

# Enrolled House Bill 2325

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Travel Information Council)

CHAPTER .....

AN ACT

Relating to the Travel Information Council; creating new provisions; and amending ORS 377.820, 377.835, 377.838, 377.840 and 377.844.

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

**SECTION 1.** ORS 377.835 is amended to read:

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

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

(3) *[Each appointed member shall serve for a term of four years, but an appointed member may be removed]* **The term of office of each appointed member is four years, but each appointed member serves** at the pleasure of the Governor. Before the expiration of the term of an appointed member, the Governor shall appoint a successor whose term begins on July 1 next following. An appointed member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term.

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

(5) The council may, in accordance with ORS chapter 183 and consistent with ORS 377.700 to 377.844, adopt, amend and repeal rules relating to tourist oriented directional signs, logo signs and motorist informational signs and all other matters necessary and appropriate to carry out its responsibilities under ORS 377.700 to 377.844. The sign rules for protected areas in effect on July 2, 1971, shall be continued in effect unless modified by the commission. All rules adopted under this subsection shall be consistent with federal laws and regulations relating to highways. The Director of Transportation shall take appropriate action for the administration and enforcement of orders issued and rules adopted under ORS 377.700 to 377.844, except rules adopted by the council under ORS 377.842.

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

(7) The council shall *[be under the administrative control of a director who is appointed by and who holds office at the pleasure of the council.]* **hire, define the duties of and fix the salary of an executive director. Subject to the supervision of the council, the executive director has the authority to direct the affairs of the agency.** The **executive** director *[of the council]* may appoint all subordinate officers and employees of the *[council]* **agency** and may prescribe their duties, **provide supervision and evaluation** and fix their compensation. The **executive** director *[of the council]* may delegate to any subordinate officer or employee any administrative duty, function or power imposed upon the council by or pursuant to law. **The executive director is not a member of the council.**

**SECTION 2.** (1) **On June 30, 2018, the term of office of members of the Travel Information Council then holding office shall cease. However, a member whose term of office has been terminated by this subsection is eligible for appointment to the Travel Information Council.**

(2) **Notwithstanding the term of office specified by ORS 377.835, of the members appointed to the council on July 1, 2018:**

(a) **Two shall serve for a term ending June 30, 2019.**

(b) **Two shall serve for a term ending June 30, 2020.**

(c) **Two shall serve for a term ending June 30, 2021.**

(d) **Two shall serve for a term ending June 30, 2022.**

**SECTION 3.** **Section 2 of this 2017 Act is repealed on January 2, 2024.**

**SECTION 4.** ORS 377.820 is amended to read:

377.820. (1) An application for a tourist oriented directional sign, logo sign or a motorist informational sign permit shall be submitted to the Travel Information Council on a form prescribed by the council. The application shall set forth the name and address of the applicant; the name, nature and location of the business or activity; the location where a tourist oriented directional sign, logo sign or a motorist informational sign is desired; and such other information as the council may require. The applicant shall tender with the application the permit fee required under ORS 377.825 for each sign requested.

(2) Upon receipt of an application for a tourist oriented directional sign, logo sign or a motorist informational sign, the council shall refer the application to the Department of Transportation. Upon receipt of the application the department shall do all the following:

(a) Notify any city in which a sign is proposed to be located of the proposed location and composition of the sign and seek comments from the city.

(b) Investigate the facts and make a report to the council with its recommendations thereon.

(c) Not recommend approval of an application unless the requested location conforms to the requirements prescribed by the council under ORS 377.805 and, if applicable, unless the applicant is complying with all statutes and rules of the State Health Officer regarding restaurants and places of public accommodation.

(d) Notify the council promptly in writing of the results of its investigation and its recommendations and the reasons for any recommended disapproval.

(3) If the council approves the application it shall issue the permit and forward the original to the applicant and a copy thereof to the Director **of Transportation**. If it is not approved, the council shall return the application and fee, stating the reasons for disapproval and giving the applicant opportunity to correct any defects or to be heard within 30 days by the council and to present evidence, with or without counsel at the applicant's discretion. Upon written request, the council shall hear the matter and notify the applicant of its findings and decision. The applicant may then appeal in the manner provided by ORS chapter 183.

**SECTION 5.** ORS 377.838 is amended to read:

377.838. (1) Except as provided in subsection (2) of this section, in carrying out the duties, functions and powers of the Travel Information Council, the **executive** director of the Travel Information Council may contract with any state agency for the performance of such duties, functions and powers as the council considers appropriate.

(2) The **executive** director [of the *Travel Information Council*] may not, without the prior approval of the council:

(a) Award any contract for goods or professional services in excess of \$25,000; or

(b) Authorize any expenditure of moneys in excess of \$25,000.

(3) The council shall file with the Governor, the Legislative Assembly and the Legislative Fiscal Officer an annual report of the activities and operations of the council.

**SECTION 6.** ORS 377.840 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

**SECTION 7.** ORS 377.844 is amended to read:

377.844. (1) In addition to any other persons permitted to enforce violations, the **executive** director of the Travel Information Council and any person specifically designated by the **executive** director may issue and serve citations to any person for violation of a rule adopted under ORS 366.493.

(2) The authority granted under this section is limited to violations that occur at roadside rest areas the council is responsible for managing under ORS 377.841.

(3) A citation issued under this section shall substantially conform to the requirements for a citation under ORS chapter 153.

**Passed by House March 7, 2017**

**Received by Governor:**

**Repassed by House May 10, 2017**

.....M.,....., 2017

**Approved:**

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2017

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Tina Kotek, Speaker of House

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Kate Brown, Governor

**Passed by Senate May 8, 2017**

**Filed in Office of Secretary of State:**

.....M.,....., 2017

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Peter Courtney, President of Senate

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Dennis Richardson, Secretary of State