

House Bill 4095

Sponsored by Representative GOMBERG; Representatives ANDERSEN, BOWMAN (Presession 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes some state agencies do the LFO budget process. The Act makes the state agencies follow some other laws about money. (Flesch Readability Score: 73.7).

Makes certain semi-independent state agencies subject to certain provisions regarding the budget process and fiscal matters.

A BILL FOR AN ACT

Relating to semi-independent state agencies; creating new provisions; amending ORS 182.460, 182.466, 182.472, 250.139, 250.147, 250.149, 284.111, 284.118, 284.131, 284.142, 284.335, 284.375, 293.226, 293.250, 320.335, 377.795, 377.836, 377.838, 442.820, 442.825, 455.028, 473.030, 576.871, 576.877, 671.990, 671.995, 672.325, 672.690, 674.250, 674.340, 687.071, 687.250, 688.240 and 805.272; and repealing ORS 182.462, 182.470, 284.126, 284.148, 284.365, 377.840, 671.655, 683.290 and 688.201.

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

SECTION 1. ORS 182.460 is amended to read:

182.460. (1) Except as provided in subsections (2) and (3) of this section and as otherwise provided by law, the provisions of ORS 283.085 to 283.092 and ORS chapters 240, 276, 279A, 279B, 279C, 282[,] **and** 283[, 291, 292 and 293] do not apply to a board. A board is subject to all other statutes governing a state agency that do not conflict with ORS 182.456 to 182.472, including the tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183, and a board's employees are included within the Public Employees Retirement System.

(2) Notwithstanding subsection (1) of this section, the following provisions apply to a board:

(a) ORS 240.309 (1) to (6) and 240.321;

(b) ORS 279A.250 to 279A.290; **and**

(c) ORS 282.210 to 282.230[; and]

[(d) ORS 293.240.]

(3) Notwithstanding subsection (1) of this section, ORS chapter 240 applies to the Oregon Board of Optometry, the State Board of Massage Therapists and the Oregon Board of Physical Therapy.

(4) In carrying out the duties, functions and powers of a board, the board may contract with any state agency for the performance of duties, functions and powers as the board considers appropriate. A state agency may not charge a board an amount that exceeds the actual cost of those services. ORS 182.456 to 182.472 do not require an agency to provide services to a board other than pursuant to a voluntary interagency agreement or contract.

(5) A board shall adopt personnel policies and contracting and purchasing procedures. The Oregon Department of Administrative Services shall review those policies and procedures for compliance with applicable state and federal laws and collective bargaining contracts.

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.

(6) Except as otherwise provided by law, directors and employees of a board are eligible to receive the same benefits as state employees and are entitled to retain their State of Oregon hire dates, transfer rights and job bidding rights, all without loss of seniority, and to the direct transfer of all accumulated state agency leaves.

SECTION 2. ORS 182.466 is amended to read:

182.466. In addition to other powers granted by ORS 182.456 to 182.472 and by the statutes specifically applicable to a board, a board may:

(1) Sue and be sued in its own name.

(2) Notwithstanding ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C, enter into contracts and acquire, hold, own, encumber, issue, replace, deal in and with and dispose of real and personal property.

(3) Notwithstanding ORS 670.300, fix a per diem amount to be paid to board members for each day or portion thereof during which the member is actually engaged in the performance of official duties. Board members may also receive actual and necessary travel expenses or other expenses actually incurred in the performance of their duties. If an advisory council or peer review committee is established under the law that governs the board, the board may also fix and pay amounts and expenses for members thereof.

(4) Set the amount of any fee required by statute and establish by rule and collect other fees as determined by the board. Fees shall not exceed amounts necessary for the purpose of carrying out the functions of the board. Notwithstanding ORS 183.335 and except as provided in this subsection, a board shall hold a public hearing prior to adopting or modifying any fee without regard to the number of requests received to hold a hearing. A board shall give notice to all licensees of the board prior to holding a hearing on the adoption or modification of any fee. *[A board may adopt fees in conjunction with the budget adoption process described in ORS 182.462.]*

(5) Subject to any other statutory provisions, adopt procedures and requirements governing the manner of making application for issuance, renewal, suspension, revocation, restoration and related activities concerning licenses that are under the jurisdiction of a board.

SECTION 3. ORS 182.472 is amended to read:

182.472. Not later than April 1 of each even-numbered year, each board subject to ORS 182.456 to 182.472 shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Legislative Fiscal Officer. The Legislative Fiscal Officer shall review the reports and shall prepare and submit a statement of findings and conclusions to the Joint Legislative Audit Committee and the Joint Committee on Ways and Means. The report must include the following:

(1) A copy of the most recent audit or financial review of the board.

[(2) A copy of the actual budget for the prior biennium and a copy of the board's adopted budget for the biennium in which the report is made. The budget documents must show:]

[(a) The beginning balance and ending balance for each of the two biennia;]

[(b) A description of material changes between the two biennia;]

[(c) A description of the public hearing process used to establish the budget adopted for the current biennium; and]

[(d) A description of current fees and proposed changes to fees, along with information supporting the amounts of the current fees and any proposed changes to the fees.]

[(3)] (2) A description of all temporary and permanent rules adopted by the board during the prior biennium.

1 [(4)] (3) A description of board actions promoting consumer protection that were taken during
2 the prior biennium.

3 [(5)] (4) If the board issues licenses, a description of the board's licensing activities performed
4 during the prior biennium that is adequate to allow evaluation of the board's performance of its li-
5 censing responsibilities, including:

6 (a) The number of license applications;

7 (b) The number of licenses issued;

8 (c) The number of examinations conducted;

9 (d) The average time between application for and issuance of licenses;

10 (e) The number and types of complaints received about persons holding licenses;

11 (f) The number and types of investigations conducted;

12 (g) The number and types of resolutions of complaints;

13 (h) The number and type of sanctions imposed; and

14 (i) The number of days between beginning an investigation and reaching a resolution.

15 [(6)] (5) A description of all other actions taken during the prior biennium in the performance
16 of the board's statutory responsibilities that is adequate to allow evaluation of the board's per-
17 formance.

18 **SECTION 4.** Section 5 of this 2026 Act is added to and made a part of ORS chapter 674.

19 **SECTION 5.** The Appraiser Certification and Licensure Board Fund is established in the
20 State Treasury, separate and distinct from the General Fund. All moneys collected or re-
21 ceived by the Appraiser Certification and Licensure Board shall be deposited in the Appraiser
22 Certification and Licensure Board Fund. Interest earned by the Appraiser Certification and
23 Licensure Board Fund shall be credited to the fund. Moneys in the Appraiser Certification
24 and Licensure Board Fund are continuously appropriated to the Appraiser Certification and
25 Licensure Board for the purposes of carrying out the provisions of this chapter.

26 **SECTION 6.** Section 7 of this 2026 Act is added to and made a part of ORS 671.010 to
27 671.220.

28 **SECTION 7.** The State Board of Architect Examiners Fund is established in the State
29 Treasury, separate and distinct from the General Fund. All moneys collected or received by
30 the State Board of Architect Examiners shall be deposited in the State Board of Architect
31 Examiners Fund. Interest earned by the State Board of Architect Examiners Fund shall be
32 credited to the fund. Moneys in the State Board of Architect Examiners Fund are contin-
33 uously appropriated to the State Board of Architect Examiners for the purposes of carrying
34 out the provisions of ORS 671.010 to 671.220.

35 **SECTION 8.** Section 9 of this 2026 Act is added to and made a part of ORS 672.002 to
36 672.325.

37 **SECTION 9.** The State Board of Examiners for Engineering and Land Surveying Fund is
38 established in the State Treasury, separate and distinct from the General Fund. All moneys
39 collected or received by the State Board of Examiners for Engineering and Land Surveying
40 shall be deposited in the State Board of Examiners for Engineering and Land Surveying
41 Fund. Interest earned by the State Board of Examiners for Engineering and Land Surveying
42 Fund shall be credited to the fund. Moneys in the State Board of Examiners for Engineering
43 and Land Surveying Fund are continuously appropriated to the State Board of Examiners for
44 Engineering and Land Surveying for the purposes of carrying out the provisions of ORS
45 672.002 to 672.325.

1 **SECTION 10.** Section 11 of this 2026 Act is added to and made a part of ORS 672.505 to
2 672.705.

3 **SECTION 11.** The State Board of Geologist Examiners Fund is established in the State
4 Treasury, separate and distinct from the General Fund. All moneys collected or received by
5 the State Board of Geologist Examiners shall be deposited in the State Board of Geologist
6 Examiners Board Fund. Interest earned by the State Board of Geologist Examiners Fund
7 shall be credited to the fund. Moneys in the State Board of Geologist Examiners Fund are
8 continuously appropriated to the State Board of Geologist Examiners for the purposes of
9 carrying out the provisions of ORS 672.505 to 672.705.

10 **SECTION 12.** Section 13 of this 2026 Act is added to and made a part of ORS 671.310 to
11 671.459.

12 **SECTION 13.** The State Landscape Architect Board Fund is established in the State
13 Treasury, separate and distinct from the General Fund. All moneys collected or received by
14 the State Landscape Architect Board shall be deposited in the State Landscape Architect
15 Board Fund. Interest earned by the State Landscape Architect Board Fund shall be credited
16 to the fund. Moneys in the State Landscape Architect Board Fund are continuously appro-
17 priated to the State Landscape Architect Board for the purposes of carrying out the pro-
18 visions of ORS 671.310 to 671.459 and 671.995.

19 **SECTION 14.** Section 15 of this 2026 Act is added to and made a part of ORS 683.010 to
20 683.340.

21 **SECTION 15.** The Oregon Board of Optometry Fund is established in the State Treasury,
22 separate and distinct from the General Fund. All moneys collected or received by the Oregon
23 Board of Optometry shall be deposited in the Oregon Board of Optometry Fund. Interest
24 earned by the Oregon Board of Optometry Fund shall be credited to the fund. Moneys in the
25 Oregon Board of Optometry Fund are continuously appropriated to the Oregon Board of
26 Optometry for the administration and enforcement of ORS 676.850 and 683.010 to 683.340, and
27 for educational purposes.

28 **SECTION 16.** Section 17 of this 2026 Act is added to and made a part of ORS 576.850 to
29 576.877.

30 **SECTION 17.** The Oregon Patient Safety Commission Fund is established in the State
31 Treasury, separate and distinct from the General Fund. All moneys collected or received by
32 the Oregon Patient Safety Commission shall be deposited in the Oregon Patient Safety
33 Commission Fund. Interest earned by the Oregon Patient Safety Commission Fund shall be
34 credited to the fund. Moneys in the Oregon Patient Safety Commission Fund are contin-
35 uously appropriated to the Oregon Patient Safety Commission for the purposes of carrying
36 out the provisions of ORS 576.850 to 576.877.

37 **SECTION 18.** Section 19 of this 2026 Act is added to and made a part of ORS 442.819 to
38 442.851.

39 **SECTION 19.** The Oregon Wine Board Fund is established in the State Treasury, separate
40 and distinct from the General Fund. All moneys collected or received by the Oregon Wine
41 Board shall be deposited in the Oregon Wine Board Fund. Interest earned by the Oregon
42 Wine Board Fund shall be credited to the fund. Moneys in the Oregon Wine Board Fund are
43 continuously appropriated to the Oregon Wine Board for the purposes of carrying out the
44 provisions of ORS 442.819 to 442.851.

45 **SECTION 20.** Section 21 of this 2026 Act is added to and made a part of ORS 687.011 to

1 **687.250.**

2 **SECTION 21.** The State Board of Massage Therapists Fund is established in the State
3 Treasury, separate and distinct from the General Fund. All moneys collected or received by
4 the State Board of Massage Therapists shall be deposited in the State Board of Massage
5 Therapists Fund. Interest earned by the State Board of Massage Therapists Fund shall be
6 credited to the fund. Moneys in the State Board of Massage Therapists Fund are contin-
7 uously appropriated to the State Board of Massage Therapists for the purposes of adminis-
8 tration and enforcement of ORS 676.850, 687.011 to 687.250, 687.895 and 687.991.

9 **SECTION 22.** Section 23 of this 2026 Act is added to and made a part of ORS 688.010 to
10 **688.201.**

11 **SECTION 23.** The Oregon Board of Physical Therapy Fund is established in the State
12 Treasury, separate and distinct from the General Fund. All moneys collected or received by
13 the Oregon Board of Physical Therapy shall be deposited in the Oregon Board of Physical
14 Therapy Fund. The board may establish an account in the fund for the purpose of meeting
15 financial obligations imposed on the State of Oregon as a result of the state's participation
16 in the Physical Therapy Licensure Compact established under ORS 688.240. Interest earned
17 by the Oregon Board of Physical Therapy Fund shall be credited to the fund. Moneys in the
18 Oregon Board of Physical Therapy Fund are continuously appropriated to the Oregon Board
19 of Physical Therapy for the purposes of carrying out the provisions of 676.850, 676.860 and
20 688.010 to 688.201 and for the purpose of meeting financial obligations imposed on the State
21 of Oregon as a result of the state's participation in the Physical Therapy Licensure Compact
22 established under ORS 688.240.

23 **SECTION 24.** Section 25 of this 2026 Act is added to and made a part of ORS 671.510 to
24 **671.760.**

25 **SECTION 25.** The State Landscape Contractors Board Fund is established in the State
26 Treasury, separate and distinct from the General Fund. All moneys collected or received by
27 the State Landscape Contractors Board shall be deposited in the State Landscape Contrac-
28 tors Board Fund. Interest earned by the State Landscape Contractors Board Fund shall be
29 credited to the fund. Moneys in the State Landscape Contractors Board Fund are contin-
30 uously appropriated to the State Landscape Contractors Board for the purposes of carrying
31 out the provisions of ORS 671.510 to 671.760.

32 **SECTION 26.** Section 27 of this 2026 Act is added to and made a part of ORS 250.137 to
33 **250.149.**

34 **SECTION 27.** The Citizens' Initiative Review Commission Fund is established in the State
35 Treasury, separate and distinct from the General Fund. All moneys collected or received by
36 the Citizens' Initiative Review Commission shall be deposited in the Citizens' Initiative Re-
37 view Commission Fund. Interest earned by the Citizens' Initiative Review Commission Fund
38 shall be credited to the fund. Moneys in the Citizens' Initiative Review Commission Fund are
39 continuously appropriated to the Citizens' Initiative Review Commission for the purposes of
40 carrying out the provisions of ORS 250.137 to 250.149.

41 **SECTION 28.** ORS 250.139 is amended to read:

42 250.139. (1) The Citizens' Initiative Review Commission shall select one or more state measures
43 proposed by initiative petition to be voted on at a general election and convene a separate citizen
44 panel to review each selected measure.

45 (2) In selecting a measure to be reviewed by a citizen panel, the commission shall consider the

1 following criteria:

- 2 (a) The fiscal impact of a measure.
- 3 (b) Whether the measure amends the Oregon Constitution.
- 4 (c) The availability of funds to conduct reviews.
- 5 (d) Any other criteria established by the commission by rule.

6 (3) Each citizen panel shall evaluate and write statements for the measure considered by the
7 panel.

8 (4)(a) The commission shall select citizens for each panel from a representative sample of
9 anonymous electors, using survey sampling methods that, to the extent practicable, give every
10 elector a similar chance of being selected. Each citizen panel shall consist of not fewer than 18 and
11 not more than 24 electors.

12 (b) The commission shall ensure, to the extent practicable and legally permissible, that the de-
13 mographic makeup of each panel fairly reflects the population of the electorate of this state as a
14 whole, with respect to the following characteristics, prioritized in the following order:

- 15 (A) The location of the elector's residence.
- 16 (B) The elector's party affiliation, if any.
- 17 (C) The elector's voting history.
- 18 (D) The elector's age.

19 (c) In addition to the criteria described in paragraph (b) of this subsection, the commission may
20 also consider:

- 21 (A) The elector's gender.
- 22 (B) The elector's ethnicity.
- 23 (C) Any other criteria.

24 (5) The commission shall, from moneys in the [*account established under ORS 182.470*] **Citizens'**
25 **Initiative Review Commission Fund established in section 27 of this 2026 Act:**

26 (a) Compensate each elector for each day served on a panel in an amount established by the
27 commission by rule;

28 (b) Reimburse each elector who serves on a panel for travel expenses in accordance with re-
29 imbursement policies determined by the commission by rule;

30 (c) Provide for costs required to convene and conduct a citizen panel; and

31 (d) Transfer to the Secretary of State all moneys necessary to pay the costs of printing any
32 statements described in ORS 250.141 in the voters' pamphlet.

33 (6)(a) Each panel shall meet to review the measure on not fewer than three and not more than
34 five consecutive days for a total of not less than 24 hours unless otherwise provided by commission
35 rule.

36 (b) Each panel shall conduct public hearings at which the panel shall receive testimony or other
37 information from both proponents and opponents of the measure. Unless otherwise determined by a
38 majority of the panelists, equal time shall be allotted to proponents and opponents of a measure.

39 (c) The chief petitioners of the measure shall designate two persons to provide information in
40 favor of the measure to the citizen panel. If the chief petitioners fail to timely designate two persons
41 to appear before the panel, the commission may designate two persons who support the measure to
42 provide information in favor of the measure.

43 (d) The commission shall designate two persons who oppose the measure to provide information
44 in opposition to the measure.

45 (e) The commission, by rule, may specify additional criteria regarding the public hearings.

(7) The commission shall provide each panel with any complaints regarding the panel not later than the third day the panel convenes.

(8) The commission shall, by rule, establish qualifications for moderators for each citizen panel. A moderator must have experience in mediation and shall complete a training course established by the commission.

(9) The commission shall contract with two moderators for each panel and shall compensate each moderator for service.

SECTION 29. ORS 250.147 is amended to read:

250.147. (1) Except as otherwise provided in this section, the Citizens' Initiative Review Commission may accept contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the commission. All moneys received by the commission under this subsection shall be deposited into the *[account established under ORS 182.470]* **Citizens' Initiative Review Commission Fund established in section 27 of this 2026 Act.**

(2) The commission may not receive contributions of moneys or assistance from:

(a) A political committee, as defined in ORS 260.005;

(b) For-profit corporate treasuries;

(c) Union treasuries; or

(d) Any other source the commission determines might be used to transfer moneys from a political committee, for-profit corporate treasury or union treasury to the commission.

(3) If a person contributes to the commission an aggregate total of more than \$100 in a calendar year, not later than 14 calendar days after the commission receives the contribution, the commission shall make available to the public on the Internet:

(a) The name and address of the person or entity who made the contribution; and

(b) The amount of the contribution.

(4) The commission may enter into contracts and hire any staff the commission deems necessary.

(5) The commission may appoint an executive director to serve at the pleasure of the commission.

SECTION 30. ORS 250.149 is amended to read:

250.149. (1) Not later than the date that is four months before the date of the general election in an even-numbered year, the Citizens' Initiative Review Commission shall determine whether moneys in sufficient amount are available in the *[account established under ORS 182.470]* **Citizens' Initiative Review Commission Fund established in section 27 of this 2026 Act** to carry out all the duties, functions and powers of the commission, implement ORS 250.139 to 250.143 and pay for any statements to be printed in the voters' pamphlet under ORS 251.185.

(2)(a) If the commission determines that the account has sufficient moneys under subsection (1) of this section, the commission shall carry out all the duties, functions and powers of the commission, implement ORS 250.139 to 250.143 and may submit statements to be printed in the voters' pamphlet under ORS 251.185.

(b) If the commission determines that the account has insufficient moneys under subsection (1) of this section, for the general election in that even-numbered year, the commission may not carry out all the duties, functions and powers of the commission, implement ORS 250.139 to 250.143 or submit statements to be printed in the voters' pamphlet under ORS 251.185.

SECTION 31. ORS 293.226 is amended to read:

293.226. (1) Subject to subsection (2) of this section, a state agency may request that a person

voluntarily supply the person's Social Security number for use in collecting debts owed to the State of Oregon on any document relating to any monetary obligation or transaction. A state agency that so requests shall include on the document a notice disclosing that the Social Security number is requested for and may be used for state agency debt collection activities.

(2) The Oregon Department of Administrative Services shall adopt rules:

(a) Specifying the form of the notice, including provisions specifying when the notice must state whether the disclosure of a Social Security number is voluntary or mandatory; and

(b) Setting procedures for the sharing of Social Security numbers between state agencies, and between the Department of Revenue and private collection agencies, for the purpose of collecting debts owed state agencies.

(3) If a person is required to provide the person's Social Security number to a state agency under federal or state law for purposes other than collection of a debt owed to the State of Oregon, the agency may not use the Social Security number for debt collection purposes, except:

(a) When the agency requests that the person voluntarily disclose the person's Social Security number for the purpose of collecting debts owed to the State of Oregon, the agency provides the notice required under subsection (1) of this section and the person subsequently voluntarily provides the person's Social Security number; or

(b) When otherwise allowed under state or federal law.

(4) A state agency, the Department of Revenue or a private collection agency that is collecting a liquidated and delinquent account may use a Social Security number collected under this section, or collected as otherwise allowed by law, to collect any debt owed a state agency or local government by the person associated with the Social Security number.

(5) Nothing in this section authorizes a state agency, the Department of Revenue or a private collection agency that is collecting a liquidated and delinquent account to use or disclose a Social Security number for any reason other than a reason specified in this section.

(6) Rules adopted under subsection (2) of this section do not apply to the judicial department as defined in ORS 174.113, the Secretary of State or the State Treasurer.

(7)(a) As used in this section, "state agency" means any state officer, board, commission, corporation, institution, department or other state organization.

(b) Notwithstanding ORS [182.460,] 284.118, 284.375, 377.836, 421.352, 656.753 and 757.552, "state agency" includes [*semi-independent state agencies listed in ORS 182.454, the Oregon Tourism Commission, the Oregon Film and Video Office, the Travel Information Council,*] the Children's Trust Fund of Oregon Foundation, Oregon Corrections Enterprises, the State Accident Insurance Fund Corporation and the Oregon Utility Notification Center.

SECTION 32. ORS 293.250 is amended to read:

293.250. (1) There is created a Collections Unit in the Department of Revenue.

(2) The Department of Revenue may render assistance in the collection of any delinquent account owing to any of the following entities, if the account is assigned by the entity to the department for collection:

(a) A state agency;

(b) A public university listed in ORS 352.002, notwithstanding ORS 352.138;

(c) The Oregon Health and Science University, notwithstanding ORS 353.100;

(d) A community college or community college district;

(e) A county, for debts arising pursuant to a judgment obtained under ORS 169.151; or

(f) The Oregon State Bar, notwithstanding ORS 9.010, for the purpose of collecting assignments

1 to a client security fund established under ORS 9.625.

2 (3) The Department of Revenue may render assistance in the collection of any delinquent ac-
3 count owing to any of the following entities, if the account is assigned to the department for the
4 limited purpose of collection through setoff against any refunds or sums due to a debtor from the
5 department or any other state agency:

6 (a) Any local government, as defined in ORS 174.116; or

7 (b) Any special government body, as defined in ORS 174.117.

8 (4)(a) The Department of Revenue may prescribe criteria for the kinds of accounts for which the
9 department will render assistance under subsections (2) and (3) of this section, including a minimum
10 dollar amount owed.

11 (b) Nothing in this section requires the department to render assistance in the collection of any
12 delinquent account.

13 (5)(a) Subject to rules prescribed by the Oregon Department of Administrative Services for col-
14 lection of delinquent accounts owing to entities listed in subsections (2) and (3) of this section, the
15 Department of Revenue may render assistance in the collection and shall charge the entities sepa-
16 rately for the cost of assistance. The charges may not exceed the proceeds of collection credited to
17 the entity for the same biennium. The Department of Revenue may designate a single percentage to
18 retain from the proceeds of collection as a charge for the cost of assistance. If the Department of
19 Revenue finds that accounts assigned to the department for collection by a particular entity lack
20 sufficient information to properly and efficiently identify the debtor or that the account information
21 must be put into a form usable by the department in order to efficiently provide collection services,
22 the department may establish a separate percentage charge to be retained from collections for that
23 entity. The charge must reflect the average of the actual cost to provide collection services for all
24 accounts assigned by the entity.

25 (b) In providing assistance, the Department of Revenue shall make all reasonable efforts to col-
26 lect the delinquent accounts. The department may offset any refunds or sums due to the debtor from
27 the department or any other state agency against delinquent accounts assigned to the department
28 for collection under this section.

29 (c) No setoff may be made by the Department of Revenue unless the debt is in a liquidated
30 amount.

31 (d) At the time any setoff is made, the Department of Revenue shall notify the debtor of the
32 sums due to the debtor from a state agency that are applied against the debtor's delinquent account.
33 The notice must provide that the debtor may, within 30 days and in a manner prescribed by the
34 department, contest the setoff and request a hearing before the department. No issues may be con-
35 sidered at the hearing that were previously litigated or that the debtor failed to raise timely after
36 being given due notice of rights of appeal.

37 (e) All moneys received by the Department of Revenue in payment of charges made under par-
38 agraph (a) of this subsection shall be paid into the State Treasury and deposited in a miscellaneous
39 receipts account for the department.

40 (f) Net proceeds of collections of delinquent accounts shall be credited to the account or fund
41 of the entity to which the debt was originally owing.

42 (6)(a) In providing assistance in the collection of any delinquent account under subsection (2)
43 of this section, the Department of Revenue may issue a warrant for the collection of the delinquent
44 account. The warrant may be recorded in the County Clerk Lien Record maintained under ORS
45 205.130.

(b) A warrant may not be issued under this subsection unless the debt is in a liquidated amount.

(c) The amount of any warrant issued under this subsection shall include the amount of the debt, any added penalties or interest attributable to the delinquent account and any costs associated with recording, indexing or service of the warrant and any satisfaction or release thereof.

(d) A warrant may not be issued under this subsection before the debtor has been notified that the department intends to issue the warrant and of the collection action that may be taken under the warrant.

(7) Except as prohibited by federal law and notwithstanding any provision of state law, for purposes of collecting debts assigned to the Department of Revenue under ORS 293.231, the Collections Unit created under subsection (1) of this section has access to all data and other information available to the department for any purpose allowed by law.

(8) Nothing in this section prohibits the collection of:

(a) A child or spousal support obligation as provided in ORS 25.610; or

(b) Criminal judgments that impose monetary obligations, including judgments requiring the payment of fines, costs, assessments, compensatory fines, attorney fees, forfeitures or restitution.

(9)(a) As used in this section, "state agency" means any state officer, board, commission, corporation, institution, department or other state organization.

(b) Notwithstanding ORS [182.460,] 284.118, 284.375, 377.836, 421.352, 656.753 and 757.552, "state agency" includes [*semi-independent state agencies listed in ORS 182.454, the Oregon Tourism Commission, the Oregon Film and Video Office, the Travel Information Council,*] the Children's Trust Fund of Oregon Foundation, Oregon Corrections Enterprises, the State Accident Insurance Fund Corporation and the Oregon Utility Notification Center.

SECTION 33. ORS 442.820 is amended to read:

442.820. (1) The Oregon Patient Safety Commission is established as a semi-independent state agency subject to ORS 182.456 to 182.472. The commission shall exercise and carry out all powers, rights and privileges that are expressly conferred upon it, are implied by law or are incident to such powers.

(2) The mission of the commission is to improve patient safety by reducing the risk of adverse events occurring in Oregon's health care system and by encouraging a culture of patient safety in Oregon. To accomplish this mission, the commission shall:

(a) Establish a confidential, voluntary serious adverse event reporting system to learn from adverse events;

(b) Share quality improvement techniques to reduce systems' errors contributing to adverse events; and

(c) Disseminate evidence-based prevention practices to improve patient safety.

(3) ORS 192.311 to 192.478 do not apply to public records created or maintained by the commission that contain patient safety data or to reports obtained by the program.

(4) ORS 192.610 to 192.705 do not apply to portions of a meeting of the Oregon Patient Safety Commission Board of Directors, or subcommittees or advisory committees established by the board, to consider information that identifies a participant or patient and the written minutes of that portion of the meeting.

[*(5) Notwithstanding ORS 182.460, ORS 293.250 applies to the commission for the purpose of collecting unpaid fees established under ORS 442.850 that are owed to the commission and are past due.*]

SECTION 34. ORS 442.825 is amended to read:

1 442.825. The Oregon Patient Safety Commission may accept contributions of funds and assist-
 2 ance from the United States Government or its agencies or from any other source, public or private,
 3 and agree to conditions not inconsistent with the purposes of the commission. All funds received by
 4 the commission shall be deposited in the [*account established pursuant to ORS 182.470*] **Oregon Pa-**
 5 **tient Safety Commission Fund established in section 17 of this 2026 Act.** The commission may
 6 apply for grants and foundation support and may compete for contracts consistent with the mission
 7 and goals of the commission.

8 **SECTION 35.** ORS 455.028 is amended to read:

9 455.028. (1) The Department of Consumer and Business Services may enter into interagency
 10 agreements with the Construction Contractors Board for the board to perform duties on behalf of
 11 the department under ORS 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945 or 480.510 to
 12 480.670, this chapter or ORS chapter 447, 460 or 693 regarding:

13 (a) Licenses, registrations and other authorizations; or

14 (b) The construction, reconstruction, renovation, alteration or repair of structures.

15 (2) Subject to the approval of the Director of the Department of Consumer and Business Services
 16 or the affected advisory board, the department or advisory board may enter into an agreement with
 17 the Construction Contractors Board under this section regarding performance of advisory board
 18 duties by the Construction Contractors Board. An agreement described in this subsection is consid-
 19 ered for purposes of this section to be an agreement between the department and the Construction
 20 Contractors Board.

21 (3) An interagency agreement under this section may provide for the board to perform all or
 22 part of the duties described in the agreement within one or more municipalities, geographic areas
 23 described in agreements under ORS 455.185 or state building code administrative regions established
 24 as provided under ORS 455.042, or on a statewide basis. The director may use an agreement under
 25 this section for the purpose of ensuring adequate staff and resources as provided under ORS 455.192.
 26 Any board employees utilized to carry out an agreement under this section shall remain employees
 27 of the board without loss of seniority or reduction in pay or benefits, but the agreement may provide
 28 for the department to retain control over the final work product of the employees. An agreement
 29 under this section may not be used to avoid any provision of a collective bargaining agreement.

30 (4) An interagency agreement under this section may provide for:

31 (a) Good faith cooperation between the board and the department to enable the board and the
 32 department to carry out their respective duties under law or under the agreement;

33 (b) The sharing of resources, including but not limited to the system described in ORS 455.095
 34 and 455.097, equipment, systems, processes and records, documents and other information;

35 (c) Using board and department information, including but not limited to complaints, reports,
 36 findings and orders, to carry out the laws that the board administers and enforces on behalf of the
 37 department;

38 (d) Ensuring the security of information shared under the agreement;

39 (e) Purchases by the board of supplies and equipment to carry out duties on behalf of the de-
 40 partment, subject to the department's reimbursement of the board;

41 (f) The use of financing agreements to provide resources necessary or convenient to carry out
 42 the agreement; and

43 (g) Acceptance by the board of moneys in payment of department fees, the temporary retention
 44 and transfer of fee moneys and the reimbursement of the board's expenses under the agreement from
 45 those fee moneys.

(5)(a) A financing agreement provided for as described in subsection (4)(f) of this section is exempt from ORS 283.085 to 283.092 and ORS chapter 286A.

(b) Any department moneys accepted by the board as provided in subsection (4)(g) of this section must be identified and accounted for separately from any other moneys in the possession of or available to the board. Department moneys temporarily retained by the board, regardless of where kept or deposited, are moneys of the department. The retained moneys are not subject to any appropriation to the board, any authorization for or limitation on the expenditure of moneys by the board, any restriction on the source, use or transfer of board moneys or any judgment, lien or other claim against moneys of the board. Notwithstanding any requirement or limitation on the retention of moneys by a state agency, the retention of department moneys by the board under an interagency agreement described in this section shall be governed solely by the terms of the agreement.

(6) An interagency agreement under this section may not:

(a) Delegate the authority of the director to establish policies or to make a final determination on any matter;

(b) Allow the board to hold department fee moneys in [*a board account under ORS 182.470*] **an account** that does not allow for the separate tracking and accounting of those moneys;

(c) Allow the board to hold department fee moneys past the end of the fiscal quarter in which the fee moneys were collected; or

(d) Transfer department expenses to the board.

SECTION 36. ORS 473.030 is amended to read:

473.030. (1) A tax at the rate of \$2.60 per barrel of 31 gallons of malt beverages is imposed upon the privilege of engaging in business as:

(a) A manufacturer or an importing distributor of malt beverages;

(b) The holder of a direct to retailer permit issued under ORS 471.274, for malt beverages sold and transported to a holder of a license issued under ORS 471.175, 471.178, 471.186, 471.190 or 471.200; or

(c) The holder of a direct shipper permit issued under ORS 471.282, for malt beverages sold and delivered directly to an Oregon resident.

(2) A tax at the rate of 65 cents per gallon of wine is imposed upon the privilege of engaging in business as:

(a) A manufacturer or an importing distributor of wines;

(b) The holder of a direct to retailer permit issued under ORS 471.274, for wines sold and transported to a holder of a license issued under ORS 471.175, 471.178, 471.186, 471.190 or 471.200; and

(c) The holder of a direct shipper permit issued under ORS 471.282, for wines sold and delivered directly to an Oregon resident.

(3) In addition to the tax imposed by subsection (2) of this section, the following persons shall be taxed at a rate of 10 cents per gallon of wine containing more than 16 percent alcohol by volume:

(a) A manufacturer or an importing distributor of wines containing more than 16 percent alcohol by volume;

(b) The holder of a direct to retailer permit issued under ORS 471.274, for wines containing more than 16 percent alcohol by volume sold and transported to a holder of a license issued under ORS 471.175, 471.178, 471.186, 471.190 or 471.200; and

(c) The holder of a direct shipper permit issued under ORS 471.282, for wines containing more than 16 percent alcohol by volume sold and delivered directly to an Oregon resident.

(4)(a) In addition to the taxes imposed by subsections (2) and (3) of this section, the following persons shall be taxed at a rate of two cents per gallon of wine:

(A) A manufacturer or an importing distributor of wines;

(B) The holder of a direct to retailer permit issued under ORS 471.274, for wines sold and transported by the holder to a holder of a license issued under ORS 471.175, 471.178, 471.186, 471.190 or 471.200; and

(C) The holder of a direct shipper permit issued under ORS 471.282, for wines sold and delivered directly to an Oregon resident.

(b) Notwithstanding any other provision of law, all moneys collected by the Oregon Liquor and Cannabis Commission pursuant to this subsection shall be paid into the *[account established by the Oregon Wine Board under ORS 182.470]* **Oregon Wine Board Fund established in section 19 of this 2026 Act.**

(5) The rates of tax imposed by this section upon malt beverages apply proportionately to quantities in containers of less capacity than those quantities specified in this section.

(6)(a) The taxes imposed by this section shall be measured by the volume of wine or malt beverages:

(A) Produced, purchased or received by any manufacturer;

(B) Transported by the holder of a direct to retailer permit issued under ORS 471.274 to the holder of a license issued under ORS 471.175, 471.178, 471.186, 471.190 or 471.200; or

(C) Delivered by the holder of a direct shipper permit issued under ORS 471.282 directly to an Oregon resident.

(b) If the wine or malt beverage remains unsold and in the possession of the producer at the plant where it was produced, no tax imposed or levied by this section is required to be paid until the wine or malt beverage has become sufficiently aged for marketing at retail, but this subsection shall not be construed so as to alter or affect any provision of this chapter relating to tax liens or the filing of statements.

SECTION 37. ORS 576.871 is amended to read:

576.871. (1) The report submitted by the Oregon Wine Board under ORS 182.472 must include:

(a) A description of the long term strategic plan created by the board and a description of the progress made in implementing the statewide strategic objectives of the board during the most recent biennium.

(b) **Annual plans recommended by the board for promotion and for research during the next biennium.**

[(2) Notwithstanding ORS 182.462:]

[(a) The board shall prepare and submit annual plans and a budget recommended by the board for promotion and for research during the next fiscal year.]

[(b)] (2) The board shall adopt rules specifying the procedures, criteria and timelines for the preparation and approval of the annual plans *[and budget]* for promotion and for research.

[(c)] (3) The Director of the Oregon Business Development Department shall review the *[budget and]* **annual** plans submitted under this section. In reviewing the annual plans *[and budget]*, the director shall consider whether the information supplied by the board is factual and consistent with ORS 576.850 to 576.877 and the positive development of the Oregon wine grape growing and wine making industries. The director shall either approve the *[budget and]* plans prior to the commencement of the next fiscal year or disapprove and return the *[budget and]* plans to the board with conditions necessary for approval prior to the commencement of the next fiscal year. In reviewing

the *[budget and]* plans, the director may consult with and receive coordinated support from:

[(A)] (a) The State Department of Agriculture;

[(B)] (b) The Oregon Tourism Commission;

[(C)] (c) Oregon State University;

[(D)] (d) The Office of Community Colleges and Workforce Development; and

[(E)] (e) The Oregon Liquor and Cannabis Commission.

SECTION 38. ORS 576.877 is amended to read:

576.877. Moneys received on behalf of the Oregon Wine Board pursuant to ORS 473.030 (4) and 473.045 shall be deposited into the *[account created by the board under ORS 182.470 and are continuously appropriated to the board as provided in ORS 182.470, exclusively for use by the board in carrying out the provisions of ORS 576.850 to 576.877]* **Oregon Wine Board Fund established in section 19 of this 2026 Act.** The board shall allocate a portion of the moneys received from sources other than fees toward research in enology and viticulture and toward promotion of the Oregon wine grape growing and wine making industries, including administrative costs associated with either category.

SECTION 39. ORS 671.990 is amended to read:

671.990. (1)(a) A person that violates a provision of ORS 671.010 to 671.220 or a rule the State Board of Architect Examiners adopts under ORS 671.010 to 671.220 is subject to a civil penalty of not more than \$5,000 for each violation. A civil penalty under this subsection is in addition to and not in lieu of any other penalty or sanction provided by law.

(b) The board may impose a civil penalty under this section only in accordance with ORS 183.745.

(c) Notwithstanding ORS 670.335, the board shall deposit all civil penalties recovered under this section into *[an account the board establishes in accordance with ORS 182.470. Moneys the board deposits are appropriated continuously to the board and may be used only for the administration and enforcement of ORS 182.456 to 182.472 and 671.010 to 671.220]* **the State Board of Architect Examiners Fund established in section 7 of this 2026 Act.**

(2) Violation of ORS 671.530 is a misdemeanor.

SECTION 40. ORS 671.995 is amended to read:

671.995. (1) The State Landscape Architect Board may impose a civil penalty against any person who violates any provision of ORS 671.310 to 671.459 or any rule adopted thereunder. The penalty shall be imposed in the manner provided by ORS 183.745. The board shall determine the amount of a civil penalty imposed under this section, not to exceed \$5,000 for each offense. Notwithstanding ORS 670.335, civil penalties recovered under this section shall be deposited into *[an account established by the board as provided under ORS 182.470. Moneys deposited are appropriated continuously to the board for the administration and enforcement of ORS 182.456 to 182.472, 671.310 to 671.459 and 671.995]* **the State Landscape Architect Board Fund established in section 13 of this 2026 Act.** The Attorney General shall bring an action in the name of the State of Oregon in a court of appropriate jurisdiction to enforce any civil penalty imposed under this section.

(2) In determining the amount of a civil penalty imposed under this section, the board may consider:

(a) The seriousness of the violation;

(b) The economic benefit to the violator resulting from the violation;

(c) Whether the violator has previously committed violations; and

(d) Other factors that the board finds appropriate.

SECTION 41. ORS 672.325 is amended to read:

672.325. (1) In addition to any other penalty provided by law, any person who violates any provision of ORS 672.002 to 672.325 or any rule adopted thereunder shall forfeit and pay to the State Board of Examiners for Engineering and Land Surveying a civil penalty in an amount determined by the board of not more than \$1,000 for each offense.

(2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(3) Notwithstanding ORS 670.335, civil penalties recovered under this section shall be deposited into *[an account established by the board as provided in ORS 182.470. Moneys deposited are appropriated continuously to the board and shall be used only for the administration and enforcement of ORS 182.456 to 182.472 and 672.002 to 672.325]* **the State Board of Examiners for Engineering and Land Surveying Fund established in section 9 of this 2026 Act.**

SECTION 42. ORS 672.690 is amended to read:

672.690. (1) In addition to any other penalty provided by law, a person who violates any provision of ORS 672.515 to 672.705 or any rule adopted thereunder is subject to payment of a civil penalty to the State Board of Geologist Examiners in an amount of not more than \$1,000 for each offense.

(2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(3) Notwithstanding ORS 670.335, all penalties recovered shall be deposited into *[an account established as provided under ORS 182.470. Moneys deposited are continuously appropriated to the board and shall be used only for the administration and enforcement of ORS 182.456 to 182.472 and 672.505 to 672.705]* **the State Board of Geologist Examiners Fund established in section 11 of this 2026 Act.**

SECTION 43. ORS 674.250 is amended to read:

674.250. (1) The Appraiser Certification and Licensure Board shall collect from each appraisal management company an annual registry fee in an amount determined by the Appraisal Subcommittee as set forth in federal law.

(2) The board shall establish by rule fees for appraisal management companies, including but not limited to fees for:

- (a) Application for registration.
- (b) Registration.
- (c) Renewal of registration.
- (d) Duplicate registration.
- (e) Renewal of inactive registration.
- (f) Reactivation of inactive registration.
- (g) Late renewal of registration.
- (h) Inactive status.

(3) All moneys collected or received by the board pursuant to this section shall be paid into the *[account created by the board under ORS 182.470]* **Appraiser Certification and Licensure Board Fund established under section 5 of this 2026 Act.**

SECTION 44. ORS 674.340 is amended to read:

674.340. (1) All moneys, fees and charges collected or received by the Appraiser Certification and Licensure Board pursuant to ORS 674.250 and 674.330 shall be paid into the *[account created by the board under ORS 182.470. All moneys in the account are appropriated continuously to the board to carry out the duties that the board is charged with administering]* **Appraiser Certification and Licensure Board Fund established in section 5 of this 2026 Act.**

(2) *[The Federal Registry Fund is established in the account created by the board under ORS 182.470.]* **The board shall establish a Federal Registry account within the Appraiser Certification and Licensure Board Fund.** Proceeds received under ORS 674.250 (1) and 674.330 (1) shall be deposited in the Federal Registry *[Fund]* **account** for the sole purpose of remitting the funds to the Federal Financial Institutions Examination Council in accordance with the federal Act.

SECTION 45. ORS 687.071 is amended to read:

687.071. (1) The State Board of Massage Therapists shall impose fees for the following:

(a) Issuance or renewal of a massage therapist license.

(b) Issuance or renewal of a permit to operate a massage facility.

(c) Examinations and reexaminations.

(d) Inactive status.

(e) Delinquency in renewal of a license or of a permit to operate a massage facility.

(f) Temporary practice permit.

(g) Application for massage license examination.

(h) Relocation of a massage facility as described in ORS 687.059 (3).

(i) Transferring a permit to operate a massage facility from one person to another person as described in ORS 687.059 (4).

(j) Transferring the name of a massage facility to another massage facility as described in ORS 687.059 (5).

(2) If the effective period of an initial massage therapist license or permit to operate a massage facility is to be less than 12 months by reason of the expiration date established by rule of the board, the required license fee shall be prorated to represent one-half of the rate for a biennial period.

(3) The board shall examine or reexamine an applicant for a massage therapist license who pays a fee for each examination and who meets the requirements of ORS 687.051.

(4) All moneys received by the board shall be paid into the *[account created by the board under ORS 182.470 and are continuously appropriated to the board for the administration and enforcement of ORS 676.850, 687.011 to 687.250, 687.895 and 687.991]* **State Board of Massage Therapists Fund established in section 21 of this 2026 Act.**

SECTION 46. ORS 687.250 is amended to read:

687.250. (1) The State Board of Massage Therapists shall report to the proper district attorney all cases that in the judgment of the board warrant criminal prosecution under ORS 687.991.

(2) The board may, in its own name, assess a civil penalty against a person who violates a provision of ORS 687.011 to 687.250, 687.895 and 687.991. The board may assess the civil penalty instead of or in addition to disciplinary action under ORS 687.081, an injunction issued under ORS 687.021 or criminal prosecution by the district attorney under this section. The amount of the civil penalty may not exceed \$5,000 for any single violation.

(3) *[Except as the board may otherwise provide under ORS 182.462 (1)(e),]* Moneys collected through the assessment of civil penalties by the board under subsection (2) of this section or ORS 687.081 shall be deposited into the *[account created by the board pursuant to ORS 182.470 and are continuously appropriated to the board for carrying out the provisions of ORS 687.011 to 687.250, 687.895 and 687.991]* **State Board of Massage Therapists Fund established in section 21 of this 2026 Act.**

(4) Upon a determination by the board that a massage facility is in violation of ORS 687.021 and employs or contracts with persons to practice massage who are not licensed under ORS 687.011 to

687.250, 687.895 and 687.991, in addition to any other disciplinary action, the board may post on the exterior of the premises a placard that states the massage facility is in violation of ORS 687.021 and that contains any other information required by the board. In addition to any other civil penalty or disciplinary action allowed under ORS 687.011 to 687.250, 687.895 and 687.991, the board may assess a civil penalty against a massage facility described in this subsection that removes a placard posted by the board in an amount not to exceed \$100 per day during which the placard is removed.

SECTION 47. ORS 688.240 is amended to read:

688.240. The provisions of the Physical Therapy Licensure Compact are as follows:

PHYSICAL THERAPY LICENSURE COMPACT

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This Compact is designed to achieve the following objectives:

1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;
2. Enhance the states' ability to protect the public's health and safety;
3. Encourage the cooperation of member states in regulating multi-state physical therapy practice;
4. Support spouses of relocating military members;
5. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

1. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.
2. "Adverse Action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.
3. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.
4. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.
5. "Continuing competence" means a requirement, as a condition of license renewal, to provide

1 evidence of participation in, and/or completion of, educational and professional activities relevant
2 to practice or area of work.

3 6. "Data system" means a repository of information about licensees, including examination,
4 licensure, investigative, compact privilege, and adverse action.

5 7. "Encumbered license" means a license that a physical therapy licensing board has limited in
6 any way.

7 8. "Executive Board" means a group of directors elected or appointed to act on behalf of, and
8 within the powers granted to them by, the Commission.

9 9. "Home state" means the member state that is the licensee's primary state of residence.

10 10. "Investigative information" means information, records, and documents received or gener-
11 ated by a physical therapy licensing board pursuant to an investigation.

12 11. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws
13 and rules governing the practice of physical therapy in a state.

14 12. "Licensee" means an individual who currently holds an authorization from the state to
15 practice as a physical therapist or to work as a physical therapist assistant.

16 13. "Member state" means a state that has enacted the Compact.

17 14. "Party state" means any member state in which a licensee holds a current license or com-
18 pact privilege or is applying for a license or compact privilege.

19 15. "Physical therapist" means an individual who is licensed by a state to practice physical
20 therapy.

21 16. "Physical therapist assistant" means an individual who is licensed/certified by a state and
22 who assists the physical therapist in selected components of physical therapy.

23 17. "Physical therapy," "physical therapy practice," and "the practice of physical therapy" mean
24 the care and services provided by or under the direction and supervision of a licensed physical
25 therapist. The "practice of physical therapy" also has the meaning given that term in ORS 688.010.

26 18. "Physical Therapy Compact Commission" or "Commission" means the national administra-
27 tive body whose membership consists of all states that have enacted the Compact.

28 19. "Physical therapy licensing board" or "licensing board" means the agency of a state that is
29 responsible for the licensing and regulation of physical therapists and physical therapist assistants.

30 20. "Remote State" means a member state other than the home state, where a licensee is exer-
31 cising or seeking to exercise the compact privilege.

32 21. "Rule" means a regulation, principle, or directive promulgated by the Commission that has
33 the force of law.

34 22. "State" means any state, commonwealth, district, or territory of the United States of Amer-
35 ica that regulates the practice of physical therapy.

36 SECTION 3. STATE PARTICIPATION IN THE COMPACT

37 A. To participate in the Compact, a state must:

38 1. Participate fully in the Commission's data system, including using the Commission's unique
39 identifier as defined in rules;

40 2. Have a mechanism in place for receiving and investigating complaints about licensees;

41 3. Notify the Commission, in compliance with the terms of the Compact and rules, of any adverse
42 action or the availability of investigative information regarding a licensee;

43 4. Fully implement a criminal background check requirement, within a time frame established
44 by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal
45 background checks and use the results in making licensure decisions in accordance with Section

1 3.B.;

2 5. Comply with the rules of the Commission;

3 6. Utilize a recognized national examination as a requirement for licensure pursuant to the rules
4 of the Commission; and

5 7. Have continuing competence requirements as a condition for license renewal.

6 B. Upon adoption of this statute, the member state shall have the authority to obtain
7 biometric-based information from each physical therapy licensure applicant and submit this infor-
8 mation to the Federal Bureau of Investigation for a criminal background check in accordance with
9 28 U.S.C. §534 and 42 U.S.C. §14616.

10 C. A member state shall grant the compact privilege to a licensee holding a valid unencumbered
11 license in another member state in accordance with the terms of the Compact and rules.

12 D. Member states may charge a fee for granting a compact privilege.

13 SECTION 4. COMPACT PRIVILEGE

14 A. To exercise the compact privilege under the terms and provisions of the Compact, the
15 licensee shall:

16 1. Hold a license in the home state;

17 2. Have no encumbrance on any state license;

18 3. Be eligible for a compact privilege in any member state in accordance with Section 4D, G and
19 H;

20 4. Have not had any adverse action against any license or compact privilege within the previous
21 2 years;

22 5. Notify the Commission that the licensee is seeking the compact privilege within a remote
23 state(s);

24 6. Pay any applicable fees, including any state fee, for the compact privilege;

25 7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee
26 is seeking a compact privilege; and

27 8. Report to the Commission adverse action taken by any non-member state within 30 days from
28 the date the adverse action is taken.

29 B. The compact privilege is valid until the expiration date of the home license. The licensee
30 must comply with the requirements of Section 4A to maintain the compact privilege in the remote
31 state.

32 C. A licensee providing physical therapy in a remote state under the compact privilege shall
33 function within the laws and regulations of the remote state.

34 D. A licensee providing physical therapy in a remote state is subject to that state's regulatory
35 authority. A remote state may, in accordance with due process and that state's laws, remove a
36 licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or
37 take any other necessary actions to protect the health and safety of its citizens. The licensee is not
38 eligible for a compact privilege in any state until the specific time for removal has passed and all
39 fines are paid.

40 E. If a home state license is encumbered, the licensee shall lose the compact privilege in any
41 remote state until the following occur:

42 1. The home state license is no longer encumbered; and

43 2. Two years have elapsed from the date of the adverse action.

44 F. Once an encumbered license in the home state is restored to good standing, the licensee must
45 meet the requirements of Section 4A to obtain a compact privilege in any remote state.

1 G. If a licensee's compact privilege in any remote state is removed, the individual shall lose the
2 compact privilege in any remote state until the following occur:

- 3 1. The specific period of time for which the compact privilege was removed has ended;
- 4 2. All fines have been paid; and
- 5 3. Two years have elapsed from the date of the adverse action.

6 H. Once the requirements of Section 4G have been met, the license must meet the requirements
7 in Section 4A to obtain a compact privilege in a remote state.

8 SECTION 5. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

9 A licensee who is active duty military or is the spouse of an individual who is active duty mil-
10 itary may designate one of the following as the home state:

- 11 A. Home of record;
- 12 B. Permanent Change of Station (PCS); or
- 13 C. State of current residence if it is different than the PCS state or home of record.

14 SECTION 6. ADVERSE ACTIONS

15 A. A home state shall have exclusive power to impose adverse action against a license issued
16 by the home state.

17 B. A home state may take adverse action based on the investigative information of a remote
18 state, so long as the home state follows its own procedures for imposing adverse action.

19 C. Nothing in this Compact shall override a member state's decision that participation in an
20 alternative program may be used in lieu of adverse action and that such participation shall remain
21 non-public if required by the member state's laws. Member states must require licensees who enter
22 any alternative programs in lieu of discipline to agree not to practice in any other member state
23 during the term of the alternative program without prior authorization from such other member
24 state.

25 D. Any member state may investigate actual or alleged violations of the statutes and rules au-
26 thorizing the practice of physical therapy in any other member state in which a physical therapist
27 or physical therapist assistant holds a license or compact privilege.

28 E. A remote state shall have the authority to:

29 1. Take adverse actions as set forth in Section 4D against a licensee's compact privilege in the
30 state;

31 2. Issue subpoenas for both hearings and investigations that require the attendance and testi-
32 mony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing
33 board in a party state for the attendance and testimony of witnesses, and/or the production of evi-
34 dence from another party state, shall be enforced in the latter state by any court of competent ju-
35 risdiction, according to the practice and procedure of that court applicable to subpoenas issued in
36 proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses,
37 mileage, and other fees required by the service statutes of the state where the witnesses and/or
38 evidence are located; and

39 3. If otherwise permitted by state law, recover from the licensee the costs of investigations and
40 disposition of cases resulting from any adverse action taken against that licensee.

41 F. Joint Investigations

42 1. In addition to the authority granted to a member state by its respective physical therapy
43 practice act or other applicable state law, a member state may participate with other member states
44 in joint investigations of licensees.

45 2. Member states shall share any investigative, litigation, or compliance materials in furtherance

1 of any joint or individual investigation initiated under the Compact.

2 SECTION 7. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

3 A. The Compact member states hereby create and establish a joint public agency known as the
4 Physical Therapy Compact Commission:

5 1. The Commission is an instrumentality of the Compact states.

6 2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely
7 and exclusively in a court of competent jurisdiction where the principal office of the Commission is
8 located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or
9 consents to participate in alternative dispute resolution proceedings.

10 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

11 B. Membership, Voting, and Meetings

12 1. Each member state shall have and be limited to one (1) delegate selected by that member
13 state's licensing board.

14 2. The delegate shall be a current member of the licensing board, who is a physical therapist,
15 physical therapist assistant, public member, or the board administrator.

16 3. Any delegate may be removed or suspended from office as provided by the law of the state
17 from which the delegate is appointed.

18 4. The member state board shall fill any vacancy occurring in the Commission.

19 5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and
20 creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs
21 of the Commission.

22 6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws
23 may provide for delegates' participation in meetings by telephone or other means of communication.

24 7. The Commission shall meet at least once during each calendar year. Additional meetings shall
25 be held as set forth in the bylaws.

26 C. The Commission shall have the following powers and duties:

27 1. Establish the fiscal year of the Commission;

28 2. Establish bylaws;

29 3. Maintain its financial records in accordance with the bylaws;

30 4. Meet and take such actions as are consistent with the provisions of this Compact and the
31 bylaws;

32 5. Promulgate uniform rules to facilitate and coordinate implementation and administration of
33 this Compact. The rules shall have the force and effect of law and shall be binding in all member
34 states;

35 6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided
36 that the standing of any state physical therapy licensing board to sue or be sued under applicable
37 law shall not be affected;

38 7. Purchase and maintain insurance and bonds;

39 8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees
40 of a member state;

41 9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individ-
42 uals appropriate authority to carry out the purposes of the Compact, and to establish the
43 Commission's personnel policies and programs relating to conflicts of interest, qualifications of per-
44 sonnel, and other related personnel matters;

45 10. Accept any and all appropriate donations and grants of money, equipment, supplies, materi-

als and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an Executive Board; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of physical therapy licensure and practice.

D. The Executive Board

The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be comprised of nine members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission;

b. One ex-officio, nonvoting member from the recognized national physical therapy professional association; and

c. One ex-officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

2. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Board as provided in bylaws.

4. The Executive Board shall meet at least annually.

5. The Executive Board shall have the following Duties and responsibilities:

a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 9.

2. The Commission or the Executive Board or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Board or other committees of the

1 Commission must discuss:

- 2 a. Non-compliance of a member state with its obligations under the Compact;
- 3 b. The employment, compensation, discipline or other matters, practices or procedures related
- 4 to specific employees or other matters related to the Commission's internal personnel practices and
- 5 procedures;
- 6 c. Current, threatened, or reasonably anticipated litigation;
- 7 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- 8 e. Accusing any person of a crime or formally censuring any person;
- 9 f. Disclosure of trade secrets or commercial or financial information that is privileged or confi-
- 10 dential;
- 11 g. Disclosure of information of a personal nature where disclosure would constitute a clearly
- 12 unwarranted invasion of personal privacy;
- 13 h. Disclosure of investigative records compiled for law enforcement purposes;
- 14 i. Disclosure of information related to any investigative reports prepared by or on behalf of or
- 15 for use of the Commission or other committee charged with responsibility of investigation or deter-
- 16 mination of compliance issues pursuant to the Compact; or
- 17 j. Matters specifically exempted from disclosure by federal or member state statute.

18 3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's
19 legal counsel or designee shall certify that the meeting may be closed and shall reference each rel-
20 evant exempting provision.

21 4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a
22 meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore,
23 including a description of the views expressed. All documents considered in connection with an
24 action shall be identified in such minutes. All minutes and documents of a closed meeting shall re-
25 main under seal, subject to release by a majority vote of the Commission or order of a court of
26 competent jurisdiction.

27 F. Financing of the Commission

28 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its es-
29 tablishment, organization, and ongoing activities.

30 2. The Commission may accept any and all appropriate revenue sources, donations, and grants
31 of money, equipment, supplies, materials, and services.

32 3. The Commission may levy on and collect an annual assessment from each member state or
33 impose fees on other parties to cover the cost of the operations and activities of the Commission
34 and its staff, which must be in a total amount sufficient to cover its annual budget as approved each
35 year for which revenue is not provided by other sources. The aggregate annual assessment amount
36 shall be allocated based upon a formula to be determined by the Commission, which shall promulgate
37 a rule binding upon all member states.

38 4. The Commission shall not incur obligations of any kind prior to securing the funds adequate
39 to meet the same; nor shall the Commission pledge the credit of any of the member states, except
40 by and with the authority of the member state.

41 5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts
42 and disbursements of the Commission shall be subject to the audit and accounting procedures es-
43 tablished under its bylaws. However, all receipts and disbursements of funds handled by the Com-
44 mission shall be audited yearly by a certified or licensed public accountant, and the report of the
45 audit shall be included in and become part of the annual report of the Commission.

6. An assessment levied, or any other financial obligation imposed, under this Compact is effective against the State of Oregon only to the extent that moneys necessary to pay the assessment or meet the financial obligations have been deposited in [*an account established under ORS 182.470 by the Oregon Board of Physical Therapy pursuant to ORS 688.201*] **the Oregon Board of Physical Therapy Fund established in section 23 of this 2026 Act.**

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 8. DATA SYSTEM

A. 1. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

2. Notwithstanding Section 9.A.1., the Oregon Board of Physical Therapy shall review the rules of the Commission. The licensing board may approve and adopt the rules of the Commission as rules of the licensing board. The State of Oregon is subject to a rule of the Commission only if the rule of the Commission is adopted by the licensing board.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or compact privilege;
4. Non-confidential information related to alternative program participation;
5. Any denial of application for licensure, and the reason(s) for such denial; and

6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. Investigative information pertaining to a licensee in any member state will only be available to other party states.

D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 9. RULEMAKING

A. 1. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

2. Notwithstanding Section 9.A.1., the Oregon Board of Physical Therapy shall review the rules of the Commission. The licensing board may approve and adopt the rules of the Commission as rules of the licensing board. The State of Oregon is subject to a rule of the Commission only if the rule of the Commission is adopted by the licensing board.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and
2. On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the

1 place, time, and date of the scheduled public hearing. If the hearing is held via electronic means,
2 the Commission shall publish the mechanism for access to the electronic hearing.

3 1. All persons wishing to be heard at the hearing shall notify the executive director of the
4 Commission or other designated member in writing of their desire to appear and testify at the
5 hearing not less than five (5) business days before the scheduled date of the hearing.

6 2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair
7 and reasonable opportunity to comment orally or in writing.

8 3. All hearings will be recorded. A copy of the recording will be made available on request.

9 4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules
10 may be grouped for the convenience of the Commission at hearings required by this section.

11 I. Following the scheduled hearing date, or by the close of business on the scheduled hearing
12 date if the hearing was not held, the Commission shall consider all written and oral comments re-
13 ceived.

14 J. If no written notice of intent to attend the public hearing by interested parties is received,
15 the Commission may proceed with promulgation of the proposed rule without a public hearing.

16 K. The Commission shall, by majority vote of all members, take final action on the proposed rule
17 and shall determine the effective date of the rule, if any, based on the rulemaking record and the
18 full text of the rule.

19 L. Upon determination that an emergency exists, the Commission may consider and adopt an
20 emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual
21 rulemaking procedures provided in the Compact and in this section shall be retroactively applied to
22 the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective
23 date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted
24 immediately in order to:

25 1. Meet an imminent threat to public health, safety, or welfare;

26 2. Prevent a loss of Commission or member state funds;

27 3. Meet a deadline for the promulgation of an administrative rule that is established by federal
28 law or rule; or

29 4. Protect public health and safety.

30 M. The Commission or an authorized committee of the Commission may direct revisions to a
31 previously adopted rule or amendment for purposes of correcting typographical errors, errors in
32 format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted
33 on the website of the Commission. The revision shall be subject to challenge by any person for a
34 period of thirty (30) days after posting. The revision may be challenged only on grounds that the
35 revision results in a material change to a rule. A challenge shall be made in writing, and delivered
36 to the chair of the Commission prior to the end of the notice period. If no challenge is made, the
37 revision will take effect without further action. If the revision is challenged, the revision may not
38 take effect without the approval of the Commission.

39 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

40 A. Oversight

41 1. The executive, legislative, and judicial branches of state government in each member state
42 shall enforce this Compact and take all actions necessary and appropriate to effectuate the
43 Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder
44 and adopted by the Oregon Board of Physical Therapy shall have standing as statutory law.

45 2. All courts shall take judicial notice of the Compact and the rules in any judicial or adminis-

trative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include injunctive relief. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, in-

cluding reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 11. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 12. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any party state, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

SECTION 48. As soon as possible after the effective date of this 2026 Act, the semi-independent state agencies listed in ORS 182.454, the Oregon Tourism Commission, the Travel Information Council and the Film and Video Board shall close any accounts established under ORS 182.470 and any other accounts not in the State Treasury and deposit all moneys in the accounts in the funds established under sections 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 62, 64 and 66 of this 2026 Act, as appropriate.

SECTION 49. ORS 182.462, 182.470, 671.655, 683.290 and 688.201 are repealed.

SECTION 50. ORS 284.118 is amended to read:

284.118. (1) Except as provided in subsection (2) of this section, the provisions of ORS 200.035, 279.835 to 279.855 and 283.085 to 283.092 and ORS chapters 240, 276, 279A, 279B, 279C, 282[,] **and** 283[, 291, 292 and 293] do not apply to the Oregon Tourism Commission. The commission is subject to all other statutes governing a state agency that do not conflict with ORS 284.101 to 284.148, including the tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183. The employees of the commission are included within the Public Employees Retirement System.

[(2) Notwithstanding subsection (1) of this section, the following provisions apply to the commission:]

[(a) ORS 279A.250 to 279A.290;]

[(b) ORS 292.495; and]

[(c) ORS 293.235, 293.240, 293.245, 293.250, 293.611, 293.625 and 293.630.]

(2) Notwithstanding subsection (1) of this section, ORS 279A.250 to 279A.290 apply to the commission.

(3) In carrying out the duties, functions and powers of the commission, the commission may contract with any state agency for the performance of duties, functions and powers as the commission considers appropriate. A state agency may not charge the commission an amount that exceeds the actual cost of those services. ORS 284.101 to 284.148 do not require a state agency to provide services to the commission other than pursuant to a voluntary interagency agreement or contract.

(4) The commission shall adopt personnel policies and contracting and purchasing procedures. The Oregon Department of Administrative Services shall review those policies and procedures for compliance with applicable state and federal laws and collective bargaining contracts.

(5) Except as otherwise provided by law, members and employees of the commission are eligible to receive the same benefits as state employees and are entitled to retain their State of Oregon hire dates, transfer rights and job bidding rights, all without loss of seniority, and to the direct transfer of all accumulated state agency leaves.

SECTION 51. ORS 284.111 is amended to read:

284.111. The Oregon Tourism Commission shall perform the following duties:

(1) Serve as a body to advise governmental bodies and agencies and private persons on the development and implementation of state policies and programs relating to tourism and recreation and to assist in the coordination of these activities.

(2) Advise the Governor and direct the executive director of the commission on all matters pertaining to tourism.

(3) Prepare, approve and periodically revise and submit to the Governor, the Director of the Oregon Business Development Department and tourism industry associations a recommended comprehensive marketing plan for review by the Governor, the Director of the Oregon Business Development Department and the tourism industry associations. The comprehensive marketing plan shall be directed toward the accomplishment of at least the following purposes:

(a) Maximizing the return on public and private investment in tourism.

(b) Encouraging longer stays by visitors to Oregon.

(c) Reducing seasonal fluctuations in travel and tourist related industries.

(d) Encouraging visitors to be destination oriented in this state by targeting high-yield visitor segments that may include cultural tourism, agri-tourism, nature-based tourism or sports and adventure tourism.

(e) Encouraging visitors from foreign countries to come to Oregon.

(f) Encouraging Oregonians to vacation in Oregon.

[(4) *Develop a biennial budget for all operations of the commission and submit the budget to the Governor.*]

[(5)] (4) Seek and receive the views of all levels of government and the private sector with respect to state programs and policies for the promotion and assistance of tourism.

[(6)] (5) Prepare and adopt administrative rules necessary for the operation of the programs of the commission.

[(7)] (6) Cooperate with educational institutions of the state in the development of educational programs preparing persons for supporting and leadership positions critical to the development of an economically strong and socially beneficial tourism industry in Oregon.

[(8)] (7) Cooperate with and provide expertise for communities and tourism marketing associations in the development and promotion of their tourism attractions and businesses.

[(9)] (8) Implement the comprehensive marketing plan described in subsection (3) of this section and promote tourism in the State of Oregon.

SECTION 52. ORS 284.131 is amended to read:

284.131. [(1) *All moneys collected, received by or appropriated to the Oregon Tourism Commission must be deposited into an account established by the commission in a depository bank insured by the Federal Deposit Insurance Corporation. In a manner consistent with the requirements of ORS chapter 295, the chair of the commission shall ensure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the Federal Deposit Insurance Corporation's coverage.*]

[(2) *Subject to the approval of the chair, the commission may invest moneys collected or received by the commission. Investments made by the commission must be limited to investments described in ORS 294.035 (3)(a) to (i).*]

[(3) *Interest earned on any moneys invested under subsection (2) of this section must be made available to the commission in a manner consistent with the biennial budget of the commission.*]

[(4)] (1) The **Oregon Tourism** Commission shall spend state transient lodging tax moneys appropriated to the commission under ORS 320.335 as follows:

(a) At least 65 percent must be used to fund state tourism programs.

(b) Ten percent must be used for a competitive grant program for projects that further the purpose described in ORS 284.138, which may include tourism-related facilities and tourism-generating events, including sporting events.

(c) Twenty percent must be used to implement a regional cooperative tourism program that:

(A) Requires fund allocations to focus on creating new business from out-of-state and international markets;

(B) Utilizes a regional allocation formula that distributes revenue to regions, the boundaries of which are established by the commission, in proportion to the amount of transient lodging tax revenues collected in each region;

(C) Distributes revenue to recipients that are selected by the commission as organizations able to conduct tourism-related marketing for each region;

(D) Requires advertising, publications, CD-ROMs, websites, videos and other tourism promotion materials funded through the regional cooperative tourism program to carry the Oregon Tourism Commission logo and marketing tag line; and

(E) Encourages funding recipients to incorporate design elements from commission advertising and promotional campaigns, such as fonts, images and other design elements.

[(5)] (2) In funding programs and awarding grants under subsection [(4)(a)] (1)(a) and (b) of this

section, the commission shall consider a demonstrated return on investment, geographic equity and community support.

[(6) All moneys in the account that are not state transient lodging tax revenues are continuously appropriated to the commission for the purposes of carrying out the functions of the commission.]

[(7) All expenditures from the account are exempt from any state expenditure limitation.]

SECTION 53. ORS 284.142 is amended to read:

284.142. (1) The Oregon Tourism Commission shall appoint an executive director. The appointment shall be subject to the approval of the Governor. The executive director shall serve at the pleasure of the members of the commission.

(2) The commission shall set the compensation of the executive director.

(3) The executive director shall direct all administrative functions of the commission. The executive director may appoint all subordinate officers and employees of the commission and may prescribe their duties and set their compensation.

(4) Except as provided in subsection (5) of this section, the commission may delegate to the executive director any duty, function or power conferred or imposed on the commission and the executive director may delegate to any subordinate officer or employee of the commission any duty, function or power conferred, imposed on or delegated to the executive director.

(5) The commission may not delegate to the executive director the power to:

(a) Approve the comprehensive marketing plan described in ORS 284.111; **or**

[(b) Approve the biennial budget required under ORS 284.126; or]

[(c)] **(b)** Appoint and set the compensation of the executive director.

SECTION 54. ORS 377.836 is amended to read:

377.836. (1) Except as otherwise provided by law, and except as provided in subsection (2) of this section, the provisions of ORS 279.835 to 279.855 and 283.085 to 283.092 and ORS chapters 240, 276, 279A, 279B, 279C, 282[,] **and** 283[, 291, 292 and 293] do not apply to the Travel Information Council. The council is subject to all other statutes governing a state agency that do not conflict with ORS 377.700 to 377.844, including the tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183. Subject to the requirements of ORS chapters 238 and 238A, the council's employees are members of the Public Employees Retirement System.

(2) The following shall apply to the council:

(a) ORS 279A.250 to 279A.290; **and**

(b) ORS 282.210 to 282.230.[: and]

[(c) ORS 293.235, 293.240, 293.245, 293.611, 293.625 and 293.630.]

SECTION 55. ORS 377.838 is amended to read:

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

(2) The executive director may not, without the prior approval of the council:

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

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

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

SECTION 56. ORS 284.375 is amended to read:

284.375. (1) Except as otherwise provided by law, ORS 279.835 to 279.855 and 283.085 to 283.092

and ORS chapters 240, 276, 279A, 279B, 279C, 282[,] **and** 283[, 291, 292 and 293] do not apply to the Oregon Film and Video Office.

(2) Notwithstanding subsection (1) of this section, ORS 279A.100, 279A.250 to 279A.290[,] **and** 282.210 to 282.230[, 293.235, 293.240, 293.245, 293.260, 293.262, 293.611, 293.625 and 293.630] apply to the Oregon Film and Video Office.

SECTION 57. ORS 284.335 is amended to read:

284.335. (1) Except as provided in subsection (2) of this section, when carrying out the duties, functions and powers of the Oregon Film and Video Office, the director of the office may contract with any state agency for the performance of such duties, functions and powers that the director considers appropriate.

(2) The director of the office may not, without the prior approval of the Film and Video Board:

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

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

(c) Sell or otherwise dispose of real or personal property valued in excess of \$25,000;

(d) Commence a civil legal action or proceeding;

(e) Sell, transfer and convey property to a buyer or lease property to a tenant;

[(f) Borrow money and give guarantees;]

[(g)] (f) Finance, conduct or cooperate in the financing of facilities and projects to assist the film, video and emerging media industries; or

[(h)] (g) In accordance with ORS chapter 183, adopt rules necessary for the administration of laws that the office is charged with administering.

(3) The Film and Video Board shall approve the lease of property to a tenant only when the sale, transfer or conveyance of the property cannot be effected with reasonable promptness or at a reasonable price.

[(4) The Film and Video Board may not allow the director to borrow money or give guarantees under subsection (2)(f) of this section unless the indebtedness or other obligations of the office are payable solely out of its own resources and do not constitute a pledge of the full faith and credit of the State of Oregon or any of the revenues of this state.]

[(5) The office shall file with the Governor, the Legislative Assembly and the Legislative Fiscal Officer a biennial report of the activities and operations of the office. The report shall include a full and complete reporting of the financial activities and transactions of the office during the biennium, including at least the information required under ORS 284.365 (5).]

SECTION 58. ORS 320.335 is amended to read:

320.335. All moneys received by the Department of Revenue pursuant to ORS 320.305 to 320.340, and interest thereon, shall be paid to the State Treasurer to be held in a suspense account established under ORS 293.445. After the payment of refunds:

(1) Moneys necessary to reimburse the Department of Revenue for the actual costs incurred by the department in administering the state transient lodging tax, not to exceed two percent of state transient lodging tax collections, are continuously appropriated to the department; and

(2) The balance of the moneys received shall be transferred to the [account of the] Oregon Tourism Commission **Fund** established under [ORS 284.131] **section 62 of this 2026 Act**. The moneys transferred under this subsection are continuously appropriated to the Oregon Tourism Commission for the purposes set forth in ORS 284.131.

SECTION 59. ORS 805.272 is amended to read:

805.272. (1) After the deduction of the cost of administration of the wine country registration

plate program, the Department of Transportation shall deposit the net proceeds of the surcharge collected by the department under ORS 805.266 into the [*account of the*] Oregon Tourism Commission **Fund** established under [*ORS 284.131*] **section 62 of this 2026 Act**. The department shall make deposits under this subsection at least quarterly.

(2) Moneys deposited under subsection (1) of this section are continuously appropriated to the Oregon Tourism Commission for the purposes set forth in ORS 284.131.

(3) As used in this section, “the cost of administration of the wine country registration plate program” means the sum of all department expenses for the issuance or transfer of wine country registration plates under ORS 805.266 that are above the normal costs of issuing, renewing and transferring registration plates in the normal course of the business of the department. These expenses include, but are not limited to, the costs of collecting the wine country registration plate surcharge and transferring wine country registration plates.

SECTION 60. ORS 377.795 is amended to read:

377.795. (1) Whenever the Travel Information Council establishes a telephone reservation system for lodging accommodations or other travel services at a sign plaza, the costs thereof shall be apportioned among the subscribing motels, hotels, trailer parks, campgrounds or providers of other travel services on a per room or other equitable basis.

(2)(a) Whenever the council establishes a tourist and motorist information Internet webpage, or cooperates with the Department of Transportation or another public or private entity to provide information about travel services through an Internet webpage, the council may charge a fee for advertisement by, or information provided on the Internet webpage on behalf of, the providers of travel services.

(b) The council may not place an advertisement for a provider of travel services on an Internet webpage identified as a department webpage. The department may place a link to the council’s Internet webpage on an Internet webpage identified as a department webpage.

(3) If the council and the Department of Transportation decide to use the telephone system or the tourist and motorist information Internet webpage for emergency or other services, an appropriate portion of the overall telephone and Internet costs shall be borne by the department.

(4) Receipts shall be deposited monthly, before the 10th day of the month, to the Travel Information Council [*account required by ORS 377.840*] **Fund established in section 66 of this 2026 Act**.

(5) The council may enter into one or more contracts providing for the promotion and sale of logos, motorist informational signs, sign plazas, subscriptions to the telephone reservation service and subscriptions to the tourist and motorist information Internet webpage.

SECTION 61. Section 62 of this 2026 Act is added to and made a part of ORS 284.101 to 284.148.

SECTION 62. The Oregon Tourism Commission Fund is established in the State Treasury, separate and distinct from the General Fund. All moneys collected or received by the Oregon Tourism Commission shall be deposited in the Oregon Tourism Commission Fund. Interest earned by the Oregon Tourism Commission Fund shall be credited to the fund. Moneys in the Oregon Tourism Commission Fund are continuously appropriated to the Oregon Tourism Commission for the purposes of carrying out the provisions of ORS 284.101 to 284.148.

SECTION 63. Section 64 of this 2026 Act is added to and made a part of ORS 284.300 to 284.375.

SECTION 64. The Oregon Film and Video Office Fund is established in the State Treas-

1 ury, separate and distinct from the General Fund. All moneys collected or received by the
 2 Oregon Film and Video Office shall be deposited in the Oregon Film and Video Office Fund.
 3 Interest earned by the Oregon Film and Video Office Fund shall be credited to the fund.
 4 Moneys in the Oregon Film and Video Office Fund are continuously appropriated to the
 5 Oregon Film and Video Office for the purposes of carrying out the provisions of ORS 284.300
 6 to 284.375.

7 **SECTION 65.** Section 66 of this 2026 Act is added to and made a part of ORS 377.700 to
 8 377.844.

9 **SECTION 66.** The Travel Information Council Fund is established in the State Treasury,
 10 separate and distinct from the General Fund. All moneys collected or received by the Travel
 11 Information Council shall be deposited in the Travel Information Council Fund. Interest
 12 earned by the Travel Information Council Fund shall be credited to the fund. Moneys in the
 13 Travel Information Council Fund are continuously appropriated to the Travel Information
 14 Council for the purposes of carrying out the provisions of ORS 377.700 to 377.844.

15 **SECTION 67.** ORS 284.126, 284.148, 284.365 and 377.840 are repealed.

16 **SECTION 68.** (1) Sections 4 to 27, 48 and 61 to 66 of this 2026 Act, the amendments to
 17 ORS 182.460, 182.466, 182.472, 250.139, 250.147, 250.149, 284.111, 284.118, 284.131, 284.142, 284.335,
 18 284.375, 293.226, 293.250, 320.335, 377.795, 377.836, 377.838, 442.820, 442.825, 455.028, 473.030,
 19 576.871, 576.877, 671.990, 671.995, 672.325, 672.690, 674.250, 674.340, 687.071, 687.250, 688.240 and
 20 805.272 by sections 1 to 3, 28 to 47 and 50 to 60 and the repeal of ORS 182.462, 182.470, 284.126,
 21 284.148, 284.365, 377.840, 671.655, 683.290 and 688.201 by sections 49 and 67 of this 2026 Act
 22 become operative January 1, 2028.

23 (2) A semi-independent state agency listed in ORS 182.454, the Oregon Tourism Commis-
 24 sion, the Travel Information Council and the Film and Video Board may take any action be-
 25 fore the operative date specified in subsection (1) of this section to enable the agency,
 26 commission, council or board to exercise, on and after the operative date specified in sub-
 27 section (1) of this section, all of the duties, functions and powers conferred on the agency,
 28 commission, council or board by sections 4 to 27, 48 and 61 to 66 of this 2026 Act, the
 29 amendments to ORS 182.460, 182.466, 182.472, 250.139, 250.147, 250.149, 284.111, 284.118, 284.131,
 30 284.142, 284.335, 284.375, 293.226, 293.250, 320.335, 377.795, 377.836, 377.838, 442.820, 442.825,
 31 455.028, 473.030, 576.871, 576.877, 671.990, 671.995, 672.325, 672.690, 674.250, 674.340, 687.071,
 32 687.250, 688.240 and 805.272 by sections 1 to 3, 28 to 47 and 50 to 60 and the repeal of ORS
 33 182.462, 182.470, 284.126, 284.148, 284.365, 377.840, 671.655, 683.290 and 688.201 by sections 49 and
 34 67 of this 2026 Act.