

Senate Bill 377

Sponsored by Senator HANSELL; Representative BARRETO (Pre-session filed.)

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**.

Provides that Governor may appoint Director of Oregon Business Development Department, in consultation with Oregon Business Development Commission. Requires Governor to appoint Director of Department of Environmental Quality and State Fish and Wildlife Director. Requires Senate confirmation of appointments.

Requires Senate confirmation of appointments by Governor of directors of Housing and Community Services Department and State Department of Energy.

A BILL FOR AN ACT

1
2 Relating to Senate confirmation of appointments; creating new provisions; and amending ORS
3 285B.080, 456.555, 468.040, 469.040 and 496.112.

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

5 **SECTION 1.** ORS 285B.080 is amended to read:

6 285B.080. (1) The **Governor, in consultation with the** Oregon Business Development Commis-
7 sion, may appoint the Director of the Oregon Business Development Department as the commission's
8 representative and agent in all matters pertaining to ORS 285B.050 to 285B.098. **The appointment**
9 **of the director shall be subject to confirmation by the Senate in the manner provided by ORS**
10 **171.562 and 171.565.**

11 (2) The director shall ensure that all provisions of ORS 285B.050 to 285B.098 are complied with
12 and that appropriately trained personnel are employed to properly administer the fiscal and other
13 portions of ORS 285B.050 to 285B.098.

14 (3) The director shall have the authority in the director's sole discretion to approve loans for
15 business development projects in the amount of \$250,000 or less and to disburse funds for such
16 projects.

17 **SECTION 2.** ORS 456.555 is amended to read:

18 456.555. (1) The Housing and Community Services Department is established.

19 (2) The department shall be under the supervision and control of a director who is responsible
20 for the performance of the duties imposed upon the department. The Governor shall appoint the
21 Director of the Housing and Community Services Department. **The appointment of the director**
22 **shall be subject to confirmation by the Senate in the manner provided by ORS 171.562 and**
23 **171.565.** The director shall hold office at the pleasure of the Governor. The person appointed as di-
24 rector shall be a person who, by training and experience, is well qualified to perform the duties of
25 the office.

26 (3) The director shall receive such salary as may be provided by law[,] or, if not so provided,
27 as may be fixed by the Governor. In addition to the salary of the director, the director shall, subject
28 to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily
29 incurred by the director in the performance of official duties.

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 (4) The director may establish department divisions including but not limited to divisions for
2 administration, housing programs and community services programs.

3 (5) The Oregon Housing Stability Council shall:

4 (a) With the advice of the director, set policy and approve or disapprove rules and standards for
5 housing programs;

6 (b) Approve or disapprove loans, grants and other funding award proposals under ORS 456.561;

7 (c) Provide policy direction and oversight to the department regarding the department's financial
8 planning and biennial budget proposal prior to its submittal to the Oregon Department of Adminis-
9 trative Services; and

10 (d) Carry out the provisions of ORS 456.571.

11 (6) The Community Action Partnership of Oregon shall advise the Housing and Community
12 Services Department and the council on community services programs as determined by the director
13 and as set forth in ORS 458.505.

14 (7) The director shall report regularly to the council to keep the council informed on progress
15 made by the department in carrying out the department's responsibilities for housing programs.

16 (8) The department may adopt rules to carry out the programs that the department is charged
17 with administering, including, but not limited to, rules regarding:

18 (a) Administration and enforcement.

19 (b) Criteria for the granting of benefits.

20 (c) The establishment of fees and charges.

21 (d) The identification of housing programs and community services programs.

22 (e) The distinguishing of housing programs from community services programs.

23 (9) Subject to the approval of the council, the department shall establish by rule one or more
24 threshold property purchase prices above which a housing loan proposed by the department requires
25 council review and approval under ORS 456.561. In establishing or modifying a threshold property
26 purchase price under this subsection, the department shall consider any maximum acquisition cost
27 set forth in the Internal Revenue Code or federal rules and regulations implementing the code.

28 (10) Subject to the approval of the council, the department shall establish by rule one or more
29 threshold amounts above which a housing grant or other housing funding award proposal requires
30 council review and approval under ORS 456.561.

31 **SECTION 3.** ORS 468.040 is amended to read:

32 468.040. The **Governor, in consultation with the** Environmental Quality Commission, shall
33 appoint a director who shall hold office at the pleasure of the [*commission.*] **Governor. The ap-**
34 **pointment of the director shall be subject to confirmation by the Senate in the manner pro-**
35 **vided by ORS 171.562 and 171.565.** The salary of the Director of the Department of Environmental
36 Quality shall be fixed [*by the commission unless otherwise provided by law*] **as may be provided by**
37 **law or, if not so provided, as may be fixed by the Governor.**

38 **SECTION 4.** ORS 469.040 is amended to read:

39 469.040. (1) The State Department of Energy shall be under the supervision of the Director of
40 the State Department of Energy, who shall:

41 (a) Supervise the day-to-day functions of the State Department of Energy;

42 (b) Supervise and facilitate the work and research on energy facility siting applications at the
43 direction of the Energy Facility Siting Council;

44 (c) Hire, assign, reassign and coordinate personnel of the State Department of Energy, prescribe
45 their duties and fix their compensation, subject to the State Personnel Relations Law; and

1 (d) Adopt rules and issue orders to carry out the duties of the director and the State Department
2 of Energy in accordance with ORS chapter 183 and the policy stated in ORS 469.010.

3 (2) The director may delegate to any officer or employee the exercise and discharge in the
4 director's name of any power, duty or function of whatever character vested in the director by law.
5 The official act of any person acting in the director's name and by the director's authority shall be
6 considered an official act of the director.

7 (3) The director shall be appointed by the Governor. **The appointment of the director shall**
8 **be subject to confirmation by the Senate in the manner provided by ORS 171.562 and 171.565.**

9 **SECTION 5.** ORS 496.112 is amended to read:

10 496.112. (1) The **Governor, in consultation with the** State Fish and Wildlife Commission, shall
11 appoint a State Fish and Wildlife Director to serve for a term not to exceed four years unless sooner
12 removed by the commission. **The appointment of the director shall be subject to confirmation**
13 **by the Senate in the manner provided by ORS 171.562 and 171.565.**

14 (2) The director shall receive such salary as may be [*fixed by the commission*] **provided by law**
15 **or, if not so provided, as may be fixed by the Governor.** In addition to salary, subject to appli-
16 cable law regulating travel and other expenses of state officers, the director shall be reimbursed for
17 actual and necessary travel and other expenses incurred in the performance of official duties.

18 (3) The commission may delegate to the director any of the powers and duties granted to or
19 imposed upon [*it*] **the commission** by law, except to revoke or refuse to issue licenses issued pur-
20 suant to the commercial fishing laws.

21 (4) The [*commission*] **Governor** may reappoint the director to additional terms.

22 **SECTION 6. The amendments to ORS 285B.080, 456.555, 468.040, 469.040 and 496.112 by**
23 **sections 1 to 5 of this 2017 Act apply to appointments made on or after the effective date of**
24 **this 2017 Act.**