

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)

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**.

Modifies initial terms of office for members of Travel Information Council so that no more than three terms expire on same date.

Directs council to hire executive director. Subjects authority of executive director to supervision of council. Clarifies that executive director is not member of council.

A BILL FOR AN ACT

1
2 Relating to the Travel Information Council; creating new provisions; and amending ORS 377.820,
3 377.835, 377.838, 377.840 and 377.844.

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

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

6 377.835. (1) The Travel Information Council is created as a semi-independent state agency.

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

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

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

25 (5) The council may, in accordance with ORS chapter 183 and consistent with ORS 377.700 to
26 377.844, adopt, amend and repeal rules relating to tourist oriented directional signs, logo signs and
27 motorist informational signs and all other matters necessary and appropriate to carry out its re-
28 sponsibilities under ORS 377.700 to 377.844. The sign rules for protected areas in effect on July 2,
29 1971, shall be continued in effect unless modified by the commission. All rules adopted under this
30 subsection shall be consistent with federal laws and regulations relating to highways. The Director

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 of Transportation shall take appropriate action for the administration and enforcement of orders
 2 issued and rules adopted under ORS 377.700 to 377.844, except rules adopted by the council under
 3 ORS 377.842.

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

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

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

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

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

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

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

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

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

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

28 377.820. (1) An application for a tourist oriented directional sign, logo sign or a motorist infor-
 29 mational sign permit shall be submitted to the Travel Information Council on a form prescribed by
 30 the council. The application shall set forth the name and address of the applicant; the name, nature
 31 and location of the business or activity; the location where a tourist oriented directional sign, logo
 32 sign or a motorist informational sign is desired; and such other information as the council may re-
 33 quire. The applicant shall tender with the application the permit fee required under ORS 377.825 for
 34 each sign requested.

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

38 (a) Notify any city in which a sign is proposed to be located of the proposed location and com-
 39 position of the sign and seek comments from the city.

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

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

45 (d) Notify the council promptly in writing of the results of its investigation and its recommen-

1 datations and the reasons for any recommended disapproval.

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

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

10 377.838. (1) Except as provided in subsection (2) of this section, in carrying out the duties,
 11 functions and powers of the Travel Information Council, the **executive** director of the Travel In-
 12 formation Council may contract with any state agency for the performance of such duties, functions
 13 and powers as the council considers appropriate.

14 (2) The **executive** director [*of the Travel Information Council*] may not, without the prior ap-
 15 proval of the council:

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

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

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

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

21 377.840. (1) All moneys collected, borrowed or received by the Travel Information Council shall
 22 be deposited into a Travel Information Council account established in a depository insured by the
 23 Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. In a
 24 manner consistent with the requirements of ORS 295.001 to 295.108, the council shall insure that
 25 sufficient collateral secures any amount of funds on deposit that exceeds the limits of the coverage
 26 of the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.
 27 The council may invest moneys collected, borrowed or received by the council. Investments made
 28 by the council are limited to the types of investments listed in ORS 294.035. Interest earned from
 29 any amounts invested shall be made available to the council in a manner consistent with the
 30 council's approved biennial budget.

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

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

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

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

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

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

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

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

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

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

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

17 377.844. (1) In addition to any other persons permitted to enforce violations, the **executive** di-
18 rector of the Travel Information Council and any person specifically designated by the **executive**
19 director may issue and serve citations to any person for violation of a rule adopted under ORS
20 366.493.

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

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