

Requested by Representative EVANS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4036**

1 On page 1 of the printed bill, line 4, after “541.659,” insert “778.005,  
2 778.205, 778.210, 778.215, 778.220, 778.225, 778.230, 778.235, 778.255.”.

3 On page 4, after line 34, insert:

4 **“SECTION 1a.** ORS 778.205 is amended to read:

5 “778.205. The power and authority given to the Port of Portland is vested  
6 in and shall be exercised by a board of *[nine]* **13** commissioners. The board  
7 may exercise such powers, at regular or special meetings, as is usual and  
8 customary with similar bodies.

9 **“SECTION 1b.** ORS 778.210 is amended to read:

10 “778.210. *[(1) The board shall be composed of residents of the State of*  
11 *Oregon. The Governor shall make appointments to the board so as to assure*  
12 *that not fewer than two board members are residents of each county consti-*  
13 *tuting the port district.]*

14 “[~~(2)~~] **(1)** A person is eligible for appointment as a commissioner of the  
15 Port of Portland who at the time of the appointment is a citizen of the  
16 United States *[and of the State of Oregon,]* and who has for one year imme-  
17 diately preceding appointment resided within the State of Oregon.

18 **“(2) Commissioners shall be appointed as follows:**

19 **“(a) The Governor shall appoint nine commissioners. The Governor**  
20 **shall make appointments to the board so as to ensure that not fewer**  
21 **than two board members are residents of each county constituting the**

1 port district.

2 “(b) The President of the Senate shall appoint two nonvoting com-  
3 missioners from among members of the Senate.

4 “(c) The Speaker of the House of Representatives shall appoint two  
5 nonvoting commissioners from among members of the House of Rep-  
6 resentatives.

7 “SECTION 1c. ORS 778.215 is amended to read:

8 “778.215. (1) Upon the expiration of the term of a commissioner **appointed**  
9 **by the Governor**, a successor shall be appointed by the Governor, subject  
10 to confirmation as provided by ORS 171.562 and 171.565.

11 “(2) Upon the expiration of the term of a commissioner **appointed**  
12 **by the President of the Senate or the Speaker of the House of Repre-**  
13 **sentatives, a successor shall be appointed by the appointing authority.**

14 “(3) Except as provided in ORS 778.220 and 778.235, appointees, [*when*  
15 *confirmed*] **after confirmation if confirmation is required**, shall hold of-  
16 fice for a term of four years and until their respective successors have been  
17 appointed, confirmed **if confirmation is required**, and qualified.

18 “[2)] (4) If a vacancy occurs by death, resignation or disqualification of  
19 a commissioner, the vacancy shall be filled by appointment by the  
20 [*Governor*] **appointing authority** for the unexpired term. **Appointments**  
21 **by the Governor are** subject to confirmation as provided by subsection (1)  
22 of this section.

23 “SECTION 1d. ORS 778.220 is amended to read:

24 “778.220. If the [*Governor*] **appointing authority** is at any time satisfied  
25 that a commissioner has been guilty of malfeasance in office, the [*Governor*]  
26 **appointing authority** may file with the Secretary of State a written state-  
27 ment of the acts of the commissioner constituting the malfeasance. There-  
28 upon the Secretary of State shall transmit a copy of the statement to the  
29 commissioner named and another copy to the clerk of the Circuit Court for  
30 Multnomah County. After the expiration of 10 days following the delivery

1 of the statement to the commissioner a hearing shall be held before the  
2 court, of which hearing the commissioner is entitled to at least five days'  
3 notice. If upon the hearing the court determines that the commissioner has  
4 been guilty of malfeasance in office, written findings to that effect shall be  
5 made and filed by the court. Thereupon the commissioner shall be considered  
6 removed from office. The vacancy so created shall be filled as provided in  
7 ORS 778.215.

8 **“SECTION 1e.** ORS 778.225 is amended to read:

9 “778.225. (1) The board shall hold at least one regular meeting in each  
10 month on a day to be fixed by it, and may hold special meetings as provided  
11 by the rules of the board. At all regular and special meetings a majority of  
12 the commissioners then **voting** members of the board constitutes a quorum.

13 “(2) The board may create an executive committee of which every **voting**  
14 commissioner shall be a member and of which a number less than a majority,  
15 as the board may determine, may constitute a quorum for the transaction of  
16 business. The committee may hold its meetings under such rules as the board  
17 may prescribe. However, the executive committee has no power except as a  
18 committee and only as expressly conferred upon it by the rules of the board.  
19 In no event shall the committee exercise the general powers of the board.  
20 The board has no power to appoint or delegate any part of its power or au-  
21 thority to any committee except the executive committee.

22 **“SECTION 1f.** ORS 778.230 is amended to read:

23 “778.230. (1) The Governor shall designate one **voting** member of the  
24 board as president of the board, who shall hold that office until removed  
25 from it by the Governor. The president of the board shall have the powers  
26 and perform the duties usual to the office of president.

27 “(2) The president of the board shall designate from the other **voting**  
28 members of the board a vice president, treasurer and secretary of the board,  
29 who shall hold those offices until removed from them by the president. Each  
30 officer shall have the powers and perform the duties usual to the respective

1 offices.

2 **“SECTION 1g.** ORS 778.235 is amended to read:

3 “778.235. (1) If a commissioner appointed pursuant to ORS 778.215 refuses  
4 to serve, ceases to have the qualifications required by ORS 778.210 [(1)] or  
5 fails to attend for the period of 60 successive days any of the regular or  
6 special meetings of the board regularly and duly called and held, the  
7 commissioner’s place on the board is vacant.

8 “(2) The board may grant a leave of absence not exceeding three months  
9 to a commissioner unable to attend meetings of the board by reason of illness  
10 or continued absence from the City of Portland.

11 **“SECTION 1h.** ORS 778.255 is amended to read:

12 “778.255. (1) The board may legislate with respect to the internal affairs  
13 of the Port of Portland by the adoption of ordinances. Every ordinance en-  
14 acted by the board shall be preceded by an enacting clause substantially as  
15 follows: ‘Be It Enacted by The Port of Portland.’

16 “(2) Except as otherwise provided by this section, in order to be effective,  
17 all ordinances require the affirmative vote of a majority of the **voting** com-  
18 missioners of the port at a meeting of the board duly and regularly held.

19 “(3) Ordinances making appropriations, the annual tax levy and emer-  
20 gency ordinances take effect immediately upon passage. All other ordinances  
21 are subject to the referendum and shall become effective 30 days after en-  
22 acted, unless a later date is fixed therein, in which event they shall take  
23 effect at a later date, subject to the referendum. Except for ordinances  
24 making appropriations and the annual tax levy, when an ordinance is en-  
25 acted, a notice containing a concise summary of the ordinance and the lo-  
26 cation within the port where a copy of the complete ordinance may be  
27 obtained without charge shall, within five days after passage of the ordi-  
28 nance, be published at least once in a newspaper of general circulation  
29 within the port.

30 “(4) Ordinances making appropriations and the annual tax levy and

1 emergency ordinances shall be passed by an aye and nay vote. Emergency  
2 ordinances shall contain the statement that an emergency exists and specify  
3 with distinctness the facts and reasons constituting the emergency. The  
4 unanimous vote of all the **voting** commissioners present, and of not less than  
5 seven **voting** commissioners, is required to pass an emergency ordinance.

6 “(5) In case a referendum petition is filed against an ordinance or part  
7 thereof, the operation of the ordinance or part thereof shall be suspended  
8 pending the outcome of the referendum election.

9 **“SECTION 1i.** ORS 778.005 is amended to read:

10 “778.005. As used in this chapter, unless the context requires otherwise:

11 “(1) ‘Board’ means the board of commissioners of the Port of Portland.

12 “(2) ‘Port’ means The Port of Portland.

13 “(3) ‘Elector’ means an elector residing in the port.

14 “(4) ‘Portland metropolitan area’ means the Oregon portion of a metro-  
15 politan statistical area as designated by the United States Office of Man-  
16 agement and Budget with an Oregon population of more than 750,000.

17 **“(5) ‘Voting commissioner’ or ‘voting member’ means a commis-**  
18 **sioner who is not specified by law to be a nonvoting commissioner.”.**

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