In order that there may be the closest contact between the State Department of Agriculture and the problems of the Christmas tree industry, there hereby is created a State Christmas Tree Advisory Committee, which shall consist of six members appointed by the Director of Agriculture. The director, as far as practicable, shall make appointments so that all areas of the

1 state are represented on the committee.

2 (2) The term of each member shall be for three years, from the date of appointment. **Members**
 3 **of the committee serve at the pleasure of the director and the Governor.** A member shall
 4 continue to serve until a successor is appointed and qualifies. Vacancies in office shall be filled by
 5 appointment for the unexpired term. An individual is not eligible to serve more than two consec-
 6 utive terms as a member.

7 (3) The members of the committee are eligible for compensation and expenses as provided in
 8 ORS 292.495, to be paid from funds provided by ORS 571.580.

9 (4) The functions of the committee are to advise and counsel with the department in the ad-
 10 ministration of ORS 571.505 to 571.580.

11 (5) The committee shall meet at the call of the chairperson or the director of the State Depart-
 12 ment of Agriculture. A majority of the members present at any meeting constitutes a quorum, and
 13 a majority vote of the quorum at any meeting constitutes an official act of the committee.

14 (6) At the first meeting in each year the committee shall select a chairperson. The Dean of the
 15 College of Agricultural Sciences, Oregon State University, and the director of the State Department
 16 of Agriculture, or their representatives, shall be ex officio members without the right to vote.

17 **SECTION 22.** ORS 508.755 is amended to read:

18 508.755. (1) There is established within the State Department of Fish and Wildlife the Commer-
 19 cial Fishery Permit Board. The board shall consist of members appointed by the State Fish and
 20 Wildlife Commission as follows:

21 (a) Three members shall be chosen to represent the Columbia River gillnet salmon fishing in-
 22 dustry.

23 (b) Three members shall be chosen to represent the ocean troll salmon fishing industry.

24 (c) Three members shall be chosen to represent the ocean pink shrimp fishing industry.

25 (d) Three members shall be chosen to represent the Yaquina Bay roe-herring fishing industry.

26 (e) Three members shall be chosen to represent the sea urchin commercial fishery.

27 (f) Three members shall be chosen to represent the ocean Dungeness crab fishing industry.

28 (g) Three members shall be chosen to represent the black rockfish and blue rockfish fishing in-
 29 dustry and the nearshore fish fishing industry.

30 (h) Three members shall be chosen to represent developmental fisheries as described in ORS
 31 506.450 to 506.465.

32 (i) Three members shall be chosen to represent each restricted participation system or restricted
 33 vessel permit system established by rule of the commission under ORS 506.462.

34 (j) Two members shall be chosen to represent the public.

35 (2) A member of the board shall receive no compensation for services as a member. However,
 36 subject to any applicable law regulating travel and other expenses of state officers and employees,
 37 a member shall be reimbursed for travel and other expenses incurred in the performance of official
 38 duties.

39 (3) The board shall select such officers, for such terms and with such duties and powers, as the
 40 board considers necessary for the performance of those offices.

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

42 (5) The board shall meet at such times and places as may be determined by the chairperson or
 43 by a majority of the members of the board.

44 **(6) Members of the board serve at the pleasure of the commission and the Governor.**

45 [(6)] (7) Notwithstanding any other provision of law:

1 (a) Members of the board representing the Columbia River gillnet salmon fishing industry shall
2 participate in actions of the board only on matters arising under ORS 508.285, 508.470 and 508.775
3 to 508.796.

4 (b) Members of the board representing the ocean troll salmon fishing industry shall participate
5 in actions of the board only on matters arising under ORS 508.801 to 508.825.

6 (c) Members of the board representing the ocean pink shrimp fishing industry shall participate
7 in actions of the board only on matters arising under ORS 508.880, 508.883 and 508.889 to 508.910.

8 (d) Members of the board representing the Yaquina Bay roe-herring fishing industry shall par-
9 ticipate in actions of the board only on matters arising under ORS 508.765.

10 (e) Members of the board representing the sea urchin commercial fishery shall participate in
11 actions of the board only on matters arising under ORS 508.760.

12 (f) Members of the board representing the ocean Dungeness crab fishing industry shall partic-
13 ipate in actions of the board only on matters arising under ORS 508.921.

14 (g) Members of the board representing the black rockfish and blue rockfish fishing industry and
15 the nearshore fish fishing industry shall participate in actions of the board only on matters arising
16 under ORS 508.947, 508.957 or 508.960.

17 (h) Members of the board representing developmental fisheries shall participate in actions of the
18 board only on matters arising under ORS 506.450 to 506.465.

19 (i) Members of the board representing a restricted participation system or a restricted vessel
20 permit system established by rule of the commission under ORS 506.462 shall participate in actions
21 of the board only on matters related to that system.

22 **SECTION 23.** ORS 508.867 is amended to read:

23 508.867. (1) Notwithstanding ORS 508.755 [(6)(b)] **(7)(b)** and (c), an individual whose application
24 for renewal of the permit required by ORS 508.840 is denied by the State Department of Fish and
25 Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial.
26 The review provided in this subsection is in lieu of any such review by the department or the State
27 Fish and Wildlife Commission. The request shall be in such form and shall contain such information
28 as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of
29 \$125. Such fee shall apply toward the permit fee of successful applicants.

30 (2) In accordance with any applicable provision of ORS chapter 183, the board shall review de-
31 nials of applications for renewal of permits. Orders issued by the board are not subject to review
32 by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive
33 requirements for renewal of permits if the board finds that the individual for personal or economic
34 reasons chooses to actively fish the permit vessel in some other ocean fishery or if the board finds
35 that the individual fails to meet the requirements as the result of illness, accident or other circum-
36 stances beyond the individual's control.

37 (3) In accordance with any applicable provision of ORS chapter 183, the board may promulgate
38 such rules as it considers necessary to carry out its duties, functions and powers.

39 (4) The board may delegate to the department the authority to waive eligibility requirements for
40 renewal of permits.

41 **SECTION 24.** ORS 326.375, as amended by section 3, chapter 36, Oregon Laws 2012, is amended
42 to read:

43 326.375. (1) The State Board of Education shall appoint a Commissioner for Community College
44 Services who shall:

45 (a) Serve at the pleasure of the board **and the Governor.**

1 (b) Serve under the direction and control of the Chief Education Officer appointed under section
 2 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's
 3 education system.

4 (2) The commissioner shall be a person who by training and experience is well qualified to per-
 5 form the duties of the office and to assist in carrying out the functions of the board under ORS
 6 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

7 (3) The commissioner shall:

8 (a) Be the executive head of the Department of Community Colleges and Workforce Develop-
 9 ment.

10 (b) Direct and supervise all activities of the Department of Community Colleges and Workforce
 11 Development.

12 (c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties
 13 of the commissioner. The staff shall be considered employees of the Department of Community Col-
 14 leges and Workforce Development for purposes of ORS chapters 240 and 243.

15 (d) Be responsible directly to:

16 (A) The State Board of Education for those duties enumerated in ORS chapter 341.

17 (B) The Chief Education Officer for matters related to the design and organization of the state's
 18 education system.

19 (4) The commissioner, with approval of the State Board of Education, shall be responsible for
 20 the representation of community college interests to the Governor, the Legislative Assembly, state
 21 agencies and others. The commissioner, with the approval of the state board, shall be responsible
 22 for submitting community college budget requests and budget reports for the Department of Com-
 23 munity Colleges and Workforce Development to the Legislative Assembly. The state board shall
 24 ensure that the budget request for community colleges and for the Department of Community Col-
 25 leges and Workforce Development are separate and distinct from its other requests to the Legisla-
 26 tive Assembly.

27 **SECTION 25.** ORS 326.375, as amended by sections 3 and 9, chapter 36, Oregon Laws 2012, is
 28 amended to read:

29 326.375. (1) The State Board of Education shall appoint a Commissioner for Community College
 30 Services who shall serve at the pleasure of the board **and the Governor**.

31 (2) The commissioner shall be a person who by training and experience is well qualified to per-
 32 form the duties of the office and to assist in carrying out the functions of the board under ORS
 33 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

34 (3) The commissioner shall:

35 (a) Be the executive head of the Department of Community Colleges and Workforce Develop-
 36 ment.

37 (b) Direct and supervise all activities of the Department of Community Colleges and Workforce
 38 Development.

39 (c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties
 40 of the commissioner. The staff shall be considered employees of the Department of Community Col-
 41 leges and Workforce Development for purposes of ORS chapters 240 and 243.

42 (d) Be responsible directly to the State Board of Education for those duties enumerated in ORS
 43 chapter 341.

44 (4) The commissioner, with approval of the State Board of Education, shall be responsible for
 45 the representation of community college interests to the Governor, the Legislative Assembly, state

1 agencies and others. The commissioner, with the approval of the state board, shall be responsible
 2 for submitting community college budget requests and budget reports for the Department of Com-
 3 munity Colleges and Workforce Development to the Legislative Assembly. The state board shall
 4 ensure that the budget request for community colleges and for the Department of Community Col-
 5 leges and Workforce Development are separate and distinct from its other requests to the Legisla-
 6 tive Assembly.

7 **SECTION 26.** ORS 759.430 is amended to read:

8 759.430. (1)(a) Notwithstanding ORS 285A.075 (2), the Oregon Business Development Commission
 9 shall approve plans and plan modifications for projects funded by a telecommunications carrier's
 10 Telecommunications Infrastructure Account established under ORS 759.405. Projects funded from a
 11 telecommunications carrier's Telecommunications Infrastructure Account shall be completed by the
 12 carrier and shall be substantially for the benefit of the carrier's customers. Plans approved by the
 13 commission must be consistent with the purpose of the fund as described in ORS 759.405. The com-
 14 mission shall give priority to projects that provide increased bandwidth between communities, route
 15 diversity and access to advanced telecommunications services in an expedited manner. The com-
 16 mission shall seek to ensure that an approved project is the most technically appropriate means of
 17 addressing the circumstances presented in a project plan. The commission shall review recommen-
 18 dations and analysis from the Connecting Oregon Communities Advisory Board established in sub-
 19 section (2) of this section prior to approving a plan. Project plans may be submitted by local
 20 communities including but not limited to local governments, community institutions, citizen groups,
 21 public and private educational institutions and business groups.

22 (b) Under the policies and guidance of the commission, the Oregon Business Development De-
 23 partment shall adopt rules for the submission of project plans by telecommunications carriers and
 24 other persons, including criteria for approval of such plans. The rules shall include criteria to de-
 25 termine if the telecommunications carrier reasonably should be expected to make the investment
 26 based on an economic analysis of the project. Projects that are determined to meet the criteria but
 27 are not economically self-supporting or would not be undertaken in the time frame proposed shall
 28 be given priority over similar projects that would be economically self-supporting or likely would
 29 be completed in the time frame proposed. The rules shall provide for review of the economic benefits
 30 of the proposed plan to the affected community and the potential for the proposed plan to leverage
 31 other funding sources including but not limited to federal, state and private sources.

32 (c) The commission also shall approve expenditures from the Public Access Account of the
 33 Connecting Oregon Communities Fund established in ORS 759.445 (4).

34 (2) There is established within the Oregon Business Development Department the Connecting
 35 Oregon Communities Advisory Board consisting of five members appointed by the commission. The
 36 commission shall seek advice from the Governor prior to making an appointment to the advisory
 37 board. **Members of the advisory board serve at the pleasure of the commission and the Gov-**
 38 **ernor.**

39 (3) There shall be one member of the advisory board from each of the following areas:

- 40 (a) Eastern Oregon, including Hood River County;
- 41 (b) Central Oregon;
- 42 (c) Southern Oregon;
- 43 (d) Coastal Oregon; and
- 44 (e) The Willamette Valley.

45 (4) Employees of the Public Utility Commission, employees of state or local government who are

1 responsible for purchasing telecommunications services or equipment and employees of a telecom-
2 munications carrier may not be appointed to the advisory board.

3 (5) The advisory board shall select one of its members as chairperson and another of its mem-
4 bers as vice chairperson, for such terms and with duties and powers necessary for the performance
5 of the functions of those offices as the board determines.

6 (6) The purpose of the advisory board is to review and make recommendations to the Oregon
7 Business Development Commission for approval of and modifications to projects funded by a tele-
8 communications carrier's Telecommunications Infrastructure Account under this section and ORS
9 759.405. The advisory board shall seek advice and comment on plans submitted by a telecommuni-
10 cations carrier from affected local communities including but not limited to local governments, citi-
11 zens and businesses. The advisory board also shall seek advice and comment from state and federal
12 agencies when appropriate to ensure that investments will maximize statewide public benefits and
13 are consistent with the needs and desires of the local communities. The advisory board shall con-
14 sider the needs of and impact on education, health care, economic development and the delivery of
15 state and local governmental services when evaluating a plan.

16 (7) The advisory board also shall review proposals submitted to the commission under ORS
17 759.445 (5) and make recommendations to the commission regarding approval, modification or denial
18 of the proposals.

19 (8) The advisory board shall make an annual report to the Joint Legislative Committee on In-
20 formation Management and Technology on the plans and activities funded under ORS 759.405 and
21 759.445 (5).

22 (9)(a) Reasonable expenses incurred by the members of the advisory board in the performance
23 of their duties, costs of the Oregon Business Development Department directly related to providing
24 staff to the advisory board and costs to the department for providing technical assistance to local
25 communities shall be paid out of the Telecommunications Infrastructure Accounts created under
26 ORS 759.405.

27 (b) Following the transfer of funds required under ORS 759.405 (2) and (3), a telecommunications
28 carrier that elects to be subject to regulation under ORS 759.405 and 759.410 shall transfer from the
29 remaining funds in its Telecommunications Infrastructure Account the following amounts to the
30 Oregon Business Development Department to be used for the payment of expenses described in
31 paragraph (a) of this subsection:

32 (A) \$575,000 in 2000;

33 (B) \$325,000 in 2001;

34 (C) \$325,000 in 2002; and

35 (D) \$325,000 in 2003.

36 (c) If more than one telecommunications carrier elects to be subject to regulation under ORS
37 759.405 and 759.410, the funding requirements described in paragraph (b) of this subsection shall be
38 distributed pro rata among the electing carriers.

39 **SECTION 27.** ORS 455.492 is amended to read:

40 455.492. (1) There is established a Construction Industry Energy Board, consisting of seven
41 members. **Members of the board serve at the pleasure of the appointing authority and the**
42 **Governor.** The membership shall consist of the following:

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

45 (b) Two members selected by the Residential and Manufactured Structures Board from the

1 members of the Residential and Manufactured Structures Board who have practical experience in
2 the residential structure industry or manufactured structure industry.

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

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

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

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

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

16 **SECTION 28.** ORS 430.073 is amended to read:

17 430.073. (1) As used in this section and ORS 430.075, "consumer" means a person who has re-
18 ceived or is receiving mental health or addiction services.

19 (2) The Director of the Oregon Health Authority shall establish a Consumer Advisory Council
20 to advise the director on the provision of mental health services by the Oregon Health Authority.
21 The council may review, evaluate and provide feedback on all site reviews related to mental health
22 services provided by the authority.

23 (3) The director shall appoint 15 to 25 consumers to the council. In making appointments, the
24 director shall strive to balance the representation according to geographic areas of the state and
25 age. **Members of the council serve at the pleasure of the director and the Governor.**

26 (4) The authority shall provide administrative support to the council.

27 (5) Members of the council are not entitled to compensation or reimbursement of expenses under
28 ORS 292.495.

29 **SECTION 29.** ORS 101.140 is amended to read:

30 101.140. (1) The Continuing Care Retirement Community Advisory Council is created and shall
31 consist of nine members appointed by the Director of Human Services or a designee and shall rep-
32 resent the geographic location of providers in this state. A member must be a resident of this state.
33 **Members of the council serve at the pleasure of the director and the Governor.** Three mem-
34 bers must represent providers that are registered pursuant to ORS 101.030 and must have been ac-
35 tively engaged in the offering of residency agreements in this state for five years before
36 appointment. The remaining members shall include:

37 (a) A representative of the business community with expertise in the area of management;

38 (b) A certified public accountant;

39 (c) An attorney; and

40 (d) Three Oregon residents of continuing care retirement communities or other consumer rep-
41 resentatives.

42 (2) The term of office for a member shall be three years or until a successor has been appointed
43 and qualified.

44 (3) The members of the advisory council shall serve without pay. They shall be reimbursed by
45 the Department of Human Services for their actual and necessary traveling expenses incurred while

1 on official business.

2 (4) The council shall:

3 (a) Elect a chairperson from among their number and elect or appoint a secretary, both of whom
4 shall hold office for one year and thereafter until a successor is qualified and elected;

5 (b) Hold an annual meeting and hold other meetings at times and places the department or the
6 chairperson of the council may direct;

7 (c) Keep a record of its proceedings. The record is prima facie evidence of all matters reported
8 and shall be open to inspection at all times;

9 (d) Act in an advisory capacity to the department; and

10 (e) Make recommendations to the department on all proposed rules pertaining to this chapter.

11 **SECTION 30.** ORS 423.085 is amended to read:

12 423.085. (1) The Director of the Department of Corrections shall appoint an unclassified em-
13 ployee to the position of Administrator of Correctional Education. **The administrator serves at**
14 **the pleasure of the director and the Governor.**

15 (2) The Administrator of Correctional Education shall be employed full-time with authority over,
16 and responsibility for, statewide corrections education programs. The administrator shall:

17 (a) Plan, design and implement the correctional education system required in ORS 421.081; and

18 (b) Recommend to the Director of the Department of Corrections rules as necessary to carry out
19 the responsibilities of the office of Administrator of Correctional Education.

20 (3)(a) The Department of Corrections, through the Administrator of Correctional Education, may
21 negotiate contracts with organizations and agencies to implement the provisions of ORS 421.081 and
22 421.084 and this section. The Department of Corrections, in discharging its duties under this section,
23 shall honor provisions of existing collective bargaining agreements with current employees of the
24 department that provide for contracting out.

25 (b) All moneys appropriated to the Department of Corrections for general, professional and
26 technical education instruction shall be expended only for those purposes.

27 **SECTION 31.** ORS 181.637 is amended to read:

28 181.637. (1) The Board on Public Safety Standards and Training shall establish the following
29 policy committees:

30 (a) Corrections Policy Committee;

31 (b) Fire Policy Committee;

32 (c) Police Policy Committee;

33 (d) Telecommunications Policy Committee; and

34 (e) Private Security Policy Committee.

35 (2) The members of each policy committee shall select a chairperson and vice chairperson for
36 the policy committee. Only members of the policy committee who are also members of the board are
37 eligible to serve as a chairperson or vice chairperson. The vice chairperson may act as chairperson
38 in the absence of the chairperson.

39 (3) The Corrections Policy Committee consists of:

40 (a) All of the board members who represent the corrections discipline;

41 (b) The chief administrative officer of the training division of the Department of Corrections;

42 (c) A security manager from the Department of Corrections recommended by the Director of the
43 Department of Corrections; and

44 (d) The following, who may not be current board members, appointed by the chairperson of the
45 board:

- 1 (A) One person recommended by and representing the Oregon State Sheriffs' Association;
- 2 (B) Two persons recommended by and representing the Oregon Sheriff's Jail Command Council;
- 3 (C) One person recommended by and representing a statewide association of community cor-
- 4 rections directors;
- 5 (D) One nonmanagement corrections officer employed by the Department of Corrections;
- 6 (E) One corrections officer who is a female, who is employed by the Department of Corrections
- 7 at a women's correctional facility and who is a member of a bargaining unit; and
- 8 (F) Two nonmanagement corrections officers.
- 9 (4) The Fire Policy Committee consists of:
- 10 (a) All of the board members who represent the fire service discipline; and
- 11 (b) The following, who may not be current board members, appointed by the chairperson of the
- 12 board:
- 13 (A) One person recommended by and representing a statewide association of fire instructors;
- 14 (B) One person recommended by and representing a statewide association of fire marshals;
- 15 (C) One person recommended by and representing community college fire programs;
- 16 (D) One nonmanagement firefighter recommended by a statewide organization of firefighters; and
- 17 (E) One person representing the forest protection agencies and recommended by the State
- 18 Forestry Department.
- 19 (5) The Police Policy Committee consists of:
- 20 (a) All of the board members who represent the law enforcement discipline; and
- 21 (b) The following, who may not be current board members, appointed by the chairperson of the
- 22 board:
- 23 (A) One person recommended by and representing the Oregon Association Chiefs of Police;
- 24 (B) Two persons recommended by and representing the Oregon State Sheriffs' Association;
- 25 (C) One command officer recommended by and representing the Oregon State Police; and
- 26 (D) Three nonmanagement law enforcement officers.
- 27 (6) The Telecommunications Policy Committee consists of:
- 28 (a) All of the board members who represent the telecommunications discipline; and
- 29 (b) The following, who may not be current board members, appointed by the chairperson of the
- 30 board:
- 31 (A) Two persons recommended by and representing a statewide association of public safety
- 32 communications officers;
- 33 (B) One person recommended by and representing the Oregon Association Chiefs of Police;
- 34 (C) One person recommended by and representing the Oregon State Police;
- 35 (D) Two persons representing telecommunicators;
- 36 (E) One person recommended by and representing the Oregon State Sheriffs' Association;
- 37 (F) One person recommended by and representing the Oregon Fire Chiefs Association;
- 38 (G) One person recommended by and representing the Emergency Medical Services and Trauma
- 39 Systems Program of the Oregon Health Authority; and
- 40 (H) One person representing emergency medical services providers and recommended by a
- 41 statewide association dealing with fire medical issues.
- 42 (7) The Private Security Policy Committee consists of:
- 43 (a) All of the board members who represent the private security industry; and
- 44 (b) The following, who may not be current board members, appointed by the chairperson of the
- 45 board:

- 1 (A) One person representing unarmed private security professionals;
2 (B) One person representing armed private security professionals;
3 (C) One person representing the health care industry;
4 (D) One person representing the manufacturing industry;
5 (E) One person representing the retail industry;
6 (F) One person representing the hospitality industry;
7 (G) One person representing private business or a governmental entity that utilizes private se-
8 curity services;
9 (H) One person representing persons who monitor alarm systems;
10 (I) Two persons who are investigators licensed under ORS 703.430, one of whom is recommended
11 by the Oregon State Bar and one of whom is in private practice; and
12 (J) One person who represents the public at large and who is not related within the second de-
13 gree by affinity or consanguinity to a person who is employed or doing business as a private security
14 professional or executive manager, as defined in ORS 181.870, or as an investigator, as defined in
15 ORS 703.401.
- 16 (8) In making appointments to the policy committees under this section, the chairperson of the
17 board shall seek to reflect the diversity of the state's population. An appointment made by the
18 chairperson of the board must be ratified by the board before the appointment is effective. The
19 chairperson of the board may remove an appointed member for just cause, **and the Governor may**
20 **remove an appointed member at the Governor's discretion.** An appointment to a policy com-
21 mittee that is based on the member's employment is automatically revoked if the member changes
22 employment. The chairperson of the board shall fill a vacancy in the same manner as making an
23 initial appointment. The term of an appointed member is two years. An appointed member may be
24 appointed to a second term.
- 25 (9) A policy committee may meet at such times and places as determined by the policy commit-
26 tee in consultation with the Department of Public Safety Standards and Training. A majority of a
27 policy committee constitutes a quorum to conduct business. A policy committee may create sub-
28 committees if needed.
- 29 (10)(a) Each policy committee shall develop policies, requirements, standards and rules relating
30 to its specific discipline. A policy committee shall submit its policies, requirements, standards and
31 rules to the board for the board's consideration. When a policy committee submits a policy, re-
32 quirement, standard or rule to the board for the board's consideration, the board shall:
- 33 (A) Approve the policy, requirement, standard or rule;
34 (B) Disapprove the policy, requirement, standard or rule; or
35 (C) Defer a decision and return the matter to the policy committee for revision or reconsider-
36 ation.
- 37 (b) The board may defer a decision and return a matter submitted by a policy committee under
38 paragraph (a) of this subsection only once. If a policy, requirement, standard or rule that was re-
39 turned to a policy committee is resubmitted to the board, the board shall take all actions necessary
40 to implement the policy, requirement, standard or rule unless the board disapproves the policy, re-
41 quirement, standard or rule.
- 42 (c) Disapproval of a policy, requirement, standard or rule under paragraph (a) or (b) of this
43 subsection requires a two-thirds vote by the members of the board.
- 44 (11) At any time after submitting a matter to the board, the chairperson of the policy committee
45 may withdraw the matter from the board's consideration.

1 **SECTION 32.** ORS 421.344 is amended to read:

2 421.344. There is established Oregon Corrections Enterprises, a semi-independent agency. The
3 Director of the Department of Corrections shall assign or appoint an administrator who shall serve
4 at the pleasure of the director **and the Governor**. The administrator shall have authority to do all
5 things necessary and convenient to carry out ORS 192.502, 421.305, 421.312, 421.344 to 421.367,
6 421.412, 421.442, 421.444 and 421.445.

7 **SECTION 33.** ORS 565.410 is amended to read:

8 565.410. (1) There hereby is established the County Fair Commission, consisting of eight mem-
9 bers. The Director of Agriculture, or a staff member of the State Department of Agriculture ap-
10 pointed by the director, shall serve as a member of the commission without vote. The director shall
11 appoint seven other members who are persons interested in fair activities. Three of such members
12 must reside in the area east of the Cascade Mountains, three members must reside in the area west
13 of the Cascade Mountains, and one member shall be from the state at large.

14 (2) The term of office of each voting member is three years, but all members serve at the
15 pleasure of the director **and the Governor**. Before the expiration of the term of a voting member,
16 the director shall appoint a successor whose term begins on January 1 next following. A voting
17 member is eligible for reappointment, but no voting member may serve more than two consecutive
18 terms. If there is a vacancy for any cause, the director shall make an appointment to become im-
19 mediately effective for the unexpired term.

20 **SECTION 34.** ORS 243.505 is amended to read:

21 243.505. (1) The Deferred Compensation Advisory Committee shall be appointed by the Public
22 Employees Retirement Board, consisting of seven members with knowledge of deferred compensation
23 plans.

24 (2) At the direction of the board, the committee shall advise the Public Employees Retirement
25 Board on policies and procedures and such other matters as the board may request.

26 (3) The term of office of each member is three years, but a member serves at the pleasure of the
27 board **and the Governor**. Before the expiration of the term of a member, the board shall appoint
28 a successor whose term begins on July 1 next following. A member is eligible for reappointment. If
29 there is a vacancy for any cause, the board shall make an appointment to become immediately ef-
30 fective for the unexpired term.

31 (4) A member of the Deferred Compensation Advisory Committee is entitled to compensation and
32 expenses as provided in ORS 292.495.

33 (5) The Deferred Compensation Advisory Committee shall select one of its members as chair-
34 person and another as vice chairperson, for such terms and with duties and powers necessary for
35 the performance of the functions of such offices as the committee determines.

36 (6) A majority of the members of the committee constitutes a quorum for the transaction of
37 business.

38 (7) The Deferred Compensation Advisory Committee may meet at a place, day and hour deter-
39 mined by the committee. The committee also may meet at other times and places specified by the
40 call of the chairperson or of a majority of the members of the committee.

41 **SECTION 35.** ORS 526.031 is amended to read:

42 526.031. (1) The State Board of Forestry shall appoint a State Forester, who must be a practical
43 forester familiar with western conditions and experienced in organization for the prevention of for-
44 est fires. The forester shall be the chief executive officer of the State Forestry Department. The
45 forester shall hold office at the pleasure of the board **and the Governor**, and shall act as *[its]* **the**

1 secretary **of the board.**

2 (2) With the approval of the board and subject to applicable provisions of the State Personnel
3 Relations Law, the State Forester may appoint a Deputy State Forester, assistant state foresters and
4 other employees of the department. During the State Forester's absence or disability, all authority
5 shall be exercised by the Deputy State Forester or by the assistant whom the State Forester or the
6 board, by written order filed with the Secretary of State, has designated as Acting State Forester.

7 (3) The board shall fix the compensation of the State Forester. In addition to their salaries, the
8 forester, the deputy and assistants shall be reimbursed, subject to the limitations otherwise provided
9 by law, for their actual and necessary travel and other expenses incurred in the performance of
10 their duties.

11 **SECTION 36.** ORS 410.603 is amended to read:

12 410.603. (1) The Home Care Commission shall create a Developmental Disabilities and Mental
13 Health Committee. **Members of the committee serve at the pleasure of the commission and**
14 **the Governor.**

15 (2) The committee shall provide information and make recommendations to the commission on:

16 (a) Methods of improving the quality of services available to persons with developmental disa-
17 bilities or mental illnesses and the family members of persons with developmental disabilities or
18 mental illnesses;

19 (b) Means of ensuring that an adequate amount of services are available to persons with devel-
20 opmental disabilities or mental illnesses and the family members of persons with developmental
21 disabilities or mental illnesses; and

22 (c) All the duties and functions under ORS 410.595 to 410.625 as those duties and functions
23 pertain to persons with developmental disabilities or mental illnesses and the family members of
24 persons with developmental disabilities or mental illnesses, including but not limited to:

25 (A) Qualifications for personal support workers;

26 (B) Registration of personal support workers;

27 (C) Referrals for routine, emergency and respite care;

28 (D) Training opportunities for personal support workers; and

29 (E) Collective bargaining.

30 (3) The commission shall consider the recommendations of the committee. When the commission
31 does not follow the recommendations of the committee, the commission shall inform the committee
32 of the reasons for not following the recommendations.

33 (4) The commission shall appoint members to the committee. In appointing members to the
34 committee, the commission shall include at least one:

35 (a) Consumer of services, activities or purchases available to persons with developmental disa-
36 bilities;

37 (b) Consumer of services, activities or purchases available to persons with mental illnesses;

38 (c) Family member of a person with a developmental disability;

39 (d) Family member of a person with a mental illness;

40 (e) Advocate for persons with developmental disabilities or mental illnesses;

41 (f) Personal support worker;

42 (g) Representative from an agency that assists persons with developmental disabilities or mental
43 illnesses in finding and arranging resources for home care services; and

44 (h) Representative from a support services brokerage that assists persons with developmental
45 disabilities or mental illnesses in finding and arranging resources for home care services.

1 **SECTION 37.** ORS 506.465 is amended to read:

2 506.465. (1) The Developmental Fisheries Board is established in the State Department of Fish
3 and Wildlife. The board shall consist of members appointed by the State Fish and Wildlife Commis-
4 sion after consultation with commercial fishing industry representatives to insure representation on
5 the board of a broad range of fishing interests. **Members of the board serve at the pleasure of**
6 **the commission and the Governor.**

7 (2) The commission shall appoint:

8 (a) Two members who are commercial fishermen licensed in this state and who are the operators
9 of commercial fishing vessels that are less than 60 feet in length.

10 (b) Two members who are commercial fishermen licensed in this state and who are the operators
11 of commercial fishing vessels that are 60 feet or more in length.

12 (c) One member who represents commercial fishing interests in general.

13 (d) One member who is employed by a fish processor having fewer than 50 employees.

14 (e) One member who is employed by a fish processor having 50 or more employees.

15 (f) One member who is an employee of the State Department of Fish and Wildlife.

16 (g) One member who is an employee of the State Department of Agriculture.

17 (3) A member of the board shall receive no compensation for services as a member. However,
18 subject to any applicable law regulating travel and other expenses of state officers and employees,
19 a member shall be reimbursed for actual and necessary travel and other expenses incurred in the
20 performance of duties as a board member. The board shall meet at least once each year.

21 **SECTION 38.** ORS 448.153 is amended to read:

22 448.153. (1) The State Drinking Water Advisory Committee is created to advise and assist the
23 Oregon Health Authority on policies related to the protection, safety and regulation of public
24 drinking water in Oregon.

25 (2) The committee created under this section shall consist of 15 members appointed by the
26 Public Health Officer. The officer shall make the appointments after considering nominees from:

27 (a) Public water systems of cities with a population greater than 100,000;

28 (b) Privately owned water systems;

29 (c) Environmental advocacy groups;

30 (d) The American Council of Engineering Companies of Oregon;

31 (e) The Conference of Local Health Officials created by ORS 431.330;

32 (f) The League of Oregon Cities;

33 (g) The League of Women Voters of Oregon;

34 (h) The Oregon Association of Water Utilities;

35 (i) The Oregon Environmental Health Association;

36 (j) The Oregon Environmental Laboratory Association;

37 (k) The Pacific Northwest Section of the American Water Works Association;

38 (L) The Special Districts Association of Oregon;

39 (m) Organizations representing plumbers or backflow testers;

40 (n) Water consumers; and

41 (o) Watershed councils.

42 (3) The committee shall adopt rules to govern its proceedings and shall select a chair and any
43 other officers it considers necessary.

44 (4) The members shall be appointed to serve for terms of three years. **Members serve at the**
45 **pleasure of the Public Health Officer and the Governor.** A vacancy on the committee shall be

1 filled by appointment by the Public Health Officer for the unexpired term.

2 (5) The committee shall meet regularly four times a year at times and places fixed by the chair
3 of the committee. The committee may meet at other times specified by the chair or a majority of the
4 members of the committee.

5 (6) The Oregon Health Authority shall provide assistance and space for meetings as requested
6 by the chair of the committee.

7 (7) Members of the committee shall be entitled to actual and necessary expenses as provided by
8 ORS 292.495 (2).

9 **SECTION 39.** ORS 479.810 is amended to read:

10 479.810. (1) The Electrical and Elevator Board shall administer and enforce ORS 479.510 to
11 479.945 and 479.995. The Director of the Department of Consumer and Business Services shall ap-
12 point an adequate staff of competent persons experienced and trained to serve as electrical inspec-
13 tors. The board shall assist the director in reviewing determinations made by the staff involving
14 electrical installations or products and to assist in formulating rules under ORS 479.730.

15 (2) The director, in consultation with the board, shall appoint a representative of the
16 department's staff of electrical inspectors who shall serve ex officio as secretary of the board. This
17 person shall be known as the Chief Electrical Inspector. **The Chief Electrical Inspector serves**
18 **at the pleasure of the director and the Governor.**

19 (3) The director shall certify a person as an electrical inspector if:

20 (a) The person:

21 (A) Completes a general journeyman electrical apprenticeship program in Oregon;

22 (B) Has two years' experience as a licensed electrician in Oregon; and

23 (C) Passes the examination required for certification as a supervising electrician; or

24 (b) For a person with experience outside the State of Oregon, the person:

25 (A)(i) Has five years' experience in commercial or industrial electrical inspection; and

26 (ii) Passes the examination required for certification as a general supervising electrician; or

27 (B) Has six years of out-of-state experience as an electrician and passes the examination re-
28 quired for certification as a general supervising electrician.

29 (4) The board may, by rule, allow certification of persons as electrical inspectors with experi-
30 ence or training that does not meet the requirements specified in subsection (3) of this section.

31 (5) Rules adopted under this section shall provide for the recognition of equivalent experience
32 acquired by a person outside the State of Oregon.

33 (6) An examination taken for purposes of applying for certification as an electrical inspector
34 under this section shall not be valid for use in an application to become licensed as a supervising
35 electrician.

36 **SECTION 40.** ORS 477.440 is amended to read:

37 477.440. (1) The State Board of Forestry shall appoint an Emergency Fire Cost Committee con-
38 sisting of four members, who shall be forest landowners or representatives of forest landowners
39 whose forestland is being assessed for forest fire protection within a forest protection district. At
40 least one member shall be selected from each forest region of the state. Members shall serve at the
41 pleasure of the board **and the Governor.**

42 (2) Members of the Emergency Fire Cost Committee shall be appointed by the board for four-
43 year terms. Appointments under this subsection shall be made by the board within 60 days after July
44 21, 1987. If there is a vacancy for any cause, the board shall make an appointment to become im-
45 mediately effective for the unexpired term.

1 **SECTION 41.** ORS 431.623 is amended to read:

2 431.623. (1) The Emergency Medical Services and Trauma Systems Program is created within the
3 Oregon Health Authority for the purpose of administering and regulating ambulances, training and
4 licensing emergency medical services providers, establishing and maintaining emergency medical
5 systems, including trauma systems, and maintaining the Oregon Trauma Registry, as necessary for
6 trauma reimbursement, system quality assurance and ensuring cost efficiency.

7 (2) For purposes of ORS 431.607 to 431.619 and ORS chapter 682, the duties vested in the au-
8 thority shall be performed by the Emergency Medical Services and Trauma Systems program.

9 (3) The program shall be administered by a director. **The director serves at the pleasure of**
10 **the authority and the Governor.**

11 (4) With moneys transferred to the program by ORS 442.625, the director of the program shall
12 apply those moneys to:

13 (a) Developing state and regional standards of care;

14 (b) Developing a statewide educational curriculum to teach standards of care;

15 (c) Implementing quality improvement programs;

16 (d) Creating a statewide data system for prehospital care; and

17 (e) Providing ancillary services to enhance Oregon's emergency medical service system.

18 (5) The director of the program shall adopt rules for the Oregon Trauma Registry, establishing:

19 (a) The information that must be reported by trauma centers;

20 (b) The form and frequency of reporting; and

21 (c) Procedures and standards for the administration of the registry.

22 **SECTION 42.** ORS 401.062 is amended to read:

23 401.062. (1) The Office of Emergency Management is under the supervision and control of a di-
24 rector, who is responsible for the performance of the duties, functions and powers of the office.

25 (2) The Adjutant General, with the approval of the Governor, shall appoint the Director of the
26 Office of Emergency Management, who holds office at the pleasure of the Adjutant General **and the**
27 **Governor.**

28 (3) The director shall be paid a salary as provided by law or, if not so provided, as prescribed
29 by the Adjutant General, with the approval of the Governor.

30 (4) For purposes of administration, subject to the approval of the Adjutant General, the director
31 may organize and reorganize the office as the director considers necessary to properly conduct the
32 work of the office.

33 (5) The director may divide the functions of the office into administrative divisions. Subject to
34 the approval of the Adjutant General, the director may appoint an individual to administer each
35 division. The administrator of each division serves at the pleasure of the director and is not subject
36 to the provisions of ORS chapter 240. Each individual appointed under this subsection must be well
37 qualified by technical training and experience in the functions to be performed by the individual.

38 **SECTION 43.** ORS 401.072 is amended to read:

39 401.072. (1) The Director of the Office of Emergency Management may, by written order filed
40 with the Secretary of State, appoint a deputy director. The deputy director serves at the pleasure
41 of the director **and the Governor**, has authority to act for the director in the absence of the di-
42 rector and is subject to the control of the director at all times.

43 (2) Subject to any applicable provisions of ORS chapter 240, the director shall appoint all sub-
44 ordinate officers and employees of the Office of Emergency Management, prescribe their duties and
45 fix their compensation.

1 **SECTION 44.** ORS 682.039 is amended to read:

2 682.039. (1) The Oregon Health Authority shall appoint a State Emergency Medical Service
3 Committee composed of 18 members as follows:

4 (a) Seven physicians licensed under ORS chapter 677 whose practice consists of routinely
5 treating emergencies such as cardiovascular illness or trauma, appointed from a list submitted by
6 the Oregon Medical Board.

7 (b) Four emergency medical services providers whose practices consist of routinely treating
8 emergencies, including but not limited to cardiovascular illness or trauma, at least one of whom is
9 at the lowest level of licensure for emergency medical services providers established by the au-
10 thority at the time of appointment. Emergency medical services providers appointed pursuant to
11 this paragraph must be selected from lists submitted by each area trauma advisory board. The lists
12 must include nominations from entities including but not limited to organizations that represent
13 emergency care providers in Oregon.

14 (c) One volunteer ambulance operator.

15 (d) One person representing governmental agencies that provide ambulance services.

16 (e) One person representing a private ambulance company.

17 (f) One hospital administrator.

18 (g) One nurse who has served at least two years in the capacity of an emergency department
19 nurse.

20 (h) One representative of an emergency dispatch center.

21 (i) One community college or licensed career school representative.

22 (2) The committee shall include at least one resident but no more than three residents from each
23 region served by one area trauma advisory board at the time of appointment.

24 (3) Appointments shall be made for a term of four years in a manner to preserve as much as
25 possible the representation of the organization described in subsection (1) of this section. **Members**
26 **of the committee serve at the pleasure of the authority and the Governor.** Vacancies shall be
27 filled for any unexpired term as soon as the authority can make such appointments. The committee
28 shall choose its own chairperson and shall meet at the call of the chairperson or the Director of the
29 Oregon Health Authority.

30 (4) The State Emergency Medical Service Committee shall:

31 (a) Advise the authority concerning the adoption, amendment and repeal of rules authorized by
32 this chapter;

33 (b) Assist the Emergency Medical Services and Trauma Systems Program in providing state and
34 regional emergency medical services coordination and planning;

35 (c) Assist communities in identifying emergency medical service system needs and quality im-
36 provement initiatives;

37 (d) Assist the Emergency Medical Services and Trauma Systems Program in prioritizing, imple-
38 menting and evaluating emergency medical service system quality improvement initiatives identified
39 by communities;

40 (e) Review and prioritize rural community emergency medical service funding requests and pro-
41 vide input to the Rural Health Coordinating Council; and

42 (f) Review and prioritize funding requests for rural community emergency medical service
43 training and provide input to the Area Health Education Center program.

44 (5) The chairperson of the committee shall appoint a subcommittee on the licensure and disci-
45 pline of emergency medical services providers, consisting of five physicians and four emergency

1 medical services providers. The subcommittee shall advise the authority and the Oregon Medical
2 Board on the adoption, amendment, repeal and application of rules concerning ORS 682.204 to
3 682.220 and 682.245. The decisions of this subcommittee are not subject to the review of the full
4 State Emergency Medical Service Committee.

5 (6) Members are entitled to compensation as provided in ORS 292.495.

6 **SECTION 45.** ORS 672.250 is amended to read:

7 672.250. (1) Upon the expiration of the term of any board member, the Governor shall appoint
8 a person possessing the qualifications prescribed by ORS 672.240 as a member of the State Board
9 of Examiners for Engineering and Land Surveying to serve for a term of four years from July 1.

10 (2) Every member of the board shall receive a certificate of appointment from the Governor and
11 before beginning the term shall file with the Secretary of State the constitutional oath of office.

12 (3) The Governor:

13 (a) May remove any member of the board [*for misconduct, incapacity or neglect of duty*] **at the**
14 **Governor's discretion.**

15 (b) By appointment for the unexpired term, shall fill any vacancy caused by death, resignation
16 or removal from office.

17 **SECTION 46.** ORS 468.030 is amended to read:

18 468.030. There is hereby established in the executive-administrative branch of the government
19 of the state under the Environmental Quality Commission a department to be known as the De-
20 partment of Environmental Quality. The department shall consist of the Director of the Department
21 of Environmental Quality and all personnel employed in the department. **The director serves at**
22 **the pleasure of the Governor.**

23 **SECTION 47.** ORS 565.021 is amended to read:

24 565.021. (1) The State Parks and Recreation Director shall appoint a State Fair Advisory Com-
25 mittee to provide advice and assistance to the director on matters regarding the operation of the
26 Oregon State Fair.

27 (2) The advisory committee shall consist of seven members appointed by the director for four-
28 year terms. The director shall appoint:

29 (a) A resident from each congressional district of Oregon. The director shall seek to ensure that
30 those persons reflect a broad-based representation of the industrial, educational and cultural inter-
31 ests active in state fair activities, such as agricultural, stock raising, horticultural, mining, me-
32 chanical, artistic and industrial pursuits.

33 (b) Two persons to represent county fair interests. The director may give consideration to
34 nominations suggested by the County Fair Commission established under ORS 565.410.

35 (3) The members of the advisory committee serve at the pleasure of the director **and the Gov-**
36 **ernor.** The director may fill a vacancy on the advisory committee by appointing a person to fill the
37 unexpired term.

38 (4) Each member of the advisory committee is entitled to compensation and reimbursement of
39 expenses, as provided in ORS 292.495, from moneys appropriated to the State Parks and Recreation
40 Department for that purpose.

41 (5) The advisory committee shall select one of its members as chairperson and another as vice
42 chairperson, for such terms and with such duties and powers necessary for the performance of the
43 functions of those offices as the advisory committee determines appropriate.

44 (6) The advisory committee shall meet at the call of the director.

45 **SECTION 48.** ORS 417.346 is amended to read:

1 417.346. Subject to the availability of funds therefor, the Director of Human Services, in con-
2 sultation with the Director of the Oregon Health Authority, shall:

3 (1) Identify current programs and potential resources available to families providing care for a
4 family member with a disability or chronic illness.

5 (2) Develop a biennial plan for adequate funding and recommend budgetary priorities for family
6 support services.

7 (3) Develop a biennial cooperative plan for assuring a statewide interagency system of family
8 support services.

9 (4) Adopt rules for family support services that are guided by the goals and principles set forth
10 in ORS 417.340 to 417.348. These rules shall contain a grievance procedure.

11 (5) Make a biennial report to the Legislative Assembly on the state of the family support system,
12 including strengths, deficiencies, cost savings and recommendations. This report shall include a
13 comprehensive statement of the efforts of the Department of Human Services to carry out the poli-
14 cies and principles set forth in this legislation. The report shall include but not be limited to a list
15 of family support services, a summary of costs and the number of clients served.

16 (6) Establish a Family Support Advisory Council whose purpose is to review and comment on
17 plans and services provided or contracted for family support by state agencies and advise the Di-
18 rector **of Human Services** on the state plans for coordinated family support services.

19 (a) The council shall meet a minimum of four times per year.

20 (b) The membership of the council shall be 51 percent consumers of family support services.

21 (c) The remaining membership shall be composed of representatives of agencies providing family
22 support services and representatives of advocacy groups. One member shall be a representative of
23 the Department of Education.

24 **(d) Members of the council serve at the pleasure of the director and the Governor.**

25 **SECTION 49.** ORS 633.479 is amended to read:

26 633.479. (1) There is created the Fertilizer Research Committee to advise the Director of Agri-
27 culture on the funding of grants for research and development related to the interaction of fertilizer,
28 agricultural amendment or agricultural mineral products and ground water or surface water. The
29 committee shall consist of the director or the director's designee and six members appointed by the
30 director as follows:

31 (a) Two members of the public who have no involvement in the manufacture or distribution of
32 fertilizer, agricultural amendment or agricultural mineral products;

33 (b) Three members representing the fertilizer, agricultural amendment or agricultural mineral
34 industry; and

35 (c) One member representing Oregon State University.

36 (2) The term of each appointed member is two years, but a member serves at the pleasure of the
37 director **and the Governor**. Before the expiration of the term of a member, the director shall ap-
38 point a successor whose term begins on January 1 next following. A member is eligible for reap-
39 pointment. If there is a vacancy for any cause, the director shall make an appointment to become
40 immediately effective for the unexpired term.

41 (3) The committee shall select one of its members as chairperson and another as vice chair-
42 person, for such terms and with duties and powers the committee determines to be necessary for the
43 performance of the functions of those offices.

44 (4) A majority of the members of the committee constitutes a quorum for the transaction of
45 business.

1 (5) The committee shall meet at times and places specified by the call of the chairperson or of
2 a majority of the members of the committee.

3 (6) The director may appoint an alternate committee member for each member of the committee.

4 **SECTION 50.** ORS 476.020 is amended to read:

5 476.020. (1) The office of State Fire Marshal is established in the Department of State Police.
6 The State Fire Marshal shall be appointed by and be administratively responsible to the Super-
7 intendent of State Police, and shall serve at the pleasure of the superintendent **and the Governor.**
8 The State Fire Marshal shall retain all current authority of the office and shall be responsible for
9 the implementation of its mission and programs.

10 (2) The State Fire Marshal shall be qualified to direct the technical and executive work of the
11 agency as determined by the superintendent and shall have education or training related to the
12 programs of the agency and significant experience in managing fire protection or related programs.

13 **SECTION 51.** ORS 509.590 is amended to read:

14 509.590. (1) The State Fish and Wildlife Director shall establish a Fish Passage Task Force to
15 advise the director and the State Department of Fish and Wildlife on matters related to fish passage
16 in Oregon, including but not limited to funding, cost sharing and prioritization of efforts. The di-
17 rector shall determine the members and the specific duties of the task force by rule. **Members of**
18 **the task force serve at the pleasure of the director and the Governor.**

19 (2) The department shall provide staff necessary for the performance of the functions of the task
20 force.

21 (3) A member of the task force may not receive compensation for services as a member of the
22 task force. In accordance with ORS 292.495, a member of the task force may receive reimbursement
23 for actual and necessary travel or other expenses incurred in the performance of official duties.

24 (4) The task force shall report semiannually to the appropriate legislative committee with re-
25 sponsibility for salmon restoration or species recovery, to advise the committee on matters related
26 to fish passage.

27 **SECTION 52.** ORS 496.085 is amended to read:

28 496.085. (1) There is established within the State Department of Fish and Wildlife the Fish
29 Screening Task Force consisting of seven members appointed by the State Fish and Wildlife Com-
30 mission. **Members of the task force serve at the pleasure of the commission and the Gover-**
31 **nor.**

32 (2) Three members shall be appointed to represent agricultural interests, three shall be ap-
33 pointed to represent fishing or fish conservation interests and one member shall be appointed to
34 represent the public. Members of the task force shall serve for two-year terms. No member of the
35 task force shall serve for more than three consecutive two-year terms.

36 (3) A member of the task force shall receive no compensation for services as a member. How-
37 ever, subject to any applicable law regulating travel and other expenses of state officers and em-
38 ployees, a member shall be reimbursed for actual and necessary travel and other expenses incurred
39 in the performance of official duties from such moneys as may be available therefor in the State
40 Wildlife Fund.

41 (4) The task force shall meet at such times and places as may be determined by the chair or by
42 a majority of the members of the task force.

43 (5) The duties of the task force are:

44 (a) To advise the department in the development of a comprehensive cost-sharing program for
45 the installation of fish screening or by-pass devices in water diversions.

1 (b) To advise the department in establishing a stable and equitable funding system for the in-
 2 stallation and maintenance of fish screening and by-pass devices.

3 (c) To advise the department in identifying sources and applying for grants from local, state and
 4 federal governmental agencies for funding the installation and maintenance of fish screening and
 5 by-pass devices.

6 (d) To advise the department in monitoring fish screening programs.

7 (e) To advise the department in a survey and study of fish screening technology to determine
 8 the most cost-effective alternatives for screening in the various situations that may be encountered
 9 in the implementation of fish screening in this state.

10 (f) To advise the department in preparing a report on the capital costs and effectiveness of the
 11 program provided in ORS 498.306.

12 (g) To advise the department on the creation of the priority criteria and the priority listing re-
 13ferred to in ORS 498.306 (14)(a) or (d).

14 **SECTION 53.** ORS 496.112 is amended to read:

15 496.112. (1) The State Fish and Wildlife Commission shall appoint a State Fish and Wildlife Di-
 16rector to serve for a term not to exceed four years unless sooner removed by the commission **or the**
 17 **Governor.**

18 (2) The director shall receive such salary as may be fixed by the commission. In addition to
 19 salary, subject to applicable law regulating travel and other expenses of state officers, the director
 20 shall be reimbursed for actual and necessary travel and other expenses incurred in the performance
 21 of official duties.

22 (3) The commission may delegate to the director any of the powers and duties granted to or
 23 imposed upon it by law, except to revoke or refuse to issue licenses issued pursuant to the com-
 24 mercial fishing laws.

25 (4) The commission may reappoint the director to additional terms.

26 **SECTION 54.** ORS 624.121 is amended to read:

27 624.121. The Oregon Health Authority shall appoint a State Food Service Advisory Committee.
 28 The committee shall consist of volunteer representatives from a cross section of the food service
 29 industry, the general public, appropriate local and state groups, county environmental health spe-
 30 cialists and other appropriate state agencies, including the State Department of Agriculture.
 31 **Members of the committee serve at the pleasure of the authority and the Governor.** In addi-
 32 tion to such other duties as may be prescribed by the authority, the committee, not later than Oc-
 33 tober 1 of each even-numbered year, shall submit to the authority and the Legislative Assembly
 34 recommendations regarding the implementation of ORS 624.020, 624.060, 624.073, 624.495 and 624.510.

35 **SECTION 55.** ORS 526.700 is amended to read:

36 526.700. (1) The Forest Resource Trust is established in the State Forestry Department. The
 37 Forest Resource Trust shall provide funds for financial, technical and related assistance to qualified
 38 private and local government forestland owners for stand establishment and improved management
 39 of forestlands for timber production as well as wildlife, water quality and other environmental pur-
 40 poses.

41 (2) The members of the State Board of Forestry shall have overall responsibility for management
 42 of the Forest Resource Trust. The board is authorized to establish policies and programs in addition
 43 to those created by ORS 526.695 to 526.775 to further the purposes of the trust.

44 (3) The board shall appoint an advisory committee consisting of no more than 15 members rep-
 45 resenting the public, nonindustrial private forestland owners, the forest products industry, forest

1 consultants and contractors, the financial community, environmental and conservation organizations
 2 and other related interests including affected state agencies. **Members of the advisory committee**
 3 **serve at the pleasure of the board and the Governor.** The advisory committee shall assist the
 4 board in setting policy for the best use and investment of funds available to the trust and otherwise
 5 assist board members in the performance of their duties as trustees.

6 (4) In accordance with any applicable provisions of ORS chapter 183, the board shall adopt rules
 7 to carry out the duties, functions and powers of the Forest Resource Trust and to guide implemen-
 8 tation of the Forest Resource Trust programs.

9 (5) The State Forester is responsible for implementing board policies and programs for the For-
 10 est Resource Trust.

11 **SECTION 56.** ORS 526.009 is amended to read:

12 526.009. (1) There is created a State Board of Forestry consisting of seven members appointed
 13 by the Governor. The members appointed to the board shall be subject to confirmation by the Senate
 14 as provided in ORS 171.562 and 171.565. The Governor shall designate one member of the board as
 15 chairperson [*to hold that position until that member's term expires or until relieved by the Governor*
 16 *as provided in subsection (6) of this section*]. The chairperson shall have such powers and duties as
 17 are provided by the rules of the board.

18 (2) The term of office of a member of the board is four years. A member shall be eligible for
 19 reappointment, but no member shall serve more than two consecutive full terms. In case of a va-
 20 cancy for any cause, the Governor shall make an appointment as provided in subsection (1) of this
 21 section.

22 (3) Appointments made by the Governor under subsection (1) of this section shall include ap-
 23 pointment of at least one member from each of the forest regions established under ORS 527.640 and
 24 the rules adopted thereunder by January 1, 1987.

25 (4) No more than three members of the board may derive any significant portion of their income
 26 directly from persons or organizations that are subject to regulation under ORS 527.610 to 527.770,
 27 527.990 (1) and 527.992.

28 (5) Except as provided in subsection (4) of this section, no member of the board shall have any
 29 relationship or pecuniary interest that would interfere with the member representing the public in-
 30 terest.

31 [*(6) The Governor may at any time remove any member of the board for inefficiency, incompetence,*
 32 *neglect of duty, malfeasance in office, unfitness to render effective service or failure to continue to meet*
 33 *the criteria of appointment pursuant to this section.*]

34 **(6) Members of the board serve at the pleasure of the Governor.**

35 **SECTION 57.** ORS 366.212 is amended to read:

36 366.212. (1) There is created the Freight Advisory Committee to be appointed by the Director
 37 of Transportation to advise the director and the Oregon Transportation Commission regarding is-
 38 sues, policies and programs that impact multimodal freight mobility in Oregon.

39 (2) The director shall have discretion to determine the number of committee members and the
 40 duration of membership. The committee membership shall include, but not be limited to, represen-
 41 tatives from the shipping and carrier industries, the state, local governments and ports, including
 42 the Port of Portland. **Members of the committee serve at the pleasure of the director and the**
 43 **Governor.**

44 (3) The committee shall:

45 (a) Elect a chairperson and a vice chairperson.

1 (b) Meet at least four times a year.

2 (c) Provide input on statewide and regional policies and actions that impact freight mobility.

3 (d) Provide input on the development of policy and planning documents that impact freight mo-
4 bility.

5 (e) Advise the commission and regionally based advisory groups about the Statewide Transpor-
6 tation Improvement Program and the program's consideration and inclusion of highest priority
7 multimodal freight mobility projects in each Department of Transportation region.

8 (4) The committee may make recommendations for freight mobility projects to the commission.
9 In making the recommendations, the committee shall give priority to multimodal projects.

10 (5) The Department of Transportation shall provide policy and support staff to the committee.
11 The department shall also provide other personnel to assist the committee as requested by the
12 chairperson and within the limits of available funds.

13 **SECTION 58.** ORS 672.615 is amended to read:

14 672.615. (1) The State Board of Geologist Examiners shall operate as a semi-independent state
15 agency subject to ORS 182.456 to 182.472 for the purpose of carrying out ORS 672.505 to 672.705.
16 The board shall consist of four geologists and one public member, appointed by the Governor.

17 (2) Each member of the board shall be a citizen of the United States, and shall have been a
18 resident of this state for one year preceding appointment. Each of the appointed geologist members
19 of the board shall be a geologist registered under ORS 672.505 to 672.705. The State Geologist shall
20 be an ex officio member of the board. Insofar as possible the board shall be composed of members
21 having diverse geological specialties including at least one engineering geologist.

22 (3) Members of the board shall hold office until the expiration of the term for which they were
23 appointed and until their successors have been appointed and qualified. On the expiration of the
24 term of any member, the successor of the member shall be appointed in like manner for a term of
25 three years.

26 (4) No person shall serve as a member of the board for more than two consecutive three-year
27 terms.

28 (5) *[The Governor may remove any member of the board for misconduct, incompetency, neglect of*
29 *duty or other sufficient cause.]* **Members of the board serve at the pleasure of the Governor.**
30 Vacancies in the membership of the board shall be filled for the unexpired term by appointment as
31 provided for in this section.

32 (6) The board shall hold at least two regular meetings each year.

33 (7) The board may fix qualifications of and appoint an administrator who shall not be a member
34 of the board. The board shall fix the compensation of the administrator, who shall be in the un-
35 classified service.

36 (8) The board shall have the authority to appoint committees as required or as considered ad-
37 visable to perform such duties as the board may direct. Such committees shall be composed of reg-
38 istered geologists. Membership on all such committees is at the pleasure of the board.

39 **SECTION 59.** ORS 516.120 is amended to read:

40 516.120. (1) The position of State Geologist within the State Department of Geology and Mineral
41 Industries is created. In consultation with the Governor, the governing board of the State Depart-
42 ment of Geology and Mineral Industries shall appoint the State Geologist. **The State Geologist**
43 **serves at the pleasure of the board and the Governor.**

44 (2) The State Geologist shall be qualified to perform as well as to direct the technical and
45 executive work of the department as determined by the board and shall be a geologist, engineer or

1 other technical specialist with a broad background of practical experience related to programs of
2 the department.

3 **SECTION 60.** ORS 244.310 is amended to read:

4 244.310. (1) The Oregon Government Ethics Commission shall appoint an executive director to
5 serve at the pleasure of the commission **and the Governor.**

6 (2) The executive director is responsible for the administrative operations of the commission and
7 shall perform such other duties as may be designated or assigned to the executive director from time
8 to time by the commission.

9 (3) The commission may not delegate the power to adopt rules or issue commission advisory
10 opinions to the executive director. The executive director may issue staff advisory opinions as
11 provided in ORS 244.282.

12 **SECTION 61.** ORS 536.090 is amended to read:

13 536.090. (1) In carrying out the duties, functions and powers prescribed by law, the Water Re-
14 sources Commission shall appoint a ground water advisory committee to:

15 (a) Advise the commission on all matters relating to:

16 (A) Rules for the development, securing, use and protection of ground water; and

17 (B) Licensing of well constructors, including the examination of such persons for license.

18 (b) Review the proposed expenditure of all revenues generated under ORS 537.762 (5). At least
19 once each year, and before the expenditure of such funds on new program activities, the Water Re-
20 sources Department and the ground water advisory committee shall develop jointly a proposed ex-
21 penditure plan for concurrence by the Water Resources Commission. The plan may be modified, if
22 necessary, upon the joint recommendation of the department and the ground water advisory com-
23 mittee with concurrence by the commission.

24 (2) The committee shall consist of nine members who represent a range of interests or expertise.
25 At least three of the members shall be individuals actively engaged in some aspect of the water
26 supply or monitoring well drilling industry. Members shall serve for such terms as the commission
27 may specify. **Members serve at the pleasure of the commission and the Governor.** The com-
28 mittee shall meet at least once every three months and at other times and places as the commission
29 may specify.

30 (3) A member of the committee shall not receive compensation, but at the discretion of the
31 commission may be reimbursed for travel expenses incurred, subject to ORS 292.495.

32 **SECTION 62.** ORS 743.827 is amended to read:

33 743.827. The Director of the Department of Consumer and Business Services shall appoint a
34 Health Care Consumer Protection Advisory Committee with fair representation of health care con-
35 sumers, providers and insurers. **Members of the committee serve at the pleasure of the director**
36 **and the Governor.** The committee shall advise the director regarding the implementation of ORS
37 743.801, 743.803, 743.804, 743.806, 743.807, 743.808, 743.811, 743.814, 743.817, 743.819, 743.821, 743.823,
38 743.827, 743.829, 743.831, 743.834, 743.837, 743.839 and 743A.012 and other issues related to health
39 care consumer protection.

40 **SECTION 63.** ORS 442.011 is amended to read:

41 442.011. There is created in the Oregon Health Authority the Office for Oregon Health Policy
42 and Research. The Administrator of the Office for Oregon Health Policy and Research shall be ap-
43 pointed by the Director of the Oregon Health Authority **and serves at the pleasure of the direc-**
44 **tor and the Governor.** The administrator shall be an individual with demonstrated proficiency in
45 planning and managing programs with complex public policy and fiscal aspects such as those in-

1 involved in the medical assistance program.

2 **SECTION 64.** ORS 353.040 is amended to read:

3 353.040. (1) There is established an Oregon Health and Science University Board of Directors
 4 consisting of 10 members. The directors, except for the president of the university, shall be ap-
 5 pointed by the Governor and shall be confirmed by the Senate in the manner prescribed in ORS
 6 171.562 and 171.565.

7 (2) Except for the president of the university, the term of office of each nonstudent member is
 8 four years. The term of office of the student member is two years. Before the expiration of the term
 9 of a member, the Governor shall appoint a successor whose term begins on October 1 next following.
 10 A member is eligible for reappointment for one additional term. If there is a vacancy for any cause,
 11 the Governor shall make an appointment to become effective immediately for the unexpired term.
 12 The board shall nominate a slate of candidates whenever a vacancy occurs or is announced and
 13 shall forward the recommended candidates to the Governor for consideration. To assist the Gover-
 14 nor in appointing the student member, the duly organized and recognized entity of student govern-
 15 ment shall submit a list of nominees to the Governor for consideration.

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

17 (a) One representative who is a nonstudent member of the State Board of Higher Education.

18 (b) Seven representatives who, in the discretion of the Governor, have experience in areas re-
 19 lated to the university missions or that are important to the success of Oregon Health and Science
 20 University, including but not limited to higher education, health care, scientific research, engineer-
 21 ing and technology and economic and business development.

22 (c) One representative who is a student enrolled at the university.

23 (d) The president of the university, who shall be an ex officio voting member.

24 (4) Directors must be citizens of the United States. Except for the president of the university,
 25 no voting member may be an employee of the university.

26 (5) The board shall select one of its members as chairperson and another as vice chairperson for
 27 such terms and with such duties and powers as the board considers necessary for performance of
 28 the functions of those offices. The board shall adopt bylaws concerning how a quorum shall be
 29 constituted and when a quorum shall be necessary.

30 (6) The board shall meet at least once every three months at Oregon Health and Science Uni-
 31 versity. The board shall meet at such other times and places specified by the chairperson or by a
 32 majority of the members of the board.

33 (7) The Governor may remove any member of the board at [*any time for cause, after notice and*
 34 *public hearing, but not more than three members shall be removed within a period of four years, unless*
 35 *it is for corrupt conduct in office*] **the Governor's discretion.**

36 **SECTION 65.** ORS 353.060 is amended to read:

37 353.060. The Oregon Health and Science University Board of Directors shall appoint a president
 38 of the university. **The president serves at the pleasure of the board and the Governor.** The
 39 president is the president of the faculty and is the executive and governing officer of the university.
 40 Subject to the supervision of the board, the president has authority to direct the affairs of the uni-
 41 versity.

42 **SECTION 66.** ORS 741.025 is amended to read:

43 741.025. (1) The Oregon Health Insurance Exchange Corporation shall be governed by a board
 44 of directors consisting of two ex officio members and seven members who are appointed by the
 45 Governor and subject to confirmation by the Senate in the manner prescribed by ORS 171.562 and

1 171.565.

2 (2) The ex officio voting members of the board are:

3 (a) The Director of the Oregon Health Authority or the director's designee; and

4 (b) The Director of the Department of Consumer and Business Services or the director's
5 designee.

6 (3)(a) The term of office of each member who is not an ex officio member is four years. The
7 Governor may remove any member at *[any time for incompetence, neglect of duty or malfeasance in*
8 *office, after notice and a hearing that shall be open to the public, but the Governor may not remove*
9 *more than three members within any four-year period except for corrupt conduct in office]* **the**
10 **Governor's discretion.**

11 (b) Before the expiration of the term of a member who is not an ex officio member, the Governor
12 shall appoint a successor whose term begins on January 1 next following. A member who is not an
13 ex officio member is eligible for no more than two reappointments. If there is a vacancy for any
14 cause, the Governor shall make an appointment to become immediately effective for the unexpired
15 term.

16 (4) The members who are not ex officio members must be individuals who:

17 (a) Are United States citizens and residents of the State of Oregon;

18 (b) Have demonstrated professional and community leadership skills and experience;

19 (c) To the greatest extent practicable, represent the geographic, ethnic, gender, racial and eco-
20 nomic diversity of this state; and

21 (d) Subject to subsections (5) and (6) of this section, collectively offer expertise, knowledge and
22 experience in individual insurance purchasing, business, finance, sales, health benefits adminis-
23 tration, individual and small group health insurance and use of the health insurance exchange.

24 (5) No more than two of the members who are not ex officio members may be individuals who
25 are:

26 (a) Employed by, consultants to or members of a board of directors of:

27 (A) An insurer or third party administrator;

28 (B) An insurance producer; or

29 (C) A health care provider, health care facility or health clinic;

30 (b) Members, board members or employees of a trade association of:

31 (A) Insurers or third party administrators; or

32 (B) Health care providers, health care facilities or health clinics; or

33 (c) Health care providers, unless they receive no compensation for rendering services as health
34 care providers and do not have ownership interests in professional health care practices.

35 (6)(a) At least two of the members who are not ex officio members shall be consumer members.

36 (b) One consumer member must be an individual consumer purchasing a qualified health plan
37 through the exchange.

38 (c) One consumer member must be a small business employer purchasing a qualified health plan
39 through the exchange.

40 (7) The board of directors shall adopt a formal business plan for the corporation, which shall
41 include a plan for developing metrics to measure customer service and provider satisfaction, and
42 shall establish the policies for the operation of the exchange, consistent with state and federal law.

43 **SECTION 67.** ORS 676.610 is amended to read:

44 676.610. (1)(a) The Oregon Health Licensing Agency is under the supervision and control of a
45 director, who is responsible for the performance of the duties, functions and powers and for the or-

1 ganization of the agency.

2 (b) The Director of the Oregon Department of Administrative Services shall establish the qual-
3 ifications for and appoint the Director of the Oregon Health Licensing Agency, who holds office at
4 the pleasure of the Director of the Oregon Department of Administrative Services **and the Govern-**
5 **nor.**

6 (c) The Director of the Oregon Health Licensing Agency shall receive a salary as provided by
7 law or, if not so provided, as prescribed by the Director of the Oregon Department of Administrative
8 Services.

9 (d) The Director of the Oregon Health Licensing Agency is in the unclassified service.

10 (2) The Director of the Oregon Health Licensing Agency shall provide the boards, councils and
11 programs administered by the agency with such services and employees as the agency requires to
12 carry out the agency's duties. Subject to any applicable provisions of the State Personnel Relations
13 Law, the Director of the Oregon Health Licensing Agency shall appoint all subordinate officers and
14 employees of the agency, prescribe their duties and fix their compensation.

15 (3) The Director of the Oregon Health Licensing Agency is responsible for carrying out the
16 duties, functions and powers under ORS 675.360 to 675.410, 676.605 to 676.625, 676.992, 678.710 to
17 678.820, 680.500 to 680.565, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to 688.840, 690.005
18 to 690.235, 690.350 to 690.415, 691.405 to 691.485 and 694.015 to 694.185 and ORS chapter 700.

19 (4) The enumeration of duties, functions and powers in subsection (3) of this section is not in-
20 tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the
21 Oregon Health Licensing Agency by other statutes.

22 **SECTION 68.** ORS 431.035 is amended to read:

23 431.035. (1) The Director of the Oregon Health Authority may delegate to any of the officers and
24 employees of the Oregon Health Authority the exercise or discharge in the director's name of any
25 power, duty or function of whatever character vested in or imposed upon the director by the laws
26 of Oregon. However, the power to administer oaths and affirmations, subpoena witnesses, take evi-
27 dence and require the production of books, papers, correspondence, memoranda, agreements or other
28 documents or records may be exercised by an officer or employee of the authority only when spe-
29 cifically delegated in writing by the director.

30 (2) The official act of any such person so acting in the director's name and by the authority of
31 the director shall be deemed to be an official act of the director.

32 (3)(a) The Director of the Oregon Health Authority shall appoint a Public Health Director to
33 perform the duties and exercise authority over public health emergency matters in the state and
34 other duties as assigned by the director. **The Public Health Director serves at the pleasure of**
35 **the Director of the Oregon Health Authority and the Governor.** The Director of the Oregon
36 Health Authority may appoint the same person to serve as both the Public Health Director and the
37 Public Health Officer appointed under ORS 431.045.

38 (b) The Public Health Director shall be an assistant director appointed by the Director of the
39 Oregon Health Authority in accordance with ORS 409.130.

40 (c) The Public Health Director shall delegate to an employee of the authority the duties, powers
41 and functions granted to the Public Health Director by ORS 431.264 and 433.443 in the event of the
42 absence from the state or the unavailability of the director. The delegation must be in writing.

43 **SECTION 69.** ORS 431.045 is amended to read:

44 431.045. The Director of the Oregon Health Authority shall appoint a physician licensed by the
45 Oregon Medical Board and certified by the American Board of Preventive Medicine who shall serve

1 as the Public Health Officer and be responsible for the medical and paramedical aspects of the
2 health programs within the Oregon Health Authority. **The Public Health Officer serves at the**
3 **pleasure of the director and the Governor.**

4 **SECTION 70.** ORS 97.774 is amended to read:

5 97.774. (1) There is established within the State Parks and Recreation Department the Oregon
6 Commission on Historic Cemeteries consisting of seven members appointed by the State Parks and
7 Recreation Director.

8 (2) The term of office of each member is four years, but a member serves at the pleasure of the
9 director **and the Governor.** Before the expiration of the term of a member, the director shall ap-
10 point a successor whose term begins on July 1 next following. A member is eligible for reappoint-
11 ment. If there is a vacancy for any cause, the director shall make an appointment to become
12 immediately effective for the unexpired term.

13 (3) A member of the commission is entitled to compensation and expenses as provided in ORS
14 292.495.

15 **SECTION 71.** ORS 358.666 is amended to read:

16 358.666. (1) There is established the Historic Preservation Revolving Loan Fund Review Com-
17 mittee, consisting of three members appointed by the State Historic Preservation Officer and repre-
18 senting each of the following interests:

19 (a) The interests of the Housing and Community Services Department;

20 (b) The interests of the State Historic Preservation Officer; and

21 (c) The interests of banks and other financial institutions.

22 (2) The review committee shall review applications for loans from the Historic Preservation
23 Revolving Loan Fund, make recommendations for loan approval or disapproval to the State Historic
24 Preservation Officer and establish interest rates to be charged for the loans.

25 (3) The term of office of each member of the review committee is four years, but a member
26 serves at the pleasure of the State Historic Preservation Officer **and the Governor.** Before the ex-
27 piration of the term of a member, the State Historic Preservation Officer shall appoint a successor
28 whose term begins on the July 1 next following. A member is eligible for reappointment. If there is
29 a vacancy for any cause, the State Historic Preservation Officer shall make an appointment to be-
30 come immediately effective for the unexpired term.

31 (4) Successor appointments to the review committee shall be based on representation of interests
32 of the Housing and Community Services Department, the State Historic Preservation Officer and
33 banks and other financial institutions.

34 (5) A majority of the members of the review committee constitutes a quorum for the transaction
35 of business.

36 (6) A member of the review committee shall serve without compensation.

37 (7) The review committee shall meet at least once per year.

38 **SECTION 72.** ORS 689.645 is amended to read:

39 689.645. (1) In accordance with rules adopted by the State Board of Pharmacy under ORS
40 689.205, a pharmacist may administer vaccines to persons who are at least 11 years of age.

41 (2) The board may adopt rules allowing a pharmacist to prescribe vaccines to persons who are
42 at least 11 years of age. The rules may only be as broad as necessary to enable pharmacists to
43 enroll and participate in the Vaccines for Children Program administered by the Centers for Disease
44 Control and Prevention.

45 (3) The board is authorized to issue, to licensed pharmacists who have completed training ac-

1 credited by the Centers for Disease Control and Prevention, the American Council on Pharmaceu-
 2 tical Education or a similar health authority or professional body, certificates of special competency
 3 in the prescription and administration of vaccines to persons who are at least 11 years of age.

4 (4) The board shall adopt rules relating to the reporting of the prescription and administration
 5 of vaccines to a patient's primary health care provider and to the Oregon Health Authority.

6 (5) The board shall adopt rules requiring pharmacists to establish protocols for the prescription
 7 and administration of vaccines to persons who are at least 11 years of age.

8 (6) The board shall convene a volunteer Immunization and Vaccination Advisory Committee
 9 consisting of no more than nine members for the purpose of advising the board in promulgating rules
 10 under this section. The committee shall consist of one representative from the Oregon Health Au-
 11 thority, two representatives from the Oregon Medical Board, two representatives from the Oregon
 12 State Board of Nursing and two representatives from the State Board of Pharmacy and no more than
 13 two pharmacists other than the representatives from the State Board of Pharmacy. **Members of
 14 the committee serve at the pleasure of the State Board of Pharmacy and the Governor.**

15 **SECTION 73.** ORS 741.029 is amended to read:

16 741.029. (1) The Oregon Health Insurance Exchange Corporation board of directors shall estab-
 17 lish an Individual and Employer Consumer Advisory Committee for the purpose of facilitating input
 18 from a variety of stakeholders on issues related to the duties of the corporation, the operation of
 19 the health insurance exchange and related issues. The board shall determine the membership, terms
 20 and organization of the committee and shall appoint the members. **Members of the committee
 21 serve at the pleasure of the board and the Governor.** Members of the committee shall be rep-
 22 resentative of:

23 (a) Individuals and employers that purchase health plans through the exchange;

24 (b) Individuals who enroll in state medical assistance through the exchange;

25 (c) Racial and ethnic minorities in this state;

26 (d) All geographic regions of this state; and

27 (e) Organizations that help individuals to enroll in health plans through the exchange, including
 28 insurance producers and advocates for hard-to-reach populations.

29 (2) Members of the committee who are not members of the board are not entitled to compen-
 30 sation, but at the discretion of the board may be reimbursed from funds available to the board for
 31 actual and necessary travel and other expenses incurred by them in the performance of their official
 32 duties, in the manner and amount provided in ORS 292.495.

33 **SECTION 74.** ORS 291.038 is amended to read:

34 291.038. (1) The planning, acquisition, installation and use of all information and telecommuni-
 35 cations technology by state government and agencies of state government shall be coordinated so
 36 that statewide plans and activities, as well as those of individual agencies, are addressed in the most
 37 integrated, economic and efficient manner. To provide policy direction for and coordination of in-
 38 formation technology for state government, the Director of the Oregon Department of Administra-
 39 tive Services shall chair and appoint not fewer than five agency executives to an Information
 40 Resources Management Council. The council membership shall include at least two members who
 41 represent the private sector and political subdivisions of the state. **Members of the council serve
 42 at the pleasure of the director and the Governor.**

43 (2) To facilitate accomplishment of the purpose set forth in subsection (1) of this section, the
 44 Oregon Department of Administrative Services shall adopt rules, policies and standards to plan for,
 45 acquire, implement and manage the state's information resources. In developing rules, policies and

1 standards, the department shall consult with state agencies that have needs that information re-
2 sources may satisfy. State agencies shall cooperate with the department in preparing and complying
3 with rules, policies and standards. The rules, policies and standards must be formulated to promote
4 electronic communication and information sharing among state agencies and programs, between
5 state and local governments and with the public where appropriate.

6 (3) Rules, policies, plans, standards and specifications must be formulated to ensure that infor-
7 mation resources fit together in a statewide system capable of providing ready access to information,
8 computing or telecommunication resources. Plans and specifications the department adopts must be
9 based on industry standards for open systems to the greatest extent possible. Before adopting rules
10 described in subsection (2) of this section, the department shall present the proposed rules to the
11 appropriate legislative committee. The department has the responsibility to review, oversee and en-
12 sure that state agencies' planning, acquisition and implementation activities align with and support
13 the statewide information resources management plan. The department is responsible for procuring
14 information technology fairly, competitively and in a manner that is consistent with the
15 department's rules.

16 (4)(a) The policy of the State of Oregon is that state government telecommunications networks
17 should be designed to provide state-of-the-art services where economically and technically feasible,
18 using shared, rather than dedicated, lines and facilities.

19 (b) The department shall, when procuring telecommunications network services, consider
20 achieving the economic development and quality of life outcomes set forth in the Oregon
21 benchmarks.

22 (5)(a) The department, upon request, may furnish and deliver statewide integrated
23 videoconferencing and statewide online access service to a public or private entity that primarily
24 conducts activities for the direct good or benefit of the public or community at large in providing
25 educational, economic development, health care, human services, public safety, library or other
26 public services. The department shall adopt rules with respect to furnishing the service.

27 (b) The department shall establish the statewide integrated videoconferencing and statewide
28 online access user fees, services, delivery, rates and long range plans in consultation with the
29 Stakeholders Advisory Committee created pursuant to this section. The rates shall reflect the
30 department's cost in providing the service.

31 (c) The department by rule shall restrict the department's furnishing or delivery of Internet ac-
32 cess service to private entities when the service would directly compete with two or more local
33 established providers of Internet access services within the local exchange telecommunications ser-
34 vice area.

35 (d) The rates and services established and provided under this section are not subject to the
36 Public Utility Commission's regulation or authority.

37 (6)(a) There is created the Stakeholders Advisory Committee, consisting of a minimum of nine
38 members appointed by the Director of the Oregon Department of Administrative Services. In making
39 appointments, the director shall give consideration to geographic balance and adequate represen-
40 tation of the department's users and providers and the general public.

41 (b) The committee must consist of members who represent elementary or secondary education,
42 higher education, community colleges, economic development, health care, human services and pub-
43 lic safety. At least four members must reside in areas east of the Cascade Mountains.

44 (c) The term of office of each member is three years, but a member serves at the *[sole discretion*
45 *of the director]* **pleasure of the director and the Governor**. The director shall appoint a successor

1 to a member before the member's term expires. A member is eligible for reappointment. If a position
2 on the committee is vacant for any cause, the director shall make an appointment to the position
3 that is immediately effective for the unexpired term.

4 (d) A member of the committee is entitled to travel expenses pursuant to ORS 292.495. Members
5 of the committee are not entitled to compensation.

6 (e) The director may establish additional advisory and technical committees as the director
7 considers necessary to aid and advise the Stakeholders Advisory Committee in the performance of
8 the committee's functions.

9 (f) The director may delegate to the State Chief Information Officer a duty, function or power
10 that this subsection imposes upon the director.

11 (7) An organization or organizations recognized as tax exempt under section 501(c)(3) of the
12 Internal Revenue Code that primarily conduct activities for the direct good or benefit of the public
13 or community at large in providing educational, economic development, health care, human services,
14 public safety, library or other public services and have formed an affiliation with one or more fed-
15 eral, state or local governmental units within this state may apply to the department for designation
16 as a community of interest. The application must be in the form prescribed by the department and
17 contain information regarding the governmental affiliation relationship, the tax exempt status of
18 each organization and the public benefit services to be provided. The department shall establish an
19 application review and appeal process to ensure that designating the organizations as a community
20 of interest for the purposes of including the organization in telecommunications contracts under
21 ORS 283.520 will result in providing educational, medical, library or other services for public benefit.

22 (8) This section does not apply to the State Board of Higher Education or any public university
23 listed in ORS 352.002.

24 (9) As used in this section:

25 (a) "Information resources" means media, instruments and methods for planning, collecting,
26 processing, transmitting and storing data and information, including telecommunications.

27 (b) "Information technology" includes, but is not limited to, present and future forms of hard-
28 ware, software and services for data processing, office automation and telecommunications.

29 (c) "Internet access service" means electronic connectivity to the Internet and the services of
30 the Internet.

31 (d) "Open systems" means systems that allow state agencies freedom of choice by providing a
32 vendor-neutral operating environment where different computers, applications, system software and
33 networks operate together easily and reliably.

34 (e) "State-of-the-art services" includes equipment, facilities and the capability to distribute dig-
35 ital communication signals that transmit voice, data, video and images over a distance.

36 (f) "Telecommunications" means hardware, software and services for transmitting voice, data,
37 video and images over a distance.

38 (g) "Statewide integrated videoconferencing" means a statewide electronic system capable of
39 transmitting video, voice and data communications.

40 (h) "Statewide online access" means electronic connectivity to information resources such as
41 computer conferencing, electronic mail, databases and Internet access.

42 **SECTION 75.** ORS 285A.101 is amended to read:

43 285A.101. (1) The Director of the Oregon Business Development Department, upon consultation
44 with and the approval of the Oregon Infrastructure Finance Authority Board, shall appoint an ad-
45 ministrator of the Oregon Infrastructure Finance Authority who shall serve at the pleasure of the

1 director **and the Governor.**

2 (2) The administrator shall receive such salary as may be provided by law or as fixed by the
3 director.

4 (3) The administrator shall be the administrative head of the authority.

5 (4) The administrator may suggest rules to the director for the government of the authority, the
6 conduct of its employees, the assignment and performance of its business and the custody, use and
7 preservation of its records, papers and property.

8 (5) The administrator shall hire the staff necessary to allow the authority to carry out its duties.
9 In accordance with the State Personnel Relations Law, the administrator and any manager hired
10 by the administrator shall be in the unclassified service.

11 **SECTION 76.** ORS 705.105 is amended to read:

12 705.105. (1) The Department of Consumer and Business Services is created.

13 (2) The department shall be under the supervision and control of a director who shall be re-
14 sponsible for the functions of the department.

15 (3) Subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565,
16 the Governor shall appoint the director, who shall hold office at the pleasure of the Governor. The
17 person appointed as director shall be well qualified by training and experience to perform the
18 functions of the office.

19 (4) The director shall receive such salary as is provided by law or, if not so provided, as is fixed
20 by the Governor.

21 (5) With respect to the duties, functions and powers imposed upon the director under the in-
22 surance laws, the director may be designated by the title of Insurance Commissioner or may appoint
23 a person under ORS 705.115 to serve under the supervision and control of the director as Insurance
24 Commissioner. **The Insurance Commissioner serves at the pleasure of the director and the**
25 **Governor.**

26 (6) Before entering upon the functions of office, the director shall give to the state a fidelity
27 bond with one or more corporate sureties authorized to do business in this state, or an irrevocable
28 letter of credit issued by an insured institution, as defined in ORS 706.008, in either case in the
29 penal sum fixed by the Governor.

30 (7) The department shall have an official seal. Any certificate or other document or paper exe-
31 cuted by the department pursuant to its authority and sealed with its seal, and all copies of papers
32 certified by it and authenticated by the seal, shall in all cases be evidence equally and in like
33 manner as the original and shall have the same force and effect as would the original in any suit
34 or proceeding in any court in this state.

35 **SECTION 77.** ORS 570.770 is amended to read:

36 570.770. (1) The Invasive Species Council is established within the State Department of Agri-
37 culture. Except as provided in ORS 570.780 (1), the council shall consist of 15 members. The fol-
38 lowing persons are voting ex officio members of the council:

39 (a) The Director of Agriculture or a designated representative.

40 (b) The president of Portland State University or a designated representative.

41 (c) The State Fish and Wildlife Director or a designated representative.

42 (d) The administrative head of the Sea Grant College of Oregon State University or a designated
43 representative.

44 (e) The State Forester or a designated representative.

45 (f) The Director of the Department of Environmental Quality or a designated representative.

1 (2) The voting ex officio members of the council described in subsection (1) of this section shall
2 collectively appoint nine members to the council.

3 (3) The term of office of each appointed member is two years, but an appointed member serves
4 at the pleasure of the voting ex officio members of the council **and the Governor**. Before the ex-
5 piration of a term, the voting ex officio members of the council shall appoint a successor whose term
6 begins on January 1 next following. An appointed member may not serve more than two successive
7 terms on the council. If there is a vacancy in an appointed member position for any cause, the vot-
8 ing ex officio members of the council shall make an appointment to become immediately effective for
9 the unexpired term.

10 (4) In making appointments to the council, the voting ex officio members of the council shall
11 endeavor to appoint persons representative of the geographic, cultural and economic diversity of
12 this state. The voting ex officio members of the council may give consideration to nominations sub-
13 mitted by federal and state agencies, local governments, universities, industry and other groups
14 having an interest in invasive species.

15 (5) An appointed member of the council is not entitled to compensation under ORS 292.495. A
16 member of the council is not entitled to reimbursement for expenses. At the discretion of the coun-
17 cil, council members may be reimbursed from funds available to the council for actual and necessary
18 travel and other expenses incurred by members of the council in the performance of their official
19 duties, subject to the limits described in ORS 292.495.

20 **SECTION 78.** ORS 570.780 is amended to read:

21 570.780. (1) Subject to available funding, the Invasive Species Council may appoint a State
22 Invasive Species Coordinator to serve at the pleasure of the voting members of the council **and the**
23 **Governor**. If the council appoints a coordinator, the coordinator shall serve as a nonvoting ex
24 officio member of the council.

25 (2) The State Department of Agriculture is responsible for ensuring payment of the administra-
26 tive expenses of the council. The State Department of Agriculture may enter into interagency
27 agreements under ORS 190.110 with the State Department of Fish and Wildlife, the State Forestry
28 Department, the Department of Environmental Quality, Portland State University and Oregon State
29 University for sharing the administrative expenses of the council.

30 (3) The State Department of Agriculture shall act as the fiscal agent of the council for purposes
31 of:

32 (a) Budgeting, interagency agreements for sharing administrative expenses or other mechanisms
33 for paying the administrative and other expenses of the council;

34 (b) Drafting and processing contracts, other agreements, grant applications or other documents;

35 (c) Receiving gifts, grants, donations or other moneys on behalf of the council and ensuring the
36 appropriate crediting of those moneys to the Invasive Species Council Account or the trust account
37 described in ORS 570.800; and

38 (d) Taking all reasonable actions to ensure the council is in compliance with state financial
39 administration laws.

40 **SECTION 79.** ORS 398.012 is amended to read:

41 398.012. (1) The Governor, on the recommendation of the Adjutant General, shall appoint an of-
42 ficer of the organized militia as State Judge Advocate, **who serves at the pleasure of the Gov-**
43 **ernor**. To be eligible for appointment as State Judge Advocate, an officer must:

44 (a) Be a member in good standing of the Oregon State Bar;

45 (b) Have been a member of the Oregon State Bar for at least five years; and

1 (c) Meet the qualifications for a judge advocate under the Uniform Code of Military Justice.

2 (2) The Adjutant General may appoint an officer of the organized militia as an Assistant State
3 Judge Advocate. The Adjutant General may appoint as many Assistant State Judge Advocates as the
4 Adjutant General deems necessary. **Assistant State Judge Advocates serve at the pleasure of**
5 **the Adjutant General and the Governor.** To be eligible for appointment as an Assistant State
6 Judge Advocate, an officer must:

7 (a) Be a member in good standing of the Oregon State Bar; and

8 (b) Meet the qualifications for a judge advocate under the Uniform Code of Military Justice.

9 (3)(a) The Adjutant General may appoint temporary Assistant State Judge Advocates who are
10 officers of the organized militia. An individual appointed as a temporary Assistant State Judge
11 Advocate has 12 months from the date of appointment to become a member in good standing of the
12 Oregon State Bar and meet the qualifications for a judge advocate under the Uniform Code of Mil-
13 itary Justice.

14 (b) The legal services performed by a temporary Assistant State Judge Advocate are limited to
15 those legal services that may be performed by legal assistants consistent with ORS 9.160.

16 (c) A temporary Assistant State Judge Advocate who has met the requirements under this sub-
17 section is eligible for appointment as an Assistant State Judge Advocate.

18 (d) The Adjutant General may extend, for an additional 12 months, the time during which a
19 temporary Assistant State Judge Advocate must meet the qualifications described in paragraph (a)
20 of this subsection.

21 (4) The Adjutant General may appoint State Judge Advocate Legal Assistants for a period not
22 to exceed 12 months. An individual appointed as a State Judge Advocate Legal Assistant shall be
23 an officer of the Oregon State Defense Force and shall be legally trained but is not required to be
24 admitted to the practice of law by the Supreme Court of this state. The legal services performed by
25 a State Judge Advocate Legal Assistant are limited to those legal services that may be performed
26 by legal assistants consistent with ORS 9.160.

27 (5) The State Judge Advocate, the Senior Force Judge Advocate, as defined in the Oregon Code
28 of Military Justice (2008), or their assistants shall make frequent inspections in the field for super-
29 vision of the administration of military justice and general military legal matters.

30 (6)(a) Convening authorities shall at all times communicate directly with their judge advocate
31 in matters relating to the administration of military justice and general military legal matters.

32 (b) The judge advocate of any command may communicate directly with the judge advocate of
33 a superior or subordinate command, or with the State Judge Advocate or the Senior Force Judge
34 Advocate, as defined in the Oregon Code of Military Justice (2008).

35 (7) A person who has acted as member, military judge, trial counsel, assistant trial counsel, de-
36 fense counsel, assistant defense counsel or investigating officer, or who has been a witness for either
37 the prosecution or defense in any case, may not later act as judge advocate to any reviewing au-
38 thority upon the same case.

39 (8) A judicial officer, as defined by ORS 1.210, is not prohibited, by reason of holding that office,
40 from:

41 (a) Performing all acts necessary or incumbent to the authorized exercise of duties as a judge
42 advocate or as a member of the Military Council.

43 (b) Being assigned as a judge advocate by the Adjutant General as appointed by the Governor
44 as Commander in Chief under the Oregon Constitution.

45 **SECTION 80.** ORS 417.040 is amended to read:

1 417.040. (1) The office of Juvenile Compact Administrator hereby is created. The Director of the
2 Oregon Youth Authority shall be ex officio Juvenile Compact Administrator, with no additional
3 compensation. The administrator shall act jointly with like officers of other party states in
4 promulgating rules and regulations to carry out more effectively the terms of the compact. The ad-
5 ministrator shall cooperate with all departments, agencies and officers of the government of this
6 state and its subdivisions in facilitating the proper administration of the compact or of any supple-
7 mentary agreement or agreements entered into by this state thereunder.

8 (2) The Juvenile Compact Administrator shall appoint a Deputy Juvenile Compact Administrator
9 to serve at the pleasure of the administrator **and the Governor**. The deputy shall be appointed on
10 the basis of personal qualifications in accordance with standards fixed by the Oregon Youth Au-
11 thority. The youth authority shall fix the salary of the deputy. Subject to the approval of the youth
12 authority, and at salaries fixed by it, the administrator may employ such other personnel as may be
13 necessary to accomplish the purposes of ORS 417.010 to 417.080. The administrator shall prescribe
14 the duties of the deputy and such other personnel, and they shall be subject to the control and under
15 the immediate supervision of the administrator. Personnel other than the administrator and the
16 deputy shall be subject to any applicable provision of the State Personnel Relations Law. Subject
17 to the approval of the youth authority, the administrator may also provide necessary offices, supplies
18 and equipment.

19 **SECTION 81.** ORS 197.030 is amended to read:

20 197.030. (1) There is established a Land Conservation and Development Commission consisting
21 of seven members appointed by the Governor, subject to confirmation by the Senate pursuant to
22 section 4, Article III, Oregon Constitution.

23 (2) The Governor shall appoint to the commission:

24 (a) One member representing Clatsop, Columbia, Coos, Curry, Lincoln and Tillamook Counties
25 and those portions of Douglas and Lane Counties lying west of the summit of the Coast Range;

26 (b) Two members representing Clackamas, Multnomah and Washington Counties;

27 (c) One member representing Benton, Linn, Marion, Polk and Yamhill Counties and that portion
28 of Lane County lying east of the summit of the Coast Range;

29 (d) One member representing Jackson and Josephine Counties and that portion of Douglas
30 County lying east of the summit of the Coast Range;

31 (e) One member representing Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River,
32 Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and
33 Wheeler Counties; and

34 (f) One member representing Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington
35 and Yamhill Counties and that portion of Lane County lying east of the summit of the Coast Range.

36 (3) At least one member shall be or have been an elected city official in Oregon and at least
37 one member shall be an elected county official at the time of appointment.

38 (4) The term of office of each member of the commission is four years, but a member [*may be*
39 *removed by the Governor for cause*] **serves at the pleasure of the Governor**. Before the expiration
40 of the term of a member, the Governor shall appoint a successor. No person shall serve more than
41 two full terms as a member of the commission.

42 (5) If there is a vacancy for any cause, the Governor shall make an appointment to become im-
43 mediately effective for the unexpired term.

44 **SECTION 82.** ORS 197.085 is amended to read:

45 197.085. (1) The Land Conservation and Development Commission shall appoint a person to serve

1 as the Director of the Department of Land Conservation and Development. The director shall hold
 2 the office of the director at the pleasure of the commission and **the Governor**. The salary of the
 3 director shall be fixed by the commission unless otherwise provided by law.

4 (2) In addition to salary, the director shall be reimbursed, subject to any applicable law regu-
 5 lating travel and other expenses of state officers and employees, for actual and necessary expenses
 6 incurred by the director in the performance of official duties.

7 **SECTION 83.** ORS 197.810 is amended to read:

8 197.810. (1) There is hereby created a Land Use Board of Appeals consisting of not more than
 9 three positions. Board members shall be appointed by the Governor subject to confirmation by the
 10 Senate in the manner provided in ORS 171.562 and 171.565. The board shall consist of a board
 11 chairperson chosen by the board members and such other board members as the Governor considers
 12 necessary. The members of the board shall serve terms of four years, **but a member serves at the**
 13 **pleasure of the Governor**. A member is eligible for reappointment. The salaries of the members
 14 shall be fixed by the Governor unless otherwise provided for by law. The salary of a member of the
 15 board shall not be reduced during the period of service of the member.

16 *[(2) The Governor may at any time remove any member of the board for inefficiency, incompetence,*
 17 *neglect of duty, malfeasance in office or unfitness to render effective service. Before such removal the*
 18 *Governor shall give the member a copy of the charges against the member and shall fix the time when*
 19 *the member can be heard in defense against the charges, which shall not be less than 10 days there-*
 20 *after. The hearing shall be open to the public and shall be conducted in the same manner as a contested*
 21 *case under ORS chapter 183. The decision of the Governor to remove a member of the board shall be*
 22 *subject to judicial review in the same manner as provided for review of contested cases under ORS*
 23 *183.480 to 183.540.]*

24 *[(3)]* (2) Board members appointed under subsection (1) of this section shall be members in good
 25 standing of the Oregon State Bar.

26 **SECTION 84.** ORS 306.135 is amended to read:

27 306.135. (1) The Department of Revenue shall develop a base map system to facilitate and im-
 28 prove the administration of the ad valorem property tax system.

29 (2) In developing the base map system, the department shall be advised by an advisory commit-
 30 tee that is hereby created and that shall be known as the Oregon Land Information System Advisory
 31 Committee. The advisory committee shall advise the department concerning the administrative and
 32 public needs related to the development of the base map system.

33 (3) The advisory committee shall consist of individuals appointed to the committee by the Di-
 34 rector of the Department of Revenue. **Members of the committee serve at the pleasure of the**
 35 **director and the Governor**.

36 **SECTION 85.** ORS 273.161 is amended to read:

37 273.161. (1) The State Land Board shall appoint a Director of the Department of State Lands to
 38 serve for a term of four years, subject to removal at the discretion of the board **and the**
 39 **Governor**.

40 (2) The director shall receive such salary as is fixed by the board. In addition to salary, subject
 41 to applicable law regulating travel and other expenses of state officers, the director shall be reim-
 42 bursed for actual and necessary travel and other expenses incurred in the performance of official
 43 duties.

44 (3) The salaries and other expenses of the director and employees of the Department of State
 45 Lands shall be paid out of revenues accruing to the Common School Fund.

1 **SECTION 86.** ORS 357.015 is amended to read:

2 357.015. The Trustees of the State Library shall be the policy-making body for the State Library
3 and shall:

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

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

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

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

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

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

19 **SECTION 87.** ORS 409.462 is amended to read:

20 409.462. (1) The Department of Human Services through the Oregon Lifespan Respite Care Pro-
21 gram shall coordinate the establishment of community lifespan respite care programs. The program
22 shall accept proposals to operate community lifespan respite care programs, submitted in the form
23 and manner required by the program, from community-based private nonprofit, for-profit or public
24 agencies that provide respite care services. According to criteria established by the Department of
25 Human Services, the Oregon Lifespan Respite Care Program shall designate and fund agencies de-
26 scribed in this section to operate the community lifespan respite care programs.

27 (2) The Director of Human Services shall create the position of administrator of the Oregon
28 Lifespan Respite Care Program to carry out the duties of the program. **The administrator serves**
29 **at the pleasure of the director and the Governor.**

30 (3) The Director of Human Services shall appoint an advisory council to the Oregon Lifespan
31 Respite Care Program. The council shall be composed of respite care program managers, respite
32 care consumers, family members and other interested individuals and shall meet no fewer than four
33 times per year. **Members of the council serve at the pleasure of the director and the Governor.**

34 **SECTION 88.** ORS 471.705 is amended to read:

35 471.705. (1) There is created the Oregon Liquor Control Commission, consisting of five persons
36 appointed by the Governor. One member shall be from among the bona fide residents of each con-
37 gressional district of the state. One member shall be from the food and alcoholic beverage retail
38 industry. Not more than three commissioners shall be of the same political party and one shall be
39 designated by the Governor to be chairperson of the commission. The commissioners are entitled
40 to compensation and expenses as provided in ORS 292.495. Each commissioner at the time of ap-
41 pointment and qualification shall be a resident of this state and shall have resided in this state for
42 at least five years next preceding appointment and qualification. The commissioner shall be an
43 elector therein and not less than 30 years of age. A commissioner shall cease to hold office if the
44 commissioner ceases to possess the residency or industry qualification for appointment and the
45 Governor shall appoint a qualified individual to complete the unexpired term.

1 (2) The term of office of a commissioner shall be four years from the time of appointment and
 2 qualification and until a successor qualifies, **but a commissioner serves at the pleasure of the**
 3 **Governor**. The terms of the commissioners shall commence April 1. In case any commissioner is
 4 allowed to hold over after the expiration of the term, the successor shall be appointed for the bal-
 5 ance of the unexpired term. Vacancies in the commission shall be filled by the Governor for the
 6 unexpired term. Each commissioner is eligible for reappointment but no person shall be eligible to
 7 serve for more than two full terms.

8 (3) All appointments of commissioners by the Governor are subject to confirmation by the Sen-
 9 ate pursuant to section 4, Article III, Oregon Constitution.

10 **SECTION 89.** ORS 471.710 is amended to read:

11 471.710. [(1) *The Governor may remove any commissioner for inefficiency, neglect of duty, or mis-*
 12 *conduct in office, giving to the commissioner a copy of the charges made and an opportunity of being*
 13 *publicly heard in person or by counsel, in the commissioner's own defense, upon not less than 10 days'*
 14 *notice. If such commissioner is removed, the Governor shall file in the office of the Secretary of State*
 15 *a complete statement of all charges made against such commissioner, the findings thereon, and a com-*
 16 *plete record of the proceedings.]*

17 [(2)] (1) No person, other than the member appointed in accordance with ORS 471.705 who is
 18 designated from the food and alcoholic beverage retail industry, is eligible to hold the office of
 19 commissioner, or to be employed by the Oregon Liquor Control Commission if:

20 (a) The person has any financial interest in any business licensed by the commission or in any
 21 business which manufactures alcoholic beverages sold in Oregon;

22 (b) Anyone in the person's household or immediate family has a financial interest described in
 23 paragraph (a) of this subsection;

24 (c) Anyone in the person's household or immediate family is employed by a business licensed by
 25 the commission, unless the person is not in a position to take action or make decisions which could
 26 affect the licensed business; or

27 (d) The person or anyone in the person's household or immediate family has a business con-
 28 nection with any business licensed by the commission, unless the person is not in a position to take
 29 action or make decisions which could affect the licensed business.

30 [(3)(a)] (2)(a) A retail sales agent appointed by the commission, or a person in the household or
 31 immediate family of a retail sales agent, may not have any financial interest in or business con-
 32 nection with:

33 (A) A person or business that is licensed as a distillery;

34 (B) A person or business that holds a full on-premises sales license; or

35 (C) A distillery whose products are sold in Oregon.

36 (b) Paragraph (a) of this subsection does not apply to a distillery retail outlet agent appointed
 37 by the commission under ORS 471.230.

38 [(4)] (3) Nothing in this section prohibits a person from having a financial interest resulting from
 39 investments made by the Public Employees Retirement System or through mutual funds, blind trusts
 40 or similar investments where the person does not exercise control over the nature, amount or timing
 41 of the investment.

42 [(5)] (4) The commission by rule may establish additional restrictions to prohibit potential con-
 43 flicts of interest. The commission by rule shall define "immediate family" and "business
 44 connection" as used in this section.

45 **SECTION 90.** ORS 197.165 is amended to read:

1 197.165. For the purpose of promoting mutual understanding and cooperation between the Land
2 Conservation and Development Commission and local government in the implementation of ORS
3 chapters 195, 196 and 197 and the goals, the commission shall appoint a Local Officials Advisory
4 Committee. The committee shall be comprised of persons serving as city or county elected officials
5 and its membership shall reflect the city, county and geographic diversity of the state. The com-
6 mittee shall advise and assist the commission on its policies and programs affecting local govern-
7 ments. **Members of the committee serve at the pleasure of the commission and the Governor.**

8 **SECTION 91.** ORS 441.103 is amended to read:

9 441.103. (1) The office of the Long Term Care Ombudsman is established. The Long Term Care
10 Ombudsman shall function separately and independently from any other state agency. The Governor
11 shall appoint the Long Term Care Ombudsman for a four-year term from a list of three nominees
12 nominated by the Long Term Care Advisory Committee established under ORS 441.137. Vacancies
13 shall be filled within 60 days in the same manner as appointments are made, subject to Senate
14 confirmation under ORS 171.562 and 171.565.

15 (2) The Long Term Care Ombudsman [*may be removed for just cause, upon recommendation to the*
16 *Governor by the Long Term Care Advisory Committee*] **serves at the pleasure of the Governor.**

17 (3) The Long Term Care Ombudsman shall have background and experience in the following
18 areas:

- 19 (a) The field of aging;
- 20 (b) Health care;
- 21 (c) Working with community programs;
- 22 (d) Strong understanding of long term care issues, both regulatory and policy;
- 23 (e) Working with health care providers;
- 24 (f) Working with and involvement in volunteer programs; and
- 25 (g) Administrative and managerial experience.

26 **SECTION 92.** ORS 830.135 is amended to read:

27 830.135. (1) The State Marine Board shall appoint a State Marine Director who shall serve at
28 the pleasure of the board **and the Governor.**

29 (2) The director shall devote full time to the duties of the office. With the approval of the board,
30 the director shall:

- 31 (a) Administer the numbering, certificating, recording and licensing duties of the board.
- 32 (b) Perform any other duties assigned by the board.
- 33 (c) Hire subordinate employees and fix their compensation.

34 **SECTION 93.** ORS 475.303 is amended to read:

35 475.303. (1) There is created the Advisory Committee on Medical Marijuana in the Oregon
36 Health Authority, consisting of 11 members appointed by the Director of the Oregon Health Au-
37 thority. **Members of the committee serve at the pleasure of the director and the Governor.**

38 (2) The director shall appoint members of the committee from persons who possess registry
39 identification cards, designated primary caregivers of persons who possess registry identification
40 cards and advocates of the Oregon Medical Marijuana Act.

41 (3) The committee shall advise the director on the administrative aspects of the Oregon Medical
42 Marijuana Program, review current and proposed administrative rules of the program and provide
43 annual input on the fee structure of the program.

44 (4) The committee shall meet at least four times per year, at times and places specified by the
45 director.

1 (5) The authority shall provide staff support to the committee.

2 (6) All agencies of state government, as defined in ORS 174.111, are directed to assist the com-
3 mittee in the performance of its duties and, to the extent permitted by laws relating to
4 confidentiality, to furnish information and advice that the members of the committee consider nec-
5 essary to perform their duties.

6 **SECTION 94.** ORS 735.610 is amended to read:

7 735.610. (1) There is created in the Oregon Health Authority the Oregon Medical Insurance Pool
8 Board. The board shall establish the Oregon Medical Insurance Pool and otherwise carry out the
9 responsibilities of the board under ORS 735.600 to 735.650.

10 (2) The board shall consist of 10 individuals, eight of whom shall be appointed by the Director
11 of the Oregon Health Authority. **The members appointed by the director serve at the pleasure**
12 **of the director and the Governor.** The Director of the Department of Consumer and Business
13 Services or the director's designee and the Director of the Oregon Health Authority or the director's
14 designee shall be members of the board. The chair of the board shall be elected from among the
15 members of the board. The board shall at all times, to the extent possible, include at least one rep-
16 resentative of a domestic insurance company licensed to transact health insurance, one represen-
17 tative of a domestic not-for-profit health care service contractor, one representative of a health
18 maintenance organization, one representative of reinsurers and two members of the general public
19 who are not associated with the medical profession, a hospital or an insurer. A majority of the
20 voting members of the board constitutes a quorum for the transaction of business. An act by a ma-
21 jority of a quorum is an official act of the board.

22 (3) The Director of the Oregon Health Authority may fill any vacancy on the board by ap-
23 pointment.

24 (4) The board shall have the general powers and authority under the laws of this state granted
25 to insurance companies with a certificate of authority to transact health insurance and the specific
26 authority to:

27 (a) Enter into such contracts as are necessary or proper to carry out the provisions and pur-
28 poses of ORS 735.600 to 735.650 including the authority to enter into contracts with similar pools
29 of other states for the joint performance of common administrative functions, or with persons or
30 other organizations for the performance of administrative functions;

31 (b) Recover any assessments for, on behalf of, or against insurers;

32 (c) Take such legal action as is necessary to avoid the payment of improper claims against the
33 pool or the coverage provided by or through the pool;

34 (d) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, insurance
35 producers' referral fees, claim reserves or formulas and perform any other actuarial function ap-
36 propriate to the operation of the pool. Rates may not be unreasonable in relation to the coverage
37 provided, the risk experience and expenses of providing the coverage. Rates and rate schedules may
38 be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take
39 into consideration appropriate risk factors in accordance with established actuarial and underwrit-
40 ing practices;

41 (e) Issue policies of insurance in accordance with the requirements of ORS 735.600 to 735.650;

42 (f) Appoint from among insurers appropriate actuarial and other committees as necessary to
43 provide technical assistance in the operation of the pool, policy and other contract design, and any
44 other function within the authority of the board;

45 (g) Seek advances to effect the purposes of the pool; and

1 (h) Establish rules, conditions and procedures for reinsuring risks under ORS 735.600 to 735.650.

2 (5) Each member of the board is entitled to compensation and expenses as provided in ORS
3 292.495.

4 (6) The Director of the Oregon Health Authority shall adopt rules, as provided under ORS
5 chapter 183, implementing policies recommended by the board for the purpose of carrying out ORS
6 735.600 to 735.650.

7 (7) In consultation with the board, the Director of the Oregon Health Authority shall employ
8 such staff and consultants as may be necessary for the purpose of carrying out responsibilities under
9 ORS 735.600 to 735.650.

10 **SECTION 95.** ORS 146.035 is amended to read:

11 146.035. (1) There shall be established within the Department of State Police the State Medical
12 Examiner's office for the purpose of directing and supporting the state death investigation program.

13 **The State Medical Examiner serves at the pleasure of the Superintendent of State Police and**
14 **the Governor.**

15 (2) The State Medical Examiner shall manage all aspects of the State Medical Examiner's pro-
16 gram.

17 (3) Subject to the State Personnel Relations Law, the State Medical Examiner may employ or
18 discharge other personnel of the State Medical Examiner's office.

19 (4) The State Medical Examiner's office shall:

20 (a) File and maintain appropriate reports on all deaths requiring investigation.

21 (b) Maintain an accurate list of all active district medical examiners, assistant district medical
22 examiners and designated pathologists.

23 (c) Transmit monthly to the Department of Transportation a report for the preceding calendar
24 month of all information obtained under ORS 146.113.

25 (5) Notwithstanding ORS 192.501 (35):

26 (a) Any parent, spouse, sibling, child or personal representative of the deceased, or any person
27 who may be criminally or civilly liable for the death, or their authorized representatives respec-
28 tively, may examine and obtain copies of any medical examiner's report, autopsy report or labora-
29 tory test report ordered by a medical examiner under ORS 146.117.

30 (b) The system described in ORS 192.517 (1) shall have access to reports described in this sub-
31 section as provided in ORS 192.517.

32 **SECTION 96.** ORS 430.050 is amended to read:

33 430.050. (1) The Director of the Oregon Health Authority, with the approval of the Governor,
34 shall appoint at least 15 but not more than 20 members of a Mental Health Advisory Board, com-
35 posed of both lay and professionally trained individuals, qualified by training or experience to study
36 the problems of mental health and make recommendations for the development of policies and pro-
37 cedures with respect to the state mental health programs. The membership shall provide balanced
38 representation of program areas and shall include persons who represent the interests of children.
39 At least four members of the board shall be persons with disabilities who shall serve as the Disa-
40 bility Issues Advisory Committee which is hereby established. The members of the board shall serve
41 for terms of four years [*and*], **but a member serves at the pleasure of the director and the**
42 **Governor. Members of the board** are entitled to compensation and expenses as provided in ORS
43 292.495. The director may remove any member of the board for misconduct, incapacity or neglect
44 of duty.

45 (2) The Oregon Health Authority shall adopt rules specifying the duties of the board. In addition

1 to those duties assigned by rule, the board shall assist the authority in planning and preparation
2 of administrative rules for the assumption of responsibility for psychiatric care in state and com-
3 munity hospitals by community mental health programs, in accordance with ORS 430.630 (3)(e).

4 (3) The board shall meet at least once each quarter.

5 (4) The director may make provision for technical and clerical assistance to the Mental Health
6 Advisory Board and for the expenses of such assistance.

7 (5) The Disability Issues Advisory Committee shall meet at least once annually to make recom-
8 mendations to the Mental Health Advisory Board.

9 (6) As used in this section, "person with a disability" means any person who:

10 (a) Has a physical or mental impairment which substantially limits one or more major life ac-
11 tivities;

12 (b) Has a record of such an impairment; or

13 (c) Is regarded as having such an impairment.

14 **SECTION 97.** ORS 634.600 is amended to read:

15 634.600. (1) There is created the Minor Crops Advisory Committee in the State Department of
16 Agriculture consisting of six members appointed by the Director of Agriculture and the coordinator
17 of the Interregional Project Number 4 program at Oregon State University who shall be a permanent
18 member.

19 (2) The director, as far as practicable, shall make appointments to the advisory committee so
20 that the committee is representative of all segments of agriculture.

21 (3) Each appointed member shall serve a term of three years beginning July 1 of the year of
22 appointment, **but an appointed member serves at the pleasure of the director and the Govern-**
23 **nor.** A member shall continue to serve until a successor is appointed. Vacancies in office shall be
24 filled by appointment for the unexpired term.

25 (4) The committee shall meet at the call of the chairperson or the director [*of Agriculture*]. A
26 majority of the members present at any meeting shall constitute a quorum, and a majority vote of
27 the quorum at any meeting shall constitute an official act of the committee.

28 (5) At the first meeting after July 1 of each year, the committee shall select a chairperson. The
29 Dean of the College of Agricultural Sciences of Oregon State University and the director [*of Agri-*
30 *culture*], or their representatives, shall be ex officio members without the right to vote.

31 (6) Members of the committee shall be eligible for compensation and expenses as provided in
32 ORS 292.495.

33 (7) The committee shall:

34 (a) Advise the department in the administration of ORS 634.016 to 634.042 as relates to minor
35 crop use registrations;

36 (b) Cooperate with the United States Department of Agriculture's Interregional Project Number
37 4 and the United States Environmental Protection Agency in obtaining federal registrations of pes-
38 ticides for minor crop uses; and

39 (c) Maintain close contact between the department and agricultural producers regarding the
40 need for research to support registration of pesticides for minor crops.

41 **SECTION 98.** ORS 273.573 is amended to read:

42 273.573. (1) To aid and advise the State Parks and Recreation Director in the performance of the
43 functions related to the Natural Areas Program, the director may establish a natural areas advisory
44 committee.

45 (2) The advisory committee may assist the State Parks and Recreation Department:

1 (a) In the development of policy for the Natural Areas Program through the review and approval
2 of the Oregon Natural Areas Plan;

3 (b) By reviewing nominations for registration and the voluntary dedication of natural areas, and
4 instruments of dedication for such areas;

5 (c) In providing recommendations to the State Parks and Recreation Commission, State Land
6 Board, State Board of Forestry, State Fish and Wildlife Commission, State Board of Higher Educa-
7 tion and Oregon Transportation Commission regarding areas under their respective jurisdictions
8 that are appropriate for dedication; and

9 (d) In advising the State Parks and Recreation Commission in the adoption of rules that may
10 be considered necessary in carrying out ORS 273.563 to 273.591.

11 (3) Members of the advisory committee are not entitled to compensation, but in the discretion
12 of the director may be reimbursed from funds available to the department for actual and necessary
13 travel and other expenses incurred by them in the performance of their official duties in the manner
14 and amount provided in ORS 292.495.

15 **(4) Members of the advisory committee serve at the pleasure of the director and the**
16 **Governor.**

17 **SECTION 99.** ORS 685.145 is amended to read:

18 685.145. (1) The Council on Naturopathic Physicians Formulary is established. The council con-
19 sists of seven members appointed as follows:

20 (a) One member of the Oregon Board of Naturopathic Medicine appointed by the Oregon Board
21 of Naturopathic Medicine;

22 (b) One physician licensed by the Oregon Board of Naturopathic Medicine appointed by the
23 Oregon Board of Naturopathic Medicine;

24 (c) Two pharmacists licensed by the State Board of Pharmacy appointed by the State Board of
25 Pharmacy;

26 (d) One physician licensed by the Oregon Medical Board appointed by the Oregon Medical
27 Board; and

28 (e) Two additional members appointed by the council who hold an advanced degree in a medical
29 or pharmaceutical science.

30 (2) The chair of the council shall be elected by a majority of the members.

31 (3)(a) The council shall establish a formulary of drugs that may be administered or prescribed
32 by a naturopathic physician. The council shall review the formulary periodically.

33 (b) A naturopathic physician may request that the council add a drug to the formulary by sub-
34 mitting an application in a form prescribed by the Oregon Board of Naturopathic Medicine. If the
35 council determines that the drug may be beneficial in the practice of naturopathic medicine, the
36 council may add the drug to the formulary.

37 (c) Immediately upon adoption or revision of the formulary, the council shall transmit the
38 formulary to the board, which must adopt the formulary by rule.

39 (d) A naturopathic physician may only administer or prescribe drugs that are included in the
40 formulary adopted by the board.

41 (4) The term of each member of the council is two years, **but a member serves at the pleasure**
42 **of the appointing authority and the Governor.** A member shall serve until a successor is ap-
43 pointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with the same
44 qualifications as a retiring member.

45 (5) Any member of the council who fails to attend two consecutive meetings of the council

1 whether regular or special shall forfeit office unless a member is prevented from attending by seri-
2 ous illness of the council member or a member of the council member's family.

3 (6) Members of the council are entitled to compensation and expenses under ORS 292.495 paya-
4 ble from funds available to the Oregon Board of Naturopathic Medicine.

5 **SECTION 100.** ORS 561.700 is amended to read:

6 561.700. (1) The New Crops Development Board is created within the State Department of Ag-
7 riculture. The board shall consist of nine voting members appointed by the Director of Agriculture.
8 In addition to the voting members, the Director of the Oregon State University Experiment Station
9 or the designee of the director and the Director of the Department of Environmental Quality or the
10 designee of the director shall be nonvoting ex officio members of the board.

11 (2) The term of each voting member is four years, but a member serves at the pleasure of the
12 Director of Agriculture **and the Governor**. Before the expiration of the term of a voting member,
13 the director shall appoint a successor. A voting member is eligible for reappointment. If there is a
14 vacancy for any cause, the director shall make an appointment to become immediately effective for
15 the unexpired term.

16 (3) Each voting member of the board shall be a citizen of this state and actively engaged in some
17 segment of the agricultural crop industry. As far as practicable, the Director of Agriculture shall
18 make appointments so that the various geographic areas of the state and segments of the agricul-
19 tural crop industry are represented on the board.

20 (4) To the extent that moneys received pursuant to ORS 561.720 are available therefor in the
21 Department of Agriculture Service Fund, a member of the board is entitled to compensation and
22 expenses as provided in ORS 292.495.

23 **SECTION 101.** ORS 571.025 is amended to read:

24 571.025. (1) In order that there may be the closest contact between the State Department of
25 Agriculture and the problems of the nursery industry, there hereby is created a State Nursery Re-
26 search and Regulatory Committee which shall consist of seven members appointed by the Director
27 of Agriculture. The director, as far as practicable, shall make appointments so that all segments of
28 the nursery industry are represented on the committee.

29 (2) The term of each member shall be for three years, beginning on July 1 of the year of ap-
30 pointment. **Members of the committee serve at the pleasure of the director and the Governor.**
31 Vacancies in office shall be filled by appointment for the unexpired term. At the first meeting after
32 July 1 in each year, the committee shall elect a chairperson.

33 (3) The functions of the committee shall be to advise and counsel with the department in the
34 administration of ORS 564.040, 564.991, 571.005 to 571.230 and 571.991 and review the nursery in-
35 spection program.

36 (4) The committee shall meet at the call of the chairperson or the director [*of the State Depart-*
37 *ment of Agriculture*]. A majority of the members present at any meeting shall constitute a quorum,
38 and a majority vote of the quorum at any meeting shall constitute an official act of the committee.

39 **SECTION 102.** ORS 353.606 is amended to read:

40 353.606. (1) There is created the Oregon Nursing Shortage Coalition Committee.

41 (2) The committee consists of 10 members, as follows:

42 (a) Two members who represent the Oregon State Board of Nursing appointed by the board.

43 (b) Two members who represent the Northwest Organization of Nurse Executives appointed by
44 the Oregon State Board of Nursing from a list of persons submitted to the board by the Northwest
45 Organization of Nurse Executives.

1 (c) Two members who represent the Oregon Nurses Association appointed by the Oregon State
2 Board of Nursing from a list of persons submitted to the board by the Oregon Nurses Association.

3 (d) One member appointed by the Oregon State Board of Nursing who represents Oregon-based,
4 generally accredited, not-for-profit private institutions of higher education from a list of persons
5 submitted to the board by the Oregon Independent Colleges Association.

6 (e) Two members appointed by the Commissioner for Community College Services from a list of
7 persons submitted to the commissioner by the Oregon Community College Association.

8 (f) One member who represents Oregon Health and Science University appointed by the uni-
9 versity.

10 (3) When appointing members to the committee, the Oregon State Board of Nursing, the Com-
11 missioner for Community College Services and Oregon Health and Science University shall ensure
12 that there is at least one member from each of the following areas of the state:

13 (a) Rural western Oregon.

14 (b) Coastal Oregon.

15 (c) Eastern Oregon.

16 (d) Urban areas.

17 (4) The term of office of each member is four years, but a member serves at the pleasure of the
18 appointing authority **and the Governor**. Before the expiration of the term of a member, the ap-
19 pointing authority shall appoint a successor whose term begins on July 1 next following. A member
20 is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall
21 make an appointment to become immediately effective for the unexpired term.

22 (5) The committee shall elect one of its members to serve as chairperson and another to serve
23 as vice chairperson, for the terms and with the duties and powers necessary for the performance
24 of the functions of such offices as the committee determines.

25 (6) The committee shall meet at times and places specified by the call of the chairperson or of
26 a majority of the members of the committee.

27 (7) A majority of the members of the committee constitutes a quorum for the transaction of
28 business.

29 (8) Members of the committee are entitled to actual and necessary travel expenses in the man-
30 ner and amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
31 of the committee shall be paid out of funds received by Oregon Health and Science University for
32 that purpose.

33 (9) Oregon Health and Science University shall provide staff support to the committee.

34 **SECTION 103.** ORS 656.709 is amended to read:

35 656.709. (1)(a) The Director of the Department of Consumer and Business Services, with the
36 concurrence of the Governor, shall appoint an ombudsman for injured workers. The ombudsman is
37 under the supervision and control of the director. [*and, with the concurrence of the Governor,*] The
38 director **or the Governor** may terminate the ombudsman.

39 (b) The ombudsman for injured workers shall:

40 (A) Act as an advocate for injured workers by accepting, investigating and attempting to resolve
41 complaints concerning matters related to workers' compensation;

42 (B) Provide information to injured workers to enable them to protect their rights in the workers'
43 compensation system; and

44 (C) Report to the Governor in writing at least once each quarter. A report shall include a
45 summary of the services that the ombudsman provided during the quarter and the ombudsman's

1 recommendations for improving ombudsman services and for protecting workers' rights in the
2 workers' compensation system.

3 (2)(a) The Director of the Department of Consumer and Business Services, with the concurrence
4 of the Governor, shall appoint an ombudsman for small business. The ombudsman is under the
5 supervision and control of the director. [*and, with the concurrence of the Governor,*] The director **or**
6 **the Governor** may terminate the ombudsman.

7 (b) The ombudsman for small business shall:

8 (A) Provide information and assistance to small businesses with regard to workers' compen-
9 sation insurance and claims processing matters; and

10 (B) Report to the Governor in writing at least once each quarter. A report shall include a
11 summary of the services that the ombudsman provided during the quarter and the ombudsman's
12 recommendations for improving ombudsman services and for providing information and assistance
13 to small businesses with regard to workers' compensation insurance and claims processing matters.

14 **SECTION 104.** ORS 683.240 is amended to read:

15 683.240. (1)(a) The Council on Optometric Nontopical Formulary is established and shall consist
16 of seven members appointed as follows:

17 (A) One member of the Oregon Board of Optometry appointed by the Oregon Board of
18 Optometry;

19 (B) One member who is a pharmacist licensed by the State Board of Pharmacy or a person with
20 an advanced degree in pharmacology or pharmacognosy appointed by the State Board of Pharmacy;

21 (C) One member of the Oregon Medical Board appointed by the Oregon Medical Board;

22 (D) One member of the faculty of the Oregon Health and Science University School of Medicine
23 appointed by the Oregon Medical Board;

24 (E) One member who is a physician licensed under ORS chapter 677 appointed by the Oregon
25 Medical Board after consideration of three qualified nominees provided by the Oregon Academy of
26 Ophthalmology;

27 (F) One member who is a practicing optometrist appointed by the Oregon Board of Optometry
28 after consideration of three qualified nominees from the Oregon Optometric Physicians Association;
29 and

30 (G) One member with a degree in optometry or ophthalmology who is a member of the faculty
31 at a college of optometry appointed by the Oregon Board of Optometry.

32 (b)(A) The chair of the council shall be elected by a majority of the members.

33 (B) The term of office of each member of the council shall be two years, **but a member serves**
34 **at the pleasure of the appointing authority and the Governor.** A member shall serve until a
35 successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with
36 the same qualifications as the vacating member.

37 (C) Any member of the council who fails to attend two consecutive meetings of the council,
38 whether regular or special, shall forfeit office unless the council member is prevented from attending
39 by serious illness of the member or of a member of the council member's family.

40 (D) Meetings of the council shall be called at the request of the chair or at the request of two
41 or more members of the council.

42 (E) Members of the council shall serve without compensation.

43 (2) After public hearings, the council shall determine the substances to be included in the
44 optometric nontopical formulary that may be used by an optometrist under ORS 683.010 (3). The
45 council shall review the formulary periodically. Immediately upon adoption or revision of the

1 formulary, the council shall transmit the approved formulary to the Oregon Board of Optometry. The
2 board shall adopt the formulary or a portion of the formulary. If the council approves protocols for
3 the use of a nontopical pharmaceutical agent and the board adopts the portion of the formulary
4 listing that agent, the board must also adopt those protocols. The board may not expand or add to
5 the formulary submitted for adoption in any manner.

6 **SECTION 105.** ORS 413.574 is amended to read:

7 413.574. (1) The Pain Management Commission shall consist of 19 members as follows:

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

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

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

14 (C) Psychologists licensed under ORS 675.010 to 675.150 or organizations representing psychol-
15 ogists;

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

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

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

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

23 (H) Acupuncturists licensed under ORS 677.759;

24 (I) Pharmacists licensed under ORS chapter 689;

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

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

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

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

29 (N) Patients or advocacy groups representing patients;

30 (O) Dentists licensed under ORS chapter 679;

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

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

33 (R) Members of the public.

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

38 (2) The term of office of each member is four years, but a member serves at the pleasure of the
39 appointing authority. **Voting members of the committee serve at the pleasure of the director
40 and the Governor.** Before the expiration of the term of a member, the appointing authority shall
41 appoint a successor whose term begins on July 1 next following. A member is eligible for reap-
42 pointment. If there is a vacancy for any cause, the appointing authority shall make an appointment
43 to become immediately effective for the unexpired term.

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

SECTION 106. ORS 390.127 is amended to read:

390.127. (1) The State Parks and Recreation Commission shall appoint as State Parks and Recreation Director an individual well qualified by training and experience to serve for a term of four years unless sooner removed by the commission **or the Governor**.

(2) The director shall receive such salary as may be prescribed by law. In addition to salary, subject to applicable law regulating travel and expenses of state officers, the director shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties.

SECTION 107. ORS 144.005 is amended to read:

144.005. (1) A State Board of Parole and Post-Prison Supervision of at least three but no more than five members hereby is created. At least one member must be a woman.

(2) Members of the board shall be appointed by the Governor and serve for a term of four years, **but a member serves at the pleasure of the Governor**. If the number of members falls below three for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term. [*The Governor at any time may remove any member for inefficiency, neglect of duty or malfeasance in office.*]

(3) Each member shall devote the member's entire time to the performance of the duties imposed on the board and shall not engage in any partisan political activity.

(4) The members shall receive a salary set by the Governor. In addition, all members may receive actual and necessary travel and other expenses incurred in the performance of their official duties within limits as provided by law or under ORS 292.220 and 292.230.

(5) The Director of the Department of Corrections shall serve as an ex officio nonvoting member of the board.

SECTION 108. ORS 442.835 is amended to read:

442.835. The Oregon Patient Safety Commission Board of Directors shall appoint an administrator of the Oregon Patient Safety Commission. Subject to the supervision of the board, the administrator has authority to direct the affairs of the commission. **The administrator serves at the pleasure of the board and the Governor**. The administrator may not be a voting member of the board.

SECTION 109. ORS 414.353 is amended to read:

414.353. (1) There is created an 11-member Pharmacy and Therapeutics Committee responsible for advising the Oregon Health Authority on the implementation of the retrospective and prospective programs and on the Practitioner-Managed Prescription Drug Plan.

(2) The Director of the Oregon Health Authority shall appoint the members of the committee, who shall serve at the pleasure of the director **and the Governor** for a term of three years. An individual appointed to the committee may be reappointed upon completion of the individual's term. The membership of the committee shall be composed of the following:

(a) Five persons licensed as physicians and actively engaged in the practice of medicine or osteopathic medicine in Oregon, who may be from among persons recommended by organizations representing physicians;

(b) Four persons licensed in and actively practicing pharmacy in Oregon who may be from among persons recommended by organizations representing pharmacists whether affiliated or unaffiliated with any association; and

(c) Two persons who are not physicians or pharmacists.

(3) If the committee determines that it lacks current clinical or treatment expertise with respect

1 to a particular therapeutic class, or at the request of an interested outside party, the director shall
 2 appoint one or more medical experts otherwise qualified as described in subsection (2)(a) of this
 3 section who have such expertise. The medical experts shall have full voting rights with respect to
 4 recommendations made under ORS 414.361 (3) and (4). The medical experts may participate but may
 5 not vote in any other activities of the committee.

6 (4) The director shall fill a vacancy on the committee by appointing a new member to serve the
 7 remainder of the unexpired term.

8 **SECTION 110.** ORS 689.165 is amended to read:

9 689.165. (1) The State Board of Pharmacy shall elect from its members a president and vice
 10 president and such other officers as it deems appropriate and necessary to the conduct of its busi-
 11 ness. The President of the State Board of Pharmacy shall preside at all meetings of the board and
 12 shall be responsible for the performance of all of the duties and functions of the board required or
 13 permitted by this chapter. If the president is absent or unable to preside, the vice president shall
 14 preside. Each additional officer elected by the board shall perform those duties normally associated
 15 with their position and such other duties assigned from time to time by the board.

16 (2) Officers elected by the board shall serve terms of one year commencing with the day of their
 17 election, and ending upon election of their successors and shall serve no more than one consecutive
 18 full term in each office to which they are elected.

19 (3) The executive director of the board shall be responsible for the performance of the regular
 20 administrative functions of the board and such other duties as the board may direct. The executive
 21 director shall not perform any discretionary or decision-making functions for which the board is
 22 solely responsible. **The executive director serves at the pleasure of the board and the Govern-**
 23 **nor.**

24 **SECTION 111.** ORS 677.540 is amended to read:

25 677.540. (1) There is created a Physician Assistant Committee, which shall consist of five mem-
 26 bers. Members of the committee shall be appointed as follows:

27 (a) The Oregon Medical Board shall appoint one of its members and one physician. One of the
 28 two must supervise a physician assistant.

29 (b) The Oregon Medical Board shall appoint three physician assistants after considering persons
 30 nominated by the Oregon Society of Physician Assistants.

31 (2) The term of each member of the committee shall be for three years, **but a member serves**
 32 **at the pleasure of the board and the Governor.** A member may not serve more than two con-
 33 secutive terms. A member shall serve until a successor is appointed. If a vacancy occurs, it shall
 34 be filled for the unexpired term by a person with the same qualifications as the retiring member.

35 (3) If any vacancy under subsection (1) of this section is not filled within 45 days, the Governor
 36 shall make the necessary appointment from the category which is vacant.

37 (4) The committee shall elect its own chairperson with such powers and duties as the committee
 38 shall fix.

39 (5) A quorum of the committee shall be three members. The committee shall hold a meeting at
 40 least once quarterly and at such other times the committee considers advisable to review requests
 41 for prescription and dispensing privileges and to review applications for licensure or renewal.

42 (6) The chairperson may call a special meeting of the Physician Assistant Committee upon at
 43 least 10 days' notice in writing to each member, to be held at any place designated by the chair-
 44 person.

45 (7) The committee members are entitled to compensation and expenses as provided for board

1 members in ORS 677.235.

2 **SECTION 112.** ORS 442.800 is amended to read:

3 442.800. (1) The Advisory Committee on Physician Credentialing Information is established
4 within the Office for Oregon Health Policy and Research. The committee consists of nine members
5 appointed by the Administrator of the Office for Oregon Health Policy and Research as follows:

6 (a) Three members who are physicians licensed by the Oregon Medical Board or representatives
7 of physician organizations doing business within the State of Oregon;

8 (b) Three representatives of hospitals licensed by the Oregon Health Authority; and

9 (c) Three representatives of health care service contractors that have been issued a certificate
10 of authority to transact health insurance in this state by the Department of Consumer and Business
11 Services.

12 (2) All members appointed pursuant to subsection (1) of this section shall be knowledgeable
13 about national standards relating to physician credentialing.

14 (3) The term of appointment for each member of the committee is three years, **but a member**
15 **serves at the pleasure of the administrator and the Governor.** If, during a member's term of
16 appointment, the member no longer qualifies to serve as designated by the criteria of subsection (1)
17 of this section, the member must resign. If there is a vacancy for any cause, the administrator shall
18 make an appointment to become immediately effective for the unexpired term.

19 (4) Members of the committee are not entitled to compensation or reimbursement of expenses.

20 **SECTION 113.** ORS 127.675 is amended to read:

21 127.675. (1) There is established the Oregon POLST Registry Advisory Committee to advise the
22 Oregon Health Authority regarding the implementation, operation and evaluation of the POLST
23 registry.

24 (2) The members of the Oregon POLST Registry Advisory Committee shall be appointed by the
25 Director of the Oregon Health Authority and shall include, at a minimum:

26 (a) A health professional with extensive experience and leadership in POLST issues;

27 (b) A physician who is a supervising physician, as defined in ORS 682.025, for emergency medical
28 services providers and who has extensive experience and leadership in POLST issues;

29 (c) A representative from the hospital community with extensive experience and leadership in
30 POLST issues;

31 (d) A representative from the long term care community with extensive experience and leader-
32 ship in POLST issues;

33 (e) A representative from the hospice community with extensive experience and leadership in
34 POLST issues;

35 (f) An emergency medical services provider actively involved in providing emergency medical
36 services; and

37 (g) Two members of the public with active interest in end-of-life treatment preferences, at least
38 one of whom represents the interests of minorities.

39 (3) The Director of the Emergency Medical Services and Trauma Systems Program within the
40 Oregon Health Authority, or a designee of the director, shall serve as a voting ex officio member
41 of the committee.

42 (4) The Director of the Oregon Health Authority may appoint additional members to the com-
43 mittee.

44 (5) The committee shall meet at least four times per year, at times and places specified by the
45 Director of the Oregon Health Authority.

1 (6) The Oregon Health Authority shall provide staff support for the committee.

2 (7) Except for the Director of the Emergency Medical Services and Trauma Systems Program,
3 a member of the committee shall serve a term of two years. **Appointed members of the committee**
4 **serve at the pleasure of the Director of the Oregon Health Authority and the Governor.** Be-
5 fore the expiration of the term of a member, the Director **of the Oregon Health Authority** shall
6 appoint a successor whose term begins on January 2 next following. A member is eligible for reap-
7 pointment. If there is a vacancy for any cause, the Director of the Oregon Health Authority shall
8 make an appointment to become immediately effective for the unexpired term.

9 (8) The Director of the Oregon Health Authority, or a designee of the director, shall consult
10 with the committee in drafting rules on the implementation, operation and evaluation of the POLST
11 registry.

12 **SECTION 114.** ORS 757.834 is amended to read:

13 757.834. (1) Oregon Community Power shall be governed by a board of seven directors appointed
14 by the Governor using the procedure set forth in this section.

15 (2)(a) Prior to making any appointment to the board, the Governor shall consider the nomi-
16 nations of the Oregon Community Power Board Nominating Committee.

17 (b) If the Governor reviews an initial slate of nominees made by the nominating committee and
18 determines not to appoint a nominee, the Governor shall request that the nominating committee
19 forward a second slate of nominees. If the Governor determines not to appoint a nominee from the
20 second slate of nominees, the Governor may appoint any individual the Governor determines meets
21 the qualifications of subsection (6) of this section.

22 (3) Notwithstanding the requirement that the Governor consider the nominations of the nomi-
23 nating committee prior to making an appointment, the Governor shall appoint an individual to be
24 a board member within 120 days following the vacancy of a position on the board.

25 (4) Each appointment shall be subject to confirmation by the Senate in the manner prescribed
26 in ORS 171.562 and 171.565.

27 (5) The term of office for each board member shall be four years. A board member may be
28 nominated and appointed to successive terms, but within 150 days prior to the expiration of the term
29 of the member, the board shall issue a proposed direction to convene the nominating committee
30 under ORS 757.830 for the purpose of nominating individuals to fill the board position.

31 (6) A member of the board shall have significant experience or expertise in one or more of the
32 following areas:

- 33 (a) Business operations;
- 34 (b) Utility management;
- 35 (c) Legal or financial affairs;
- 36 (d) Regional energy issues; or
- 37 (e) Developing public policy.

38 (7) [*The Governor may remove any member of the board for cause, after notice and public*
39 *hearing*] **Members of the board serve at the pleasure of the Governor.**

40 **SECTION 115.** ORS 431.978 is amended to read:

41 431.978. (1) The term of office of each member of the Prescription Monitoring Program Advisory
42 Commission is four years, but a member serves at the pleasure of the Oregon Health Authority **and**
43 **the Governor.** Before the expiration of the term of a member, the authority shall appoint a suc-
44 cessor whose term begins on July 1 next following. A member is eligible for reappointment. If there
45 is a vacancy for any cause, the authority shall make an appointment to become immediately effec-

1 tive.

2 (2) The commission shall elect one of its members to serve as chairperson.

3 (3) The commission shall meet at least once annually at a time and place specified by the
4 chairperson of the commission. The commission may meet at other times and places specified by the
5 call of the chairperson or of a majority of the members of the commission.

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

7 (5) A majority of the members of the commission constitutes a quorum for the transaction of
8 business.

9 (6) Official action by the commission requires the approval of a majority of the members of the
10 commission.

11 (7) The authority shall provide staff support to the commission.

12 (8) Members of the commission are not entitled to compensation, but may be reimbursed for
13 actual and necessary travel and other expenses incurred by them in the performance of their official
14 duties in the manner and amounts provided for in ORS 292.495. Claims for expenses incurred in
15 performing functions of the commission shall be paid out of funds appropriated to the authority for
16 that purpose.

17 (9) All agencies of state government, as defined in ORS 174.111, are directed to assist the com-
18 mission in the performance of its duties and, to the extent permitted by laws relating to
19 confidentiality, to furnish such information and advice as the members of the commission consider
20 necessary to perform their duties.

21 **SECTION 116.** ORS 161.385 is amended to read:

22 161.385. (1) There is hereby created a Psychiatric Security Review Board consisting of 10 mem-
23 bers appointed by the Governor and subject to confirmation by the Senate under section 4, Article
24 III of the Oregon Constitution.

25 (2) The membership of the board may not include any district attorney, deputy district attorney
26 or public defender. The Governor shall appoint:

27 (a) A psychiatrist experienced in the criminal justice system and not otherwise employed on a
28 full-time basis by the Oregon Health Authority or a community mental health program;

29 (b) A licensed psychologist experienced in the criminal justice system and not otherwise em-
30 ployed on a full-time basis by the authority or a community mental health program;

31 (c) A member with substantial experience in the processes of parole and probation;

32 (d) A lawyer with substantial experience in criminal trial practice;

33 (e) A psychiatrist certified, or eligible to be certified, by the Oregon Medical Board in child
34 psychiatry who is experienced in the juvenile justice system and not employed on a full-time basis
35 by the authority or a community mental health program;

36 (f) A licensed psychologist who is experienced in child psychology and the juvenile justice sys-
37 tem and not employed on a full-time basis by the authority or a community mental health program;

38 (g) A member with substantial experience in the processes of juvenile parole and probation;

39 (h) A lawyer with substantial experience in juvenile law practice; and

40 (i) Two members of the general public.

41 (3) The term of office of each member is four years[. *The Governor at any time may remove any*
42 *member for inefficiency, neglect of duty or malfeasance in office*], **but a member serves at the**
43 **pleasure of the Governor.** Before the expiration of the term of a member, the Governor shall ap-
44 point a successor whose term begins on July 1 next following. A member is eligible for reappoint-
45 ment. If there is a vacancy for any cause, the Governor shall make an appointment to become

1 immediately effective for the unexpired term.

2 (4) A member of the board not otherwise employed full-time by the state shall be paid on a per
3 diem basis an amount equal to \$289.22, adjusted according to the executive pay plan for the
4 biennium, for each day during which the member is engaged in the performance of official duties,
5 including necessary travel time. In addition, subject to ORS 292.220 to 292.250 regulating travel and
6 other expenses of state officers and employees, the member shall be reimbursed for actual and nec-
7 essary travel and other expenses incurred in the performance of official duties.

8 (5) Subject to any applicable provision of the State Personnel Relations Law, the board may hire
9 employees to aid it in performing its duties.

10 (6) The board consists of two five-member panels. The adult panel is responsible for persons
11 placed under the board's jurisdiction under ORS 161.315 to 161.351 and 419C.544 and consists of
12 those members appointed under subsection (2)(a) to (d) of this section and one of the public members.
13 The juvenile panel is responsible for young persons placed under the board's jurisdiction under ORS
14 419C.529 and consists of those members appointed under subsection (2)(e) to (h) of this section and
15 the other public member.

16 (7)(a) Each panel shall select one of its members as chairperson to serve for a one-year term
17 with such duties and powers as the panel determines.

18 (b) A majority of the voting members of a panel constitutes a quorum for the transaction of
19 business of the panel.

20 (8) Each panel shall meet at least twice every month, unless the chairperson determines that
21 there is not sufficient business before the panel to warrant a meeting at the scheduled time. The
22 panel shall also meet at other times and places specified by the call of the chairperson or of a ma-
23 jority of the members of the panel.

24 **SECTION 117.** ORS 237.956 is amended to read:

25 237.956. The **Public Employees Retirement** Board shall employ a director whose duties shall
26 be as hereinafter provided. All ministerial duties required in the administration of ORS 237.414 and
27 237.950 to 237.980 shall be performed by the director and by employees under the direction of the
28 director. The director shall hold the position during the pleasure of the board **and the Governor**
29 and shall furnish such bond as required by the board. The board shall also designate an employee
30 to perform duties in the absence of the director.

31 **SECTION 118.** ORS 413.017 is amended to read:

32 413.017. (1) The Oregon Health Policy Board shall establish the committees described in sub-
33 sections (2) and (3) of this section.

34 (2)(a) The Public Health Benefit Purchasers Committee shall include individuals who purchase
35 health care for the following:

36 (A) The Public Employees' Benefit Board.

37 (B) The Oregon Educators Benefit Board.

38 (C) Trustees of the Public Employees Retirement System.

39 (D) A city government.

40 (E) A county government.

41 (F) A special district.

42 (G) Any private nonprofit organization that receives the majority of its funding from the state
43 and requests to participate on the committee.

44 (b) The Public Health Benefit Purchasers Committee shall:

45 (A) Identify and make specific recommendations to achieve uniformity across all public health

1 benefit plan designs based on the best available clinical evidence, recognized best practices for
 2 health promotion and disease management, demonstrated cost-effectiveness and shared demographics
 3 among the enrollees within the pools covered by the benefit plans.

4 (B) Develop an action plan for ongoing collaboration to implement the benefit design alignment
 5 described in subparagraph (A) of this paragraph and shall leverage purchasing to achieve benefit
 6 uniformity if practicable.

7 (C) Continuously review and report to the Oregon Health Policy Board on the committee's
 8 progress in aligning benefits while minimizing the cost shift to individual purchasers of insurance
 9 without shifting costs to the private sector or the Oregon Health Insurance Exchange.

10 (c) The Oregon Health Policy Board shall work with the Public Health Benefit Purchasers
 11 Committee to identify uniform provisions for state and local public contracts for health benefit plans
 12 that achieve maximum quality and cost outcomes. The board shall collaborate with the committee
 13 to develop steps to implement joint contract provisions. The committee shall identify a schedule for
 14 the implementation of contract changes. The process for implementation of joint contract provisions
 15 must include a review process to protect against unintended cost shifts to enrollees or agencies.

16 (d) Proposals and plans developed in accordance with this subsection shall be completed by
 17 October 1, 2010, and shall be submitted to the Oregon Health Policy Board for its approval and
 18 possible referral to the Legislative Assembly no later than December 31, 2010.

19 (3)(a) The Health Care Workforce Committee shall include individuals who have the collective
 20 expertise, knowledge and experience in a broad range of health professions, health care education
 21 and health care workforce development initiatives.

22 (b) The Health Care Workforce Committee shall coordinate efforts to recruit and educate health
 23 care professionals and retain a quality workforce to meet the demand that will be created by the
 24 expansion in health care coverage, system transformations and an increasingly diverse population.

25 (c) The Health Care Workforce Committee shall conduct an inventory of all grants and other
 26 state resources available for addressing the need to expand the health care workforce to meet the
 27 needs of Oregonians for health care.

28 **(4) Members of the committees described in subsections (2) and (3) of this section serve**
 29 **at the pleasure of the Oregon Health Policy Board and the Governor.** Members of the com-
 30 mittees described in subsections (2) and (3) of this section who are not members of the Oregon
 31 Health Policy Board are not entitled to compensation but shall be reimbursed from funds available
 32 to the board for actual and necessary travel and other expenses incurred by them by their attend-
 33 ance at committee meetings, in the manner and amount provided in ORS 292.495.

34 **SECTION 119.** ORS 181.620, as amended by section 3, chapter 29, Oregon Laws 2012, is
 35 amended to read:

36 181.620. (1) The Governor shall appoint a Board on Public Safety Standards and Training con-
 37 sisting of 24 members as follows:

38 (a) Two members who are chiefs of police recommended to the Governor by the Oregon Asso-
 39 ciation Chiefs of Police;

40 (b) One member who is a sheriff recommended to the Governor by the Oregon State Sheriffs'
 41 Association;

42 (c) One member who is a fire chief recommended to the Governor by the Oregon Fire Chiefs
 43 Association;

44 (d) One member who is a representative of the fire service recommended to the Governor by the
 45 Oregon Fire District Directors Association;

1 (e) One member who is a member of the Oregon State Fire Fighters Council recommended to the
 2 Governor by the executive body of the council;

3 (f) One member who is a representative of corrections personnel recommended to the Governor
 4 by the Oregon State Sheriffs' Association;

5 (g) One member who is a representative of the fire service recommended to the Governor by the
 6 Oregon Volunteer Firefighters Association;

7 (h) One member who is a representative of public safety telecommunicators;

8 (i) One member who is a district attorney recommended to the Governor by the Oregon District
 9 Attorneys Association;

10 (j) One member who is the Superintendent of State Police;

11 (k) One member who is the Chief of the Portland Police Bureau;

12 (L) One member who is the State Fire Marshal;

13 (m) One member who is the Chief of the Portland Fire Bureau;

14 (n) One member who is the Director of the Department of Corrections;

15 (o) One nonvoting member who is the Special Agent in Charge of the Federal Bureau of Inves-
 16 tigation for Oregon;

17 (p) One member who is an administrator of a municipality recommended to the Governor by the
 18 executive body of the League of Oregon Cities;

19 (q) Two members who are nonmanagement representatives of law enforcement;

20 (r) One member who is a public member. A person appointed as a public member under this
 21 section:

22 (A) May have no personal interest or occupational responsibilities in the area of responsibility
 23 given to the board; and

24 (B) Must represent the interests of the public in general;

25 (s) Two members recommended by and representing the private security industry;

26 (t) One member who is a representative of the collective bargaining unit that represents the
 27 largest number of individual workers in the Department of Corrections; and

28 (u) One member who is a nonmanagement parole and probation officer employed by a community
 29 corrections program.

30 (2) The term of office of a member is three years, *[and no member may be removed from office*
 31 *except for cause]* **but a member who does not serve by virtue of office serves at the pleasure**
 32 **of the Governor.** Before the expiration of the term of a member, the Governor shall appoint the
 33 member's successor to assume the member's duties on July 1 next following. In case of a vacancy
 34 for any cause, the Governor shall make an appointment, effective immediately, for the unexpired
 35 term.

36 (3) Except for members who serve by virtue of office, no member shall serve more than two
 37 terms. For purposes of this subsection, a person appointed to fill a vacancy consisting of an unex-
 38 pired term of at least one and one-half years has served a full term.

39 (4) Appointments of members of the board by the Governor, except for those members who serve
 40 by virtue of office, are subject to confirmation by the Senate in the manner provided in ORS 171.562
 41 and 171.565.

42 (5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

43 **SECTION 120.** ORS 462.230 is amended to read:

44 462.230. (1) Vacancies in the office of *[commissioner]* **a member of the Oregon Racing Com-**
 45 **mission** shall be filled by appointment to be made by the Governor for the unexpired term.

1 *[(2) Any commissioner may be removed by the Governor for cause after a public hearing. Notice*
 2 *of the hearing shall fix the time and place for the hearing and shall specify the charges. Copy of the*
 3 *notice shall be served on the commissioner by mailing it to the commissioner at the last-known address*
 4 *of the commissioner at least 10 days before the date fixed for the hearing.]*

5 **(2) Members of the commission serve at the pleasure of the Governor.**

6 **SECTION 121.** ORS 453.645 is amended to read:

7 453.645. The Director of the Oregon Health Authority shall appoint a Radiation Advisory Com-
 8 mittee to advise the Oregon Health Authority on matters relating to radiological health and radi-
 9 ation protection. The committee shall consist of eight persons who because of their training and
 10 experience are qualified to advise the authority on such matters, and they shall serve at the pleas-
 11 ure of the director **and the Governor**. The members of the Radiation Advisory Committee are en-
 12 titled to compensation and expenses as provided in ORS 292.495.

13 **SECTION 122.** ORS 390.977 is amended to read:

14 390.977. (1) There is established an Oregon Recreation Trails Advisory Council consisting of
 15 seven members, at least one from each congressional district in the state. However, not less than
 16 two of such members shall be from separate counties bordering upon the ocean shore. Members of
 17 the council shall be appointed by the State Parks and Recreation Commission and shall serve at the
 18 pleasure of the commission **and the Governor** for terms of four years. Before the expiration of the
 19 term of a member, the commission shall appoint a successor. A member shall be eligible for reap-
 20 pointment. If there is a vacancy for any cause, the commission shall make an appointment to become
 21 immediately effective for the unexpired term.

22 (2) The commission and the State Parks and Recreation Department shall consult with the
 23 council from time to time with respect to matters relating to Oregon recreation trails, including the
 24 designation and establishment of Oregon recreation trails, the selection of rights of way, the se-
 25 lection, erection and maintenance of markers along the trail routes and the administration of the
 26 trails.

27 (3) Members of the council shall serve without compensation, but the department may pay ex-
 28 penses as provided in ORS 292.495.

29 (4) The council shall select one of its members as chairperson.

30 (5) A majority of the members of the council constitutes a quorum for the transaction of busi-
 31 ness.

32 (6) The council shall meet at times and places specified by the call of the chairperson or a ma-
 33 jority of the members of the council.

34 **SECTION 123.** ORS 418.941 is amended to read:

35 418.941. (1) In cooperation with refugee community resources, the Department of Human Ser-
 36 vices shall establish a Refugee Child Welfare Advisory Committee. **Members of the committee**
 37 **serve at the pleasure of the department and the Governor**. The department shall assist the
 38 committee in its required tasks.

39 (2) The committee shall:

40 (a) Assist in the review of the department's implementation of ORS 418.925 to 418.945.

41 (b) Assist in the identification, development and certification of foster family homes that meet
 42 the requirements of ORS 418.925 to 418.945 for the placement of refugee children. Special emphasis
 43 shall be placed on locating refugee homes.

44 (c) Assist the department in developing training programs to insure the availability of culturally
 45 sensitive social work.

1 (3) Notwithstanding the provisions of ORS 40.225 to 40.275, 412.074, 419A.255, 419B.035 and
2 419B.045, the committee shall have access to any records of the juvenile court which are pertinent
3 to the care of an individual refugee child.

4 **SECTION 124.** ORS 432.020 is amended to read:

5 432.020. The Director of the Oregon Health Authority shall appoint the State Registrar of the
6 Center for Health Statistics who shall qualify in accordance with standards of education and expe-
7 rience as the director shall determine. **The state registrar serves at the pleasure of the director**
8 **and the Governor.**

9 **SECTION 125.** ORS 465.420 is amended to read:

10 465.420. The Director of the Department of Environmental Quality shall appoint a Remedial
11 Action Advisory Committee in order to advise the Department of Environmental Quality in the de-
12 velopment of rules for the implementation of ORS 465.200 to 465.545 and 465.900. **Members of the**
13 **committee serve at the pleasure of the director and the Governor.** The committee shall be
14 comprised of members representing at least the following interests:

- 15 (1) Citizens;
- 16 (2) Local governments;
- 17 (3) Environmental organizations; and
- 18 (4) Industry.

19 **SECTION 126.** ORS 496.286 is amended to read:

20 496.286. (1) There is established within the State Department of Fish and Wildlife the Restora-
21 tion and Enhancement Board, consisting of seven members appointed by the State Fish and Wildlife
22 Commission.

23 (2) Three members shall be appointed to represent the ocean and inland recreational fisheries.
24 In making appointments pursuant to this subsection, the commission shall consider recommendations
25 from the State Fish and Wildlife Director.

26 (3) Three members of the board shall be appointed to represent the commercial troll and gillnet
27 fisheries and the fish processing industry. In making appointments pursuant to this subsection, the
28 commission shall consider recommendations from the State Fish and Wildlife Director.

29 (4) One member of the board shall be appointed to represent the public.

30 (5) A member of the board shall receive no compensation for services as a member. However,
31 subject to any applicable law regulating travel and other expenses of state officers and employees,
32 a member shall be reimbursed for actual and necessary travel and other expenses incurred in the
33 performance of official duties from such moneys made available by sections 4, 6 and 8, chapter 512,
34 Oregon Laws 1989.

35 (6) The term of office of a member of the board is four years, **but a member serves at the**
36 **pleasure of the commission and the Governor.** A member of the board is eligible for reappoint-
37 ment.

38 (7) An official action of the board may be taken only upon the affirmative vote of four members.

39 (8) The board shall select such officers for such terms and with such duties and powers as the
40 board considers necessary for the performance of those offices.

41 (9) The board shall meet at such times and at such places as may be determined by the chair
42 or by the majority of the members of the board.

43 **SECTION 127.** ORS 654.189 is amended to read:

44 654.189. (1) The Director of the Department of Consumer and Business Services may appoint a
45 Safe Employment Education and Training Advisory Committee composed of seven members: Three

1 representing employees, three representing employers and one representing the Department of Consumer and Business Services. The committee shall elect its chairperson.

2
3 (2) The members of the committee shall be appointed for a term of three years and shall serve
4 at the pleasure of the director **and the Governor**. Before the expiration of the term of a member,
5 the director shall appoint a successor. A member is eligible for reappointment. If there is a vacancy
6 for any cause, the director shall make an appointment to become immediately effective.

7 (3) The members shall serve without compensation, but shall be entitled to travel expenses
8 pursuant to ORS 292.495.

9 (4) The duties of the committee shall be determined by the director and shall include, but not
10 be limited to:

11 (a) Recommending to the director:

12 (A) Occupational Safety and Health Grant application procedures and criteria for grant ap-
13 proval;

14 (B) Occupational Safety and Health Grant recipients; and

15 (C) Revocation of grants to recipients failing to comply with grant criteria established by the
16 director pursuant to ORS 654.191.

17 (b) Receiving and processing Occupational Safety and Health Grant applications.

18 (5) The committee shall meet at least once every three months at a place, day and hour deter-
19 mined by the committee. The committee shall also meet at other times and places specified by a
20 majority of the members of the committee or the chairperson of the committee. A majority of the
21 members of the committee constitutes a quorum for the transaction of business.

22 **SECTION 128.** ORS 404.100 is amended to read:

23 404.100. The Director of the Office of Emergency Management shall appoint a Search and Res-
24 cue Coordinator [*to*] **who serves at the pleasure of the director and the Governor. The coor-
25 dinator shall:**

26 (1) Coordinate the search and rescue function of the Office of Emergency Management;

27 (2) Coordinate the activities of state and federal agencies involved in search and rescue;

28 (3) Establish liaison with the Oregon State Sheriffs' Association and other public and private
29 organizations and agencies involved in search and rescue;

30 (4) Provide on-scene search and rescue coordination when requested by an authorized person;

31 (5) Coordinate and process requests for the use of volunteers and equipment;

32 (6) Assist in developing training and outdoor education programs;

33 (7) Gather statistics in search and rescue operations; and

34 (8) Gather and disseminate resource information of personnel, equipment and materials available
35 for search and rescue.

36 **SECTION 129.** ORS 470.070 is amended to read:

37 470.070. (1) The Director of the State Department of Energy shall appoint a Small Scale Local
38 Energy Project Advisory Committee to review applications made under ORS 470.060 and rules
39 adopted under ORS 470.080, other than applications for energy efficiency and sustainable technology
40 loans, and make recommendations regarding those applications to the director.

41 (2) Nine members shall be appointed to the Small Scale Local Energy Project Advisory Com-
42 mittee. Each member shall be appointed to serve a four-year term, commencing on the date of ap-
43 pointment, and until a successor is appointed and qualified. **Members of the committee serve at
44 the pleasure of the director and the Governor.** The members shall represent the interest of the
45 citizens of this state and shall be knowledgeable in the areas of small scale energy technology, na-

1 tural resource development, environmental protection, finance, agriculture, local government oper-
2 ations and utility operations. At least three members shall reside outside the Willamette Valley.

3 (3) The committee shall elect its own presiding officer, adopt rules for its procedure and meet
4 on call of the presiding officer or a majority of the members. A majority of the members shall con-
5 stitute a quorum to do business. The director shall provide administrative facilities and services for
6 the committee.

7 (4) Members of the Small Scale Local Energy Project Advisory Committee shall be entitled to
8 expenses as provided by ORS 292.495.

9 **SECTION 130.** ORS 561.395 is amended to read:

10 561.395. (1) In order that there may be the closest contact between the State Department of
11 Agriculture and the various soil and water conservation districts in the state, and in order to keep
12 the department advised as to matters of soil and water conservation in the state, there is created
13 a Soil and Water Conservation Commission, which shall consist of seven members appointed by the
14 Director of Agriculture.

15 (2) Each member shall be a citizen of this state and a director of a soil and water conservation
16 district at the time of appointment. As far as practicable, the Director of Agriculture shall make
17 appointments so that geographic areas of the state are represented on the commission. The term of
18 each member shall be four years, **but a member serves at the pleasure of the director and the**
19 **Governor.** A member shall continue to serve until a successor is appointed and qualified. Vacancies
20 in office shall be filled by appointment for the unexpired term.

21 (3) The members shall be entitled to compensation as provided in ORS 292.495. At the first
22 meeting after July 1 of each year the commission shall select a chairperson. The commission shall
23 meet at least four times each year on a quarterly basis, and otherwise at the call of the chairperson
24 or the Director of Agriculture. A majority of the members shall constitute a quorum, and a majority
25 vote of the quorum at any meeting shall constitute an official act of the commission.

26 (4) Any member of the commission who fails to attend three consecutive meetings of the com-
27 mission, whether regular, adjourned or special, shall forfeit the office unless the member is pre-
28 vented from attending by the serious illness of the member or the member's family or for any other
29 cause that in the judgment of the director constitutes a valid reason for failing to attend. The di-
30 rector shall immediately appoint a successor.

31 (5) The function of the commission is to advise and develop policy with the department in the
32 administration of its duties and powers under ORS 561.400, 568.210 to 568.808 and 568.900 to 568.933.

33 **SECTION 131.** ORS 181.200 is amended to read:

34 181.200. The Superintendent of State Police shall be the executive and administrative head of
35 the Department of State Police. Subject to confirmation by the Senate in the manner provided in
36 ORS 171.562 and 171.565, the Governor shall appoint the superintendent for a term of four years[.
37 *The Governor may remove the superintendent for inefficiency or malfeasance in office after charges*
38 *have been preferred and a hearing granted.*], **but the superintendent serves at the pleasure of the**
39 **Governor.**

40 **SECTION 132.** ORS 181.220 is amended to read:

41 181.220. (1) The Superintendent of State Police may, with the approval of the Governor as to
42 person and salary, appoint a Deputy Superintendent of State Police. **The deputy superintendent**
43 **serves at the pleasure of the superintendent and the Governor.**

44 (2) The deputy superintendent must have served as a captain or in higher rank in the Oregon
45 State Police not less than one year prior to appointment as deputy superintendent.

1 **SECTION 133.** ORS 284.107 is amended to read:

2 284.107. (1) There is established an Oregon Tourism Commission consisting of nine members
3 appointed by the Governor. Members of the commission are appointed to perform the duties of the
4 commission as provided by law. Members are subject to confirmation by the Senate pursuant to
5 section 4, Article III of the Oregon Constitution.

6 (2) In appointing members of the commission under subsection (1) of this section, the Governor
7 shall:

8 (a) Appoint members representing the state's various regions and areas of tourism activity.

9 (b) Appoint three members drawn from travel agencies, tour operators, private transportation,
10 restaurants or businesses or organizations engaged in tourism promotion for cities or counties, cul-
11 tural attractions, historic attractions, ski facilities or related recreational industries. At least 30
12 days prior to the expiration of the term of a member appointed under this paragraph, the Tourism
13 Industry Council of Oregon may recommend to the Governor one or more tourism industry repre-
14 sentatives for the Governor's consideration in filling the vacancy.

15 (c) Appoint at least one member to represent the public at large.

16 (d) Appoint five members drawn from the lodging industry. For purposes of this paragraph, the
17 lodging industry consists of hotels, motels, resorts, bed and breakfast facilities, inns, recreational
18 vehicle parks, campgrounds and guest ranches. At least 30 days prior to the expiration of the term
19 of a member appointed under this paragraph, a statewide organization representing the lodging in-
20 dustry may recommend to the Governor one or more lodging industry representatives for the
21 Governor's consideration in filling the vacancy.

22 (3) A member of the commission shall be appointed for a term of four years that begins on July
23 **1, but a member serves at the pleasure of the Governor.** A member shall hold office for the term
24 of the appointment and after the end of the term until a successor is appointed and qualified. Before
25 the expiration of the term of a member, the Governor shall strive to appoint a successor. A member
26 is eligible for one reappointment except that a member appointed to fill a vacancy for a partial term
27 may be reappointed to fill a total of two full terms in addition to the partial term. If there is a va-
28 cancy for any cause, the Governor shall make an appointment to become effective immediately for
29 the unexpired term.

30 (4) A member of the commission is entitled to compensation and expenses as provided in ORS
31 292.495.

32 (5) The commission shall select one of its members to chair the commission and shall select
33 another member to serve as vice chair, for such terms and with duties and powers necessary to
34 perform the functions of the offices as the commission determines.

35 (6) A majority of the members of the commission constitutes a quorum for the transaction of
36 business.

37 *[(7) The Governor may remove a member of the commission for cause as provided in ORS 182.010*
38 *or 236.010.]*

39 **SECTION 134.** ORS 284.142 is amended to read:

40 284.142. (1) The Oregon Tourism Commission shall appoint an executive director. The appoint-
41 ment shall be subject to the approval of the Governor. The executive director shall serve at the
42 pleasure of the members of the commission **and the Governor.**

43 (2) The commission shall set the compensation of the executive director.

44 (3) The executive director shall direct all administrative functions of the commission. The
45 executive director may appoint all subordinate officers and employees of the commission and may

1 prescribe their duties and set their compensation.

2 (4) Except as provided in subsection (5) of this section, the commission may delegate to the
3 executive director any duty, function or power conferred or imposed on the commission and the
4 executive director may delegate to any subordinate officer or employee of the commission any duty,
5 function or power conferred, imposed on or delegated to the executive director.

6 (5) The commission may not delegate to the executive director the power to:

7 (a) Approve the comprehensive marketing plan described in ORS 284.111;

8 (b) Approve the biennial budget required under ORS 284.126; or

9 (c) Appoint and set the compensation of the executive director.

10 **SECTION 135.** ORS 427.205 is amended to read:

11 427.205. (1) The Director of Human Services shall appoint a State Training Center Review Board
12 composed of three members. The Arc of Oregon, the Fairview Parents Association and the Oregon
13 Council on Developmental Disabilities or their successor organizations may each recommend three
14 persons to the director. The director may select one person from each list to serve as a member
15 of the board. Each board member shall have had at least five years of involvement and active in-
16 terest in programs for persons with intellectual disabilities. A board member may not be an em-
17 ployee of the Department of Human Services.

18 (2) The term of office of each member is two years. The director may remove any member for
19 misconduct or neglect of duty, **and the Governor may remove any member at the Governor's**
20 **discretion.** Replacement of board members shall be accomplished by the same procedure as that
21 used in subsection (1) of this section for selection. The director shall request a new list of three
22 persons from the organization whose nominee for board member is to be replaced.

23 (3) A member of the board not otherwise employed full-time by the state shall be paid on a per
24 diem basis an amount equal to four percent of the gross monthly salary of a member of the State
25 Board of Parole and Post-Prison Supervision for each day during which the member is engaged in
26 the performance of official duties, including necessary travel time. In addition, subject to ORS
27 292.220 to 292.250 regulating travel and other expenses of state officers and employees, the member
28 shall be reimbursed for actual and necessary travel and other expenses incurred by the member in
29 the performance of official duties.

30 (4) The board shall perform the following duties:

31 (a) Review decisions of the Developmental Disability Diagnosis and Evaluation Service regard-
32 ing admissions to state training centers that have been appealed by the applicant or, if a minor or
33 incapacitated person, by the person applying on the behalf of the minor or incapacitated person and
34 advise the director regarding the appropriateness for the admission.

35 (b) Review decisions of the department pursuant to ORS 427.300 (2) when the resident, parent
36 of the resident, guardian or person entitled to custody has appealed the decision and advised the
37 director regarding the appropriateness of the decision.

38 (c) Annually review state training center plans for continuing residential care and training of
39 residents pursuant to ORS 427.020.

40 (5) The board shall operate pursuant to rules adopted by the department.

41 **SECTION 136.** ORS 596.210 is amended to read:

42 596.210. (1) There hereby is created within the State Department of Agriculture the office of
43 State Veterinarian of the State of Oregon. The State Veterinarian shall be appointed by the Director
44 of Agriculture. **The State Veterinarian serves at the pleasure of the director and the Gover-**
45 **nor.** The State Veterinarian shall be the chief livestock sanitary official of the state. The depart-

1 ment may also employ such assistant state veterinarians as may be necessary to carry out its
2 functions.

3 (2) The State Veterinarian and all assistant veterinarians employed by the department shall be
4 graduates of a school of veterinary medicine accredited or approved by the Oregon State Veterinary
5 Medical Examining Board.

6 **SECTION 137.** ORS 458.563 is amended to read:

7 458.563. (1) The Oregon Volunteers Commission for Voluntary Action and Service shall appoint
8 a director to serve at the pleasure of the commission **and the Governor**. The director must have
9 experience and education in public administration or nonprofit management.

10 (2) The designation of the director must be by written order, filed with the Secretary of State.

11 (3) Subject to any applicable provisions of the State Personnel Relations Law, the director shall
12 appoint all subordinate officers and employees of the commission, prescribe their duties and fix their
13 compensation.

14 (4) The director of the commission shall report to, and comply with the directions of, the Di-
15 rector of the Housing and Community Services Department in the development and administration
16 of nonpolicymaking activities, including but not limited to rules and other directions for commission
17 personnel, fiscal practices and purchasing of commission supplies.

18 **SECTION 138.** ORS 569.600 is amended to read:

19 569.600. (1) The State Weed Board is created in the State Department of Agriculture. The board
20 shall consist of seven members appointed by the Director of Agriculture as follows:

21 (a) At least two members shall be residents of that portion of the state east of the summit of the
22 Cascade Mountains.

23 (b) At least two members shall be residents of that portion of the state west of the summit of
24 the Cascade Mountains.

25 (c) Two members shall be selected from among those individuals recommended by the Associ-
26 ation of Oregon Counties.

27 (d) The director or a designee of the director shall serve as a member.

28 (2) The term of each member is four years, but a member serves at the pleasure of the director
29 **and the Governor**. Before the expiration of the term of a member, the director shall appoint a
30 successor. A member is eligible for reappointment. If there is a vacancy for any cause, the director
31 shall make an appointment to become immediately effective for the unexpired term.

32 (3) As used in subsection (1) of this section, "summit of the Cascade Mountains" means a line
33 beginning at the intersection of the northern boundary of the State of Oregon and the western
34 boundary of Hood River County; thence southerly along the western boundaries of Hood River,
35 Jefferson, Deschutes and Klamath Counties to the southern boundary of the State of Oregon.

36 **SECTION 139.** ORS 578.030 is amended to read:

37 578.030. (1) There hereby is created the Oregon Wheat Commission. The Director of Agriculture
38 shall appoint not fewer than six and not more than eight voting commission members for terms of
39 four years. Except as provided in ORS 578.216, one member appointed by the director must be a
40 member of the public. **A member serves at the pleasure of the director and the Governor.**

41 (2) The commission, by a rule approved by a majority of the nonpublic members appointed under
42 subsection (1) of this section, may create not more than two additional voting member positions on
43 the commission. A person appointed to a commission position created under this subsection must
44 be a representative of the wheat industry. The director shall appoint members to any positions
45 created under this subsection for a term of two years. A person may not serve a total of more than

1 four terms as a member appointed under this subsection. Notwithstanding any term of appointment,
2 a member position created under this section may be eliminated by a rule approved by a majority
3 of the nonpublic board members appointed under subsection (1) of this section.

4 (3) In making appointments of voting members to the commission the director:

5 (a) Shall make all applications by qualified persons available to wheat grower organizations for
6 review and ranking; and

7 (b) Prior to making appointments, shall take into consideration rankings and any recommen-
8 dations made by wheat grower organizations.

9 (4) The director, or a duly authorized representative of the director, and the Dean of the College
10 of Agricultural Sciences of Oregon State University, or a duly authorized representative of the dean,
11 shall be nonvoting members of the commission.

12 **SECTION 140.** ORS 802.350 is amended to read:

13 802.350. (1) The Winter Recreation Advisory Committee is created to perform the functions de-
14 scribed for the committee under ORS 810.170.

15 (2) The committee created under this section shall consist of seven members appointed by the
16 Oregon Transportation Commission as follows:

17 (a) Two persons representing ski area operators;

18 (b) One member representing the Oregon Nordic Club;

19 (c) One person representing the Pacific Northwest Ski Association;

20 (d) One member representing the Oregon State Snowmobile Association; and

21 (e) Two members from the general public interested in winter recreation in this state.

22 (3) Members of the committee established under this section shall not receive compensation for
23 their service on the committee.

24 (4) The members shall be appointed to serve for terms of four years, **but a member serves at**
25 **the pleasure of the commission and the Governor.** Vacancies on the committee shall be filled
26 by appointment by the commission for the unexpired term.

27 (5) The committee shall meet regularly four times a year at times and places fixed by the chair
28 of the committee. The committee may meet at other times specified by the chair or a majority of the
29 members of the committee.

30 (6) The Department of Transportation shall provide assistance and space for meetings as re-
31 quested by the chair of the committee.

32 (7) The committee shall adopt rules to govern its proceedings and shall select a chair and any
33 other officers it considers necessary.

34 (8) Members of the advisory committee shall be entitled to actual and necessary expenses as
35 provided by ORS 292.495 (2).

36 **SECTION 141.** ORS 656.712 is amended to read:

37 656.712. (1) The Workers' Compensation Board, composed of five members appointed by the
38 Governor, is created within the Department of Consumer and Business Services. Not more than
39 three members shall belong to one political party and inasmuch as the duties to be performed by the
40 members vitally concern the employers, the employees, as well as the whole people, of the state,
41 persons shall be appointed as members who fairly represent the interests of all concerned. All board
42 members shall impartially apply the law in each case and shall not represent any special interest.
43 However, at least two members shall be selected from among persons with background and under-
44 standing as to the concerns of employers and at least two members of the board shall be selected
45 from among persons with background and understanding as to the concerns of employees. One

1 member shall represent the interests of the public and shall serve as the board chairperson.

2 (2) A member of the board shall be appointed for a term of four years from the date of ap-
3 pointment and qualification. Each member shall hold office until a successor is appointed and qual-
4 ified. However, all board members serve at the pleasure of the Governor [*and may be removed in*
5 *accordance with the provisions of ORS 656.714*].

6 (3) Any vacancy on the board shall be filled by appointment by the Governor.

7 (4) All appointments of members of the board by the Governor are subject to confirmation by
8 the Senate pursuant to section 4, Article III of the Oregon Constitution.

9 **SECTION 142.** ORS 656.718 is amended to read:

10 656.718. (1) The board chairperson shall supervise and manage the Workers' Compensation
11 Board and the Hearings Division. The chairperson serves at the pleasure of the Governor [*and may*
12 *be removed in accordance with the provisions of ORS 656.714*].

13 (2) A majority of the board's members shall constitute a quorum to transact the board's business.
14 No vacancy shall impair the right of the remaining members to exercise all the powers of the board.

15 (3)(a) In exercise of authority to decide individual cases, members of the board may sit together
16 or in panels.

17 (b) When sitting en banc, the concurrence of a majority of the members participating is neces-
18 sary for a decision.

19 (c) A panel must consist of two members with different backgrounds and understanding. One of
20 the members of a panel may be the board member that represents the interests of the public if either
21 a member with background and understanding as to the concerns of employers or a member with
22 background and understanding as to the concerns of employees is unavailable. If the members of a
23 panel cannot agree on a decision in an individual case, the case shall be decided by a panel of three
24 members, two of whom have different backgrounds and understanding and one who represents the
25 interests of the public.

26 (d) A board member may not review any case in which the member acted as an Administrative
27 Law Judge in the case.

28 **SECTION 143. ORS 656.714 is repealed.**

29 **SECTION 144.** ORS 406.500 is amended to read:

30 406.500. (1) The World War II Memorial Task Force is established. The Director of Veterans'
31 Affairs shall be one of the cochairpersons of the task force. The director shall appoint another
32 cochairperson of the task force, and the cochairpersons may appoint other members at their dis-
33 cretion. **Members of the task force serve at the pleasure of the Governor.**

34 (2) The task force shall:

35 (a) Solicit private funding for the development, design and construction of a memorial to honor
36 Oregon's World War II veterans;

37 (b) After arranging for full funding for the memorial under paragraph (a) of this subsection, ar-
38 range for the development, design and construction of the memorial in the Capitol Mall area near
39 the corner of Court Street and Cottage Street in the City of Salem, Marion County, Oregon; and

40 (c) Seek the input of World War II veterans, as appropriate.

41 (3) A majority of the members of the task force constitutes a quorum for the transaction of
42 business.

43 (4) Official action by the task force requires the approval of a majority of the members of the
44 task force.

45 (5) If there is a vacancy for any cause, the appointing authority shall make an appointment to

1 become immediately effective.

2 (6) The task force shall meet at times and places specified by the call of one of the
3 cochairpersons or of a majority of the members of the task force.

4 (7) The task force may adopt rules necessary for the operation of the task force.

5 (8) Members of the task force are not entitled to compensation or reimbursement for expenses
6 and serve as volunteers on the task force.

7 (9) All agencies of state government, as defined in ORS 174.111, are directed to assist the task
8 force in the performance of its duties and, to the extent permitted by laws relating to confidentiality,
9 to furnish such information and advice as the members of the task force consider necessary to per-
10 form their duties.

11 **SECTION 145.** ORS 418.704 is amended to read:

12 418.704. There is established a Youth Suicide Prevention Coordinator within the Oregon Health
13 Authority. **The coordinator serves at the pleasure of the authority and the Governor.** The co-
14 ordinator shall:

15 (1) Facilitate the development of a statewide strategic plan to address youth suicide;

16 (2) Improve outreach to special populations of youth that are at risk for suicide; and

17 (3) Provide technical assistance to state and local partners and coordinate interagency efforts
18 to establish prevention and intervention strategies.

19 **SECTION 146.** ORS 240.065 is amended to read:

20 240.065. (1) The members of the Employment Relations Board shall be appointed by the Governor
21 for a term of four years, **and a member serves at the pleasure of the Governor.**

22 (2) Each member shall be appointed for a term ending four years from the date of the expiration
23 of the term for which the predecessor of the member was appointed, except that a person appointed
24 to fill a vacancy occurring prior to the expiration of such term shall be appointed for the remainder
25 of the term. Appointments to the board by the Governor are subject to confirmation by the Senate
26 in the manner provided in ORS 171.562 and 171.565.

27 **SECTION 147. ORS 240.075 is repealed.**

28 **SECTION 148.** ORS 284.325 is amended to read:

29 284.325. The Oregon Film and Video Office shall be under the administrative control of a di-
30 rector, who is appointed by and who holds office at the pleasure of the Film and Video Board **and**
31 **the Governor.** The board shall set the compensation of the director. The director of the office may
32 appoint all subordinate officers and employees of the office and may prescribe their duties and fix
33 their compensation. The director of the office may delegate to any subordinate officer or employee
34 any administrative duty, function or power imposed upon the office by law.

35 **SECTION 149.** ORS 294.610 is amended to read:

36 294.610. (1) A tax supervising and conservation commission shall consist of five members ap-
37 pointed by the Governor. The commissioners appointed shall be citizens of the United States and
38 of Oregon and residents in the county for which they are appointed and shall be electors therein.
39 The commissioners shall serve wholly without compensation.

40 (2) Unless sooner removed by the Governor, as provided in this section, the commissioners shall
41 hold office for a term of four years and until their successors are appointed and qualified. The term
42 of office of the members of the commission shall commence on January 1.

43 [(3) *The Governor may, for good and sufficient cause, remove any commissioner at any time and*
44 *appoint a successor.*]

45 **(3) The commissioners serve at the pleasure of the Governor.**

1 (4) In case of death, resignation or inability of any member of the commission to serve, or of
2 removal of any member of the commission from office, the Governor shall make an appointment to
3 fill the balance of the unexpired term of that commissioner.

4 **SECTION 150.** ORS 359.135 is amended to read:

5 359.135. (1) The Director of the Oregon Business Development Department, upon consultation
6 with and the approval of the Oregon Arts Commission, shall appoint an administrator of the Arts
7 Program who shall serve at the pleasure of the director **and the Governor.**

8 (2) The administrator shall receive such salary as may be provided by law or as fixed by the
9 director.

10 (3) The administrator shall be the administrative head of the program.

11 (4) The administrator may suggest rules to the director for the government of the program, the
12 conduct of its employees and the assignment and performance of its business and the custody, use
13 and preservation of its records, papers and property.

14 **SECTION 151.** ORS 418.005 is amended to read:

15 418.005. (1) In order to establish, extend and strengthen welfare services for the protection and
16 care of homeless, dependent or neglected children or children in danger of becoming delinquent, the
17 Department of Human Services may:

18 (a) Make all necessary rules and regulations for administering child welfare services under this
19 section.

20 (b) Accept and disburse any and all federal funds made available to the State of Oregon for child
21 welfare services.

22 (c) Make such reports in such form and containing such information as may from time to time
23 be required by the federal government and comply with such provisions as may from time to time
24 be found necessary to insure correctness and verification of such reports.

25 (d) Cooperate with medical, health, nursing and welfare groups and organizations and with any
26 agencies in the state providing for protection and care of homeless, dependent or neglected children
27 or children in danger of becoming delinquent.

28 (e) Cooperate with the United States Government or any of its agencies in administering the
29 provisions of this section.

30 (2)(a) There is created an advisory committee that shall consist of 21 members to advise the
31 department on the development and administration of child welfare policies, programs and practices.
32 Members shall be appointed by and serve at the pleasure of the Director of Human Services **and**
33 **the Governor.**

34 (b) Advisory committee membership shall include representatives of other state agencies con-
35 cerned with services, representatives of professional, civic or other public or private organizations,
36 private citizens interested in service programs, and recipients of assistance or service or their rep-
37 resentatives.

38 (c) Members of the advisory committee shall receive no compensation for their services. Mem-
39 bers of the advisory committee other than members employed in full-time public service shall be
40 reimbursed for their actual and necessary expenses incurred in the performance of their duties by
41 the department. Such reimbursements shall be subject to the provisions of ORS 292.210 to 292.288.
42 Members of the advisory committee who are employed in full-time public service may be reimbursed
43 for their actual and necessary expenses incurred in the performance of their duties by their em-
44 ploying agency.

45 (d) The advisory committee shall meet at least once every three months.

1 (3) Subject to the allotment system provided for in ORS 291.234 to 291.260, the department may
 2 expend the amounts necessary to carry out the purposes and administer the provisions of this sec-
 3 tion.

4 **SECTION 152.** ORS 455.144 is amended to read:

5 455.144. (1) The Building Codes Structures Board, the Electrical and Elevator Board, the Resi-
 6 dential and Manufactured Structures Board and the Mechanical Board shall each be organized and
 7 governed as described in this section.

8 (2)(a) The term of office of each member is four years and a member is not eligible for appoint-
 9 ment to more than two full terms of office. The Governor shall appoint the members of each board
 10 and the board members shall serve at the pleasure of the Governor.

11 (b) Before the expiration of the term of a member, the Governor shall appoint a successor whose
 12 term begins on July 1 next following. If there is a vacancy for any cause, the Governor shall make
 13 an appointment to become immediately effective for the unexpired term.

14 (3) A member of each board is entitled to compensation and expenses as provided in ORS
 15 292.495.

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

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

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

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

26 *[(8)]* (7) The appointment of a member of a board is subject to confirmation by the Senate pur-
 27 suant to section 4, Article III of the Oregon Constitution.

28 **SECTION 153.** ORS 469.820 is amended to read:

29 469.820. (1) Each Pacific Northwest Electric Power and Conservation Planning Council member
 30 shall serve a term ending January 15 of the third year following appointment. A council member[,
 31 *except upon removal as provided in ORS 469.830 (2),*] continues to serve as a member of the council
 32 until a successor is appointed and confirmed. **A council member serves at the pleasure of the**
 33 **Governor.**

34 (2) A council member is eligible for reappointment, subject to Senate confirmation, but no
 35 member shall serve more than three consecutive terms. A council member who serves 18 months or
 36 more of a term shall be considered to have served a full term. However, with respect to the initial
 37 term consisting of two years, a council member who serves 12 months or more shall be considered
 38 to have served a full term.

39 (3) Within 30 days of the creation of a vacancy in the position of a council member, the Gov-
 40 ernor shall appoint a person to serve the succeeding term or the remainder of the unexpired term.
 41 However, the Governor need not appoint a person to serve the remainder of the unexpired term if
 42 the vacancy occurs within 30 days or less of the expiration of the term.

43 **SECTION 154. ORS 469.830 is repealed.**

44 **SECTION 155.** ORS 471.720 is amended to read:

45 471.720. The Oregon Liquor Control Commission shall appoint an administrator who shall serve

1 at *[its]* **the discretion of the commission and the Governor.** The administrator shall be subject to
2 policy direction by the commissioners, and shall be the secretary of the commission and custodian
3 of commission records. The administrator shall manage the commission, administer the laws, and
4 appoint, assign and coordinate personnel of the commission within budget limitations and the State
5 Personnel Relations Law.

6 **SECTION 156.** ORS 673.455 is amended to read:

7 673.455. (1) The Oregon Board of Accountancy shall appoint a Peer Review Oversight Commit-
8 tee. The board may also approve applications for operation of alternative peer review programs such
9 as programs provided by the American Institute of Certified Public Accountants and the National
10 Society of Accountants.

11 (2) Each holder of a permit under ORS 673.150, each person authorized to practice public
12 accountancy in this state under ORS 673.153, each business organization registered under ORS
13 673.160, and each business organization exempt from registration requirements under ORS 673.160
14 (3), that performs attestation or compilation services shall participate in a peer review program de-
15 scribed in this section. The peer review shall be conducted by the board or by an alternative peer
16 review program approved by the board under subsection (1) of this section. A person authorized to
17 practice public accountancy in this state under ORS 673.153 who practices as a sole proprietor must
18 meet peer review standards pertaining to business organizations. The person or business organiza-
19 tion undergoing the peer review shall bear the cost of the peer review.

20 (3) The members of the committee serve at the pleasure of the board **and the Governor.**

21 (4) A member of the committee appointed under this section is entitled to expenses as provided
22 in ORS 292.495.

23 (5) The committee may review:

24 (a) Any financial statement or report filed with the state or any political subdivision and pre-
25 pared by a certified public accountant or public accountant;

26 (b) Any procedure, working paper or supporting document relating to the financial statement
27 or report; and

28 (c) Any peer review report.

29 (6) If the client grants permission or if all information identifying the client has been removed,
30 the committee also may review any financial statement not described in subsection (5) of this section
31 and prepared by a licensee, or any procedure, working paper or supporting document relating to the
32 financial statement.

33 (7) The failure or refusal by any licensee, person authorized to practice public accountancy in
34 this state under ORS 673.153 or business organization authorized to perform professional services
35 in this state under ORS 673.160 to comply with a request for review or explanation, or both, of such
36 financial statement as set forth in this section constitutes a violation of ORS 673.170 (2)(b).

37 **SECTION 157.** ORS 756.014 is amended to read:

38 756.014. (1) There is created the Public Utility Commission of Oregon. The commission shall be
39 composed of three members appointed by the Governor, subject to confirmation by the Senate pur-
40 suant to section 4, Article III of the Oregon Constitution. No more than two of such members shall
41 be of the same political party.

42 (2) Each commissioner shall hold office for the term of four years. A commissioner shall hold
43 office until a successor has been appointed and qualified. The chairperson shall be designated by the
44 Governor and shall serve as chairperson at the pleasure of the Governor.

45 (3) Any vacancy occurring in the office of commissioner shall be filled by appointment by the

1 Governor to hold office for the balance of the unexpired term.

2 [(4) The Governor may at any time remove a commissioner for any cause deemed by the Governor
3 sufficient. Before such removal the Governor shall give the commissioner a copy of the charges, and
4 shall fix a time when the commissioner can be heard, which shall not be less than 10 days thereafter.
5 The hearing shall be open to the public. If the commissioner is removed, the Governor shall file in the
6 office of the Secretary of State a complete statement of all charges made against the commissioner, and
7 the findings thereon with a record of the proceedings. Such power of removal is absolute, and there is
8 no right of review of the same in any court.]

9 **(4) Commissioners serve at the pleasure of the Governor.**

10 **SECTION 158.** ORS 756.026 is amended to read:

11 756.026. (1) No member of the Public Utility Commission shall:

12 (a) Hold any other office of profit;

13 (b) Hold any office or position under any political committee or party;

14 (c) Hold any pecuniary interest in any business entity conducting operations which if conducted
15 in this state would be subject to the commission's regulatory jurisdiction; or

16 (d) Hold any pecuniary interest in, have any contract of employment with, or have any sub-
17 stantial voluntary transactions with any business or activity subject to the commission's regulatory
18 jurisdiction.

19 (2) The prohibitions of subsection (1)(c) and (d) of this section apply to the spouse and minor
20 children of each commissioner.

21 (3) If the Governor determines that any commissioner has done any act prohibited by subsection
22 (1) of this section, or that a commissioner's spouse or a minor child has done any act prohibited by
23 subsection (2) of this section, the Governor shall remove the commissioner [*in the manner provided*
24 *in ORS 756.014 (4)*].

25 (4) Subsection (3) of this section does not apply to a commissioner if the commissioner or the
26 commissioner's spouse or a minor child acquires any pecuniary interest prohibited by subsection (1)
27 or (2) of this section, advises the Governor of such acquisition, and causes divestiture of such in-
28 terest within the time specified by the Governor.

29 (5) For purposes of subsection (1) of this section, a business or activity shall not be considered
30 subject to the commission's regulatory jurisdiction solely because the business or activity is a pri-
31 vate carrier as defined by ORS 825.005.

32 **SECTION 159.** ORS 802.370 is amended to read:

33 802.370. (1) The Director of Transportation shall establish an advisory committee to advise the
34 Department of Transportation on the administration of laws regulating vehicle dealers under the
35 vehicle code.

36 (2) The department shall consult with the committee established under this section before the
37 department adopts any rules under ORS 822.035 or before taking any disciplinary action against a
38 dealer under ORS 822.050 to revoke, suspend, place the dealer on probation or levy a civil penalty
39 against the dealer.

40 (3) The director shall appoint members of the committee established under this section and the
41 members shall serve at the pleasure of the director **and the Governor**. The director shall appoint
42 members to the committee that represent vehicle dealers and members that represent the interests
43 of the general public in the ownership, purchase and use of vehicles.

44 (4) The members of the committee established under this section shall serve without compen-
45 sation or expenses for services performed.

1 **SECTION 160. This 2013 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
3 **on its passage.**

4
