

Enrolled
Senate Bill 1591

Sponsored by Senators THOMSEN, COURTNEY; Senators BEYER, DEVLIN, EDWARDS, FERRIOLI, NELSON, OLSEN, ROSENBAUM, TELFER, VERGER, Representatives BERGER, GILLIAM, HICKS, HOYLE, HUFFMAN, HUNT, JOHNSON, KENNEMER, SCHAUFLE, SHEEHAN, WAND, WHISNANT, WITT (Presession filed.)

CHAPTER

AN ACT

Relating to travel; creating new provisions; amending ORS 366.490, 377.705 and 377.835 and sections 32 and 33, chapter 865, Oregon Laws 2009; repealing sections 34 and 60, chapter 865, Oregon Laws 2009; limiting expenditures; and declaring an emergency.

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

**CHANGES TO MEMBERSHIP AND POWERS
OF TRAVEL INFORMATION COUNCIL
(Changes to Membership and General Powers)**

SECTION 1. ORS 377.835 is amended to read:

377.835. (1) The Travel Information Council is created as a semi-independent state agency.

(2) The Travel Information Council shall consist of 11 members. [*One shall be the chairperson of the Oregon Transportation Commission or a person within the Department of Transportation designated by the chairperson and 10 appointed members as follows: Two members from among the lodging, restaurant and recreation industries; one member from the vehicular service industry; one member from the outdoor advertising industry; one member from the electrical sign industry; and five members from the public at large. The public at-large members shall be appointed from among the residents of each congressional district. None of the public at-large members shall have any financial interest in any restaurant, hotel, motel, recreational facility, garage, oil company or other vehicular service industry, or in any advertising business other than shares of stock that are traded on a national stock exchange.*] **One shall be the chairperson of the Oregon Transportation Commission or a person designated by the chairperson. The Governor shall appoint the other 10 members from the public at large. The Governor shall appoint at least one member from each congressional district. The Governor shall select members for their knowledge of, experience with or interest in economic development, travel within Oregon, recreational opportunities in Oregon, Oregon history or Oregon natural history.**

(3) [*The 10 appointed members shall be appointed by the Governor. Each shall be appointed to*] **Each appointed member shall serve for a term of four years [but a], but an appointed member may be removed at the pleasure of the Governor. Before the expiration of the term of [a] an appointed member, the Governor shall appoint a successor whose term begins on July 1 next following. [A] An appointed member is eligible for reappointment. If there is a vacancy for any cause,**

the Governor shall make an appointment to become effective immediately for the unexpired term. [*Five shall be appointed biennially on July 2 in odd-numbered years.*]

(4) The council shall select one of its members as chairperson, another as vice chairperson and a third as secretary. Six members shall constitute a quorum for the transaction of business. The council shall meet quarterly at a time and place to be determined by the chairperson. The chairperson or any three members of the council may call a special meeting upon not less than one week's written notice to the other members. All members are entitled to expenses as provided by ORS 292.495.

(5) The council may, in accordance with ORS chapter 183 and consistent with ORS 377.700 to 377.840, adopt, [*and from time to time*] amend and repeal rules relating to tourist oriented directional signs, logo signs and motorist informational signs and all other matters necessary and appropriate to carry out its responsibilities under ORS 377.700 to 377.840. The sign rules for protected areas in effect on July 2, 1971, shall be continued in effect unless modified by the commission. All [*such*] rules **adopted under this subsection** shall be consistent with federal laws and regulations relating to highways. The Director of Transportation shall take appropriate action for the administration and enforcement of orders issued and rules adopted under ORS 377.700 to 377.840, **except rules adopted by the council under section 33, chapter 865, Oregon Laws 2009.**

(6) The commission may continue or amend any existing agreements and may enter into new agreements with the United States or any agency thereof authorized to make agreements under section 131, title 23, United States Code relating to the regulation, control and removal of signs within or adjacent to the Interstate and Federal Aid Systems.

(7) The council shall be under the administrative control of a director who is appointed by and who holds office at the pleasure of the council. The director of the [*Travel Information*] council may appoint all subordinate officers and employees of the council and may prescribe their duties and fix their compensation. The director of the [*Travel Information*] council may delegate to any subordinate officer or employee any administrative duty, function or power imposed upon the council by or pursuant to law.

(Transitional Provisions Relating to Changes in Membership)

SECTION 2. (1) On May 1, 2012, the term of office of the current members of the Travel Information Council shall cease and the Governor shall appoint new members to the council. A member whose term of office has been terminated by this subsection is eligible for reappointment to the council.

(2) Notwithstanding the term of office specified by ORS 377.835, of the members appointed to the council on May 1, 2012, five shall serve for terms ending July 1, 2014, and five shall serve for terms ending July 1, 2016.

(Powers Relating to Property)

SECTION 3. Section 4 of this 2012 Act is added to and made a part of ORS 377.700 to 377.840.

SECTION 4. The Travel Information Council created under ORS 377.835 may:

(1) Erect, improve, repair, maintain, equip and furnish buildings, structures and lands as the council determines is necessary to carry out its responsibilities under ORS 377.700 to 377.840; and

(2) Acquire, receive, hold, control, convey, sell, lease, lend, manage, operate, improve and develop any and all property, real or personal, as the council determines is necessary to carry out its responsibilities under ORS 377.700 to 377.840.

CHANGES TO POLICY STATEMENT IN OREGON MOTORIST INFORMATION ACT OF 1971

SECTION 5. ORS 377.705 is amended to read:

377.705. To promote the public safety; to preserve the recreational value of public travel on the state's highways; to preserve the natural beauty and aesthetic features of such highways and adjacent areas; to provide information about and direct travelers to public accommodations, services for the traveling public, campgrounds, parks, recreational areas[,] and points of scenic, historic, cultural and educational interest, it is the policy of this state and the purpose of ORS 377.700 to 377.840 and 377.992:

- (1) To establish official information centers and motorist informational signs, including sign **plazas or travel** plazas in appropriate locations [*for the convenient arrangement of those signs*].
- (2) To provide for publication and distribution of official guidebooks and other publications.
- (3) To prohibit the indiscriminate use of other outdoor advertising.
- (4) To provide motorists, where feasible, [*a telephone emergency, information and reservation system for lodging*] **with information and access to communications systems for emergency and travel-related purposes.**

**CHANGES TO TRAVEL INFORMATION COUNCIL'S
MANAGERIAL AUTHORITY OVER REST AREAS
(Repeal of Provision That Sunsets Authority of
Travel Information Council Over Rest Areas)**

SECTION 6. Section 34, chapter 865, Oregon Laws 2009, as amended by section 2, chapter 328, Oregon Laws 2011, is repealed.

(Council's Authority as of March 1, 2012)

SECTION 7. Sections 32 and 33, chapter 865, Oregon Laws 2009, and section 1, chapter 328, Oregon Laws 2011, are added to and made a part of ORS 377.700 to 377.840.

SECTION 8. Section 32, chapter 865, Oregon Laws 2009, is amended to read:

Sec. 32. (1) [*The Department of Transportation shall enter into an intergovernmental agreement with the Travel Information Council under which the council shall manage, maintain and improve roadside rest areas mutually agreed upon by the department and council and the following roadside rest areas along Interstate 5 and Interstate 84:*] **The Travel Information Council shall manage, maintain, improve and develop for local economic development and other purposes identified in ORS 377.705 roadside rest areas along the following highways:**

- (a) **Interstate 5, northbound, near milepost 63.**
[(a)] (b) Interstate 5, southbound, near milepost 63.
- [(b)] (c) Interstate 5, northbound, near milepost 241.
- [(c)] (d) Interstate 5, southbound, near milepost 241.
- [(d)] (e) Interstate 5, northbound, near milepost 281.
- [(e)] (f) Interstate 5, southbound, near milepost 281.
- [(f)] (g) Interstate 84, eastbound, near milepost 160.
- (h) **Interstate 84, westbound, near milepost 160.**
[(g)] (i) Interstate 84, westbound, near milepost 377.
- (j) **U.S. Highway 26, westbound, near milepost 54.**
- (k) **U.S. Highway 101, southbound, near milepost 70.**

(2) Subject to subsection (4) of this section, in carrying out the provisions of subsection (1) of this section, the council may enter into contracts necessary to accomplish the purposes of subsection (1) of this section.

[(3) *The department shall maintain ownership of any roadside rest area the council manages, maintains and improves under an intergovernmental agreement entered into under subsection (1) of this section.*]

(3) The Department of Transportation shall:

(a) **Maintain ownership of any roadside rest area located along an interstate highway that the council manages, maintains, improves and develops pursuant to subsection (1) of this section; and**

(b) **Enter into an intergovernmental agreement with the council under which the council has the authority to manage, maintain, improve and develop those rest areas owned by the department that are listed in subsection (1) of this section.**

(4) Under the intergovernmental agreement entered into under subsection [(1)] (3) of this section, the council shall conduct public contracting activities in accordance with the provisions of ORS 377.836.

(5) **For the purpose of funding the management, maintenance, improvement and development of roadside rest areas under this section, the department shall allocate to the council, no later than April 1, 2012, \$457,000 from the State Highway Fund.**

(6) **The Secretary of State shall enter into agreements with the council to set an appropriate financial review schedule for moneys allocated to the council under this section. In lieu of conducting a financial review as required by that schedule, the Secretary of State may:**

(a) **Contract for the financial review with an independent certified public accountant; or**

(b) **Accept a financial review conducted by an independent certified public accountant.**

(7) **The council may not use any moneys originating from a local transient lodging tax or a state transient lodging tax, as those terms are defined in ORS 320.300, for the purpose of funding the management, maintenance, improvement and development of roadside rest areas under this section.**

SECTION 9. ORS 366.490 is amended to read:

366.490. (1) The Department of Transportation shall establish by rule a permit program allowing nonprofit organizations to provide free coffee or other nonalcoholic beverages and cookies at roadside rest areas **managed by the department**. Cookies offered under the program must come from a licensed facility. Rules adopted under this section may not restrict the program to any particular days of the year.

(2) An organization may apply for a permit to provide coffee, other beverages and cookies **at a rest area managed by the department** by submitting a written request to an employee of the department designated by the department. The request shall specify the day on which the organization wishes to offer the beverages and cookies and the specific rest area where they will be offered. The request shall be submitted not more than 60 days prior to the date requested.

(3) The department shall issue a permit to the selected organization not less than 30 days in advance of the date for which the permit is issued. If there is more than one request for the same date and the same place, the department shall select one organization by random drawing and shall issue the permit to that organization.

(4) The department may not issue more than one permit for the same time and place.

(5) An organization that receives a permit shall confine distribution of coffee, other beverages or cookies to an area of the rest area designated in the permit or by the rest area attendant. The organization may not obstruct access to any building or other structure in the rest area.

(6) An organization providing coffee, other beverages or cookies may receive donations.

(7) An organization may post signs identifying the organization and the activity, provided that each sign is not more than 10 square feet in area and there are not more than two signs. The signs may be placed only on vehicles used in connection with the provision of beverages and cookies or located in the area designated for the activity.

(8) The department may revoke the permit of any organization that fails to comply with the provisions of this section or with rules adopted by the department to implement the provisions.

(9) **Rules adopted by the department under this section do not apply to roadside rest areas managed by the Travel Information Council pursuant to section 32, chapter 865, Oregon Laws 2009.**

SECTION 10. Section 33, chapter 865, Oregon Laws 2009, is amended to read:

Sec. 33. (1) *[Notwithstanding ORS 366.490,]* The Travel Information Council shall establish by rule a permit program allowing nonprofit organizations to provide free coffee or other nonalcoholic beverages and cookies at roadside rest areas *[the council is responsible for under section 32 of this 2009 Act]* **managed by the council pursuant to section 32, chapter 865, Oregon Laws 2009.** Cookies offered under the program must come from a licensed facility. Rules adopted under this section may not restrict the program to any particular days of the year.

(2) *[In lieu of applying to the Department of Transportation for a permit under ORS 366.490,]* An organization may apply for a permit to provide coffee, other nonalcoholic beverages and cookies at a rest area *[maintained]* **managed** by the council by submitting a written request to the council. The request shall specify the day on which the organization wishes to offer the nonalcoholic beverages and cookies and the specific rest area where they will be offered. The request shall be submitted not less than 60 days prior to the date requested.

(3) The council shall issue a permit to the selected organization not less than 30 days in advance of the date for which the permit is issued. If there is more than one request for the same date and the same place, the council shall select one organization by random drawing and shall issue the permit to that organization.

(4) The council may not issue more than one permit for the same time and place.

(5) An organization that receives a permit shall confine distribution of coffee, other nonalcoholic beverages or cookies to an area of the rest area designated in the permit or by the rest area attendant. The organization may not obstruct access to any building or other structure in the rest area.

(6) An organization providing coffee, other nonalcoholic beverages or cookies may accept donations at the rest area while providing coffee, other nonalcoholic beverages or cookies.

(7) An organization may post signs identifying the organization and the activity, provided that each sign is not more than 10 square feet in area and there are not more than two signs. The signs may be placed only on vehicles used in connection with the provision of nonalcoholic beverages and cookies or located in the area designated for the activity.

(8) The council may revoke the permit of any organization that fails to comply with the provisions of this section or with rules adopted by the council to implement the provisions of this section.

SECTION 11. Section 7 of this 2012 Act and the amendments to ORS 366.490 and sections 32 and 33, chapter 865, Oregon Laws 2009, by sections 8, 9 and 10 of this 2012 Act become operative on March 1, 2012.

(Council's Authority as of January 1, 2013)

SECTION 12. Section 60, chapter 865, Oregon Laws 2009, is repealed.

SECTION 13. Section 32, chapter 865, Oregon Laws 2009, as amended by section 8 of this 2012 Act, is amended to read:

Sec. 32. (1) The Travel Information Council shall manage, maintain, improve and develop for local economic development and other purposes identified in ORS 377.705 roadside rest areas along the following highways:

- (a) Interstate 5, northbound, near milepost 63.
- (b) Interstate 5, southbound, near milepost 63.
- (c) Interstate 5, northbound, near milepost 241.
- (d) Interstate 5, southbound, near milepost 241.
- (e) Interstate 5, northbound, near milepost 281.
- (f) Interstate 5, southbound, near milepost 281.
- (g) Interstate 84, eastbound, near milepost 73.**
- (h) Interstate 84, westbound, near milepost 73.**
- [g]* (i) Interstate 84, eastbound, near milepost 160.
- [h]* (j) Interstate 84, westbound, near milepost 160.

- (k) Interstate 84, eastbound, near milepost 187.
- (L) Interstate 84, westbound, near milepost 187.
- (m) Interstate 84, eastbound, near milepost 269.
- (n) Interstate 84, westbound, near milepost 269.
- (o) Interstate 84, eastbound, near milepost 295.
- (p) Interstate 84, westbound, near milepost 295.
- (q) Interstate 84, westbound, near milepost 336.
- [(i)] (r) Interstate 84, westbound, near milepost 377.
- [(j)] (s) U.S. Highway 26, westbound, near milepost 54.
- [(k)] (t) U.S. Highway 101, southbound, near milepost 70.

(2) Subject to subsection (4) of this section, in carrying out the provisions of subsection (1) of this section, the council may enter into contracts necessary to accomplish the purposes of subsection (1) of this section.

(3) The Department of Transportation shall:

(a) Maintain ownership of any roadside rest area located along an interstate highway that the council manages, maintains, improves and develops pursuant to subsection (1) of this section; and

(b) Enter into an intergovernmental agreement with the council under which the council has the authority to manage, maintain, improve and develop those rest areas owned by the department that are listed in subsection (1) of this section.

(4) Under the intergovernmental agreement entered into under subsection (3) of this section, the council shall conduct public contracting activities in accordance with the provisions of ORS 377.836.

(5) For the purpose of funding the management, maintenance, improvement and development of roadside rest areas under this section, the department shall allocate to the council, no later than [April 1, 2012, \$457,000] **January 2, 2013, \$4.96 million** from the State Highway Fund.

(6) The Secretary of State shall enter into agreements with the council to set an appropriate financial review schedule for moneys allocated to the council under this section and ORS 366.752. In lieu of conducting a financial review as required by that schedule, the Secretary of State may:

(a) Contract for the financial review with an independent certified public accountant; or

(b) Accept a financial review conducted by an independent certified public accountant.

(7) The council may not use any moneys originating from a local transient lodging tax or a state transient lodging tax, as those terms are defined in ORS 320.300, for the purpose of funding the management, maintenance, improvement and development of roadside rest areas under this section.

SECTION 14. The repeal of section 60, chapter 865, Oregon Laws 2009, by section 12 of this 2012 Act and the amendments to section 32, chapter 865, Oregon Laws 2009, by section 13 of this 2012 Act become operative on January 1, 2013.

(Council's Authority as of January 1, 2014)

SECTION 15. Section 32, chapter 865, Oregon Laws 2009, as amended by sections 8 and 13 of this 2012 Act, is amended to read:

Sec. 32. (1) The Travel Information Council shall manage, maintain, improve and develop for local economic development and other purposes identified in ORS 377.705 roadside rest areas along the following highways:

- (a) Interstate 5, northbound, near milepost 63.
- (b) Interstate 5, southbound, near milepost 63.
- (c) **Interstate 5, northbound, near milepost 143.**
- (d) **Interstate 5, southbound, near milepost 143.**
- (e) **Interstate 5, northbound, near milepost 178.**
- (f) **Interstate 5, southbound, near milepost 178.**
- (g) **Interstate 5, northbound, near milepost 206.**
- (h) **Interstate 5, southbound, near milepost 206.**
- [(c)] (i) Interstate 5, northbound, near milepost 241.

- [(d)] (j) Interstate 5, southbound, near milepost 241.
- [(e)] (k) Interstate 5, northbound, near milepost 281.
- [(f)] (L) Interstate 5, southbound, near milepost 281.
- [(g)] (m) Interstate 84, eastbound, near milepost 73.
- [(h)] (n) Interstate 84, westbound, near milepost 73.
- [(i)] (o) Interstate 84, eastbound, near milepost 160.
- [(j)] (p) Interstate 84, westbound, near milepost 160.
- [(k)] (q) Interstate 84, eastbound, near milepost 187.
- [(L)] (r) Interstate 84, westbound, near milepost 187.
- [(m)] (s) Interstate 84, eastbound, near milepost 269.
- [(n)] (t) Interstate 84, westbound, near milepost 269.
- [(o)] (u) Interstate 84, eastbound, near milepost 295.
- [(p)] (v) Interstate 84, westbound, near milepost 295.
- [(q)] (w) Interstate 84, westbound, near milepost 336.
- [(r)] (x) Interstate 84, westbound, near milepost 377.
- [(s)] (y) U.S. Highway 26, westbound, near milepost 54.
- [(t)] (z) U.S. Highway 101, southbound, near milepost 70.

(2) Subject to subsection (4) of this section, in carrying out the provisions of subsection (1) of this section, the council may enter into contracts necessary to accomplish the purposes of subsection (1) of this section.

(3) The Department of Transportation shall:

(a) Maintain ownership of any roadside rest area located along an interstate highway that the council manages, maintains, improves and develops pursuant to subsection (1) of this section; and

(b) Enter into an intergovernmental agreement with the council under which the council has the authority to manage, maintain, improve and develop those rest areas owned by the department that are listed in subsection (1) of this section.

(4) Under the intergovernmental agreement entered into under subsection (3) of this section, the council shall conduct public contracting activities in accordance with the provisions of ORS 377.836.

(5) For the purpose of funding the management, maintenance, improvement and development of roadside rest areas under this section, the department shall allocate to the council, no later than January 2[, 2013, \$4.96] **of each year, \$6.55 million** from the State Highway Fund.

(6) The Secretary of State shall enter into agreements with the council to set an appropriate financial review schedule for moneys allocated to the council under this section and ORS 366.752. In lieu of conducting a financial review as required by that schedule, the Secretary of State may:

(a) Contract for the financial review with an independent certified public accountant; or

(b) Accept a financial review conducted by an independent certified public accountant.

(7) The council may not use any moneys originating from a local transient lodging tax or a state transient lodging tax, as those terms are defined in ORS 320.300, for the purpose of funding the management, maintenance, improvement and development of roadside rest areas under this section.

SECTION 16. The amendments to section 32, chapter 865, Oregon Laws 2009, by section 15 of this 2012 Act become operative on January 1, 2014.

AUTHORITY OF DEPARTMENT OF TRANSPORTATION TO SUSPEND OR REDUCE ALLOCATIONS TO TRAVEL INFORMATION COUNCIL

SECTION 17. (1) As used in this section, “convenience fee” means fees that are:

(a) Authorized by ORS 182.132 for the provision of electronic records, through an electronic government portal, that are related to services provided by the Department of Transportation; and

(b) Transferred by the Oregon Department of Administrative Services to the Department of Transportation for deposit into the State Highway Fund.

(2)(a) The Oregon Transportation Commission may direct the Department of Transportation to suspend the allocation of funds to the Travel Information Council, or to proportionally reduce the amount of the allocations to the council, under section 32 (5), chapter 865, Oregon Laws 2009, if the collection of convenience fees is suspended or the amount of the convenience fees collected by the Oregon Department of Administrative Services is reduced.

(b) If the allocation is suspended or reduced under paragraph (a) of this subsection, the commission shall modify the intergovernmental agreement entered into by the Department of Transportation and the council under section 32 (3), chapter 865, Oregon Laws 2009, to suspend or reduce the council's responsibility to manage, maintain, improve and develop roadside rest areas under that agreement by an amount that is proportional to the suspension or reduction in funds.

FINANCIAL AUDIT OF TRAVEL INFORMATION COUNCIL FOR MONEYS ALLOCATED TO DATE

SECTION 18. (1) The Secretary of State shall conduct a financial audit of and prepare an audit report on the Travel Information Council, at the council's expense, with respect to moneys received by the council under ORS 366.752 and expended on the management, maintenance, improvement or development of rest areas under section 32, chapter 865, Oregon Laws 2009, prior to the operative date specified in section 14 of this 2012 Act.

(2) The Secretary of State shall supply the Joint Legislative Audit Committee and the Legislative Fiscal Officer with a copy of the audit report prepared by the Secretary of State under subsection (1) of this section.

(3) The council shall report the findings of the financial audit to an interim legislative committee related to transportation and an interim legislative committee related to the review of government expenditures no later than December 31, 2012.

DECREASE OF LIMITATION ON EXPENDITURES

SECTION 19. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter 542, Oregon Laws 2011, for the biennium beginning July 1, 2011, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursement from the United States Department of Transportation, but excluding lottery funds and federal funds not described in this section, collected or received by the Department of Transportation, is decreased by \$691,963 for rest area operation and maintenance.

UNIT CAPTIONS

SECTION 20. The unit captions used in this 2012 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2012 Act.

EMERGENCY CLAUSE

SECTION 21. This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.

Passed by Senate February 29, 2012

.....
Robert Taylor, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House March 1, 2012

.....
Bruce Hanna, Speaker of House

.....
Arnie Roblan, Speaker of House

Received by Governor:

.....M,....., 2012

Approved:

.....M,....., 2012

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2012

.....
Kate Brown, Secretary of State