

A-Engrossed
Senate Bill 1095

Ordered by the Senate May 17
Including Senate Amendments dated May 17

Sponsored by COMMITTEE ON RULES

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.

Provides transitional guidance and adjusts membership of **certain** 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 188.016, 284.883, 326.425
3 and 471.705; and declaring an emergency.

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

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

14 **(2) If, after application of subsection (1) of this section, a position on a board or com-**
15 **mission that by law is to be filled based on congressional district remains unfilled, the posi-**
16 **tion shall be considered vacant and may be filled by appointment.**

17 **(3) Notwithstanding subsections (1) and (2) of this section, a position on a board or**
18 **commission that by law is to represent a congressional district and that was filled by ap-**
19 **pointment on or after January 1, 2023, and before the effective date of this 2023 Act, is rat-**
20 **ified and approved.**

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 Section 1 of this 2023 Act is repealed on January 2, 2027.**

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

23 188.016. (1) When apportioning the state into congressional or legislative districts, the Legisla-
24 tive Assembly shall hold at least 10 public hearings at locations throughout the state prior to pro-
25 posing a reapportionment plan.

26 (2) In addition to the hearings required under subsection (1) of this section, the Legislative As-
27 sembly or the Secretary of State, whichever is applicable, shall:

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

4 (b) Conduct the hearings required under this subsection either in *[five]* **six** different congres-
5 sional districts of this state or with the use of videoconferencing technologies that permit active
6 citizen participation throughout the state.

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

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

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

12 (c) Hold at least one hearing required under subsection (1) of this section and one hearing re-
13 quired under subsection (2) of this section in areas that have experienced the largest shifts in pop-
14 ulation since the previous reapportionment, and prioritize holding additional public hearings in these
15 areas; and

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

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

19 284.883. (1) The Oregon Growth Board is established to formulate and implement policies and
20 procedures to administer ORS 284.881 to 284.890, and to make recommendations for the investment,
21 reinvestment, management and coordination of funds in the Oregon Growth Account established
22 under ORS 348.702 and the Oregon Growth Fund established under ORS 284.890.

23 (2) The board shall consist of nine voting members and one to three nonvoting members as fol-
24 lows:

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

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

28 (c) The Governor shall appoint eight voting members, subject to Senate confirmation under ORS
29 171.562 and 171.565 and the following:

30 (A) Two of the members shall be persons who do not belong to the same political party, who
31 reflect the identity of the Legislative Assembly by political party affiliation at the time the persons
32 are appointed and who are selected from a list of four candidates, each candidate recommended by
33 the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Repre-
34 sentatives or the Minority Leader of the House of Representatives, respectively.

35 (B) Members shall include at least one representative *[of each of the five congressional*
36 *districts]* **from each congressional district** in this state.

37 (C) Six members shall be appointed as follows:

38 (i) One member with experience in banking;

39 (ii) One member with experience in credit union operations;

40 (iii) One member with experience managing investments;

41 (iv) One member with experience as a small business employer in this state; and

42 (v) Two at-large members.

43 (d) Two members of the Legislative Assembly that belong to different political parties as deter-
44 mined by the appropriate entry on official election registration cards, who are appointed by agree-
45 ment of the President of the Senate, the Minority Leader of the Senate, the Speaker of the House

1 of Representatives and the Minority Leader of the House of Representatives, shall serve as nonvot-
2 ing members of the board. If an agreement cannot be reached on both members of the Legislative
3 Assembly to serve on the board, no appointment shall be made under this paragraph.

4 (3) The term of office of each member who is not an ex officio member is four years. A member
5 appointed by the Governor serves at the pleasure of the Governor. Before the expiration of the term
6 of a member who is not an ex officio member, the appointing authority shall appoint a successor
7 whose term begins on January 1 next following. A member is eligible for reappointment. If there is
8 a vacancy for any cause, including but not limited to the end of a term of membership in the Leg-
9 islative Assembly, the appointing authority shall make an appointment to become immediately ef-
10 fective for the unexpired term.

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

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

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

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

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

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

23 **SECTION 5.** ORS 326.425 is amended to read:

24 326.425. (1) The Early Learning Council is established.

25 (2) The council is established to coordinate a unified and aligned system of early learning ser-
26 vices for the purposes of ensuring that:

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

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

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

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

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

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

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

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

40 (b) When determining whom to appoint to the council under this subsection, the Governor shall:

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

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

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

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

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

1 (ii) To the greatest extent practicable, contributes to the council's representation of the ge-
2 ographic, ethnic, gender, racial and economic diversity of this state; and

3 (iii) Contributes to the council's expertise, knowledge and experience in early childhood devel-
4 opment, early childhood care, early childhood education, family financial stability, populations dis-
5 proportionately burdened by poor education outcomes and outcome-based best practices; and

6 (E) Solicit recommendations from the Speaker of the House of Representatives for at least two
7 members and from the President of the Senate for at least two members.

8 (6) In addition to the members appointed under subsection (5) of this section, the Governor shall
9 appoint nonvoting, ex officio members who represent relevant state agencies.

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

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

14 **SECTION 6.** ORS 326.425, as amended by section 18, chapter 631, Oregon Laws 2021, is
15 amended to read:

16 326.425. (1) The Early Learning Council is established.

17 (2) The council is established to coordinate a unified and aligned system of early learning ser-
18 vices for the purposes of ensuring that:

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

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

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

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

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

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

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

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

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

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

33 (b) When determining whom to appoint to the council under this subsection, the Governor shall:

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

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

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

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

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

39 (ii) To the greatest extent practicable, contributes to the council's representation of the ge-
40 ographic, ethnic, gender, racial and economic diversity of this state; and

41 (iii) Contributes to the council's expertise, knowledge and experience in early childhood devel-
42 opment, early childhood care, early childhood education, family financial stability, populations dis-
43 proportionately burdened by poor education outcomes and outcome-based best practices; and

44 (E) Solicit recommendations from the Speaker of the House of Representatives for at least two
45 members and from the President of the Senate for at least two members.

1 (6) In addition to the members appointed under subsection (5) of this section, the Governor shall
2 appoint nonvoting, ex officio members who represent relevant state agencies.

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

5 (8) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules
6 necessary for the administration of the laws that the council is charged with administering. When
7 adopting rules related to child care, the council must appoint an advisory committee in accordance
8 with ORS 183.333 that includes representatives of child care providers that are licensed or not li-
9 censed, as appropriate.

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

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

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

26 (3) The term of office of a commissioner is four years from the time of appointment and quali-
27 fication and until a successor qualifies for appointment. The terms of the commissioners commence
28 April 1. If a commissioner is allowed to hold office after the expiration of a term, the Governor shall
29 appoint the successor for the remainder of the unexpired term. If a vacancy occurs in the commis-
30 sion, the Governor shall appoint the successor for the remainder of the unexpired term. Each com-
31 missioner is eligible for reappointment, but an individual is not eligible to serve for more than two
32 full terms.

33 (4) Appointments of commissioners by the Governor under this section are subject to confirma-
34 tion by the Senate pursuant to section 4, Article III, Oregon Constitution.

35 **SECTION 8. This 2023 Act being necessary for the immediate preservation of the public**
36 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
37 **on its passage.**