

LC 4476
2023 Regular Session
PRIORITY
4/5/23 (DJ/ps)

D R A F T

SUMMARY

Provides transitional guidance and adjusts membership of boards and commissions whose governing body membership is based in whole or part on congressional districts, to account for increase in congressional districts.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to congressional districts; creating new provisions; amending ORS
3 188.016, 284.883, 326.021, 326.425, 350.050, 377.835, 390.114, 390.977, 471.705,
4 496.090, 672.240 and 677.235; and declaring an emergency.

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

6 **SECTION 1. (1) If a state board or commission has governing body**
7 **membership that is comprised in whole or part by members who rep-**
8 **resent the congressional districts of this state and if, as a result of the**
9 **reapportionment of congressional districts set forth in chapter 1,**
10 **Oregon Laws 2021 (first special session), two members now represent**
11 **a single congressional district, then notwithstanding any other pro-**
12 **vision of law, the member with the greatest service time as a member**
13 **of the board or commission shall be deemed to represent a congres-**
14 **sional district that is not represented on the board or commission for**
15 **the duration of the member's term, but may not thereafter be reap-**
16 **pointed unless the member establishes residency or other qualification**
17 **under law to represent the congressional district.**

18 **(2) If, after application of subsection (1) of this section, a position**
19 **on a board or commission that by law is to be filled based on con-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **gressional district remains unfilled, the position shall be considered**
2 **vacant and may be filled by appointment.**

3 **(3) Notwithstanding subsections (1) and (2) of this section, a posi-**
4 **tion on a board or commission that by law is to represent a congres-**
5 **sional district and that was filled by appointment on or after January**
6 **1, 2023, and before the effective date of this 2023 Act, is ratified and**
7 **approved.**

8 **SECTION 2. Section 1 of this 2023 Act is repealed on January 2, 2027.**

9 **SECTION 3. ORS 188.016 is amended to read:**

10 188.016. (1) When apportioning the state into congressional or legislative
11 districts, the Legislative Assembly shall hold at least 10 public hearings at
12 locations throughout the state prior to proposing a reapportionment plan.

13 (2) In addition to the hearings required under subsection (1) of this sec-
14 tion, the Legislative Assembly or the Secretary of State, whichever is appli-
15 cable, shall:

16 (a) To the extent practicable, hold [*five*] **six** public hearings after a reap-
17 portionment plan is proposed, but before the plan is adopted. The adoption
18 of a reapportionment plan may not be delayed by the impracticability of
19 holding one or more of the hearings required under this subsection.

20 (b) Conduct the hearings required under this subsection either in [*five*]
21 **six** different congressional districts of this state or with the use of
22 videoconferencing technologies that permit active citizen participation
23 throughout the state.

24 (3) In holding the hearings required under subsections (1) and (2) of this
25 section, the Legislative Assembly or the Secretary of State, whichever is
26 applicable, must:

27 (a) Provide appropriate public notice of the time and location of each
28 hearing;

29 (b) Hold at least one hearing required under subsection (1) of this section
30 in each congressional district of this state;

31 (c) Hold at least one hearing required under subsection (1) of this section

1 and one hearing required under subsection (2) of this section in areas that
2 have experienced the largest shifts in population since the previous reap-
3 portionment, and prioritize holding additional public hearings in these areas;
4 and

5 (d) Permit and make provision for individuals at remote sites throughout
6 the state to provide public testimony at the hearings through the use of
7 video equipment.

8 **SECTION 4.** ORS 284.883 is amended to read:

9 284.883. (1) The Oregon Growth Board is established to formulate and
10 implement policies and procedures to administer ORS 284.881 to 284.890, and
11 to make recommendations for the investment, reinvestment, management and
12 coordination of funds in the Oregon Growth Account established under ORS
13 348.702 and the Oregon Growth Fund established under ORS 284.890.

14 (2) The board shall consist of [*nine*] **11** voting members and one to three
15 nonvoting members as follows:

16 (a) The State Treasurer shall be an ex officio voting member of the board.

17 (b) The Director of the Oregon Business Development Department, or the
18 director's designee, shall be an ex officio nonvoting member of the board.

19 (c) The Governor shall appoint [*eight*] **nine** voting members, subject to
20 Senate confirmation under ORS 171.562 and 171.565 and the following:

21 (A) Two of the members shall be persons who do not belong to the same
22 political party, who reflect the identity of the Legislative Assembly by poli-
23 tical party affiliation at the time the persons are appointed and who are se-
24 lected from a list of four candidates, each candidate recommended by the
25 President of the Senate, the Minority Leader of the Senate, the Speaker of
26 the House of Representatives or the Minority Leader of the House of Rep-
27 resentatives, respectively.

28 (B) Members shall include at least one representative of each of the
29 [*five*] **six** congressional districts in this state.

30 (C) [*Six*] **Seven** members shall be appointed as follows:

31 (i) One member with experience in banking;

- 1 (ii) One member with experience in credit union operations;
- 2 (iii) One member with experience managing investments;
- 3 (iv) One member with experience as a small business employer in this
- 4 state; and

5 (v) [*Two*] **Three** at-large members.

6 (d) Two members of the Legislative Assembly that belong to different
7 political parties as determined by the appropriate entry on official election
8 registration cards, who are appointed by agreement of the President of the
9 Senate, the Minority Leader of the Senate, the Speaker of the House of
10 Representatives and the Minority Leader of the House of Representatives,
11 shall serve as nonvoting members of the board. If an agreement cannot be
12 reached on both members of the Legislative Assembly to serve on the board,
13 no appointment shall be made under this paragraph.

14 (3) The term of office of each member who is not an ex officio member is
15 four years. A member appointed by the Governor serves at the pleasure of
16 the Governor. Before the expiration of the term of a member who is not an
17 ex officio member, the appointing authority shall appoint a successor whose
18 term begins on January 1 next following. A member is eligible for reap-
19 pointment. If there is a vacancy for any cause, including but not limited to
20 the end of a term of membership in the Legislative Assembly, the appointing
21 authority shall make an appointment to become immediately effective for the
22 unexpired term.

23 (4) The board shall select one of its members as chairperson and another
24 to serve as a liaison with local governments for such terms and with duties
25 and powers necessary for the performance of the functions of these offices
26 as the board determines, consistent with this section.

27 (5) A majority of the voting members of the board constitutes a quorum
28 for the transaction of business.

29 (6) A member of the board may receive compensation and reimbursement
30 for expenses as follows:

31 (a) Members of the Legislative Assembly as provided in ORS 171.072.

1 (b) Nonlegislative members in the manner and amounts provided in ORS
2 292.495. Claims for compensation and expenses incurred in performing the
3 functions of the board shall be paid out of funds appropriated to the board
4 for that purpose.

5 (7) The Oregon Business Development Department shall provide staff to
6 the board as necessary to allow the board to carry out its responsibilities
7 under ORS 284.881 to 284.890.

8 **SECTION 5.** ORS 326.021 is amended to read:

9 326.021. (1) The State Board of Education shall consist of:

- 10 (a) The State Treasurer, or the designee of the State Treasurer;
11 (b) The Secretary of State, or the designee of the Secretary of State; and
12 (c) [*Seven*] **Nine** members, appointed by the Governor for a term of four
13 years beginning July 1 of the year of appointment, subject to confirmation
14 by the Senate in the manner provided in ORS 171.562 and 171.565. A person
15 appointed under this paragraph may not be appointed to serve consecutively
16 more than two full terms as a board member.

17 (2) In making appointments under subsection (1) of this section, the Gov-
18 ernor shall select from residents of Oregon one member from each congres-
19 sional district and [*two*] **three** members from the state at large. One
20 appointed member from the state at large must be engaged in teaching as a
21 licensed teacher in this state.

22 (3) The Governor may remove appointed members of the State Board of
23 Education for cause at any time after notice and public hearing.

24 (4) The State Treasurer and the Secretary of State, or the designee of the
25 State Treasurer or Secretary of State, are nonvoting, ex officio members of
26 the board.

27 **SECTION 6.** ORS 326.425 is amended to read:

28 326.425. (1) The Early Learning Council is established.

29 (2) The council is established to coordinate a unified and aligned system
30 of early learning services for the purposes of ensuring that:

- 31 (a) Children enter school ready to learn; and

1 (b) Families are healthy, stable and attached.

2 (3) The Early Learning Council shall accomplish the purposes described
3 in subsection (2) of this section by:

4 (a) Designating a committee to serve as the state advisory council for
5 purposes of the federal Head Start Act, as provided by ORS 417.796.

6 (b) Coordinating an integrated system that aligns the delivery of early
7 learning services.

8 (c) Coordinating the Oregon Early Learning System created by ORS
9 417.727.

10 (4) The council consists of members appointed as provided by subsections
11 (5) and (6) of this section.

12 (5)(a) The Governor shall appoint [*nine*] **11** voting members who are ap-
13 pointed for a term of four years and serve at the pleasure of the Governor.
14 A person appointed under this subsection may not be appointed to serve more
15 than two consecutive full terms as a council member.

16 (b) When determining whom to appoint to the council under this sub-
17 section, the Governor shall:

18 (A) Ensure that each congressional district of this state is represented;

19 (B) Ensure that at least one member represents the tribes of this state;

20 (C) Ensure that at least one member represents the workforces for child
21 care and early learning;

22 (D) Ensure that each member meets the following qualifications:

23 (i) Demonstrates leadership skills in civics or the member's profession;

24 (ii) To the greatest extent practicable, contributes to the council's repre-
25 sentation of the geographic, ethnic, gender, racial and economic diversity of
26 this state; and

27 (iii) Contributes to the council's expertise, knowledge and experience in
28 early childhood development, early childhood care, early childhood educa-
29 tion, family financial stability, populations disproportionately burdened by
30 poor education outcomes and outcome-based best practices; and

31 (E) Solicit recommendations from the Speaker of the House of Represen-

1 tatives for at least two members and from the President of the Senate for
2 at least two members.

3 (6) In addition to the members appointed under subsection (5) of this
4 section, the Governor shall appoint nonvoting, ex officio members who rep-
5 resent relevant state agencies.

6 (7) The activities of the council shall be directed and supervised by the
7 Early Learning System Director who is appointed by the Governor and serves
8 at the pleasure of the Governor.

9 (8) In accordance with applicable provisions of ORS chapter 183, the
10 council may adopt rules necessary for the administration of the laws that the
11 council is charged with administering.

12 **SECTION 7.** ORS 326.425, as amended by section 18, chapter 631, Oregon
13 Laws 2021, is amended to read:

14 326.425. (1) The Early Learning Council is established.

15 (2) The council is established to coordinate a unified and aligned system
16 of early learning services for the purposes of ensuring that:

17 (a) Children enter school ready to learn; and

18 (b) Families are healthy, stable and attached.

19 (3) The Early Learning Council shall accomplish the purposes described
20 in subsection (2) of this section by:

21 (a) Designating a committee to serve as the state advisory council for
22 purposes of:

23 (A) The federal Head Start Act, as provided by ORS 417.796.

24 (B) Providing advice on matters related to the Oregon prekindergarten
25 program.

26 (b) Coordinating an integrated system that aligns the delivery of early
27 learning services.

28 (c) Coordinating the Oregon Early Learning System created by ORS
29 417.727.

30 (4) The council consists of members appointed as provided by subsections
31 (5) and (6) of this section.

1 (5)(a) The Governor shall appoint [*nine*] **11** voting members who are ap-
2 pointed for a term of four years and serve at the pleasure of the Governor.
3 A person appointed under this subsection may not be appointed to serve more
4 than two consecutive full terms as a council member.

5 (b) When determining whom to appoint to the council under this sub-
6 section, the Governor shall:

7 (A) Ensure that each congressional district of this state is represented;

8 (B) Ensure that at least one member represents the tribes of this state;

9 (C) Ensure that at least one member represents the workforces for child
10 care and early learning;

11 (D) Ensure that each member meets the following qualifications:

12 (i) Demonstrates leadership skills in civics or the member's profession;

13 (ii) To the greatest extent practicable, contributes to the council's repre-
14 sentation of the geographic, ethnic, gender, racial and economic diversity of
15 this state; and

16 (iii) Contributes to the council's expertise, knowledge and experience in
17 early childhood development, early childhood care, early childhood educa-
18 tion, family financial stability, populations disproportionately burdened by
19 poor education outcomes and outcome-based best practices; and

20 (E) Solicit recommendations from the Speaker of the House of Represen-
21 tatives for at least two members and from the President of the Senate for
22 at least two members.

23 (6) In addition to the members appointed under subsection (5) of this
24 section, the Governor shall appoint nonvoting, ex officio members who rep-
25 resent relevant state agencies.

26 (7) The activities of the council shall be directed and supervised by the
27 Early Learning System Director.

28 (8) In accordance with applicable provisions of ORS chapter 183, the
29 council may adopt rules necessary for the administration of the laws that the
30 council is charged with administering. When adopting rules related to child
31 care, the council must appoint an advisory committee in accordance with

1 ORS 183.333 that includes representatives of child care providers that are
2 licensed or not licensed, as appropriate.

3 **SECTION 8.** ORS 350.050 is amended to read:

4 350.050. (1) There is established a Higher Education Coordinating Com-
5 mission, consisting of [15] **17** voting members appointed by the Governor.

6 (2) The Governor shall appoint:

7 (a) One undergraduate student at a public university listed in ORS
8 352.002;

9 (b) One graduate student at a public university listed in ORS 352.002;

10 (c) One faculty member at a public university listed in ORS 352.002;

11 (d) One student at a community college in this state;

12 (e) One faculty member at a community college in this state;

13 (f) One nonfaculty member of the staff from either a public university
14 listed in ORS 352.002 or a community college;

15 (g) One member from each of the [five] **six** congressional districts in this
16 state; and

17 (h) [Four] **Five** members of the general public.

18 (3) The Governor shall elicit recommendations for appointments made
19 under subsection (2)(a) to (f) of this section from official student, faculty and
20 nonfaculty staff organizations at community colleges and public universities
21 listed in ORS 352.002.

22 (4) The term of office of each member appointed under subsection (2)(g)
23 and (h) of this section is four years and the term of office for each member
24 appointed under subsection (2)(a) to (f) of this section is two years. A mem-
25 ber serves at the pleasure of the Governor. Before the expiration of the term
26 of a member, the Governor shall appoint a successor whose term begins on
27 July 1 next following. A member is eligible for reappointment. If there is a
28 vacancy for any cause, the Governor shall make an appointment to become
29 immediately effective for the unexpired term.

30 (5) The Governor may at any time, for cause, remove any member of the
31 board that the Governor has appointed, after notice and public hearing, but

1 not more than three members shall be removed within a period of four years,
2 unless it is for corrupt conduct in office.

3 (6) The appointment of members of the commission is subject to confir-
4 mation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

5 (7) A member of the commission is entitled to compensation and expenses
6 as provided in ORS 292.495.

7 **SECTION 9.** ORS 377.835 is amended to read:

8 377.835. (1) The Travel Information Council is created as a semi-
9 independent state agency.

10 (2) The Travel Information Council shall consist of [*nine*] **11** members.
11 One shall be the chairperson of the Oregon Transportation Commission or
12 a person designated by the chairperson. The Governor shall appoint the other
13 [*eight*] **10** members from the public at large. The Governor shall appoint at
14 least one member from each congressional district. The Governor shall select
15 members for their knowledge of, experience with or interest in economic de-
16 velopment, travel within Oregon, recreational opportunities in Oregon,
17 Oregon history or Oregon natural history.

18 (3) The term of office of each appointed member is four years, but each
19 appointed member serves at the pleasure of the Governor. Before the expi-
20 ration of the term of an appointed member, the Governor shall appoint a
21 successor whose term begins on July 1 next following. An appointed member
22 is eligible for reappointment. If there is a vacancy for any cause, the Gov-
23 ernor shall make an appointment to become effective immediately for the
24 unexpired term.

25 (4) The council shall select one of its members as chairperson, another
26 as vice chairperson and a third as secretary. A majority of the members
27 serving on the council shall constitute a quorum for the transaction of
28 business. The council shall meet quarterly at a time and place to be deter-
29 mined by the chairperson. The chairperson or any three members of the
30 council may call a special meeting upon not less than one week's written
31 notice to the other members. All members are entitled to expenses as pro-

1 vided by ORS 292.495.

2 (5) The council may, in accordance with ORS chapter 183 and consistent
3 with ORS 377.700 to 377.844, adopt, amend and repeal rules relating to tourist
4 oriented directional signs, logo signs and motorist informational signs and
5 all other matters necessary and appropriate to carry out its responsibilities
6 under ORS 377.700 to 377.844. The sign rules for protected areas in effect on
7 July 2, 1971, shall be continued in effect unless modified by the commission.
8 All rules adopted under this subsection shall be consistent with federal laws
9 and regulations relating to highways. The Director of Transportation shall
10 take appropriate action for the administration and enforcement of orders is-
11 sued and rules adopted under ORS 377.700 to 377.844, except rules adopted
12 by the council under ORS 377.842.

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

18 (7) The council shall hire, define the duties of and fix the salary of an
19 executive director. Subject to the supervision of the council, the executive
20 director has the authority to direct the affairs of the agency. The executive
21 director may appoint all subordinate officers and employees of the agency
22 and may prescribe their duties, provide supervision and evaluation and fix
23 their compensation. The executive director may delegate to any subordinate
24 officer or employee any administrative duty, function or power imposed upon
25 the council by or pursuant to law. The executive director is not a member
26 of the council.

27 **SECTION 10.** ORS 390.114 is amended to read:

28 390.114. (1) There is established a State Parks and Recreation Commission
29 consisting of [*seven*] **nine** members appointed by the Governor.

30 (2) The term of office of each member is four years, but a member serves
31 at the pleasure of the Governor. Before the expiration of the term of a

1 member, the Governor shall appoint a successor. A member is eligible for
2 reappointment. If there is a vacancy for any cause, the Governor shall make
3 an appointment to become immediately effective for the unexpired term.

4 (3) All appointments of members of the commission by the Governor are
5 subject to confirmation by the Senate pursuant to ORS 171.562 and 171.565.

6 (4) The Governor shall appoint one member of the commission from each
7 of the congressional districts of this state, one member from among individ-
8 uals who reside west of the summit of the Coast Mountain Range [*and*], one
9 member from among individuals who reside east of the summit of the Cas-
10 cade Mountain Range **and one member representing the public at**
11 **large.**

12 (5) A member of the commission is entitled to compensation and expenses
13 as provided in ORS 292.495.

14 **SECTION 11.** ORS 390.977 is amended to read:

15 390.977. (1) There is established an Oregon Recreation Trails Advisory
16 Council consisting of [*seven*] **nine** members, at least one from each congres-
17 sional district in the state. However, not less than two of such members shall
18 be from separate counties bordering upon the ocean shore. Members of the
19 council shall be appointed by the State Parks and Recreation Commission
20 and shall serve at the pleasure of the commission for terms of four years.
21 Before the expiration of the term of a member, the commission shall appoint
22 a successor. A member shall be eligible for reappointment. If there is a va-
23 cancy for any cause, the commission shall make an appointment to become
24 immediately effective for the unexpired term.

25 (2) The commission and the State Parks and Recreation Department shall
26 consult with the council from time to time with respect to matters relating
27 to Oregon recreation trails, including the designation and establishment of
28 Oregon recreation trails, the selection of rights of way, the selection,
29 erection and maintenance of markers along the trail routes and the admin-
30 istration of the trails.

31 (3) Members of the council shall serve without compensation, but the de-

1 partment may pay expenses as provided in ORS 292.495.

2 (4) The council shall select one of its members as chairperson.

3 (5) A majority of the members of the council constitutes a quorum for the
4 transaction of business.

5 (6) The council shall meet at times and places specified by the call of the
6 chairperson or a majority of the members of the council.

7 **SECTION 12.** ORS 471.705 is amended to read:

8 471.705. (1) There is created the Oregon Liquor and Cannabis Commission,
9 consisting of [*seven*] **nine** commissioners appointed by the Governor. One
10 commissioner must be from among the residents of each congressional dis-
11 trict of this state. One additional commissioner must be from eastern Oregon.
12 One additional commissioner must be from western Oregon. **One additional**
13 **commissioner must represent the public at large.** One commissioner
14 must be from the food and alcoholic beverage retail industry. Not more than
15 four commissioners may be of the same political party. The Governor shall
16 designate one commissioner to be chairperson of the commission. The com-
17 missioners are entitled to compensation and expenses as provided in ORS
18 292.495.

19 (2) Each commissioner at the time of appointment must be a resident of
20 this state and must have resided in this state for at least five years next
21 preceding appointment and qualification. Each commissioner must be an
22 elector in this state and may not be less than 30 years of age. The term of
23 office of a commissioner terminates if the commissioner ceases to possess the
24 residency or industry qualification for appointment. If the term of office of
25 a commissioner terminates under this subsection, the Governor shall appoint
26 a qualified individual to complete the unexpired term of the commissioner.

27 (3) The term of office of a commissioner is four years from the time of
28 appointment and qualification and until a successor qualifies for appoint-
29 ment. The terms of the commissioners commence April 1. If a commissioner
30 is allowed to hold office after the expiration of a term, the Governor shall
31 appoint the successor for the remainder of the unexpired term. If a vacancy

1 occurs in the commission, the Governor shall appoint the successor for the
2 remainder of the unexpired term. Each commissioner is eligible for reap-
3 pointment, but an individual is not eligible to serve for more than two full
4 terms.

5 (4) Appointments of commissioners by the Governor under this section are
6 subject to confirmation by the Senate pursuant to section 4, Article III,
7 Oregon Constitution.

8 **SECTION 13.** ORS 496.090 is amended to read:

9 496.090. (1) There is established a State Fish and Wildlife Commission
10 that shall consist of [*seven*] **nine** members appointed by the Governor.

11 (2) The term of office of each member is four years, but a member serves
12 at the pleasure of the Governor. Before the expiration of the term of a
13 member, the Governor shall appoint a successor. A member is eligible for
14 reappointment. If there is a vacancy for any cause, the Governor shall make
15 an appointment to become immediately effective for the unexpired term.

16 (3) All appointments of members of the commission by the Governor are
17 subject to confirmation by the Senate pursuant to section 4, Article III,
18 Oregon Constitution.

19 (4) One member of the commission shall be appointed from each of the
20 congressional districts of this state, one member from that portion of the
21 state lying west of the Cascade Mountains [*and*], one member from that
22 portion of the state lying east of the Cascade Mountains **and one member**
23 **representing the public at large.**

24 (5) Members appointed to the commission shall be residents of this state,
25 as defined in ORS 497.002.

26 (6) All members of the commission shall represent the public interest of
27 the state and make decisions affecting the wildlife resources of the state for
28 the benefit of those resources. Consistent with the requirements of this
29 subsection, the commission shall provide for the productive and sustainable
30 utilization of wildlife resources for all groups of users.

31 (7) All members of the commission shall have a general knowledge of fish

1 and wildlife issues and an understanding of the operation and functions of
2 public policy boards and commissions. In making appointments to the com-
3 mission, the Governor shall consider appointing members who possess na-
4 tural resource backgrounds such as backgrounds in commercial fishing,
5 recreational fishing, hunting, agriculture, forestry and conservation.

6 (8) Failure of a member to maintain compliance with the eligibility re-
7 quirements of subsections (4) and (5) of this section shall vacate membership.
8 Members of the commission may otherwise be removed only by the Governor.

9 (9) A member of the commission is entitled to compensation and expenses
10 as provided in ORS 292.495.

11 **SECTION 14.** ORS 672.240 is amended to read:

12 672.240. (1) The State Board of Examiners for Engineering and Land Sur-
13 veying shall operate as a semi-independent state agency subject to ORS
14 182.456 to 182.472 for the purpose of carrying out ORS 672.002 to 672.325. The
15 board shall consist of [11] **13** members appointed by the Governor as follows:

16 (a) Two members shall be members of the general public.

17 (b) Two members shall be registered professional land surveyors.

18 (c) [*Five*] **Seven** members shall be registered professional engineers.

19 (d) One member shall be registered both as a professional engineer and
20 as a professional land surveyor. However, if a qualified individual is not
21 available, the Governor may appoint either a registered professional engineer
22 or a registered professional land surveyor.

23 (e) One member shall be a registered photogrammetrist. However, if a
24 qualified individual is not available, the Governor may appoint either a
25 registered professional engineer or a registered professional land surveyor.

26 (2) The Governor shall appoint members to the board so that there is at
27 least one member of the board from each congressional district in this state.

28 (3) Each engineer, land surveyor or photogrammetrist member of the
29 board shall have been:

30 (a) A resident of this state for at least three years immediately preceding
31 appointment; and

1 (b) Practicing as a registered professional engineer, registered profes-
2 sional land surveyor or registered photogrammetrist for at least five years
3 since the date of the individual's initial registration.

4 (4) The board shall elect biennially from among its members a president
5 and vice president for the ensuing biennial term.

6 **SECTION 15.** ORS 677.235 is amended to read:

7 677.235. (1) The Oregon Medical Board consists of [14] **15** members ap-
8 pointed by the Governor and subject to confirmation by the Senate in the
9 manner provided in ORS 171.562 and 171.565. All members of the board must
10 be residents of this state. Of the members of the board:

11 (a) Seven must have the degree of Doctor of Medicine;

12 (b) Two must have the degree of Doctor of Osteopathic Medicine;

13 (c) One must have the degree of Doctor of Podiatric Medicine;

14 (d) One must be a physician assistant licensed under ORS 677.512 or a
15 retired physician assistant; [and]

16 **(e) One must hold at least one of the degrees or licenses described**
17 **in paragraphs (a) to (d) of this subsection and satisfy the applicable**
18 **criteria described in subsection (2) of this section; and**

19 [(e)] **(f)** Three must be members of the public who represent health con-
20 sumers.

21 (2)(a)(A) Board members required to possess the degree of Doctor of
22 Medicine may be selected by the Governor from a list of three to five can-
23 didates for each member described in subsection (1)(a) of this section whose
24 term expires in that year, submitted by the Oregon Medical Association not
25 later than February 1.

26 (B) Board members required to possess the degree of Doctor of
27 Osteopathic Medicine may be selected by the Governor from a list of three
28 to five candidates for each member described in subsection (1)(b) of this
29 section whose term expires in that year, submitted by the Osteopathic Phy-
30 sicians and Surgeons of Oregon, Inc., not later than February 1.

31 (C) The board member required to possess the degree of Doctor of

1 Podiatric Medicine may be selected by the Governor from a list of three to
2 five candidates for the member described in subsection (1)(c) of this section
3 whose term expires in that year, submitted by the Oregon Podiatric Medical
4 Association not later than February 1.

5 (D) The board member required to be a physician assistant licensed under
6 ORS 677.512 or a retired physician assistant may be selected by the Governor
7 from a list of three to five candidates for the member described in subsection
8 (1)(d) of this section whose term expires in that year, submitted by the
9 Oregon Society of Physician Assistants not later than February 1.

10 (b) Members who are physicians and the member who is a physician as-
11 sistant or a retired physician assistant must have been in the active practice
12 of their profession for at least five years immediately preceding their ap-
13 pointment.

14 (c)(A) A public member may not be otherwise eligible for appointment to
15 the board.

16 (B) A public member, or the spouse, domestic partner, child, parent or
17 sibling of a public member, may not be a licensed health care professional
18 in this state.

19 (d)(A) In selecting the members of the board, the Governor shall strive
20 to balance the representation on the board according to geographic areas of
21 this state and ethnicity.

22 (B) Of the members described in subsection (1)(a) to [(d)] (e) of this sec-
23 tion, at least one member must be appointed from each federal congressional
24 district.

25 (3)(a) The term of office of each board member is three years, but a
26 member serves at the pleasure of the Governor. The terms must be staggered
27 so that no more than five terms end each year. A term begins on March 1
28 of the year the member is appointed and ends on the last day of February
29 of the third year after the member is appointed. A member may not serve
30 more than two consecutive terms.

31 (b) If a vacancy occurs on the board, another qualifying member possess-

1 ing the same professional degree, license or retired status or fulfilling the
2 same public capacity as the person whose position has been vacated shall
3 be appointed as provided in this section to fill the unexpired term.

4 (c) A board member shall be removed immediately from the board if,
5 during the member's term, the member:

6 (A) Is not a resident of this state;

7 (B) Has been absent from three consecutive board meetings, unless at
8 least one absence is excused; or

9 (C) Is not a current licensee or a retired licensee whose license was in
10 good standing at the time of retirement, if the board member was appointed
11 to serve on the board as a licensee.

12 (4) Members of the board are entitled to compensation and expenses as
13 provided in ORS 292.495. The board may provide by rule for compensation
14 to board members for the performance of official duties at a rate that is
15 greater than the rate provided in ORS 292.495.

16 (5)(a) The chairperson shall select at least one but no more than three
17 former board members to serve as emeritus board members. A person selected
18 to serve as an emeritus board member is subject to approval by the Governor.

19 (b) A person may serve as an emeritus board member for up to three years
20 after the date on which the person's term as a board member ended.

21 (c) An emeritus board member serves at the pleasure of the Governor.

22 (d) The board shall publish a list of emeritus board members on a website
23 maintained by the board.

24 (e) If a board member will be absent from a meeting of the board and has
25 provided notice to the chairperson or executive director of the board in ad-
26 vance of the member's absence, an emeritus board member who holds the
27 same degree or professional license, or who fulfills the same public capacity,
28 as the absent member may take the place of the absent member during the
29 absence.

30 **SECTION 16. This 2023 Act being necessary for the immediate**
31 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2023 Act takes effect on its passage.**

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