

# Senate Bill 1022

Sponsored by COMMITTEE ON GENERAL GOVERNMENT AND ACCOUNTABILITY

## 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**.

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

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

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

## FINDINGS

**SECTION 1. The Legislative Assembly finds and declares that periodic review of state boards, commissions and other entities created by statute is necessary to identify those that no longer meet or serve the public purposes for which they were created. The Legislative Assembly further declares that the statutes amended or repealed by sections 2 to 37 and 39 to 47 of this 2017 Act reflect a legislative determination that the affected boards, commissions and other entities are no longer needed and therefore are eliminated.**

## OBSOLETE BOARDS, COMMISSIONS AND OTHER ENTITIES

### (Administrative Hearings Advisory Group)

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

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

(2) The Attorney General, after consulting with the chief administrative law judge, may exempt an agency or a category of cases from the requirements of subsection (1) of this section. The exemption may be from all or part of the model rules adopted by the Attorney General. Any exemption

**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 granted under this subsection must be made in writing.

2 [(3) *The Attorney General shall consult with an advisory group when adopting model rules of*  
 3 *procedure for the purpose of contested case hearings conducted by administrative law judges assigned*  
 4 *from the Office of Administrative Hearings. The advisory group shall consist of:]*

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

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

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

8 [(d) *A deputy or assistant attorney general appointed by the Attorney General; and]*

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

11 [(4)] (3) Except as may be expressly granted by the agency to an administrative law judge as-  
 12 signed from the office, or as may be expressly provided for by law, an administrative law judge  
 13 conducting a hearing for an agency under ORS 183.605 to 183.690 may not authorize a party to take  
 14 a deposition that is to be paid for by the agency.

15  
 16 **(Office of Administrative Hearings Oversight Committee)**

17  
 18 **SECTION 3.** ORS 183.610 is amended to read:

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

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

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

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

35  
 36 **(Stationary Source Compliance Advisory Panel)**

37  
 38 **SECTION 5.** ORS 468A.330 is amended to read:

39 468A.330. (1) Because of the extraordinary effect that the federal operating permit program may  
 40 have on small business, there is hereby established within the Department of Environmental Quality  
 41 a Small Business Stationary Source Technical and Environmental Compliance Assistance Program  
 42 in accordance with section 507 of the Clean Air Act. This program shall include each element  
 43 specified in section 507(a) of the Clean Air Act.

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

45 [(a) *Advise the department on the effectiveness of the Small Business Stationary Source Technical*

1 *and Environmental Compliance Assistance Program;]*

2 *[(b) Report to the Administrator of the United States Environmental Protection Agency as required*  
 3 *by federal law;]*

4 *[(c) Review the information to be issued by the program for small businesses to assure the infor-*  
 5 *mation is understandable by a layperson; and]*

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

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

8 *[(a) Two members appointed by the Governor, who are not owners, or representatives of owners,*  
 9 *of small business stationary sources, to represent the general public;]*

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

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

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

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

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

16 *[(c) One member appointed by the Director of the Department of Environmental Quality.]*

17 **[(4)(a)] (2)(a)** On-site technical assistance for the development and implementation of the Small  
 18 Business Stationary Source Technical and Environmental Compliance Assistance Program shall not  
 19 result in inspections or enforcement actions, except that the department may initiate compliance and  
 20 enforcement actions immediately if, during onsite technical assistance, there is reasonable cause to  
 21 believe a clear and immediate danger to the public health and safety or to the environment exists.

22 (b) As used in this subsection:

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

24 (B) "Immediate danger" means a situation in which there is substantial likelihood that serious  
 25 harm may be experienced within the time frame necessary for the department to pursue an  
 26 enforcement action.

27  
 28 **(Baseball Advisory Committee)**

29  
 30 **SECTION 6.** ORS 184.406 is amended to read:

31 184.406. The Director of the Oregon Department of Administrative Services may not execute a  
 32 grant agreement authorized by ORS 184.404 until the director has determined that:

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

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

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

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

42 (5) The Oregon Department of Administrative Services has *[provided]* **prepared and submitted**  
 43 **to the Legislative Assembly** a written report regarding the estimated and actual incremental  
 44 baseball tax revenues *[to, and has solicited comments from, the advisory committee described in sub-*  
 45 *section (6) of this section]* relating to the following provisions of the proposed grant agreement:

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

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

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

7 [(6) *An advisory committee, consisting of two legislators appointed by the President of the Senate,*  
 8 *two legislators appointed by the Speaker of the House of Representatives and one person appointed by*  
 9 *the Governor, has reviewed the provisions of the proposed grant agreement listed in subsection (5) of*  
 10 *this section.*]

11  
 12 **(Board of Directors of the Oregon School for the Deaf)**

13  
 14 **SECTION 7.** ORS 346.010 is amended to read:

15 346.010. (1) Pursuant to rules of the State Board of Education, the Superintendent of Public In-  
 16 struction shall provide free training and education services in a school located in Marion County  
 17 for children who are deaf.

18 (2) The Superintendent of Public Instruction shall indicate which facilities shall serve as the  
 19 Oregon School for the Deaf.

20 (3) The superintendent may order a change in all or part in the purpose and use of the facilities  
 21 available under this section whenever the superintendent determines that a change in purpose and  
 22 use will better enable the state to meet its responsibilities for the education and training of children  
 23 who are deaf.

24 (4) The school shall be operated primarily for the provision of education and training services  
 25 for children who are deaf who cannot be efficiently served in other schools or programs.

26 [(5) *The Board of Directors of the Oregon School for the Deaf may appeal any decision of the*  
 27 *Superintendent of Public Instruction made under this section to the State Board of Education. An ap-*  
 28 *peal under this subsection must be filed with the State Board of Education within 60 days of the date*  
 29 *of the decision by the superintendent. The State Board of Education may uphold, modify or overturn*  
 30 *any decision of the superintendent under this section.*]

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

32 346.020. (1) The Superintendent of Public Instruction shall prescribe the course of instruction for  
 33 students enrolled in the school operated under ORS 346.010. The State Board of Education shall  
 34 determine the procedures for placement, development of services and operation of the school in  
 35 conformance with state and federal laws relating to children who are eligible for special education  
 36 and shall adopt the procedures by rule.

37 (2) [*In consultation with the Board of Directors of the Oregon School for the Deaf,*] The Super-  
 38 intendent of Public Instruction shall select a director for the school. The superintendent may also  
 39 select teachers and other personnel necessary to manage the school in an effective and efficient  
 40 manner or may delegate the selection of teachers and other personnel to the director of the school.

41 (3) The Superintendent of Public Instruction shall have control over persons enrolled in the  
 42 school and shall direct their care and promote their mental, moral and physical welfare.

43 [(4) *The Board of Directors of the Oregon School for the Deaf may appeal a decision of the Su-*  
 44 *perintendent of Public Instruction to the State Board of Education if the decision was made under*  
 45 *subsection (2) of this section and relates to the selection or dismissal of the director of the school. An*

1 *appeal under this subsection must be filed with the State Board of Education within 60 days of the date*  
 2 *of the decision by the superintendent. The State Board of Education may uphold, modify or overturn*  
 3 *any decision of the superintendent under this section.]*

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

5  
 6 **(Committee on Performance Excellence)**

7  
 8 **SECTION 10.** ORS 297.050 is amended to read:

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

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

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

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

28 (3) The Secretary of State, as State Auditor, shall contract with qualified private sector auditors  
 29 to conduct audits required by this section, unless the Secretary of State determines that it is not  
 30 practical or in the public interest to do so. If the Secretary of State determines that it is not prac-  
 31 tical or in the public interest to contract with qualified private sector auditors, after notifying the  
 32 Joint Legislative Audit Committee, the Secretary of State shall employ auditors for that purpose and  
 33 shall include in the written audit report the circumstances that rendered it impractical or not in the  
 34 public interest to contract with qualified private sector auditors. All contracts for conducting per-  
 35 formance and program audits under this section shall be in a form prescribed or approved by the  
 36 Secretary of State. A copy of each completed contract shall be furnished to the Secretary of State  
 37 and the Joint Legislative Audit Committee. The Secretary of State shall employ or contract with  
 38 auditors upon terms and for compensation as the Secretary of State determines are advantageous  
 39 and advisable.

40 (4) An audit conducted under contract as provided in subsection (3) of this section shall be  
 41 considered to be conducted by the Division of Audits for purposes of ORS 297.020, 297.050 and  
 42 297.535.

43 (5) If a person fails to comply with any subpoena issued under subsection (2) of this section, a  
 44 judge of the circuit court of any county, on application of the Secretary of State, shall compel obe-  
 45 dience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena

1 issued from the circuit court.

2 (6) The Secretary of State may enter into an agreement with the department, board, commission,  
3 institution, state-aided institution or agency that is the subject of a performance or program audit  
4 for payment of the expenses incurred by the Secretary of State in conducting the audit. The Emer-  
5 gency Board may also make funds available to the Division of Audits to reimburse it for expenses  
6 incurred under this section.

7 (7) As used in this section:

8 (a) "Performance audit" includes determining:

9 (A) Whether an entity described in subsection (1) of this section that is the subject of the audit  
10 is acquiring, protecting and using its resources economically and efficiently;

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

12 (C) Whether the entity has complied with laws and regulations concerning matters of economy  
13 and efficiency.

14 (b) "Program audit" includes determining:

15 (A) The extent to which the desired results or benefits of a program established by the Legis-  
16 lative Assembly or other authorizing body are being achieved;

17 (B) The extent to which the need for or objectives of an ongoing program are necessary or rel-  
18 evant;

19 (C) Whether the program complements, duplicates, overlaps or conflicts with other related pro-  
20 grams;

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

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

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

25  
26 **(Family Services Review Commission)**

27  
28 **SECTION 13.** ORS 409.162 is amended to read:

29 409.162. (1) The Department of Human Services shall collaborate with its existing advisory  
30 groups to identify and implement workload efficiencies in the state agencies that administer pro-  
31 grams providing:

32 (a) Child welfare services under ORS 418.005;

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

34 (c) Nutritional assistance under ORS 411.816;

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

36 (e) Services to elderly persons and to persons with disabilities under ORS 410.070 and 412.014;  
37 and

38 (f) Vocational rehabilitation services under ORS 344.530.

39 (2) The department shall collaborate with the following advisory groups and other groups des-  
40 ignated by the department in identifying and implementing workload efficiencies:

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

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

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

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

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

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

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

3 412.009. (1) The Legislative Assembly finds that:

4 (a) There is evidence that families who experience the most disqualifications from the job op-  
5 portunity and basic skills program are often those with the most barriers to employment; and

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

9 (2) The Department of Human Services by rule shall adopt proven methods of encouraging  
10 participants' full engagement in the job opportunity and basic skills program, including the devel-  
11 opment of an individualized case plan in accordance with ORS 412.006 and an ongoing process to  
12 ensure that the case plan is appropriate.

13 (3)(a) The department shall facilitate the participation of needy caretaker relatives and may not  
14 reduce the family's aid payment as a method of encouraging full engagement in the job opportunity  
15 and basic skills program pursuant to subsection (2) of this section until the department determines  
16 that the needy caretaker relative that is not fully engaged:

17 (A) Has no identified barriers or refuses to take appropriate steps to address identified barriers  
18 to participation in the program; and

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

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

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

23 (B) In which the caretaker relative participates in suitable activities for the number of hours  
24 required each month to satisfy federally required participation rates; or

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

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

31 (4) Following notice and an opportunity for a hearing under ORS chapter 183 and subject to  
32 subsection (2) of this section, the department may reduce the aid payment to the family of an indi-  
33 vidual who refuses to participate in suitable activities required by the individual's case plan or may  
34 terminate the aid payment to the family of a noncompliant individual in accordance with procedures  
35 adopted by the department by rule.

36 (5) A caretaker relative may request a hearing to contest the basis for a reduction in or termi-  
37 nation of an aid payment under this section within 90 days of a reduction in or termination of aid.

38 [(6) *Every six months, the department shall report to the Family Services Review Commission es-*  
39 *tablished under ORS 411.075 the status of and outcomes for families for whom aid has been reduced*  
40 *or terminated under subsection (4) of this section. The department shall work with the commission to*  
41 *establish the details to be provided in the report.*]

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

43 411.072. (1) As used in this section "policy change" includes any change in the operation of  
44 public assistance programs that affects recipients adversely in any substantial manner, including but  
45 not limited to the denial, reduction, modification or delay of benefits. "Policy change" does not in-

1 clude any procedural change that affects internal management but does not adversely and substan-  
2 tially affect the interest of public assistance recipients.

3 (2) The Department of Human Services may submit applications for waiver of federal statutory  
4 or regulatory requirements to the federal government or any agency thereof. Prior to the submission  
5 of any application for waiver that involves a policy change, and prior to implementation, the de-  
6 partment shall do the following:

7 (a) Conduct a public process regarding the waiver application or application for waiver re-  
8 newals;

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

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

14 (d) Give notice of the date of its appearance before the Emergency Board, the Joint Interim  
15 Committee on Ways and Means or the Joint Committee on Ways and Means in accordance with ORS  
16 183.335[, and before the Family Services Review Commission].

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

18 411.093. (1) All applicants for and recipients of public assistance shall be treated in a courteous,  
19 fair and dignified manner by Department of Human Services personnel.

20 (2) Any applicant or recipient who alleges discourteous, unfair or undignified treatment by de-  
21 partment personnel or alleges that incorrect or inadequate information regarding public assistance  
22 programs has been provided by department personnel may file a grievance with the department. The  
23 department shall publicize the grievance system in each local office.

24 (3) The grievance shall be discussed first with the supervisor of the employee against whom the  
25 grievance is filed. If the grievance is not resolved, the applicant or recipient may discuss the  
26 grievance with the local office manager.

27 (4) The department shall compile a monthly report summarizing each grievance filed against  
28 department personnel and the action taken. The report shall identify each grievance by local office  
29 and indicate the number of grievances filed against individual employees. The report shall protect  
30 the anonymity of department personnel. The report shall be presented to [*the Family Services Review*  
31 *Commission and to*] all county public welfare boards.

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

33  
34 **(Governor's Council on Oregon's Economy)**

35  
36 **SECTION 18.** ORS 284.540 is repealed.

37  
38 **(Military Council)**

39  
40 **SECTION 19.** ORS 396.145 is amended to read:

41 396.145. (1) The military staff of the Governor shall consist of the Chief of Staff to the  
42 Governor[, *the Military Council*] and such personal aides-de-camp as the Governor shall deem nec-  
43 essary.

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

45 [(3) *The Military Council hereby is established as an advisory board to the Governor for the pur-*



1 *pose of advising the Governor in all matters of military interest to the state. It shall consist of the*  
 2 *Adjutant General and not fewer than 6 nor more than 10 officers of the Oregon National Guard se-*  
 3 *lected for their knowledge of the service. The Oregon Army National Guard and the Oregon Air Na-*  
 4 *tional Guard shall be represented on the Military Council in proportion to their total strength.]*

5 [(4)] (3) Personal aides-de-camp to the Governor may be selected from the commissioned officers  
 6 of the Oregon National Guard or from reserve officers of the Armed Forces of the United States  
 7 who are residents of Oregon and who are not serving on extended active duty. Officers detailed  
 8 under this section shall not be relieved from their ordinary duties except when actually on duty with  
 9 the Governor.

10 [(5)] (4) The military staff of the Governor shall, in addition to its other duties, perform such  
 11 ceremonial functions and duties as the Governor may prescribe.

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

13 398.012. (1) The Governor, on the recommendation of the Adjutant General, shall appoint an of-  
 14 ficer of the organized militia as State Judge Advocate. To be eligible for appointment as State Judge  
 15 Advocate, an officer must:

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

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

18 (c) Meet the qualifications for a judge advocate under the Uniform Code of Military Justice, 10  
 19 U.S.C. 801 et seq.

20 (2) The Adjutant General may appoint an officer of the organized militia as an Assistant State  
 21 Judge Advocate. The Adjutant General may appoint as many Assistant State Judge Advocates as the  
 22 Adjutant General deems necessary. To be eligible for appointment as an Assistant State Judge Ad-  
 23 vocate, 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 of Military Justice, 10  
 26 U.S.C. 801 et seq.

27 (3)(a) The Adjutant General may appoint temporary Assistant State Judge Advocates who are  
 28 officers of the organized militia. An individual appointed as a temporary Assistant State Judge  
 29 Advocate has 12 months from the date of appointment to become a member in good standing of the  
 30 Oregon State Bar and meet the qualifications for a judge advocate under the Uniform Code of Mil-  
 31 itary Justice, 10 U.S.C. 801 et seq.

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

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

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

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

45 (5) The State Judge Advocate, the Senior Force Judge Advocate, as defined in the Oregon Code

1 of Military Justice, or their assistants shall make frequent inspections in the field for supervision  
 2 of the administration of military justice and general military legal matters.

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

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

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

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

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

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

18  
 19 **(Natural Resources Policy Administrator)**

20  
 21 **SECTION 21. ORS 173.610, 173.620, 173.630 and 173.640 are repealed.**

22  
 23 **(Oregon Charitable Checkoff Commission)**

24  
 25 **SECTION 22.** ORS 305.690, as amended by section 14, chapter 33, Oregon Laws 2016, is  
 26 amended to read:

27 305.690. As used in ORS 305.690 to 305.753, unless the context otherwise requires:

28 (1) “Biennial years” means the two income tax years of individual taxpayers that begin in the  
 29 two calendar years immediately following the calendar year in which a list is certified under ORS  
 30 305.715.

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

32 [(3)] (2) “Department” means the Department of Revenue.

33 [(4)] (3) “Eligibility roster” means a list, prepared under ORS 305.715 and maintained by the  
 34 [commission] **department** in chronological order based on the date of form listing or date of eligi-  
 35 bility determination, whichever is later, of charitable and governmental entities seeking inclusion  
 36 on the Oregon individual income tax return forms.

37 [(5)] (4) “Form listed” or “form listing” means being listed on the Oregon individual income tax  
 38 return form.

39 [(6)] (5) “Instruction listing” means being listed on the Department of Revenue instructions for  
 40 tax return checkoff contribution.

41 [(7)] (6) “Internal Revenue Code” means the federal Internal Revenue Code as amended and in  
 42 effect on December 31, 2015.

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

44 305.710. (1) The Department of Revenue shall *[notify the Oregon Charitable Checkoff Commission*  
 45 *of]* **determine** the number of lines available for the material described in ORS 305.745 (2) without

1 adding a page to the various individual tax forms for full-year residents, nonresidents and part-year  
 2 residents. The department shall provide lines on the form to permit legible form listing of at least  
 3 12 entities, if possible, but may provide fewer lines if there is insufficient space on the form. The  
 4 [commission] **department** shall limit the number of entities to be listed on the form [to conform to  
 5 the department's notice unless it] **unless the department** determines that the number of eligible  
 6 entities justifies adding a page to the form.

7 (2) Any new entity added to the list must, in the judgment of the [commission] **department**, have  
 8 a high probability of meeting the requirement in ORS 305.720 (5).

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

10 305.715. (1)(a) The [Oregon Charitable Checkoff Commission] **Department of Revenue** shall de-  
 11 termine if a charitable or governmental entity is qualified under ORS 305.720, for the biennial years,  
 12 for listing on the Oregon individual income tax return to receive contributions by means of checkoff,  
 13 as described under and subject to ORS 305.710 and 305.745.

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

18 (c) If the [commission] **department** determines that the entity is not qualified to be included on  
 19 the eligibility roster, the [commission] **department** shall give notice in the manner provided in ORS  
 20 183.415, and ORS 305.740 (3) shall apply.

21 (2) The [commission shall certify in each even-numbered calendar year to the Department of Re-  
 22 venue] **department shall determine in each even-numbered calendar year** a list of at least 12  
 23 charitable and governmental entities to be listed, if possible, on the Oregon individual income tax  
 24 return to receive contributions by means of checkoff for the biennial years indicated in the certi-  
 25 fication, as described in and subject to ORS 305.710 and 305.745.

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

27 305.720. Subject to ORS 305.710, 305.723 and 305.745, an entity qualifies for listing on the eligi-  
 28 bility roster for form listing to receive contributions by means of checkoff if:

29 (1) The entity supports private charitable causes or engages in public activities that are con-  
 30 sistent with policies and programs of the state and:

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

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

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

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

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

41 (a) Section 170 of the Internal Revenue Code (relating to contributions and gifts to charitable  
 42 and governmental entities).

43 (b) Section 501(k) of the Internal Revenue Code (relating to contributions to certain organiza-  
 44 tions providing child care).

45 (c) Section 7871 of the Internal Revenue Code (relating to contributions to Indian tribal gov-

ernments).

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

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

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

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

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

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

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

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

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

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

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

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

(a) The name of the entity.

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

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

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

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

11 (f) If applicable, evidence that ORS 128.610 to 128.769 has been complied 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 whom contributions re-  
14 ceived by means of checkoff are to be remitted under ORS 305.747, the governing body of the entity  
15 shall give notice to the department [of Revenue]. The notice shall contain the name of the entity and  
16 the name of the new person, officer or employee to whom contributions shall be remitted.

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

18 305.730. (1) Each entity desiring to be listed on the Oregon individual income tax return in order  
19 to receive contributions by means of checkoff for the biennial years shall file a financial report with  
20 the [Oregon Charitable Checkoff Commission] **Department of Revenue** no later than July 1 of each  
21 even-numbered year.

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

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

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

25 (3) If required by the [commission] **department** by rule, the entity shall also file with the [com-  
26 mission] **department** its budget, financial statements or other documents or information needed by  
27 the [commission] **department** to determine the use of funds received through checkoff.

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

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

32 305.735. (1) Upon determination, pursuant to initial application, that an entity qualifies for list-  
33 ing on the Oregon individual income tax return to receive contributions by means of checkoff, the  
34 [Oregon Charitable Checkoff Commission] **Department of Revenue**, subject to ORS 305.710, shall  
35 cause the name of the entity to be included on the list.

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

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

40 305.740. (1) Prior to the end of each even-numbered calendar year, and subject to subsection (2)  
41 of this section, the [Oregon Charitable Checkoff Commission] **Department of Revenue** shall examine  
42 the list of entities included on the Oregon personal income tax return for the tax year beginning in  
43 the calendar year immediately preceding and shall determine if each entity listed is qualified under  
44 ORS 305.710 and 305.720 to be listed on the return to receive contributions by means of checkoff for  
45 the ensuing biennial years.

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

5 (A) For purposes of meeting the \$25,000 minimum contribution, the amount received in contri-  
 6 butions from checkoffs in the amount shown in the department's financial statement for the fiscal  
 7 year shall be counted.

8 (B) The amount of receipts shall not be reduced by the amount of administrative expense re-  
 9 ferred to in ORS 305.747.

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

13 (3)(a) If the [*commission*] **department**, for any reason other than that contributions by means  
 14 of checkoff did not reach the amount required under ORS 305.720 (5), determines that an entity in-  
 15 cluded on the list certified under ORS 305.715 (2) for the prior biennial years is not qualified to be  
 16 included, or that an entity making application is not qualified to be included, or is not included be-  
 17 cause of determinations under ORS 305.710, on the list for the ensuing biennial years, the [*commis-*  
 18 *sion*] **department** shall so order.

19 (b) The [*commission*] **department** shall serve upon the entity, either by personal service or by  
 20 certified mail, return receipt requested, the order issued under paragraph (a) of this subsection. The  
 21 order shall comply with the applicable notice requirements of ORS 183.415.

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

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

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

30 (f) A final order issued by the [*commission, the designee of the commission*] **department**, the  
 31 Court of Appeals or the Oregon Supreme Court determining that an entity be included on the list  
 32 certified under ORS 305.715 (2) may require only that the entity be included on the list next certified  
 33 after the effective date of the final order.

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

35 305.745. (1) [*Upon receipt of the list certified by the Oregon Charitable Checkoff Commission under*  
 36 *ORS 305.715 (2),*] The Department of Revenue shall cause the name of each entity [*so*] listed **pur-**  
 37 **suant to ORS 305.715 (2)** to be included on the Oregon individual income tax return forms prepared  
 38 for the biennial years as certified.

39 (2) Individual taxpayers who file an Oregon income tax return and who will receive a tax refund  
 40 from the department may designate that a contribution be made to one or more entities listed.  
 41 Designation shall be made in a space that the department shall cause to be printed on the return  
 42 form.

43 (3) Overpayments of tax that are insufficient, due to ORS 293.250 or otherwise, to satisfy the  
 44 total amount of checkoffs designated on a tax return under subsection (2) of this section and under  
 45 statute other than ORS 305.690 to 305.753 shall be allocated among the entities designated on a pro

1 rata basis.

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

3 305.747. (1) Amounts equal to the amounts checked off under ORS 305.745 shall be remitted by  
4 the Department of Revenue to the State Treasurer who shall deposit the amounts in a suspense ac-  
5 count established under ORS 293.445.

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

12 [(b)] (2) Of the amounts remitted and deposited under subsection (1) of this section, a portion is  
13 continuously appropriated for use in reimbursing the General Fund for costs paid or incurred by the  
14 department in administering the checkoff program established under ORS 305.690 to 305.753. The  
15 department shall adopt by rule a formula or other method of determining the cost of administering  
16 each checkoff program. Each program shall be charged the cost of administration not to exceed 10  
17 percent of the amount received in checkoff contributions.

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

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

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

31 305.751. The Department of Revenue shall adopt such rules as are necessary for the [*operation*  
32 *of the Oregon Charitable Checkoff Commission and the*] administration of ORS 305.690 to 305.753.  
33 [*The commission may recommend that the department adopt rules under this section.*]

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

35 329.183. (1) The Prekindergarten Program Trust Fund is established as a fund in the State  
36 Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be  
37 credited to the trust fund. The primary purpose of the trust fund is to assist eligible children with  
38 comprehensive services including educational, social, health and nutritional development to enhance  
39 their chances for success in school and life. For this purpose, the trust fund is continuously appro-  
40 priated to the Early Learning Division for the Oregon prekindergarten program described in ORS  
41 329.170 to 329.200.

42 (2) The division may solicit and accept money in the form of gifts, contributions and grants to  
43 be deposited in the trust fund. Except as provided in ORS 329.185, the acceptance of federal grants  
44 for purposes of ORS 329.170 to 329.200 does not commit state funds nor place an obligation upon the  
45 Legislative Assembly to continue the purposes for which the federal funds are made available.

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

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

5  
 6 **(Oregon Progress Board)**

7  
 8 **SECTION 36.** ORS 276.285 is amended to read:

9 276.285. (1) It is the policy of the State of Oregon[, *in keeping with the benchmark relating to*  
 10 *public infrastructure and development adopted by the Oregon Progress Board,*] to facilitate and en-  
 11 courage state agencies that own real property and operate facilities to manage and develop these  
 12 properties in an effective and businesslike manner. The maintenance, preservation and development  
 13 of state-owned real property and facilities, including, but not limited to, educational institutions,  
 14 hospitals, parks, roads, libraries and fish hatcheries is essential to enable the State of Oregon to  
 15 meet the needs of its citizens now and in the future. The purpose of chapter 452, Oregon Laws 1995,  
 16 is to maintain and protect the investment of the State of Oregon in its public infrastructure.

17 (2) Any state agency that owns and operates real property or facilities is authorized to establish  
 18 a separate dedicated account in the State Treasury for the purpose of paying the expenses of con-  
 19 structing, operating, maintaining, repairing, replacing, equipping, improving, acquiring and disposing  
 20 of such real property and facilities. All moneys in an account established pursuant to this subsection  
 21 are appropriated continuously to the agency for the purposes described in this subsection. All in-  
 22 terest earned on moneys in the account shall be retained in and credited to the account.

23 (3) Any state agency that owns or operates real property or facilities may establish a rental  
 24 program for the purpose of recovering and paying for the costs, including debt service, of con-  
 25 structing, operating, maintaining, repairing, replacing, equipping, improving and disposing of real  
 26 property and facilities consistent with the statutory authority of the state agency. All revenues from  
 27 such rental programs shall be deposited in the account established pursuant to subsection (2) of this  
 28 section.

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

33 (5) If a state agency that owns and operates real property and facilities has other statutory  
 34 authority to provide funding for real property and facility operation and management, the agency  
 35 may use that authority in lieu of or in addition to the provisions of this section.

36 (6) When a state agency establishes an account pursuant to subsection (2) of this section, the  
 37 agency shall provide a report of the revenues to and expenditures from the account as part of its  
 38 budget submission to the Governor and the Legislative Assembly under ORS chapter 291. The es-  
 39 tablishment by state agencies of rental rates for real property or facilities pursuant to this section  
 40 shall be on a biennial basis as part of the budget development process, but modification of the rates  
 41 may be made during the interim between legislative sessions after a report to the Emergency Board  
 42 of the proposed rate modification.

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

44 284.706. (1) There is created the Oregon Innovation Council consisting of the following voting  
 45 members:



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

3 (b) Seven members appointed by the Governor who are experienced entrepreneurs or investors  
4 or are engaged in the operations of Oregon traded sector industries or Oregon growth businesses.

5 (c) One member appointed by the Governor who is a representative of an Oregon-based, gener-  
6 ally accredited, not-for-profit private institution of higher education.

7 (d) One member appointed by the Governor who is a representative of an Oregon-based, gener-  
8 ally accredited [*public institution of higher education as defined in ORS 284.633*] **community college**  
9 **or public university listed in ORS 352.002.**

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

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

13 (g) The Director or an executive officer of the Oregon Business Development Department.

14 (h) The executive director of the Higher Education Coordinating Commission.

15 (i) The State Treasurer.

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

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

20 (c) Members of the Legislative Assembly appointed to the council are nonvoting members and  
21 may act in an advisory capacity only.

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

24 (4) The term of office of each appointed voting member of the council is two years, but an ap-  
25 pointed member serves at the pleasure of the appointing authority. Before the expiration of the term  
26 of an appointed voting member, the appointing authority shall appoint a successor whose term be-  
27 gins on July 1 next following. An appointed member is eligible for reappointment for one additional  
28 term. If there is a vacancy for any cause, the appointing authority shall make an appointment to  
29 become immediately effective for the remainder of the unexpired term.

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

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

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

37 (8) The council may adopt rules necessary for the operation of the council.

38 (9) The council shall establish an audit and accountability committee that shall monitor per-  
39 formance of council contracts and benchmark Oregon's performance against nationally accepted in-  
40 novation metrics.

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

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

44 (12) Members of the council who are members of the Legislative Assembly are entitled to com-  
45 pensation and expense reimbursement as provided in ORS 171.072.

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

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

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

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

16 **SECTION 39. ORS 131.910, 284.600, 284.604, 284.608, 284.612, 284.615, 284.618, 284.622,**  
 17 **284.625, 284.628, 284.631, 284.633 and 284.635 are repealed.**

18  
 19 **(Outdoor Youth Program Advisory Board)**

20  
 21 **SECTION 40. ORS 418.243 and 418.244 are repealed.**

22  
 23 **(Public Officials Compensation Commission)**

24  
 25 **SECTION 41. ORS 292.907, 292.908, 292.912 and 292.917 are repealed.**

26  
 27 **(Sensitive Review Committee)**

28  
 29 **SECTION 42. ORS 409.194 is amended to read:**

30 409.194. (1) The Department of Human Services shall adopt rules establishing a review process  
 31 to carry out the policy expressed in ORS 409.192.

32 (2) If the actions and conduct of the department are being addressed in a judicial or adminis-  
 33 trative proceeding, the review required by subsection (1) of this section may not be commenced or  
 34 shall be stayed pending resolution of the judicial or administrative proceeding.

35 *[(3) The Director of Human Services may convene a sensitive review committee for the purpose of*  
 36 *reviewing the actions and conduct of the department.]*

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

39 *[(b) The President shall appoint at least one state Senator and the Speaker shall appoint at least*  
 40 *one state Representative to serve on a sensitive review committee convened pursuant to paragraph (a)*  
 41 *of this subsection. The President and the Speaker shall use reasonable efforts to ensure that the Senate,*  
 42 *the House of Representatives and the majority and minority parties have balanced representation on the*  
 43 *committee.]*

44 *[(c) If the director convenes a sensitive review committee pursuant to this subsection, upon com-*  
 45 *pletion of its review, the committee shall develop findings and conclusions and make recommendations*

1 *to the director regarding policies and practices. No more than 180 days after receiving the request from*  
 2 *the President or the Speaker, the director shall submit to the President and the Speaker a written re-*  
 3 *port containing the findings, conclusions and recommendations of the committee. Unless exempt from*  
 4 *disclosure under ORS chapter 192, the report shall be disclosed upon request to any member of the*  
 5 *Legislative Assembly.]*

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

7 409.225. (1) In the interest of family privacy and for the protection of children, families and other  
 8 recipients of services, the Department of Human Services shall not disclose or use the contents of  
 9 any child welfare records, files, papers or communications that contain any information about an  
 10 individual child, family or other recipient of services for purposes other than those directly con-  
 11 nected with the administration of child welfare laws or unless required or authorized by ORS  
 12 419A.255 or 419B.035. The records, files, papers and communications are confidential and are not  
 13 available for public inspection. General information, policy statements, statistical reports or similar  
 14 compilations of data are not confidential unless such information is identified with an individual  
 15 child, family or other recipient of services or protected by other provision of law.

16 (2) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS  
 17 chapter 192, the department shall disclose child welfare records:

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

20 (b) Regarding a specific individual if the individual gives written authorization to release confi-  
 21 dential information;

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

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

25 (e) Concerning a child who is or has been in the custody of the department, to the child's parent  
 26 or legal guardian except:

27 (A) When the child objects; or

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

30 (3) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS  
 31 chapter 192, the department shall disclose child welfare records, if in the best interests of the child,  
 32 to[:]

33 [(a)] treatment providers, foster parents, adoptive parents, school officials or other persons pro-  
 34 viding services to the child or family to the extent that such disclosure is necessary to provide  
 35 services to the child or family.[: or]

36 [(b) A person designated as a member of a sensitive review committee convened by the Director of  
 37 Human Services when the purpose of the committee is to determine whether the department acted ap-  
 38 propriately and to make recommendations to the department regarding policy and practice.]

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

42 (5) Unless exempt from disclosure under ORS chapter 192, when an adult who is the subject of  
 43 information made confidential by subsection (1) of this section publicly reveals or causes to be re-  
 44 vealed any significant part of the confidential matter or information, the protections afforded by  
 45 subsection (1) of this section are presumed voluntarily waived and confidential information about the

1 person making or causing the public disclosure, not already disclosed but related to the information  
2 made public, may be disclosed if disclosure is in the best interests of the child or necessary to the  
3 administration of the child welfare laws.

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

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

11 (8) As used in this section, “adult” means a person who is 18 years of age or older.

12  
13 **(Special Legislative Committee on**  
14 **Public Education Appropriation)**

15  
16 **SECTION 44. ORS 171.857 is repealed.**

17  
18 **(Task Force on Military Families)**

19  
20 **SECTION 45. ORS 396.600 is repealed.**

21  
22 **(Western States Legislative Forestry Task Force)**

23  
24 **SECTION 46. ORS 171.860 is repealed.**

25  
26 **(Willamette River Cleanup Authority)**

27  
28 **SECTION 47. ORS 468.533 is repealed.**

29  
30 **CAPTIONS**

31  
32 **SECTION 48. The unit captions used in this 2017 Act are provided only for the conven-**  
33 **ience of the reader and do not become part of the statutory law of this state or express any**  
34 **legislative intent in the enactment of this 2017 Act.**