

House Bill 2619

Sponsored by Representatives PHAM K, DEXTER, Senator CAMPOS; Representatives GAMBBA, HUDSON, WALTERS (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**.

Modifies membership of Oregon Transportation Commission. Directs Governor to appoint executive director for commission.

A BILL FOR AN ACT

1
2 Relating to the Oregon Transportation Commission; creating new provisions; and amending ORS
3 184.612.

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

5 **SECTION 1.** ORS 184.612 is amended to read:

6 184.612. (1) There is established the Oregon Transportation Commission consisting of [*five*] **nine**
7 members appointed by the Governor, subject to confirmation by the Senate pursuant to Article III,
8 section 4, of the Oregon Constitution. A member serves at the pleasure of the Governor.

9 [*(2) The Governor shall appoint members of the commission in compliance with all of the*
10 *following:*]

11 [*(a) Members shall be appointed with consideration of the different geographic regions of the state*
12 *with one member being a resident of the area east of the Cascade Range.*]

13 [*(b) Not more than three members who belong to one political party. Party affiliation shall be de-*
14 *termined by the appropriate entry on official election registration cards.*]

15 **(2) The Governor shall appoint the nine members of the commission. The commission**
16 **must include:**

17 **(a) One member who has not attained 25 years of age as of the date of appointment.**

18 **(b) One member whose primary method of travel is other than a motor vehicle.**

19 **(c) One member who is a person with a disability, has a family member with a disability**
20 **or is a member of an advocacy group for people with disabilities.**

21 **(d) One member who represents the interests of Oregon Indian tribes and has knowledge**
22 **of tribal transportation issues, appointed in consultation with the Commission on Indian**
23 **Services.**

24 **(3) The Governor shall appoint members to the commission so that there is at least one**
25 **member of the commission from each congressional district in this state and so that no more**
26 **than three members reside in the same congressional district.**

27 **(4) At the time of appointment, commission members may not serve state government,**
28 **as defined in ORS 174.111, as an elected official, appointed official, employee or agent, irre-**
29 **spective of whether the person is compensated for the services. This subsection does not**
30 **apply to members who are members of the commission and who are reappointed to serve on**
31 **the commission.**

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 [(3)] (5) At the time of appointment, a member or a relative of a member, as defined in ORS
2 244.020, may not have an actual conflict of interest, as defined in ORS 244.020.

3 [(4)] (6) Notwithstanding ORS 244.120 (2), when met with a potential or actual conflict of inter-
4 est, as those terms are defined in ORS 244.020, a member shall announce publicly the nature of the
5 potential or actual conflict and:

6 (a) Except as provided in paragraph (b) of this subsection, refrain from participating as a public
7 official in any discussion or debate on the issue out of which the potential or actual conflict arises
8 or from voting on the issue.

9 (b) If the member's vote is necessary to meet a requirement of a minimum number of votes to
10 take official action, be eligible to vote, but not to participate as a public official in any discussion
11 or debate on the issue out of which the potential or actual conflict arises.

12 [(5)] (7) The term of office of each member is four years. Before the expiration of the term of
13 a member, the Governor shall appoint a successor whose term begins on July 1 next following. A
14 member is eligible for reappointment. In case of a vacancy for any cause, the Governor shall appoint
15 a person to fill the office for the unexpired term. **A member is eligible for reappointment for a**
16 **total of two consecutive terms.**

17 [(6)] (8) The Governor shall appoint one of the members as chairperson. The chairperson shall
18 appoint one of the other members as vice chairperson. The chairperson and vice chairperson shall
19 have such terms, duties and powers as the [*Oregon Transportation*] commission determines are nec-
20 essary for the performance of such offices.

21 [(7)] (9) A majority of the members of the commission constitutes a quorum. If a quorum is
22 present at a meeting, the commission may take action by an affirmative vote by a majority of the
23 members who are present. An individual member may not exercise individually any administrative
24 authority with respect to the Department of Transportation.

25 [(8)] (10) The commission shall meet at least quarterly, at a time and place determined by the
26 commission. The commission shall also meet at such other times and places as are specified by the
27 call of the chairperson or of a majority of the commission.

28 [(9)] (11) A vacancy does not impair the right of the remaining members to exercise all the
29 powers of the commission, except that three members of the commission must agree in the selection,
30 vacation or abandonment of state highways, and in case the members are unable to agree the Gov-
31 ernor shall have the right to vote as a member of the commission.

32 [(10)] (12) The commission shall keep complete and accurate records of all the meetings, trans-
33 actions and business of the commission at the office of the Department **of Transportation.**

34 [(11)] (13) The commission may provide an official seal.

35 [(12)] (14) [*The commission may hire staff the commission deems necessary to assist the commission*
36 *in carrying out its duties.*] **The Governor shall appoint an executive director for the commission**
37 **who shall be in the exempt service and who shall be responsible for the performance of duties**
38 **assigned by the commission. Subject to the State Personnel Relations Law, the executive**
39 **director may employ appropriate staff to carry out the duties assigned by the commission.**
40 The staff shall be considered employees of the department for purposes of the State Personnel Re-
41 lations Law under ORS chapter 240.

42 [(13)] (15) A member of the commission is entitled to compensation and expenses as provided
43 by ORS 292.495.

44 (16) **The department shall make available to each member of the commission an elec-**
45 **tronic mail address accessible by Oregonians on the Internet. The webpage for the commis-**

1 sion must include the electronic mail addresses at which the commissioners may be
2 contacted.

3 (17) To the extent possible, when meetings are held by video or other virtual means, the
4 commission must avoid obscuring the face of a person providing oral testimony.

5 **SECTION 2.** (1) On June 30, 2024, the term of office of members of the Oregon Trans-
6 portation Commission then holding office shall cease. A member whose term of office has
7 been terminated by this subsection is eligible for reappointment to the Oregon Transporta-
8 tion Commission.

9 (2) Notwithstanding the term of office specified by ORS 184.612, of the members first
10 appointed to the Oregon Transportation Commission:

11 (a) Two shall serve for a term ending June 30, 2025.

12 (b) Two shall serve for a term ending June 30, 2026.

13 (c) Two shall serve for a term ending June 30, 2027.

14 (d) Three shall serve for a term ending June 30, 2028.

15 **SECTION 3.** Section 2 of this 2023 Act is repealed on January 2, 2029.
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