

DRAFT

SUMMARY

Eliminates boards, commissions and other government entities that have ceased to meet or that are no longer serving public good.

A BILL FOR AN ACT

1
2 Relating to obsolete state government entities; creating new provisions;
3 amending ORS 183.610, 183.630, 184.406, 276.285, 284.706, 297.050, 297.070,
4 305.690, 305.710, 305.715, 305.720, 305.723, 305.725, 305.730, 305.735, 305.740,
5 305.745, 305.747, 305.751, 329.183, 346.010, 346.020, 396.145, 398.012, 409.162,
6 409.194, 409.225, 411.072, 411.093, 412.009 and 468A.330; and repealing ORS
7 131.910, 171.857, 171.860, 173.610, 173.620, 173.630, 173.640, 182.560, 182.562,
8 182.565, 182.568, 182.570, 183.690, 284.540, 284.600, 284.604, 284.608, 284.612,
9 284.615, 284.618, 284.622, 284.625, 284.628, 284.631, 284.633, 284.635, 292.907,
10 292.908, 292.912, 292.917, 305.695, 305.700, 305.705, 346.085, 346.087, 346.089,
11 346.092, 396.600, 411.075, 418.243, 418.244 and 468.533.

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

FINDINGS

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14
15
16 **SECTION 1. The Legislative Assembly finds and declares that peri-**
17 **odic review of state boards, commissions and other entities created by**
18 **statute is necessary to identify those that no longer meet or serve the**
19 **public purposes for which they were created. The Legislative Assembly**
20 **further declares that the statutes amended or repealed by sections 2**
21 **to 37 and 39 to 47 of this 2017 Act reflect a legislative determination**

1 **that the affected boards, commissions and other entities are no longer**
2 **needed and therefore are eliminated.**

3
4 **OBSOLETE BOARDS, COMMISSIONS AND OTHER ENTITIES**
5 **(Administrative Hearings Advisory Group)**

6
7 **SECTION 2.** ORS 183.630 is amended to read:

8 183.630. (1) Except as provided in subsection (2) of this section, all con-
9 tested case hearings conducted by administrative law judges assigned from
10 the Office of Administrative Hearings must be conducted pursuant to the
11 model rules of procedure prepared by the Attorney General under ORS
12 183.341 if the hearing is subject to the procedural requirements for contested
13 case proceedings.

14 (2) The Attorney General, after consulting with the chief administrative
15 law judge, may exempt an agency or a category of cases from the require-
16 ments of subsection (1) of this section. The exemption may be from all or part
17 of the model rules adopted by the Attorney General. Any exemption granted
18 under this subsection must be made in writing.

19 *[(3) The Attorney General shall consult with an advisory group when*
20 *adopting model rules of procedure for the purpose of contested case hearings*
21 *conducted by administrative law judges assigned from the Office of Adminis-*
22 *trative Hearings. The advisory group shall consist of:]*

23 *[(a) The chief administrative law judge;]*

24 *[(b) An officer or employee of a state agency, appointed by the Governor;]*

25 *[(c) An attorney who practices administrative law, appointed by the Oregon*
26 *State Bar;]*

27 *[(d) A deputy or assistant attorney general appointed by the Attorney Gen-*
28 *eral; and]*

29 *[(e) A public member, appointed by the Governor, who is not an attorney*
30 *or an officer or employee of a state agency.]*

31 *[(4)]* **(3)** Except as may be expressly granted by the agency to an admin-

1 istrative law judge assigned from the office, or as may be expressly provided
2 for by law, an administrative law judge conducting a hearing for an agency
3 under ORS 183.605 to 183.690 may not authorize a party to take a deposition
4 that is to be paid for by the agency.

5
6 **(Office of Administrative Hearings Oversight Committee)**

7
8 **SECTION 3.** ORS 183.610 is amended to read:

9 183.610. (1) The Governor shall appoint a person to serve as chief admin-
10 istrative law judge for the Office of Administrative Hearings. [*The Governor*
11 *shall consider recommendations by the Office of Administrative Hearings*
12 *Oversight Committee in appointing a chief administrative law judge.*] The
13 person appointed to serve as chief administrative law judge must be an ac-
14 tive member of the Oregon State Bar. The chief administrative law judge has
15 all the powers necessary and convenient to organize and manage the office.
16 Subject to the State Personnel Relations Law, the chief administrative law
17 judge shall employ all persons necessary for the administration of the office,
18 prescribe the duties of those employees and fix their compensation. The chief
19 administrative law judge shall serve for a term of four years. Notwith-
20 standing ORS 236.140, the Governor may remove the chief administrative law
21 judge only for cause.

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

26 (3) The chief administrative law judge shall take all actions necessary to
27 protect and ensure the independence of each administrative law judge as-
28 signed from the office.

29 **SECTION 4.** ORS 183.690 is repealed.

30
31 **(Stationary Source Compliance Advisory Panel)**

1 **SECTION 5.** ORS 468A.330 is amended to read:

2 468A.330. (1) Because of the extraordinary effect that the federal operat-
3 ing permit program may have on small business, there is hereby established
4 within the Department of Environmental Quality a Small Business Station-
5 ary Source Technical and Environmental Compliance Assistance Program in
6 accordance with section 507 of the Clean Air Act. This program shall include
7 each element specified in section 507(a) of the Clean Air Act.

8 *[(2) A Compliance Advisory Panel is established to:]*

9 *[(a) Advise the department on the effectiveness of the Small Business Sta-*
10 *tionary Source Technical and Environmental Compliance Assistance*
11 *Program;]*

12 *[(b) Report to the Administrator of the United States Environmental Pro-*
13 *tection Agency as required by federal law;]*

14 *[(c) Review the information to be issued by the program for small busi-*
15 *nesses to assure the information is understandable by a layperson; and]*

16 *[(d) Perform any other function required by the Clean Air Act.]*

17 *[(3) The Compliance Advisory Panel shall consist of not less than seven*
18 *members:]*

19 *[(a) Two members appointed by the Governor, who are not owners, or rep-*
20 *resentatives of owners, of small business stationary sources, to represent the*
21 *general public;]*

22 *[(b) Four members who are owners, or who represent owners, of small*
23 *business stationary sources as follows:]*

24 *[(A) One member appointed by the President of the Senate;]*

25 *[(B) One member appointed by the Speaker of the House;]*

26 *[(C) One member appointed by the Senate Minority Leader; and]*

27 *[(D) One member appointed by the House Minority Leader; and]*

28 *[(c) One member appointed by the Director of the Department of Environ-*
29 *mental Quality.]*

30 **[(4)(a)] (2)(a)** On-site technical assistance for the development and imple-
31 mentation of the Small Business Stationary Source Technical and Environ-

1 mental Compliance Assistance Program shall not result in inspections or
2 enforcement actions, except that the department may initiate compliance and
3 enforcement actions immediately if, during onsite technical assistance, there
4 is reasonable cause to believe a clear and immediate danger to the public
5 health and safety or to the environment exists.

6 (b) As used in this subsection:

7 (A) "Clear" means plain, evident, free from doubt.

8 (B) "Immediate danger" means a situation in which there is substantial
9 likelihood that serious harm may be experienced within the time frame nec-
10 essary for the department to pursue an enforcement action.

11

12 **(Baseball Advisory Committee)**

13

14 **SECTION 6.** ORS 184.406 is amended to read:

15 184.406. The Director of the Oregon Department of Administrative Ser-
16 vices may not execute a grant agreement authorized by ORS 184.404 until the
17 director has determined that:

18 (1) The City of Portland has made a written request to the director to
19 execute and deliver the grant agreement;

20 (2) A Major League Baseball franchise has agreed to locate and be based
21 in Portland and has entered into a legally binding commitment to remain in
22 Portland for at least the term of the grant agreement;

23 (3) All funding to build the major league stadium that is not based on the
24 grant agreement has been committed;

25 (4) No grantee is both a public body and a guarantor for the repayment
26 of bonds or other indebtedness that is to be repaid through use of grant
27 moneys; **and**

28 (5) The Oregon Department of Administrative Services has [*provided*]
29 **prepared and submitted to the Legislative Assembly** a written report
30 regarding the estimated and actual incremental baseball tax revenues [*to,*
31 *and has solicited comments from, the advisory committee described in sub-*

1 *section (6) of this section]* relating to the following provisions of the proposed
2 grant agreement:

3 (a) The methodology for estimating the incremental baseball tax revenues;

4 (b) The methodology for determining the actual incremental baseball tax
5 revenues; and

6 (c) The requirement that estimated and actual incremental baseball tax
7 revenues be based on the Oregon personal income tax rates in effect when
8 the grant agreement is executed or for the period for which the taxes are
9 collected, whichever is greater, even if those rates are subsequently
10 reduced.[; *and]*

11 *[(6) An advisory committee, consisting of two legislators appointed by the*
12 *President of the Senate, two legislators appointed by the Speaker of the House*
13 *of Representatives and one person appointed by the Governor, has reviewed the*
14 *provisions of the proposed grant agreement listed in subsection (5) of this sec-*
15 *tion.]*

16

17 **(Board of Directors of the Oregon School for the Deaf)**

18

19 **SECTION 7.** ORS 346.010 is amended to read:

20 346.010. (1) Pursuant to rules of the State Board of Education, the Su-
21 perintendent of Public Instruction shall provide free training and education
22 services in a school located in Marion County for children who are deaf.

23 (2) The Superintendent of Public Instruction shall indicate which facili-
24 ties shall serve as the Oregon School for the Deaf.

25 (3) The superintendent may order a change in all or part in the purpose
26 and use of the facilities available under this section whenever the super-
27 intendent determines that a change in purpose and use will better enable the
28 state to meet its responsibilities for the education and training of children
29 who are deaf.

30 (4) The school shall be operated primarily for the provision of education
31 and training services for children who are deaf who cannot be efficiently

1 served in other schools or programs.

2 *[(5) The Board of Directors of the Oregon School for the Deaf may appeal*
3 *any decision of the Superintendent of Public Instruction made under this sec-*
4 *tion to the State Board of Education. An appeal under this subsection must*
5 *be filed with the State Board of Education within 60 days of the date of the*
6 *decision by the superintendent. The State Board of Education may uphold,*
7 *modify or overturn any decision of the superintendent under this section.]*

8 **SECTION 8.** ORS 346.020 is amended to read:

9 346.020. (1) The Superintendent of Public Instruction shall prescribe the
10 course of instruction for students enrolled in the school operated under ORS
11 346.010. The State Board of Education shall determine the procedures for
12 placement, development of services and operation of the school in conform-
13 ance with state and federal laws relating to children who are eligible for
14 special education and shall adopt the procedures by rule.

15 (2) *[In consultation with the Board of Directors of the Oregon School for*
16 *the Deaf,]* The Superintendent of Public Instruction shall select a director for
17 the school. The superintendent may also select teachers and other personnel
18 necessary to manage the school in an effective and efficient manner or may
19 delegate the selection of teachers and other personnel to the director of the
20 school.

21 (3) The Superintendent of Public Instruction shall have control over per-
22 sons enrolled in the school and shall direct their care and promote their
23 mental, moral and physical welfare.

24 *[(4) The Board of Directors of the Oregon School for the Deaf may appeal*
25 *a decision of the Superintendent of Public Instruction to the State Board of*
26 *Education if the decision was made under subsection (2) of this section and*
27 *relates to the selection or dismissal of the director of the school. An appeal*
28 *under this subsection must be filed with the State Board of Education within*
29 *60 days of the date of the decision by the superintendent. The State Board of*
30 *Education may uphold, modify or overturn any decision of the superintendent*
31 *under this section.]*

1 **SECTION 9. ORS 346.085, 346.087, 346.089 and 346.092 are repealed.**

2
3 **(Committee on Performance Excellence)**

4
5 **SECTION 10.** ORS 297.050 is amended to read:

6 297.050. The Division of Audits of the office of the Secretary of State shall
7 supply the Joint Legislative Audit Committee[, *the Committee on Performance*
8 *Excellence established in ORS 182.562*] and the Legislative Fiscal Officer with
9 a copy of each audit report made by or for the Division of Audits.

10 **SECTION 11.** ORS 297.070 is amended to read:

11 297.070. (1) Performance and program audits of all state departments,
12 boards, commissions, institutions and state-aided institutions and agencies
13 shall be conducted on the basis of risk assessment and on standards estab-
14 lished by national recognized entities including, but not limited to, the
15 United States Government Accountability Office and the National Associ-
16 ation of State Auditors. The Secretary of State shall adopt and the Joint
17 Legislative Audit Committee shall approve rules specifying all criteria to be
18 considered for conducting a performance or program audit under this section.
19 The Secretary of State shall schedule the performance and program audits
20 as directed by the Joint Legislative Audit Committee.

21 (2) The Secretary of State may subpoena witnesses, may require the pro-
22 duction of books and papers and rendering of reports in the manner and form
23 that the Secretary of State requires and may do all things necessary to se-
24 cure a full and thorough audit. The Secretary of State shall report, in writ-
25 ing, to the Legislative Assembly as provided in ORS 192.245 [*and to the*
26 *Committee on Performance Excellence established in ORS 182.562*]. The report
27 shall include a copy of the report on each performance and program audit.

28 (3) The Secretary of State, as State Auditor, shall contract with qualified
29 private sector auditors to conduct audits required by this section, unless the
30 Secretary of State determines that it is not practical or in the public interest
31 to do so. If the Secretary of State determines that it is not practical or in

1 the public interest to contract with qualified private sector auditors, after
2 notifying the Joint Legislative Audit Committee, the Secretary of State shall
3 employ auditors for that purpose and shall include in the written audit re-
4 port the circumstances that rendered it impractical or not in the public in-
5 terest to contract with qualified private sector auditors. All contracts for
6 conducting performance and program audits under this section shall be in a
7 form prescribed or approved by the Secretary of State. A copy of each com-
8 pleted contract shall be furnished to the Secretary of State and the Joint
9 Legislative Audit Committee. The Secretary of State shall employ or contract
10 with auditors upon terms and for compensation as the Secretary of State
11 determines are advantageous and advisable.

12 (4) An audit conducted under contract as provided in subsection (3) of this
13 section shall be considered to be conducted by the Division of Audits for
14 purposes of ORS 297.020, 297.050 and 297.535.

15 (5) If a person fails to comply with any subpoena issued under subsection
16 (2) of this section, a judge of the circuit court of any county, on application
17 of the Secretary of State, shall compel obedience by proceedings for contempt
18 as in the case of disobedience of the requirements of a subpoena issued from
19 the circuit court.

20 (6) The Secretary of State may enter into an agreement with the depart-
21 ment, board, commission, institution, state-aided institution or agency that
22 is the subject of a performance or program audit for payment of the expenses
23 incurred by the Secretary of State in conducting the audit. The Emergency
24 Board may also make funds available to the Division of Audits to reimburse
25 it for expenses incurred under this section.

26 (7) As used in this section:

27 (a) "Performance audit" includes determining:

28 (A) Whether an entity described in subsection (1) of this section that is
29 the subject of the audit is acquiring, protecting and using its resources eco-
30 nomically and efficiently;

31 (B) The causes of inefficiencies or uneconomical practices; and

1 (C) Whether the entity has complied with laws and regulations concern-
2 ing matters of economy and efficiency.

3 (b) "Program audit" includes determining:

4 (A) The extent to which the desired results or benefits of a program es-
5 tablished by the Legislative Assembly or other authorizing body are being
6 achieved;

7 (B) The extent to which the need for or objectives of an ongoing program
8 are necessary or relevant;

9 (C) Whether the program complements, duplicates, overlaps or conflicts
10 with other related programs;

11 (D) The effectiveness of organizations, programs, activities or functions;
12 and

13 (E) Whether the entity described in subsection (1) of this section that is
14 the subject of the audit has complied with laws and regulations applicable
15 to the program.

16 **SECTION 12. ORS 182.560, 182.562, 182.565, 182.568 and 182.570 are**
17 **repealed.**

18
19 **(Family Services Review Commission)**
20

21 **SECTION 13.** ORS 409.162 is amended to read:

22 409.162. (1) The Department of Human Services shall collaborate with its
23 existing advisory groups to identify and implement workload efficiencies in
24 the state agencies that administer programs providing:

25 (a) Child welfare services under ORS 418.005;

26 (b) Temporary assistance for needy families under ORS 412.006;

27 (c) Nutritional assistance under ORS 411.816;

28 (d) Medical assistance eligibility determinations under ORS 411.404;

29 (e) Services to elderly persons and to persons with disabilities under ORS
30 410.070 and 412.014; and

31 (f) Vocational rehabilitation services under ORS 344.530.

1 (2) The department shall collaborate with the following advisory groups
2 and other groups designated by the department in identifying and imple-
3 menting workload efficiencies:

4 (a) The advisory committee created by ORS 418.005 (2).

5 [(b) *The Family Services Review Commission established under ORS*
6 *411.075.*]

7 [(c)] (b) The State Independent Living Council established by Executive
8 Order 94-12.

9 [(d)] (c) The advisory committee established under ORS 344.735.

10 [(e)] (d) Area agency advisory councils required under ORS 410.210.

11 [(f)] (e) The Governor's Commission on Senior Services created by ORS
12 410.320.

13 **SECTION 14.** ORS 412.009 is amended to read:

14 412.009. (1) The Legislative Assembly finds that:

15 (a) There is evidence that families who experience the most disqualifica-
16 tions from the job opportunity and basic skills program are often those with
17 the most barriers to employment; and

18 (b) The loss of income from a program disqualification adds strain and
19 creates instability in families already experiencing extreme poverty, and this
20 affects the health and food security of the dependent children in the family.

21 (2) The Department of Human Services by rule shall adopt proven meth-
22 ods of encouraging participants' full engagement in the job opportunity and
23 basic skills program, including the development of an individualized case
24 plan in accordance with ORS 412.006 and an ongoing process to ensure that
25 the case plan is appropriate.

26 (3)(a) The department shall facilitate the participation of needy caretaker
27 relatives and may not reduce the family's aid payment as a method of en-
28 couraging full engagement in the job opportunity and basic skills program
29 pursuant to subsection (2) of this section until the department determines
30 that the needy caretaker relative that is not fully engaged:

31 (A) Has no identified barriers or refuses to take appropriate steps to ad-

1 dress identified barriers to participation in the program; and

2 (B) Refuses without good cause, as defined by the department by rule, to
3 meet the requirements of an individualized and appropriate case plan.

4 (b) The department may not reduce aid payments under this subsection
5 to families:

6 (A) Receiving aid pursuant to ORS 412.014 or 412.124;

7 (B) In which the caretaker relative participates in suitable activities for
8 the number of hours required each month to satisfy federally required par-
9 ticipation rates; or

10 (C) Until the department has screened for and, if appropriate, assessed
11 barriers to participation, including but not limited to physical or mental
12 health needs, substance abuse, domestic violence or learning needs.

13 (c) The department may not reduce aid payments under this subsection
14 before assessing the risk of harm posed to the children in the household by
15 the reduction in aid payments and taking steps to ameliorate the risk.

16 (4) Following notice and an opportunity for a hearing under ORS chapter
17 183 and subject to subsection (2) of this section, the department may reduce
18 the aid payment to the family of an individual who refuses to participate in
19 suitable activities required by the individual's case plan or may terminate
20 the aid payment to the family of a noncompliant individual in accordance
21 with procedures adopted by the department by rule.

22 (5) A caretaker relative may request a hearing to contest the basis for a
23 reduction in or termination of an aid payment under this section within 90
24 days of a reduction in or termination of aid.

25 *[(6) Every six months, the department shall report to the Family Services*
26 *Review Commission established under ORS 411.075 the status of and outcomes*
27 *for families for whom aid has been reduced or terminated under subsection (4)*
28 *of this section. The department shall work with the commission to establish the*
29 *details to be provided in the report.]*

30 **SECTION 15.** ORS 411.072 is amended to read:

31 411.072. (1) As used in this section "policy change" includes any change

1 in the operation of public assistance programs that affects recipients ad-
2 versely in any substantial manner, including but not limited to the denial,
3 reduction, modification or delay of benefits. "Policy change" does not include
4 any procedural change that affects internal management but does not ad-
5 versely and substantially affect the interest of public assistance recipients.

6 (2) The Department of Human Services may submit applications for
7 waiver of federal statutory or regulatory requirements to the federal gov-
8 ernment or any agency thereof. Prior to the submission of any application
9 for waiver that involves a policy change, and prior to implementation, the
10 department shall do the following:

11 (a) Conduct a public process regarding the waiver application or appli-
12 cation for waiver renewals;

13 (b) Prepare a complete summary of the testimony and written comments
14 received during the public process;

15 (c) Submit the application for waiver or application for waiver renewals
16 involving a policy change to the legislative review agency, as described in
17 ORS 291.375, and present the summary of testimony and comments described
18 in this section; and

19 (d) Give notice of the date of its appearance before the Emergency Board,
20 the Joint Interim Committee on Ways and Means or the Joint Committee on
21 Ways and Means in accordance with ORS 183.335[, *and before the Family*
22 *Services Review Commission*].

23 **SECTION 16.** ORS 411.093 is amended to read:

24 411.093. (1) All applicants for and recipients of public assistance shall be
25 treated in a courteous, fair and dignified manner by Department of Human
26 Services personnel.

27 (2) Any applicant or recipient who alleges discourteous, unfair or undig-
28 nified treatment by department personnel or alleges that incorrect or inade-
29 quate information regarding public assistance programs has been provided
30 by department personnel may file a grievance with the department. The de-
31 partment shall publicize the grievance system in each local office.

1 (3) The grievance shall be discussed first with the supervisor of the em-
2 ployee against whom the grievance is filed. If the grievance is not resolved,
3 the applicant or recipient may discuss the grievance with the local office
4 manager.

5 (4) The department shall compile a monthly report summarizing each
6 grievance filed against department personnel and the action taken. The re-
7 port shall identify each grievance by local office and indicate the number
8 of grievances filed against individual employees. The report shall protect the
9 anonymity of department personnel. The report shall be presented to [*the*
10 *Family Services Review Commission and to*] all county public welfare boards.

11 **SECTION 17. ORS 411.075 is repealed.**

12
13 **(Governor's Council on Oregon's Economy)**

14
15 **SECTION 18. ORS 284.540 is repealed.**

16
17 **(Military Council)**

18
19 **SECTION 19.** ORS 396.145 is amended to read:

20 396.145. (1) The military staff of the Governor shall consist of the Chief
21 of Staff to the Governor[, *the Military Council*] and such personal aides-de-
22 camp as the Governor shall deem necessary.

23 (2) The Adjutant General shall be Chief of Staff to the Governor.

24 [(3) *The Military Council hereby is established as an advisory board to the*
25 *Governor for the purpose of advising the Governor in all matters of military*
26 *interest to the state. It shall consist of the Adjutant General and not fewer*
27 *than 6 nor more than 10 officers of the Oregon National Guard selected for*
28 *their knowledge of the service. The Oregon Army National Guard and the*
29 *Oregon Air National Guard shall be represented on the Military Council in*
30 *proportion to their total strength.*]

31 [(4)] (3) Personal aides-de-camp to the Governor may be selected from the

1 commissioned officers of the Oregon National Guard or from reserve officers
2 of the Armed Forces of the United States who are residents of Oregon and
3 who are not serving on extended active duty. Officers detailed under this
4 section shall not be relieved from their ordinary duties except when actually
5 on duty with the Governor.

6 [(5)] (4) The military staff of the Governor shall, in addition to its other
7 duties, perform such ceremonial functions and duties as the Governor may
8 prescribe.

9 **SECTION 20.** ORS 398.012 is amended to read:

10 398.012. (1) The Governor, on the recommendation of the Adjutant Gen-
11 eral, shall appoint an officer of the organized militia as State Judge Advo-
12 cate. To be eligible for appointment as State Judge Advocate, an officer
13 must:

- 14 (a) Be a member in good standing of the Oregon State Bar;
- 15 (b) Have been a member of the Oregon State Bar for at least five years;
- 16 and
- 17 (c) Meet the qualifications for a judge advocate under the Uniform Code
18 of Military Justice, 10 U.S.C. 801 et seq.

19 (2) The Adjutant General may appoint an officer of the organized militia
20 as an Assistant State Judge Advocate. The Adjutant General may appoint
21 as many Assistant State Judge Advocates as the Adjutant General deems
22 necessary. To be eligible for appointment as an Assistant State Judge Advo-
23 cate, an officer must:

- 24 (a) Be a member in good standing of the Oregon State Bar; and
- 25 (b) Meet the qualifications for a judge advocate under the Uniform Code
26 of Military Justice, 10 U.S.C. 801 et seq.

27 (3)(a) The Adjutant General may appoint temporary Assistant State Judge
28 Advocates who are officers of the organized militia. An individual appointed
29 as a temporary Assistant State Judge Advocate has 12 months from the date
30 of appointment to become a member in good standing of the Oregon State
31 Bar and meet the qualifications for a judge advocate under the Uniform Code

1 of Military Justice, 10 U.S.C. 801 et seq.

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

5 (c) A temporary Assistant State Judge Advocate who has met the re-
6 quirements under this subsection is eligible for appointment as an Assistant
7 State Judge Advocate.

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

11 (4) The Adjutant General may appoint State Judge Advocate Legal As-
12 sistants for a period not to exceed 12 months. An individual appointed as a
13 State Judge Advocate Legal Assistant shall be an officer of the Oregon State
14 Defense Force and shall be legally trained but is not required to be admitted
15 to the practice of law by the Supreme Court of this state. The legal services
16 performed by a State Judge Advocate Legal Assistant are limited to those
17 legal services that may be performed by legal assistants consistent with ORS
18 9.160.

19 (5) The State Judge Advocate, the Senior Force Judge Advocate, as de-
20 fined in the Oregon Code of Military Justice, or their assistants shall make
21 frequent inspections in the field for supervision of the administration of
22 military justice and general military legal matters.

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

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

30 (7) A person who has acted as member, military judge, trial counsel, as-
31 sistant trial counsel, defense counsel, assistant defense counsel or investi-

1 gating officer, or who has been a witness for either the prosecution or
2 defense in any case, may not later act as judge advocate to any reviewing
3 authority upon the same case.

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

6 (a) Performing all acts necessary or incumbent to the authorized exercise
7 of duties as a judge advocate [*or as a member of the Military Council*].

8 (b) Being assigned as a judge advocate by the Adjutant General as ap-
9 pointed by the Governor as Commander in Chief under the Oregon Consti-
10 tution.

11

12 **(Natural Resources Policy Administrator)**

13

14 **SECTION 21. ORS 173.610, 173.620, 173.630 and 173.640 are repealed.**

15

16 **(Oregon Charitable Checkoff Commission)**

17

18 **SECTION 22.** ORS 305.690, as amended by section 14, chapter 33, Oregon
19 Laws 2016, is amended to read:

20 305.690. As used in ORS 305.690 to 305.753, unless the context otherwise
21 requires:

22 (1) “Biennial years” means the two income tax years of individual tax-
23 payers that begin in the two calendar years immediately following the cal-
24 endar year in which a list is certified under ORS 305.715.

25 [(2) “Commission” means the Oregon Charitable Checkoff Commission.]

26 [(3)] (2) “Department” means the Department of Revenue.

27 [(4)] (3) “Eligibility roster” means a list, prepared under ORS 305.715 and
28 maintained by the [*commission*] **department** in chronological order based on
29 the date of form listing or date of eligibility determination, whichever is
30 later, of charitable and governmental entities seeking inclusion on the
31 Oregon individual income tax return forms.

1 [(5)] (4) “Form listed” or “form listing” means being listed on the Oregon
2 individual income tax return form.

3 [(6)] (5) “Instruction listing” means being listed on the Department of
4 Revenue instructions for tax return checkoff contribution.

5 [(7)] (6) “Internal Revenue Code” means the federal Internal Revenue
6 Code as amended and in effect on December 31, 2015.

7 **SECTION 23.** ORS 305.710 is amended to read:

8 305.710. (1) The Department of Revenue shall [*notify the Oregon Charitable*
9 *Checkoff Commission of*] **determine** the number of lines available for the
10 material described in ORS 305.745 (2) without adding a page to the various
11 individual tax forms for full-year residents, nonresidents and part-year resi-
12 dents. The department shall provide lines on the form to permit legible form
13 listing of at least 12 entities, if possible, but may provide fewer lines if there
14 is insufficient space on the form. The [*commission*] **department** shall limit
15 the number of entities to be listed on the form [*to conform to the department’s*
16 *notice unless it*] **unless the department** determines that the number of eli-
17 gible entities justifies adding a page to the form.

18 (2) Any new entity added to the list must, in the judgment of the [*com-*
19 *mission*] **department**, have a high probability of meeting the requirement in
20 ORS 305.720 (5).

21 **SECTION 24.** ORS 305.715 is amended to read:

22 305.715. (1)(a) The [*Oregon Charitable Checkoff Commission*] **Department**
23 **of Revenue** shall determine if a charitable or governmental entity is quali-
24 fied under ORS 305.720, for the biennial years, for listing on the Oregon in-
25 dividual income tax return to receive contributions by means of checkoff, as
26 described under and subject to ORS 305.710 and 305.745.

27 (b) Upon determination, pursuant to an initial application, that an entity
28 qualifies for inclusion on the Oregon individual income tax return forms to
29 receive contributions by means of checkoff, the [*commission*] **department**,
30 subject to ORS 305.723, shall cause the name of the entity to be included on
31 the eligibility roster prepared under this section.

1 (c) If the [*commission*] **department** determines that the entity is not
2 qualified to be included on the eligibility roster, the [*commission*] **depart-**
3 **ment** shall give notice in the manner provided in ORS 183.415, and ORS
4 305.740 (3) shall apply.

5 (2) The [*commission shall certify in each even-numbered calendar year to*
6 *the Department of Revenue*] **department shall determine in each even-**
7 **numbered calendar year** a list of at least 12 charitable and governmental
8 entities to be listed, if possible, on the Oregon individual income tax return
9 to receive contributions by means of checkoff for the biennial years indicated
10 in the certification, as described in and subject to ORS 305.710 and 305.745.

11 **SECTION 25.** ORS 305.720 is amended to read:

12 305.720. Subject to ORS 305.710, 305.723 and 305.745, an entity qualifies for
13 listing on the eligibility roster for form listing to receive contributions by
14 means of checkoff if:

15 (1) The entity supports private charitable causes or engages in public
16 activities that are consistent with policies and programs of the state and:

17 (a) Checkoff resources are used to augment existing programs or provide
18 new funding to related activities of proven value;

19 (b) Checkoff funds are not to be used to meet the administrative expenses
20 of the entity;

21 (c) Programs funded by checkoff resources result in substantial and direct
22 benefits to the human and natural resources of the state that the [*Oregon*
23 *Charitable Checkoff Commission*] **Department of Revenue** determines are
24 unlikely to occur under existing public and private programs; and

25 (d) After checkoff resources are received by the entity, the entity shows
26 a pattern over several years of increasing its total revenues from other than
27 checkoff sources or reaches the level where no more than 50 percent of its
28 revenues are from checkoff sources.

29 (2) The entity is qualified to receive contributions that are tax deductible
30 under the following:

31 (a) Section 170 of the Internal Revenue Code (relating to contributions

1 and gifts to charitable and governmental entities).

2 (b) Section 501(k) of the Internal Revenue Code (relating to contributions
3 to certain organizations providing child care).

4 (c) Section 7871 of the Internal Revenue Code (relating to contributions
5 to Indian tribal governments).

6 (d) Any other federal law allowing a deduction from federal individual
7 income tax for charitable contributions to an entity classified by rule of the
8 department [*of Revenue*] as being an entity belonging to the general class
9 described in paragraphs (a) to (c) of this subsection.

10 (3) The entity makes application for listing within the time and in the
11 manner prescribed by ORS 305.725.

12 (4) The entity files a financial report, and other information, with the
13 [*commission*] **department** as described under ORS 305.730.

14 (5) The entity received \$25,000 or more in checkoff contributions in at
15 least one of the two tax years immediately preceding the tax year for which
16 it is to be listed on the Oregon income tax return. This subsection does not
17 apply if the entity has not been included on the Oregon personal income tax
18 return for each of the two tax years immediately preceding the tax year for
19 which determination for purposes of this subsection is being made.

20 **SECTION 26.** ORS 305.723 is amended to read:

21 305.723. (1) In the event that one or more entities are certified and placed
22 on the eligibility roster under ORS 305.715 but not all entities can be in-
23 cluded on the Oregon individual income tax return forms because of space
24 limitations, the [*Oregon Charitable Checkoff Commission*] **Department of**
25 **Revenue** shall, prior to determining the entities to be listed on the eligibil-
26 ity roster for the ensuing year, identify those entities that have been in-
27 cluded on the tax forms for two or more years.

28 (2) To the extent there are entities on the eligibility roster that have not
29 been form listed, the [*commission shall direct the Department of Revenue to*]
30 **department shall** remove from the tax forms for the next year those entities
31 that have been included on the tax forms for two or more years.

1 (3)(a) The identified entities shall be removed from inclusion on the tax
2 forms based on the number of calendar years for which the entities have been
3 included on the forms, with entities that have been included on the forms for
4 the greatest number of years being removed first.

5 (b) If identified entities have been included on the tax forms for an equal
6 number of years and space limitations require the removal of some, but not
7 all, of the entities identified in subsection (1) of this section, in order to
8 permit inclusion of entities from the eligibility roster on the tax forms for
9 the next year, the [*commission shall direct the department to*] **department**
10 **shall** remove the entity or entities garnering the smallest average amount
11 of donations for the years that the entity or entities appeared on the tax
12 forms.

13 (4) If an entity removed from form listing under subsection (3) of this
14 section continues to meet the eligibility requirements under ORS 305.720, an
15 entity removed from the charitable checkoff portion of the tax forms shall
16 be placed at the end of the eligibility roster for form listing in succeeding
17 tax years and shall be considered to be an entity that has not been form
18 listed for purposes of subsection (2) of this section.

19 **SECTION 27.** ORS 305.725 is amended to read:

20 305.725. (1) Each entity desiring to receive contributions by means of
21 checkoff on the Oregon individual income tax return shall make initial ap-
22 plication to the [*Oregon Charitable Checkoff Commission*] **Department of**
23 **Revenue** not later than July 1 of each even-numbered calendar year. The
24 application shall contain or be accompanied by:

25 (a) The name of the entity.

26 (b) The address of the principal place of business of the entity and the
27 name of the person, officer or employee to whom the moneys contributed by
28 means of checkoff are to be remitted pursuant to ORS 305.747.

29 (c) The names and personal addresses of the principals of the entity.

30 (d) The name and personal address of a person who is a principal in the
31 solicitation activities for the entity.

1 (e) Evidence satisfactory to the [*commission*] **department** that contribu-
2 tions to the entity qualify for tax deduction under section 170 of the Internal
3 Revenue Code or other law listed under ORS 305.720 (2) or, in the case of
4 an application for instruction listing, ORS 305.727. This evidence may, but
5 need not, take the form of an Internal Revenue Service ruling, a listing of
6 the entity on the list published by the Internal Revenue Service listing or-
7 ganizations qualified to receive tax deductible contributions or an answer to
8 an inquiry as to the status of the entity addressed to the Commissioner of
9 Internal Revenue.

10 (f) If applicable, evidence that ORS 128.610 to 128.769 has been complied
11 with.

12 (g) A financial report, and other information, as described in ORS 305.730.

13 (2) If, at any time, there is a change of person, officer or employee to
14 whom contributions received by means of checkoff are to be remitted under
15 ORS 305.747, the governing body of the entity shall give notice to the de-
16 partment [*of Revenue*]. The notice shall contain the name of the entity and
17 the name of the new person, officer or employee to whom contributions shall
18 be remitted.

19 **SECTION 28.** ORS 305.730 is amended to read:

20 305.730. (1) Each entity desiring to be listed on the Oregon individual
21 income tax return in order to receive contributions by means of checkoff for
22 the biennial years shall file a financial report with the [*Oregon Charitable*
23 *Checkoff Commission*] **Department of Revenue** no later than July 1 of each
24 even-numbered year.

25 (2) The financial report shall contain, in detail:

26 (a) The amount of funds received from contributions made by means of
27 checkoff.

28 (b) The disposition of the funds received from contributions made by
29 means of checkoff.

30 (3) If required by the [*commission*] **department** by rule, the entity shall
31 also file with the [*commission*] **department** its budget, financial statements

1 or other documents or information needed by the [*commission*] **department**
2 to determine the use of funds received through checkoff.

3 (4) All information required by this section shall be as of the close of each
4 fiscal year of the two fiscal years of the entity that ended during the
5 12-month period ending prior to July 1 of the even-numbered calendar year.

6 **SECTION 29.** ORS 305.735 is amended to read:

7 305.735. (1) Upon determination, pursuant to initial application, that an
8 entity qualifies for listing on the Oregon individual income tax return to
9 receive contributions by means of checkoff, the [*Oregon Charitable Checkoff*
10 *Commission*] **Department of Revenue**, subject to ORS 305.710, shall cause
11 the name of the entity to be included on the list.

12 (2) If the [*commission*] **department** determines that the entity is not
13 qualified to be listed, the [*commission*] **department** shall give notice in the
14 manner provided under ORS 183.415, as applicable, and ORS 305.740 (3) shall
15 apply.

16 **SECTION 30.** ORS 305.740 is amended to read:

17 305.740. (1) Prior to the end of each even-numbered calendar year, and
18 subject to subsection (2) of this section, the [*Oregon Charitable Checkoff*
19 *Commission*] **Department of Revenue** shall examine the list of entities in-
20 cluded on the Oregon personal income tax return for the tax year beginning
21 in the calendar year immediately preceding and shall determine if each en-
22 tity listed is qualified under ORS 305.710 and 305.720 to be listed on the re-
23 turn to receive contributions by means of checkoff for the ensuing biennial
24 years.

25 (2)(a) The department [*of Revenue*] shall determine for each tax year if
26 each entity listed for checkoff on the return for the preceding tax year meets
27 the criteria under ORS 305.720 (5) [*and shall notify the commission, if and*
28 *when appropriate*]. In determining the amount received in contributions from
29 checkoffs for an entity for a particular tax year:

30 (A) For purposes of meeting the \$25,000 minimum contribution, the
31 amount received in contributions from checkoffs in the amount shown in the

1 department's financial statement for the fiscal year shall be counted.

2 (B) The amount of receipts shall not be reduced by the amount of ad-
3 ministrative expense referred to in ORS 305.747.

4 (b) The determination of the department made under paragraph (a) of this
5 subsection is final and may not be appealed. Notwithstanding subsection (1)
6 of this section, an entity that has not met the criteria of ORS 305.720 (5)
7 shall not be listed on the return for checkoff.

8 (3)(a) If the [*commission*] **department**, for any reason other than that
9 contributions by means of checkoff did not reach the amount required under
10 ORS 305.720 (5), determines that an entity included on the list certified under
11 ORS 305.715 (2) for the prior biennial years is not qualified to be included,
12 or that an entity making application is not qualified to be included, or is
13 not included because of determinations under ORS 305.710, on the list for the
14 ensuing biennial years, the [*commission*] **department** shall so order.

15 (b) The [*commission*] **department** shall serve upon the entity, either by
16 personal service or by certified mail, return receipt requested, the order is-
17 sued under paragraph (a) of this subsection. The order shall comply with the
18 applicable notice requirements of ORS 183.415.

19 (c) The entity or person or persons to whom the order is directed shall
20 have 20 days from the date of personal service or mailing of the notice in
21 which to make written application to the [*commission*] **department** for a
22 contested case hearing to be held in accordance with ORS 183.415 to 183.500
23 before the [*commission or the designee of the commission. In any hearing be-*
24 *fore the designee of the commission, the designee is authorized to issue the*
25 *final order in the matter*] **department**.

26 (d) Upon failure to request a contested case hearing within the time
27 specified, the order shall become final.

28 (e) Appeal may be taken from a final order as specified under ORS 183.480
29 to 183.497.

30 (f) A final order issued by the [*commission, the designee of the*
31 *commission*] **department**, the Court of Appeals or the Oregon Supreme Court

1 determining that an entity be included on the list certified under ORS
2 305.715 (2) may require only that the entity be included on the list next
3 certified after the effective date of the final order.

4 **SECTION 31.** ORS 305.745 is amended to read:

5 305.745. (1) *[Upon receipt of the list certified by the Oregon Charitable*
6 *Checkoff Commission under ORS 305.715 (2),]* The Department of Revenue
7 shall cause the name of each entity [so] listed **pursuant to ORS 305.715 (2)**
8 to be included on the Oregon individual income tax return forms prepared
9 for the biennial years as certified.

10 (2) Individual taxpayers who file an Oregon income tax return and who
11 will receive a tax refund from the department may designate that a contri-
12 bution be made to one or more entities listed. Designation shall be made in
13 a space that the department shall cause to be printed on the return form.

14 (3) Overpayments of tax that are insufficient, due to ORS 293.250 or oth-
15 erwise, to satisfy the total amount of checkoffs designated on a tax return
16 under subsection (2) of this section and under statute other than ORS 305.690
17 to 305.753 shall be allocated among the entities designated on a pro rata
18 basis.

19 **SECTION 32.** ORS 305.747 is amended to read:

20 305.747. (1) Amounts equal to the amounts checked off under ORS 305.745
21 shall be remitted by the Department of Revenue to the State Treasurer who
22 shall deposit the amounts in a suspense account established under ORS
23 293.445.

24 *[(2)(a) Of the amounts remitted and deposited under subsection (1) of this*
25 *section, a portion is continuously appropriated for use in reimbursing the*
26 *General Fund for costs paid or incurred by the Oregon Charitable Checkoff*
27 *Commission in administering the checkoff programs established under ORS*
28 *305.690 to 305.753. No more than one percent of the moneys generated by the*
29 *checkoff programs per fiscal year ending June 30, 1990, or per any fiscal year*
30 *thereafter, is appropriated under this paragraph.]*

31 *[(b)]* **(2)** Of the amounts remitted and deposited under subsection (1) of

1 this section, a portion is continuously appropriated for use in reimbursing
2 the General Fund for costs paid or incurred by the department in adminis-
3 tering the checkoff program established under ORS 305.690 to 305.753. The
4 department shall adopt by rule a formula or other method of determining the
5 cost of administering each checkoff program. Each program shall be charged
6 the cost of administration not to exceed 10 percent of the amount received
7 in checkoff contributions.

8 [(c)] Moneys appropriated under this subsection shall be transferred to the
9 General Fund on a quarterly basis.

10 (3) The records of the department shall reflect the amount that the de-
11 partment has credited to each entity less administrative expenses. Subject to
12 ORS 305.745 (3), the amount credited to each entity shall be equal to the
13 amount checked off for that entity under ORS 305.745 less administrative
14 expenses. The net amount of moneys credited to an entity shall be trans-
15 ferred by the department to the entity, as specified by law, on a periodic
16 basis, or is continuously appropriated to the department for payment to the
17 entity and the department shall pay and remit the net amount credited to the
18 entity, without interest, to the entity on a periodic basis. The department
19 shall adopt rules governing the transferring or remitting of checkoff moneys
20 to the entities for which the amounts were checked off. The rules shall
21 specify the time, no less often than quarterly, that the moneys are to be
22 transferred or remitted to the entities by the department.

23 **SECTION 33.** ORS 305.751 is amended to read:

24 305.751. The Department of Revenue shall adopt such rules as are neces-
25 sary for the [*operation of the Oregon Charitable Checkoff Commission and*
26 *the*] administration of ORS 305.690 to 305.753. [*The commission may recom-*
27 *mend that the department adopt rules under this section.*]

28 **SECTION 34.** ORS 329.183 is amended to read:

29 329.183. (1) The Prekindergarten Program Trust Fund is established as a
30 fund in the State Treasury, separate and distinct from the General Fund.
31 Interest earned by the trust fund shall be credited to the trust fund. The

1 primary purpose of the trust fund is to assist eligible children with compre-
2 hensive services including educational, social, health and nutritional devel-
3 opment to enhance their chances for success in school and life. For this
4 purpose, the trust fund is continuously appropriated to the Early Learning
5 Division for the Oregon prekindergarten program described in ORS 329.170
6 to 329.200.

7 (2) The division may solicit and accept money in the form of gifts, con-
8 tributions and grants to be deposited in the trust fund. Except as provided
9 in ORS 329.185, the acceptance of federal grants for purposes of ORS 329.170
10 to 329.200 does not commit state funds nor place an obligation upon the
11 Legislative Assembly to continue the purposes for which the federal funds
12 are made available.

13 (3) The trust fund may be listed, if otherwise qualified, on the Oregon
14 income tax return for checkoff pursuant to application made to the [*Oregon*
15 *Charitable Checkoff Commission*] **Department of Revenue** under ORS
16 305.690 to 305.753 by the division.

17 **SECTION 35. ORS 305.695, 305.700 and 305.705 are repealed.**

18

19 **(Oregon Progress Board)**

20

21 **SECTION 36.** ORS 276.285 is amended to read:

22 276.285. (1) It is the policy of the State of Oregon[, *in keeping with the*
23 *benchmark relating to public infrastructure and development adopted by the*
24 *Oregon Progress Board,*] to facilitate and encourage state agencies that own
25 real property and operate facilities to manage and develop these properties
26 in an effective and businesslike manner. The maintenance, preservation and
27 development of state-owned real property and facilities, including, but not
28 limited to, educational institutions, hospitals, parks, roads, libraries and fish
29 hatcheries is essential to enable the State of Oregon to meet the needs of its
30 citizens now and in the future. The purpose of chapter 452, Oregon Laws
31 1995, is to maintain and protect the investment of the State of Oregon in its

1 public infrastructure.

2 (2) Any state agency that owns and operates real property or facilities is
3 authorized to establish a separate dedicated account in the State Treasury
4 for the purpose of paying the expenses of constructing, operating, maintain-
5 ing, repairing, replacing, equipping, improving, acquiring and disposing of
6 such real property and facilities. All moneys in an account established pur-
7 suant to this subsection are appropriated continuously to the agency for the
8 purposes described in this subsection. All interest earned on moneys in the
9 account shall be retained in and credited to the account.

10 (3) Any state agency that owns or operates real property or facilities may
11 establish a rental program for the purpose of recovering and paying for the
12 costs, including debt service, of constructing, operating, maintaining, re-
13 pairing, replacing, equipping, improving and disposing of real property and
14 facilities consistent with the statutory authority of the state agency. All
15 revenues from such rental programs shall be deposited in the account estab-
16 lished pursuant to subsection (2) of this section.

17 (4) Whenever a state agency that owns and operates real property and
18 facilities, and that has an established account under subsection (2) of this
19 section sells or leases real property, the proceeds from the sale or lease shall
20 be credited to the account established pursuant to subsection (2) of this
21 section, unless disposition of the proceeds is otherwise provided by law.

22 (5) If a state agency that owns and operates real property and facilities
23 has other statutory authority to provide funding for real property and facil-
24 ity operation and management, the agency may use that authority in lieu of
25 or in addition to the provisions of this section.

26 (6) When a state agency establishes an account pursuant to subsection (2)
27 of this section, the agency shall provide a report of the revenues to and ex-
28 penditures from the account as part of its budget submission to the Governor
29 and the Legislative Assembly under ORS chapter 291. The establishment by
30 state agencies of rental rates for real property or facilities pursuant to this
31 section shall be on a biennial basis as part of the budget development pro-

1 cess, but modification of the rates may be made during the interim between
2 legislative sessions after a report to the Emergency Board of the proposed
3 rate modification.

4 **SECTION 37.** ORS 284.706 is amended to read:

5 284.706. (1) There is created the Oregon Innovation Council consisting of
6 the following voting members:

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

9 (b) Seven members appointed by the Governor who are experienced en-
10 trepreneurs or investors or are engaged in the operations of Oregon traded
11 sector industries or Oregon growth businesses.

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

15 (d) One member appointed by the Governor who is a representative of an
16 Oregon-based, generally accredited [*public institution of higher education as*
17 *defined in ORS 284.633*] **community college or public university listed in**
18 **ORS 352.002.**

19 (e) A member of the Oregon Growth Board, appointed by the board, who
20 is experienced in making direct investments in new growth-based companies.

21 (f) A private sector member of the Oregon Talent Council.

22 (g) The Director or an executive officer of the Oregon Business Develop-
23 ment Department.

24 (h) The executive director of the Higher Education Coordinating Com-
25 mission.

26 (i) The State Treasurer.

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

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

31 (c) Members of the Legislative Assembly appointed to the council are

1 nonvoting members and may act in an advisory capacity only.

2 (3) The presiding officer of the Oregon Business Development Commission
3 shall serve as an ex officio, nonvoting member of the council.

4 (4) The term of office of each appointed voting member of the council is
5 two years, but an appointed member serves at the pleasure of the appointing
6 authority. Before the expiration of the term of an appointed voting member,
7 the appointing authority shall appoint a successor whose term begins on July
8 1 next following. An appointed member is eligible for reappointment for one
9 additional term. If there is a vacancy for any cause, the appointing authority
10 shall make an appointment to become immediately effective for the remain-
11 der of the unexpired term.

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

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

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

20 (8) The council may adopt rules necessary for the operation of the coun-
21 cil.

22 (9) The council shall establish an audit and accountability committee that
23 shall monitor performance of council contracts and benchmark Oregon's
24 performance against nationally accepted innovation metrics.

25 (10) The council may establish other committees and delegate to the
26 committees duties as the council considers desirable.

27 (11) The Oregon Business Development Department shall provide staff
28 support to the council.

29 (12) Members of the council who are members of the Legislative Assembly
30 are entitled to compensation and expense reimbursement as provided in ORS
31 171.072.

1 (13) Members of the council who are not members of the Legislative As-
2 sembly are entitled to compensation and expenses incurred by them in the
3 performance of their official duties in the manner and amounts provided for
4 in ORS 292.495. Claims for compensation and expenses of members of the
5 council who are public officers shall be paid out of funds appropriated to the
6 public agency that employs the member. Claims for compensation and ex-
7 penses of members of the council who are not public officers shall be paid
8 out of funds appropriated to the Oregon Business Development Department
9 for that purpose.

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

15 **SECTION 38. (1) The Oregon Progress Board Fund is abolished.**

16 **(2) Any moneys remaining in the Oregon Progress Board Fund on**
17 **the effective date of this 2017 Act shall be transferred to the General**
18 **Fund and shall be available for expenditure for any purpose for which**
19 **General Fund moneys may be expended.**

20 **SECTION 39. ORS 131.910, 284.600, 284.604, 284.608, 284.612, 284.615,**
21 **284.618, 284.622, 284.625, 284.628, 284.631, 284.633 and 284.635 are repealed.**

22

23 **(Outdoor Youth Program Advisory Board)**

24

25 **SECTION 40. ORS 418.243 and 418.244 are repealed.**

26

27 **(Public Officials Compensation Commission)**

28

29 **SECTION 41. ORS 292.907, 292.908, 292.912 and 292.917 are repealed.**

30

31 **(Sensitive Review Committee)**

1 **SECTION 42.** ORS 409.194 is amended to read:

2 409.194. (1) The Department of Human Services shall adopt rules estab-
3 lishing a review process to carry out the policy expressed in ORS 409.192.

4 (2) If the actions and conduct of the department are being addressed in
5 a judicial or administrative proceeding, the review required by subsection (1)
6 of this section may not be commenced or shall be stayed pending resolution
7 of the judicial or administrative proceeding.

8 *[(3) The Director of Human Services may convene a sensitive review com-
9 mittee for the purpose of reviewing the actions and conduct of the
10 department.]*

11 *[(4)(a) The director may convene a sensitive review committee upon request
12 of the President of the Senate or the Speaker of the House of
13 Representatives.]*

14 *[(b) The President shall appoint at least one state Senator and the Speaker
15 shall appoint at least one state Representative to serve on a sensitive review
16 committee convened pursuant to paragraph (a) of this subsection. The Presi-
17 dent and the Speaker shall use reasonable efforts to ensure that the Senate,
18 the House of Representatives and the majority and minority parties have bal-
19 anced representation on the committee.]*

20 *[(c) If the director convenes a sensitive review committee pursuant to this
21 subsection, upon completion of its review, the committee shall develop findings
22 and conclusions and make recommendations to the director regarding policies
23 and practices. No more than 180 days after receiving the request from the
24 President or the Speaker, the director shall submit to the President and the
25 Speaker a written report containing the findings, conclusions and recommen-
26 dations of the committee. Unless exempt from disclosure under ORS chapter
27 192, the report shall be disclosed upon request to any member of the Legislative
28 Assembly.]*

29 **SECTION 43.** ORS 409.225 is amended to read:

30 409.225. (1) In the interest of family privacy and for the protection of
31 children, families and other recipients of services, the Department of Human

1 Services shall not disclose or use the contents of any child welfare records,
2 files, papers or communications that contain any information about an indi-
3 vidual child, family or other recipient of services for purposes other than
4 those directly connected with the administration of child welfare laws or
5 unless required or authorized by ORS 419A.255 or 419B.035. The records,
6 files, papers and communications are confidential and are not available for
7 public inspection. General information, policy statements, statistical reports
8 or similar compilations of data are not confidential unless such information
9 is identified with an individual child, family or other recipient of services
10 or protected by other provision of law.

11 (2) Notwithstanding subsection (1) of this section, unless exempt from
12 disclosure under ORS chapter 192, the department shall disclose child wel-
13 fare records:

14 (a) About a recipient of services, to the recipient if the recipient is 18
15 years of age or older or is legally emancipated, unless prohibited by court
16 order;

17 (b) Regarding a specific individual if the individual gives written au-
18 thorization to release confidential information;

19 (c) Concerning a child receiving services on a voluntary basis, to the
20 child's parent or legal guardian;

21 (d) To the juvenile court in proceedings regarding the child; and

22 (e) Concerning a child who is or has been in the custody of the depart-
23 ment, to the child's parent or legal guardian except:

24 (A) When the child objects; or

25 (B) If disclosure would be contrary to the best interests of any child or
26 could be harmful to the person caring for the child.

27 (3) Notwithstanding subsection (1) of this section, unless exempt from
28 disclosure under ORS chapter 192, the department shall disclose child wel-
29 fare records, if in the best interests of the child, to[:]

30 [(a)] treatment providers, foster parents, adoptive parents, school officials
31 or other persons providing services to the child or family to the extent that

1 such disclosure is necessary to provide services to the child or family.[; or]

2 *[(b) A person designated as a member of a sensitive review committee con-*
3 *vened by the Director of Human Services when the purpose of the committee*
4 *is to determine whether the department acted appropriately and to make rec-*
5 *ommendations to the department regarding policy and practice.]*

6 (4) Any record disclosed under subsection (1), (2) or (3) of this section
7 shall be kept confidential by the person or entity to whom the record is
8 disclosed and shall be used only for the purpose for which disclosure was
9 made.

10 (5) Unless exempt from disclosure under ORS chapter 192, when an adult
11 who is the subject of information made confidential by subsection (1) of this
12 section publicly reveals or causes to be revealed any significant part of the
13 confidential matter or information, the protections afforded by subsection (1)
14 of this section are presumed voluntarily waived and confidential information
15 about the person making or causing the public disclosure, not already dis-
16 closed but related to the information made public, may be disclosed if dis-
17 closure is in the best interests of the child or necessary to the administration
18 of the child welfare laws.

19 (6) Notwithstanding subsection (1) of this section, unless exempt from
20 disclosure under ORS chapter 192, the department shall disclose information
21 related to the department's activities and responsibilities in a case where
22 child abuse or neglect has resulted in a child fatality or near fatality or
23 where an adult has been charged with a crime related to child abuse or
24 neglect.

25 (7) Notwithstanding subsections (2), (3), (5) and (6) of this section, ORS
26 192.501 (3) shall apply to investigatory information compiled for criminal law
27 purposes that may be in the possession of the department.

28 (8) As used in this section, "adult" means a person who is 18 years of age
29 or older.

30

31

(Special Legislative Committee on

Public Education Appropriation)

SECTION 44. ORS 171.857 is repealed.

(Task Force on Military Families)

SECTION 45. ORS 396.600 is repealed.

(Western States Legislative Forestry Task Force)

SECTION 46. ORS 171.860 is repealed.

(Willamette River Cleanup Authority)

SECTION 47. ORS 468.533 is repealed.

CAPTIONS

SECTION 48. The unit captions used in this 2017 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2017 Act.