

Senate Bill 934

Sponsored by Senator ROBLAN

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**.

Makes limitation on state liability for nonproperty claims applicable to State Fair Council. Exempts council from laws regarding vending facilities on public property. Expands membership of council. Provides for appointment of additional member of Legislative Assembly to be observer and advisor to council.

A BILL FOR AN ACT

1
2 Relating to the State Fair Council; amending ORS 30.271, 565.456 and 565.460.

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

4 **SECTION 1.** ORS 30.271 is amended to read:

5 30.271. (1) The limitations imposed by this section apply to claims that:

6 (a) Are subject to ORS 30.260 to 30.300;

7 (b) Are made against the state, or against an officer, employee or agent of the state acting
8 within the person's scope of employment or duties;

9 (c) Arise out of a single accident or occurrence; and

10 (d) Are not claims for damage to or destruction of property.

11 (2) The liability of the state, and the liability of the state's officers, employees and agents acting
12 within the scope of their employment or duties, to any single claimant for claims described in sub-
13 section (1) of this section may not exceed:

14 (a) \$1.5 million, for causes of action arising on or after December 28, 2007, and before July 1,
15 2010.

16 (b) \$1.6 million, for causes of action arising on or after July 1, 2010, and before July 1, 2011.

17 (c) \$1.7 million, for causes of action arising on or after July 1, 2011, and before July 1, 2012.

18 (d) \$1.8 million, for causes of action arising on or after July 1, 2012, and before July 1, 2013.

19 (e) \$1.9 million, for causes of action arising on or after July 1, 2013, and before July 1, 2014.

20 (f) \$2 million, for causes of action arising on or after July 1, 2014, and before July 1, 2015.

21 (g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising
22 on or after July 1, 2015.

23 (3) The liability of the state, and the liability of the state's officers, employees and agents acting
24 within the scope of their employment or duties, to all claimants for claims described in subsection
25 (1) of this section may not exceed:

26 (a) \$3 million, for causes of action arising on or after December 28, 2007, and before July 1, 2010.

27 (b) \$3.2 million, for causes of action arising on or after July 1, 2010, and before July 1, 2011.

28 (c) \$3.4 million, for causes of action arising on or after July 1, 2011, and before July 1, 2012.

29 (d) \$3.6 million, for causes of action arising on or after July 1, 2012, and before July 1, 2013.

30 (e) \$3.8 million, for causes of action arising on or after July 1, 2013, and before July 1, 2014.

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 (f) \$4 million, for causes of action arising on or after July 1, 2014, and before July 1, 2015.

2 (g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising
3 on or after July 1, 2015.

4 (4) Beginning in 2015, and every year thereafter, the State Court Administrator shall determine
5 the percentage increase or decrease in the cost of living for the previous calendar year, based on
6 changes in the Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items
7 as published by the Bureau of Labor Statistics of the United States Department of Labor. On or
8 before July 1 of the year in which the State Court Administrator makes the determination required
9 by this subsection, the State Court Administrator shall adjust the limitations imposed under sub-
10 sections (2) and (3) of this section for the following calendar year by multiplying the limitation
11 amounts applicable to the calendar year in which the adjustment is made by the percentage amount
12 determined under this subsection. The adjustment may not exceed three percent for any year. The
13 State Court Administrator shall round the adjusted limitation amount to the nearest \$100, but the
14 unrounded amount shall be used to calculate the adjustments to the limitations in subsequent cal-
15 endar years. The adjusted limitation becomes effective on July 1 of the year in which the adjust-
16 ment is made, and applies to all causes of action arising on or after July 1 of that year and before
17 July 1 of the subsequent year.

18 (5) The limitations imposed by this section apply to claims against Oregon Health and Science
19 University.

20 **(6) The limitations imposed by this section apply to claims against the State Fair Council.**

21 **SECTION 2.** ORS 565.456 is amended to read:

22 565.456. (1) The State Fair Council is established as a public corporation and shall exercise and
23 carry out all powers, rights and privileges that are expressly conferred upon the council, are implied
24 by law or are incident to such powers, rights and privileges. The council is an independent public
25 corporation with a statewide mission and purposes and without territorial boundaries. The council
26 is a governmental entity performing governmental functions and exercising governmental powers
27 but, except as otherwise provided by law, is not a unit of local or municipal government or a state
28 agency for purposes of state statutes or constitutional provisions.

29 (2) Unless otherwise provided by law, the council is not subject to ORS chapter 182, 183, 240,
30 270, 273, 276, 279A, 279B, 279C, 283, 291, 292 or 293 or ORS 35.550 to 35.575, 183.710 to 183.725,
31 183.745, 183.750, 190.430, 190.490, 200.035, 236.605 to 236.640, 243.303, 243.305, 243.315, 243.325 to
32 243.335, 243.345, 243.350, 243.696, 279.835 to 279.855, 282.010 to 282.150, 291.050 to 291.060, **346.510**
33 **to 346.570** or 656.017 (2).

34 (3) The mission and purposes of the council are:

35 (a) To conduct a state fair to be known as the Oregon State Fair for the education and enter-
36 tainment of Oregon residents and for the promotion, preservation, growth and prosperity of the in-
37 dustries and interests traditionally represented in state fair activities such as agriculture, stock
38 raising, horticulture, youth group involvement in agricultural, stock-raising and horticultural activ-
39 ities, viticulture, manufacturing, metal fabrication, technology and artistic, creative and cultural
40 pursuits; and

41 (b) To promote Oregon tourism related to the Oregon State Fair and fairground properties and
42 facilities, and promote and further the preservation, growth and prosperity of other industries and
43 activities important to the state economy by conducting the Oregon State Fair and using fairground
44 properties and facilities.

45 (4) To help fulfill the council's mission and purposes, the council shall encourage residents in

1 all parts of this state to participate in or attend the Oregon State Fair. The council may take any
 2 necessary or expedient actions to ensure that fairground properties and facilities are adequate and
 3 in good repair. The council shall operate the fairground properties and facilities as an exposition
 4 center, encourage the full utilization of the properties and facilities for revenue generation and
 5 make expenditures for the construction, repair, remodeling, maintenance, insurance and other needs
 6 of the fairground properties and facilities. Subject to any limitations established under this chapter,
 7 the council may take other actions the council deems necessary or expedient to ensure the financial
 8 viability of the Oregon State Fair and the exposition center or to promote the Oregon State Fair,
 9 Oregon tourism and other industries related to fairground business operations or fairground prop-
 10 erties and facilities.

11 **SECTION 3.** ORS 565.460 is amended to read:

12 565.460. (1) The State Fair Council shall consist of no fewer than [*nine*] **11** and no more than
 13 [*13*] **15** members appointed by the Governor. A council member holds office for a term of four years,
 14 but may be removed at any time during the term at the pleasure of the Governor. Council members
 15 are eligible for reappointment. Prior to the expiration of the term of a member, the Governor shall
 16 appoint a successor. If a member position becomes vacant for any reason, the Governor shall appoint
 17 a successor to fill the unexpired term.

18 (2) The council shall consist of:

19 (a) No fewer than [*seven*] **nine** and no more than [*11*] **13** members who have experience in, and
 20 are representatives of, industries and interests traditionally represented in Oregon State Fair ac-
 21 tivities, and who have backgrounds in industries and interests pertinent to carrying out the duties,
 22 functions and powers of the council, including but not limited to:

23 (A) Private sector business;

24 (B) The nonprofit sector;

25 (C) Economic development interests;

26 (D) The finance industry; and

27 (E) The events and facility management industry.

28 (b) One member who is an elected official of a city.

29 (c) One member who is an elected official of a county.

30 [*(3) The President of the Senate and the Speaker of the House of Representatives shall jointly select*
 31 *one member from among the members of the Legislative Assembly for appointment to act as a nonvoting*
 32 *observer of and advisor to the council. The member of the Legislative Assembly may not exercise any*
 33 *power, right or privilege of a council member.]*

34 **(3) The President of the Senate shall select a member of the Senate to act as a nonvoting**
 35 **observer of and advisor to the council.**

36 **(4) The Speaker of the House of Representatives shall select a member of the House of**
 37 **Representatives to act as a nonvoting observer of and advisor to the council.**

38 **(5) The members of the Legislative Assembly selected under subsections (3) and (4) of**
 39 **this section may not exercise any power, right or privilege of a council member.**

40 [*(4)*] **(6)** The Salem city manager may act as a nonvoting observer of and advisor to the council.
 41 The Salem city manager may not exercise any power, right or privilege of a council member.

42 [*(5)*] **(7)** A majority of the council is required for the conducting of business.

43 [*(6)*] **(8)** The council shall elect one member as a chairperson and one member as a vice chair-
 44 person, with duties and powers as determined by the council. The council shall meet at the call of
 45 the chairperson or of a majority of the members.

1 [(7)] **(9)** A member of the council is not entitled to compensation, but may be reimbursed as
2 provided by council policies and procedures for any actual and necessary travel and other expenses
3 incurred by the member in the performance of the member's official duties.

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