

BILL BRADBURY
SECRETARY OF STATE



JOHN LINDBACK
DIRECTOR

141 STATE CAPITOL
SALEM, OREGON 97310-0722

ELECTIONS — (503) 986-1518

July 7, 2004

To All Interested Parties:

Secretary of State Bill Bradbury is responsible for the pre-election review of proposed initiative petitions for compliance with the procedural constitutional requirements established in the Oregon Constitution for initiative petitions. This review will be completed before approving the form of the cover and signature sheets for the purpose of circulating the proposed initiative petition to gather signatures.

The Secretary of State is seeking public input on whether proposed initiative petition (#5), satisfies the procedural constitutional requirements for circulation as a proposed initiative petition. Petition #5 was filed in our office on July 6, 2004, by Charlie Ringo, for the General Election of November 7, 2006.

Enclosed is a copy of the text of this proposed initiative petition. If you are interested in providing comments on whether the proposed initiative petition meets the procedural constitutional requirements, please write to the secretary at the Elections Division in the State Capitol. Your comments, if any, must be received by the Elections Division no later than July 28, 2004, in order for them to be considered in the review.

BILL BRADBURY
Secretary of State

BY: *Summer Davis*

Summer Davis
Compliance Specialist

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BILL BRADBURY
SECRETARY OF STATE

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AN ACT

Relating to the Legislative Assembly; creating new provisions; and amending
ORS 137.658, 171.051, 171.060, 171.068, 171.540, 173.730, 188.010, 197.130,
244.250, 249.002, 249.068, 249.072, 249.088, 249.200, 254.005, 254.365, 285A.143
and 442.035.

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

SECTION 1. ORS 249.002 is amended to read:

249.002. As used in this chapter:

(1) "Candidate" means an individual whose name is or is expected to be
printed on the official ballot.

(2) "County clerk" means the county clerk or the county official in charge
of elections.

(3) "Elector" means an individual qualified to vote under section 2, Arti-
cle II, Oregon Constitution.

(4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit
court or the Oregon Tax Court, or any county judge who exercises judicial
functions.

(5) "Member" means an individual who is registered as being affiliated
with the political party.

(6) "Minor political party" means a political party that has qualified as
a minor political party under ORS 248.008.

(7) "Nonpartisan office" means the office of judge, Superintendent of
Public Instruction, Commissioner of the Bureau of Labor and Industries,
state Senator, state Representative, any elected office of a metropolitan
service district under ORS chapter 268, justice of the peace, county clerk,
county assessor, county surveyor, county treasurer, sheriff, district attorney
or any office designated nonpartisan by a home rule charter.

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 (8) "Prospective petition" means the information, except signatures and
 2 other identification of petition signers, required to be contained in a com-
 3 pleted petition.

4 (9) "Public office" means any national, state, county, city or district office
 5 or position, except a political party office, filled by the electors.

6 (10) "State office" means Governor, Secretary of State, State Treasurer,
 7 Attorney General, Commissioner of the Bureau of Labor and Industries, Su-
 8 perintendent of Public Instruction, judge, state Senator, state Representative
 9 or district attorney.

10 **SECTION 2.** ORS 249.088 is amended to read:

11 249.088. (1) [*Unless otherwise provided by*] **Subject to subsections (2)**
 12 **and (3) of this section and the provisions of** a home rule charter, at the
 13 nominating election held on the date of the primary election, two candidates
 14 shall be nominated for the nonpartisan office.

15 (2) [*However,*] **Except as provided in subsection (3) of this section,**
 16 when a candidate[*, other than a candidate for the office of sheriff, a candidate*
 17 *for the office of county clerk, a candidate for the office of county treasurer or*
 18 *a candidate to fill a vacancy,*] **for nonpartisan office** receives a majority of
 19 the votes cast for the office at the nominating election, that candidate is
 20 elected.

21 [(2)] (3) When a candidate for the office of **state Senator, state Repre-**
 22 **sentative,** sheriff, [*the office of*] county clerk, [*the office of*] county treasurer
 23 or a candidate to fill a vacancy receives a majority of votes cast for the of-
 24 fice at the nominating election, that candidate alone is nominated.

25 **SECTION 3.** ORS 249.200 is amended to read:

26 249.200. (1) A major political party may nominate a candidate to fill a
 27 vacancy in a partisan elective office in the following manner:

28 (a) If the vacancy occurs on or before the 70th day before a primary
 29 election, by selecting a nominee at the next primary election; or

30 (b) If the vacancy occurs after the 70th day before the primary election
 31 but before the 61st day before the general election, by selecting a nominee

1 as provided by party rule.

2 (2) The procedure under subsection (1) of this section shall not apply in
3 any case in which one of the following specific procedures for filling a va-
4 cancy applies:

5 (a) The procedure specified in ORS 188.120 for the offices of Represen-
6 tative in Congress and United States Senator.

7 [(b) *The appointment procedure specified in ORS 171.051 to 171.064 for state*
8 *legislative office.*]

9 [(c)] (b) The procedure specified in ORS chapter 236 for county office.

10 [(d)] (c) The procedure specified in ORS chapter 221 for city office.

11 (3) A party that selects a nominee under subsection (1)(b) of this section,
12 immediately after the nomination, shall notify the filing officer with whom
13 a declaration of candidacy for the office is filed of the name of the nominee
14 by the most expeditious means practicable.

15 (4) The Secretary of State by rule may adopt a schedule specifying the
16 period following a vacancy within which a major political party that selects
17 a nominee under subsection (1)(b) of this section must notify the filing officer
18 of the name of the nominee under subsection (3) of this section.

19 **SECTION 4.** ORS 249.068 is amended to read:

20 249.068. (1) Except as otherwise provided for a candidate for nonpartisan
21 office in ORS 249.072:

22 (a) A nominating petition for an office to be voted for in the state at large
23 or for a candidate for Representative in Congress shall contain signatures
24 of members of the same major political party as the candidate. Except as
25 provided in this subsection, there shall be at least 1,000 signatures or the
26 number of signatures at least equal to two percent of the vote cast in the
27 state or congressional district, as the case may be, for the candidates of that
28 major political party for presidential electors at the last presidential
29 election, whichever is less;

30 (b) For an election next following any change in the boundaries of a
31 congressional district, there shall be at least 1,000 signatures or the number

1 of signatures at least equal to two percent of the average number of votes
2 cast in all congressional districts in this state, as the case may be, for the
3 candidates of that major political party for presidential electors at the last
4 presidential election, whichever is less;

5 (c) In the case of a candidate nominated by a major political party that
6 did not nominate presidential electors at the last presidential election, there
7 shall be at least 1,000 signatures; and

8 (d) If the office is one to be voted for in the state at large the signatures
9 shall include those of electors registered in at least five percent of the pre-
10 cincts in each of at least seven counties. If the office is one to be voted for
11 in a congressional district the signatures shall include those of electors
12 registered in at least five percent of the precincts in each of at least one-
13 fourth of the counties in the congressional district.

14 (2) Except as otherwise provided in this section or for a candidate for
15 nonpartisan office in ORS 249.072:

16 (a) A nominating petition for an office not provided for in subsection (1)
17 of this section shall contain the signatures of electors who are members of
18 the same major political party as the candidate. There shall be at least 500
19 signatures or the number of signatures at least equal to two percent of the
20 vote in the electoral district for the candidates of that major political party
21 for presidential electors at the last presidential election, whichever is less;

22 *[(b) In the case of major political party candidates for the office of state*
23 *Senator or state Representative, for an election next following any change in*
24 *the boundaries of the districts of state Senators or state Representatives under*
25 *section 6, Article IV of the Oregon Constitution, there shall be at least 500*
26 *signatures or the number of signatures at least equal to two percent of the*
27 *average number of votes cast in all state senatorial or state representative*
28 *districts in this state, as the case may be, for the candidates of that major*
29 *political party for presidential electors at the last presidential election,*
30 *whichever is less;]*

31 [(c)] (b) In the case of a candidate nominated by a major political party

1 that did not nominate presidential electors at the last presidential election,
2 there shall be at least 1,000 signatures;

3 [(d)] (c) If the office under this subsection is to be voted for in more than
4 one county, the signatures shall include those of electors registered in at
5 least six percent of the precincts in the electoral district that are located in
6 each of two or more of the counties, or portions of the counties, within
7 which the electoral district is located. If six percent of the precincts of the
8 electoral district in one of the counties or portion thereof does not constitute
9 a whole precinct, the nominating petition shall contain signatures from at
10 least one precinct in that county; and

11 [(e)] (d) If the office is to be voted for in only one county or in a city,
12 the signatures shall include those of electors registered in at least 10 percent
13 of the precincts in the electoral district.

14 **SECTION 5.** ORS 249.072 is amended to read:

15 249.072. (1) If the nonpartisan office is to be voted for in the state at
16 large, the nominating petition shall contain at least 1,000 signatures of
17 electors, or a number of signatures of electors equal to at least one percent
18 of the vote cast in the state for all candidates for Governor at the most re-
19 cent election at which a candidate for Governor was elected to a full term,
20 whichever is less. The signatures shall include those of electors registered
21 in each of at least five percent of the precincts in each of at least seven
22 counties.

23 (2) The nominating petition for a nonpartisan office not provided for in
24 subsection (1) of this section shall contain at least 500 signatures of electors
25 in the electoral district, or a number of signatures of electors equal to at
26 least one percent of the vote cast in the electoral district for all candidates
27 for Governor at the most recent election at which a candidate for Governor
28 was elected to a full term, whichever is less. **In the case of candidates for**
29 **the office of state Senator or the office of state Representative, for an**
30 **election next following any change in the boundaries of the districts**
31 **of state Senators or state Representatives under section 6, Article IV**

1 of the Oregon Constitution, the nominating petition shall contain at
2 least 500 signatures or the number of signatures at least equal to one
3 percent of the average number of votes cast in all state senatorial or
4 state representative districts in this state, as the case may be, for all
5 candidates for presidential electors at the last presidential election,
6 whichever is less. In addition:

7 (a) If an office under this subsection is to be voted for in more than one
8 county, the signatures shall include those of electors registered in each of
9 at least six percent of the precincts in the electoral district that are located
10 in each of two or more of the counties, or portions of the counties, within
11 which the electoral district is located. If six percent of the precincts of the
12 electoral district in one of the counties or portion thereof does not constitute
13 a whole precinct, the nominating petition shall contain signatures from at
14 least one precinct in that county.

15 (b) If the office is to be voted for in only one county or in a city, the
16 signatures shall include those of electors registered in each of at least 10
17 percent of the precincts in the electoral district.

18 **SECTION 6.** ORS 254.005 is amended to read:

19 254.005. As used in this chapter:

20 (1) "Ballot" means any material on which votes may be cast for candi-
21 dates or measures. In the case of a recall election, "ballot" includes material
22 posted in a voting compartment or delivered to an elector by mail.

23 (2) "Ballot label" means the material containing the names of candidates
24 or the measures to be voted on.

25 (3) "Chief elections officer" means the:

26 (a) Secretary of State, regarding a candidate for a state office or an office
27 to be voted on in the state at large or in a congressional district, or a
28 measure to be voted on in the state at large.

29 (b) County clerk, regarding a candidate for a county office, or a measure
30 to be voted on in a county only.

31 (c) City clerk, auditor or recorder, regarding a candidate for a city office.

1 or a measure to be voted on in a city only.

2 (4) "County clerk" means the county clerk or the county official in charge
3 of elections.

4 (5) "Elector" means an individual qualified to vote under section 2, Arti-
5 cle II, Oregon Constitution.

6 (6) "Major political party" means a political party that has qualified as
7 a major political party under ORS 248.006.

8 (7) "Measure" includes any of the following submitted to the people for
9 their approval or rejection at an election:

10 (a) A proposed law.

11 (b) An Act or part of an Act of the Legislative Assembly.

12 (c) A revision of or amendment to the Oregon Constitution.

13 (d) Local, special or municipal legislation.

14 (e) A proposition or question.

15 (8) "Minor political party" means a political party that has qualified as
16 a minor political party under ORS 248.008.

17 (9) "Nonpartisan office" means the office of judge of the Supreme Court,
18 Court of Appeals, circuit court or the Oregon Tax Court, Superintendent of
19 Public Instruction, Commissioner of the Bureau of Labor and Industries,
20 **state Senator, state Representative**, any elected office of a metropolitan
21 service district under ORS chapter 268, justice of the peace, county clerk,
22 county assessor, county surveyor, county treasurer, county judge who exer-
23 cises judicial functions, sheriff, district attorney or any office designated
24 nonpartisan by a home rule charter.

25 (10) "Prospective petition" means the information, except signatures and
26 other identification of petition signers, required to be contained in a com-
27 pleted petition.

28 (11) "Regular district election" means the election held each year for the
29 purpose of electing members of a district board as defined in ORS 255.005 (2).

30 (12) "Voting machine" means:

31 (a) Any device which will record every vote cast on candidates and

1 measures and which will either internally or externally total all votes cast
2 on that device.

3 (b) Any device into which a ballot may be inserted and which is so de-
4 signed and constructed that the vote for any candidate or measure may be
5 indicated by punching or marking the ballot.

6 (13) "Vote tally system" means one or more pieces of equipment necessary
7 to examine and tally automatically the marked or punched ballots.

8 **SECTION 7.** ORS 254.365 is amended to read:

9 254.365. (1) An elector shall not be qualified or permitted to vote at any
10 primary election for any candidate of a major political party, and it shall
11 be unlawful for the elector to offer to do so, unless:

12 (a) The elector is registered as being affiliated with one of the major
13 political parties nominating or electing its candidates for public office at the
14 primary election; or

15 (b) The elector is registered as not being affiliated with any political
16 party and wishes to vote in the primary election of a major political party
17 that has provided under subsection (3) of this section for a primary election
18 that admits electors not affiliated with any political party.

19 (2) Except as provided in ORS 254.470 (4), any elector offering to vote at
20 the primary election shall be given a ballot of the major political party with
21 which the elector is registered as being affiliated. The elector shall not be
22 given a ballot of any other political party at that primary election. An
23 elector not affiliated with any political party and offering to vote at the
24 primary election shall be given the ballot of the major political party in
25 whose primary election the elector wishes to vote if that party has provided
26 under subsection (3) of this section for a primary election that admits elec-
27 tors not affiliated with any political party. An elector not affiliated with any
28 political party who is given a ballot of the major political party associates
29 with the party for the purpose of voting in that primary election.

30 (3) Not later than the 90th day before the date of the primary election,
31 a major political party may file with the Secretary of State a certified copy

1 of the current party rule allowing an elector not affiliated with any political
 2 party to vote in the party's primary election. The party shall not repeal the
 3 rule as filed during the 90 days before the primary election. The rule shall
 4 continue to be effective after the date of the primary election until the party
 5 gives written notice to the Secretary of State that the rule has been repealed.
 6 A party rule under this subsection may limit the candidates for whom an
 7 elector who is not affiliated with any political party may vote. [*The party*
 8 *rule shall, however, allow any elector who is permitted to vote for the most*
 9 *numerous branch of the Legislative Assembly to also vote in federal legislative*
 10 *elections, consistent with section 2, Article I, and the Seventeenth Amendment*
 11 *to the United States Constitution.*]

12 (4) If the primary election ballot includes city, county or nonpartisan of-
 13 fices or measures, and it is given to an elector who is not eligible to vote
 14 for party candidates, the ballot shall be marked "limited."

15 **SECTION 8.** ORS 171.051 is amended to read:

16 171.051. (1) When any vacancy occurs in the Legislative Assembly due to
 17 death or recall or by reason of resignation filed in writing with the Secretary
 18 of State or a person is declared disqualified by the house to which the person
 19 was elected, the vacancy shall be filled by appointment if:

20 (a) The vacancy occurs during any session of the Legislative Assembly;

21 (b) The vacancy occurs in the office of a state Representative before the
 22 61st day before the general election to be held during that term of office;

23 (c) The vacancy occurs in the office of a state Senator before the 61st day
 24 before the first general election to be held during that term of office;

25 (d) The vacancy occurs in the office of a state Senator at any time after
 26 the 62nd day before the first general election and before the 61st day before
 27 the second general election to be held during that term of office; or

28 (e) A special session of the Legislative Assembly will be convened before
 29 a successor to the office can be elected and qualified.

30 (2) The person appointed under the provisions of subsection (1) of this
 31 section shall be a citizen qualified to hold the office[,] **and** an elector of the

1 affected legislative district [*and a member of the same political party for at*
2 *least 180 days before the date on which the vacancy occurred. The political*
3 *affiliation of a person appointed under subsection (1) of this section shall be*
4 *determined under ORS 236.100*]. The appointment shall be made by the
5 county courts or boards of county commissioners of the affected counties
6 pursuant to ORS 171.060 to 171.064. [*When the provisions of ORS 171.060 (1)*
7 *are applicable, the appointment shall be made from a list of not fewer than*
8 *three nor more than five nominees who have signed written statements indi-*
9 *cating that they are willing to serve furnished by the Secretary of State. If*
10 *fewer than three names of nominees are furnished, a list shall not be consid-*
11 *ered to have been submitted and the county courts or boards of county com-*
12 *missioners shall fill the vacancy.*] The vacancy must be filled by appointment
13 within 30 days after its occurrence or not later than the time set for the
14 convening of the special session described in subsection (1)(e) of this section
15 when that is the basis for filling the vacancy.

16 (3) If the appointing authority required by this section to fill the vacancy
17 does not do so within the time allowed, the Governor shall fill the vacancy
18 by appointment within 10 days.

19 (4) Notwithstanding any appointment under the provisions of subsection
20 (1)(c) of this section, when a vacancy occurs in the office of a state Senator
21 before the 61st day before the first general election to be held during that
22 term of office, the remaining two years of the term of office shall be filled
23 by the electors of the affected legislative district at the first general election.

24 (5) Candidates for the remaining two years of the term of office of a state
25 Senator under subsection (4) of this section shall be nominated as provided
26 in ORS chapter 249, [*except as follows:*]

27 [(a) *A major political party, minor political party, assembly of electors or*
28 *individual electors may select a nominee for any vacancy occurring before the*
29 *61st day before the first general election; and]*

30 [(b) *The Secretary of State shall accept certificates of nomination and no-*
31 *tifications of nominees selected by party rule and filed with the secretary]* **ex-**

1 **cept that the Secretary of State shall accept nominating petitions or**
2 **declarations of candidacy** pursuant to a schedule for filing set by the
3 Secretary of State but in any case not later than the 62nd day before the first
4 general election.

5 (6) The remaining two years of the term of office of a state Senator under
6 subsection (4) of this section will commence on the second Monday in Jan-
7 uary following the general election. Any appointment under the provisions
8 of subsection (1)(c) of this section shall expire when a successor to the office
9 is elected and qualified.

10 **SECTION 9.** ORS 171.060 is amended to read:

11 171.060. [(1) *When any vacancy as is mentioned in ORS 171.051 exists in*
12 *the office of Senator or Representative affiliated with a major political party*
13 *and that vacancy is to be filled by an appointing authority as provided in ORS*
14 *171.051, the Secretary of State forthwith shall notify the person designated by*
15 *the party to receive such notice. The party shall pursuant to party rule nomi-*
16 *nate not fewer than three nor more than five qualified persons to fill the va-*
17 *cancy. The nominating procedure shall reflect the principle of one-person,*
18 *one-vote to accord voting weight in proportion to the number of party members*
19 *represented. At the request of a party making a nomination, the county clerks*
20 *of each county constituting the district in which the vacancy exists shall assist*
21 *the party in determining the number of electors registered as members of the*
22 *party in the district. A person shall not be nominated to fill the vacancy unless*
23 *the person signs a written statement indicating that the person is willing to*
24 *serve in the office of Senator or Representative. As soon as the nominees have*
25 *been appointed, but no later than 20 days after the vacancy occurs, the party*
26 *shall notify the Secretary of State of the persons nominated. The notification*
27 *shall be accompanied by the signed written statement of each nominee indi-*
28 *cating that the nominee is willing to serve in the office of Senator or Repre-*
29 *sentative. The Secretary of State shall notify the county courts or boards of*
30 *county commissioners of the counties constituting the district in which the*
31 *vacancy exists of the nominees and of the number of votes apportioned to each*

1 *member of the county courts or boards of county commissioners under ORS*
2 *171.062 and 171.064. The Secretary of State shall set a time for the meeting of*
3 *the county courts or boards of county commissioners in order to fill the vacancy*
4 *and by rule shall establish procedures for the conduct of the meeting. If the*
5 *district is composed of more than one county, the Secretary of State shall name*
6 *a temporary chairperson and designate a meeting place within the district*
7 *where the county courts or boards of county commissioners shall convene for*
8 *the purpose of filling the vacancy, pursuant to ORS 171.051 (2).]*

9 [(2)] (1) When any vacancy as is mentioned in ORS 171.051 exists in the
10 office of **state** Senator or **state** Representative [*not affiliated with a major*
11 *political party*] and that vacancy is to be filled by an appointing authority
12 as provided in ORS 171.051, the Secretary of State forthwith shall notify the
13 county courts or boards of county commissioners of the counties constituting
14 the district in which the vacancy occurs of the vacancy and of the number
15 of votes apportioned to each member of the county courts or boards of county
16 commissioners under ORS 171.062 and 171.064. The Secretary of State shall
17 set a time for a meeting of the county courts or boards of county commis-
18 sioners and by rule shall establish procedures for the conduct of the meeting.
19 If the district is composed of more than one county, the Secretary of State
20 shall name a temporary chairperson and designate a meeting place within the
21 district where the county courts or boards of county commissioners shall
22 convene for the purpose of appointing a person to fill the vacancy.

23 [(3)] (2) A written statement signed by a majority of those qualified to
24 vote upon the filling of any vacancy naming the person selected to fill the
25 vacancy and directed to the Secretary of State is conclusive evidence of the
26 filling of the vacancy by the appointing authority named therein.

27 **SECTION 10.** ORS 171.068 is amended to read:

28 171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county
29 court or the board of county commissioners which shall fill the vacancy in
30 the Legislative Assembly in a district created by reapportionment shall be
31 the county court or board of county commissioners of each county any part

1 of which is in the district that is created by the reapportionment and in-
2 cludes the residence from which the former Senator or Representative was
3 elected.

4 [(2) *Each person nominated by a major political party to fill a vacancy in*
5 *the Legislative Assembly occurring as described by ORS 171.051 in a district*
6 *created by reapportionment must be registered to vote in the district from*
7 *which the former Senator or Representative was elected and must have been*
8 *a member of the same major political party at least 180 days before the date*
9 *the vacancy to be filled occurred.*]

10 [(3)] (2) This section [shall apply] **applies** only to a vacancy in the Leg-
11 islative Assembly occurring after the primary election next following reap-
12 portionment and before a person has been elected and qualified to fill the
13 vacancy.

14 **SECTION 11.** ORS 171.540 is amended to read:

15 171.540. (1) The Joint Legislative Committee on Water Policy is estab-
16 lished as a committee of the Legislative Assembly.

17 (2) The Joint Legislative Committee on Water Policy shall consist of five
18 members of the House appointed by the Speaker of the House of Represen-
19 tatives and five members of the Senate appointed by the President of the
20 Senate. [*No more than four of the House members, nor more than four of the*
21 *Senate members, shall be of the same political party.*] If the Speaker or the
22 President is a member, either from time to time may designate an alternate
23 from among the members of the appropriate body to exercise powers as a
24 member of the committee, except that the alternate shall not preside if the
25 Speaker or the President is a chairperson.

26 (3) A committee shall be appointed within 30 days after the convening of
27 the Legislative Assembly in regular session. Vacancies occurring in the
28 membership of the committee shall be filled by the appointing authority. If
29 a vacancy occurs in the membership of the committee during the interim, the
30 vacant position shall not be counted for the purpose of determining a quorum
31 until the vacancy is filled.

1 (4) Any action of the committee must be approved by an affirmative vote
2 of a majority of the members of the committee.

3 (5) The committee shall have a continuing existence and may meet, act
4 and conduct its business during the sessions of the Legislative Assembly or
5 any recess thereof, and in the interim period between sessions. During the
6 sessions of the Legislative Assembly, the committee may conduct its business
7 as a joint committee or as separate water committees for the Senate and the
8 House of Representatives, as determined by the President of the Senate and
9 the Speaker of the House of Representatives.

10 (6) Each presiding officer shall designate a chairperson who shall serve
11 as cochairperson and who shall perform such duties as the members require
12 including the approval of voucher claims.

13 **SECTION 12.** ORS 173.730 is amended to read:

14 173.730. (1) The Legislative Administration Committee shall consist of the
15 Speaker of the House of Representatives, the President of the Senate, four
16 members of the House appointed by the Speaker, and three members of the
17 Senate appointed by the President. The Speaker of the House of Represen-
18 tatives and the President of the Senate may each designate an alternate from
19 time to time from among the members of the house over which that person
20 presides to exercise the powers, except as cochairperson, as a member of the
21 committee. *[No more than three House members of the committee shall be of*
22 *the same political party. No more than three Senate members of the committee*
23 *shall be of the same political party.]*

24 (2) The committee has a continuing existence and may meet, act and
25 conduct its business during sessions of the Legislative Assembly or any re-
26 cess thereof, and in the interim period between sessions.

27 (3) The term of a member shall expire upon the convening of the Legis-
28 lative Assembly in regular session next following the commencement of the
29 member's term. When a vacancy occurs in the membership of the committee
30 in the interim between sessions, until such vacancy is filled, the membership
31 of the committee shall be deemed not to include the vacant position for the

1 purpose of determining whether a quorum is present and a quorum is a ma-
2 jority of the remaining members.

3 (4) The presiding officers shall act as cochairpersons and may alternate
4 at succeeding meetings as presiding chairperson of the committee and vice
5 chairperson thereof. The cochairpersons, jointly or singly, may, in addition
6 to other acts authorized, approve voucher claims.

7 (5) Action of the committee shall be taken only upon the affirmative vote
8 of the majority of members from each house who serve as members of the
9 committee.

10 **SECTION 13.** ORS 188.010 is amended to read:

11 188.010. The Legislative Assembly or the Secretary of State, whichever is
12 applicable, shall consider the following criteria when apportioning the state
13 into congressional and legislative districts:

14 (1) Each district, as nearly as practicable, shall:

15 (a) Be contiguous;

16 (b) Be of equal population;

17 (c) Utilize existing geographic or political boundaries;

18 (d) Not divide communities of common interest; and

19 (e) Be connected by transportation links.

20 (2) *[No]* A district *[shall]* **may not** be drawn for the purpose of favoring
21 any *[political party,]* incumbent legislator or other person.

22 (3) *[No]* A district *[shall]* **may not** be drawn for the purpose of diluting
23 the voting strength of any language or ethnic minority group.

24 (4) Two state House of Representative districts shall be wholly included
25 within a single state senatorial district.

26 (5) **A congressional district may not be drawn for the purpose of**
27 **favoring any political party.**

28 **SECTION 14.** ORS 197.130 is amended to read:

29 197.130. (1) The Joint Legislative Committee on Land Use shall consist
30 of four members of the House of Representatives appointed by the Speaker
31 and three members of the Senate appointed by the President. *[No more than*

1 *three House members of the committee shall be of the same political party. No*
2 *more than two Senate members of the committee shall be of the same political*
3 *party.] If the Speaker of the House of Representatives or the President of the*
4 *Senate is a member, either may designate from time to time an alternate*
5 *from among the members of the appropriate house to exercise powers as a*
6 *member of the committee except that the alternate shall not preside if the*
7 *Speaker or President is chairperson.*

8 (2) The committee shall have a continuing existence and may meet, act
9 and conduct its business during sessions of the Legislative Assembly or any
10 recess thereof, and in the interim period between sessions.

11 (3) The term of a member shall expire upon the convening of the Legis-
12 lative Assembly in regular session next following the commencement of the
13 member's term. When a vacancy occurs in the membership of the committee
14 in the interim between sessions, until such vacancy is filled, the membership
15 of the committee shall be deemed not to include the vacant position for the
16 purpose of determining whether a quorum is present and a quorum is the
17 majority of the remaining members.

18 (4) The committee shall select a chairperson. The chairperson may, in
19 addition to other authorized duties, approve voucher claims.

20 (5) Action of the committee shall be taken only upon the affirmative vote
21 of the majority of the members of the committee.

22 **SECTION 15.** ORS 137.658 is amended to read:

23 137.658. (1) The chairperson of the Oregon Criminal Justice Commission
24 may create any committees within the commission as the chairperson may
25 think necessary. Persons who are not commission members may be appointed
26 as members to serve on the committees with the approval of the commission.

27 (2) The chairperson shall appoint members of committees created under
28 this section in such a manner as to ensure representation from all segments
29 of the criminal justice system that are affected by the work of the committee.
30 In selecting members for committee assignments, the chairperson shall con-
31 sider, but is not limited to, representatives from the following:

- 1 (a) The Attorney General;
- 2 (b) The Director of the Department of Corrections;
- 3 (c) The chairperson of the State Board of Parole and Post-Prison Super-
- 4 vision;
- 5 (d) The Superintendent of State Police;
- 6 (e) The chief administrative employee of the Psychiatric Security Review
- 7 Board;
- 8 (f) The Director of Human Services;
- 9 (g) The Director of the Oregon Youth Authority;
- 10 (h) Trial judges;
- 11 (i) Judges of the Oregon Supreme Court or Court of Appeals;
- 12 (j) [*Majority and minority parties of*] The House of Representatives and
- 13 the Senate;
- 14 (k) District attorneys;
- 15 (L) Criminal defense attorneys;
- 16 (m) County sheriffs;
- 17 (n) County commissioners;
- 18 (o) County community corrections directors;
- 19 (p) Chiefs of police;
- 20 (q) Victims of crime;
- 21 (r) The public at large;
- 22 (s) The director of a nonprofit entity created for the purpose of increasing
- 23 understanding of the adult and juvenile justice systems and promotion of
- 24 effective policies for prevention and control of crime; and
- 25 (t) Private contract providers.

26 **SECTION 16.** ORS 244.250 is amended to read:

27 244.250. (1) The Oregon Government Standards and Practices Commission
28 is established, consisting of seven members appointed in the following man-
29 ner to be confirmed by the Senate:

- 30 (a) Four members appointed by the Governor from among persons recom-
31 mended, [*one*] **two** each by the leadership of [*the Democratic and Republican*

1 *parties in*] each house of the Legislative Assembly. If a person recommended
2 *[by the leadership of the Democratic or Republican party]* **under this para-**
3 **graph** is not approved by the Governor, another person shall be recom-
4 mended.

5 (b) Three members appointed by the Governor without leadership recom-
6 mendation, no more than two of whom shall be from the same major political
7 party.

8 (2) No person who holds any public office listed in ORS 244.050 (1) except
9 as a member of the commission shall be appointed to the commission. No
10 more than four members shall be members of the same political party.

11 (3) The term of office is four years. No member shall be eligible to be
12 appointed to more than one full term but may serve out an unexpired term.
13 However, those members first appointed to the commission serving less than
14 a three-year term are eligible for a second appointment for a full term. Va-
15 cancies shall be filled by the appointing authority for the unexpired term.

16 (4) The commission shall elect a chairperson and vice chairperson for
17 such terms and duties as the commission may require.

18 (5) A quorum consists of four members but no final decision may be made
19 without an affirmative vote of the majority of the members appointed to the
20 commission.

21 (6) Members shall be entitled to compensation and expenses as provided
22 in ORS 292.495.

23 (7) The commission may retain or appoint qualified legal counsel who
24 shall be a member of the Oregon State Bar and who shall be responsible to
25 the commission. The appointment of legal counsel under this subsection shall
26 be made only when the commission finds it is inappropriate and contrary to
27 the public interest for the office of the Attorney General to represent con-
28 currently more than one public official or agency in any matter before the
29 commission because such representation would create or tend to create a
30 conflict of interest and is not subject to ORS 180.230 or 180.235.

31 (8) The Attorney General shall not represent before the commission any

1 state public official who is the subject of any complaint or action of the
2 commission at the commission's own instigation.

3 **SECTION 17.** ORS 285A.143 is amended to read:

4 285A.143. (1) Upon the request of any legislator, for a sister state re-
5 lationship in which the State of Oregon participates, a sister state commit-
6 tee, consisting of up to 21 members each, shall be appointed as described in
7 subsection (2) of this section. The committee shall be named for the sister
8 state for which the committee is created and shall be known as the (name
9 of sister state) Sister State Committee.

10 (2) Membership of each sister state committee shall include:

11 (a) The President of the Senate, who shall be cochairperson of the com-
12 mittee;

13 (b) The Speaker of the House of Representatives, who shall be
14 cochairperson of the committee;

15 (c) Two members of the Senate, [*who are not members of the same political*
16 *party,*] appointed by the President of the Senate;

17 (d) Two members of the House of Representatives, [*who are not members*
18 *of the same political party,*] appointed by the Speaker of the House of Rep-
19 resentatives;

20 (e) Four members representing Oregon's business community appointed
21 by the President of the Senate;

22 (f) Four members representing Oregon's business community appointed by
23 the Speaker of the House of Representatives;

24 (g)(A) One former member of the Senate appointed by the President of the
25 Senate and one former member of the House of Representatives appointed
26 by the Speaker of the House of Representatives; or

27 (B) If one of the potential appointees described in subparagraph (A) of
28 this paragraph is not available, two former members of the Legislative As-
29 sembly appointed jointly by the President of the Senate and the Speaker of
30 the House of Representatives;

31 (h) Two public members appointed by the President of the Senate;

1 (i) Two public members appointed by the Speaker of the House of Repre-
2 sentatives; and

3 (j) If the cochairpersons jointly agree, one elected state official.

4 (3)(a) The President of the Senate and the Speaker of the House of Rep-
5 resentatives may each designate an alternate from time to time from among
6 the members of their respective chambers to exercise powers as a member
7 of the committee when the President or Speaker is not in attendance at a
8 committee meeting, except that an alternate may not preside over a com-
9 mittee meeting in place of the President or Speaker.

10 (b) The President of the Senate and the Speaker of the House of Repre-
11 sentatives shall jointly select one of the members appointed under subsection
12 (2)(e) or (f) of this section to be executive director to plan for and coordinate
13 activities under ORS 285A.145 (2).

14 (4)(a) The President of the Senate and the Speaker of the House of Rep-
15 resentatives serve on a sister state committee so long as each continues to
16 hold the office of President or Speaker.

17 (b) A member of the Legislative Assembly appointed under subsection
18 (2)(c) or (d) of this section serves at the pleasure of the appointing authority
19 and may continue to serve as long as the member remains in the chamber
20 of the Legislative Assembly from which the member was appointed. Before
21 the expiration of the legislative term of office of a member appointed under
22 subsection (2)(c) or (d) of this section, the appointing authority shall appoint
23 a successor whose term on the committee begins when the former member's
24 legislative term of office ends. If there is a vacancy for a member appointed
25 under subsection (2)(c) or (d) of this section for any other cause, the ap-
26 pointing authority shall make an appointment to become effective imme-
27 diately.

28 (c) The term of office of committee members appointed under subsection
29 (2)(e) to (j) of this section is two years. A member appointed under subsection
30 (2)(e) to (j) of this section is eligible for reappointment. If there is a vacancy
31 for a member appointed under subsection (2)(e) to (j) of this section before

1 the expiration of the term, the appointing authority shall make an appoint-
2 ment to become effective immediately for the unexpired term.

3 (5) Members of the Legislative Assembly who are members of a sister
4 state committee are entitled to a per diem as provided in ORS 171.072 except
5 when members are out of the United States.

6 (6) The cochairpersons of a sister state committee shall preside alter-
7 nately at sister state committee meetings.

8 (7) A majority of the members of a sister state committee constitutes a
9 quorum for the transaction of business.

10 (8) The Legislative Administration Committee shall provide administra-
11 tive staff support for one meeting of the sister state committee held before
12 the visit described in ORS 285A.145 (2) and for one meeting held after the
13 visit.

14 (9) For the purposes of this section and ORS 285A.145, "sister state"
15 means an international state or province.

16 **SECTION 18.** ORS 442.035 is amended to read:

17 442.035. (1) The Oregon Health Policy Commission is established to serve
18 as the policy-making body responsible for health policy and planning for the
19 state.

20 (2) The members of the commission shall be residents of the State of
21 Oregon and shall be appointed by the Governor, subject to the following:

22 (a) The commission shall have 10 public members and shall include at
23 least one member from each congressional district of the state.

24 (b) The membership of the commission shall broadly represent the ge-
25 ographic, social, economic, occupational, linguistic and racial population of
26 the state and shall include individuals who represent Oregon's rural and
27 urban medically underserved populations.

28 (c) The commission shall have a majority of members who are not direct
29 providers of health care and shall include individuals who represent Oregon's
30 rural and urban medically underserved populations.

31 (d) The commission shall have at least one member who is a physician

1 licensed to practice in this state. For the purposes of this paragraph, "phy-
2 sician" has the meaning given that term in ORS 677.010.

3 (e) Members shall be appointed to three-year terms.

4 (f) A member may not serve more than two consecutive terms.

5 (3) Voting members of the commission shall serve at the Governor's
6 pleasure.

7 (4) Voting members shall select a chairperson and a vice chairperson from
8 among themselves.

9 (5) The commission shall meet at least quarterly.

10 (6) Members are entitled to compensation and expenses as provided in
11 ORS 292.495.

12 (7) Vacancies of voting members on the commission shall be filled by ap-
13 pointments of the Governor for the unexpired term.

14 (8) In addition to the members appointed to the commission under sub-
15 section (2) of this section:

16 (a) The President of the Senate[, *in consultation with leadership from the*
17 *minority party,*] shall appoint two members of the Senate to the
18 commission[, *one from the majority party and one from the minority party,*
19 *who*]. **The Senate members of the commission** shall be nonvoting, advi-
20 sory members.[; *and*]

21 (b) The Speaker of the House of Representatives[, *in consultation with*
22 *leadership from the minority party,*] shall appoint two members of the House
23 of Representatives to the commission[, *one from the majority party and one*
24 *from the minority party, who*]. **The House members of the commission**
25 shall be nonvoting, advisory members.

26 **SECTION 19.** (1) **The amendments to ORS 137.658, 171.051, 171.060,**
27 **171.068, 171.540, 173.730, 188.010, 197.130, 244.250, 249.002, 249.068, 249.072,**
28 **249.088, 249.200, 254.005, 254.365, 285A.143 and 442.035 by sections 1 to 18**
29 **of this 2006 Act apply only to nominations for and appointments and**
30 **elections to the offices of state Senator and state Representative, and**
31 **appointments involving members of the Legislative Assembly, occur-**

1 ring on or after the effective date of this 2006 Act. A certificate of
2 nomination, nominating petition or declaration of candidacy for the
3 office of state Senator or state Representative filed before the effective
4 date of this 2006 Act for an election to be conducted on or after the
5 effective date of this 2006 Act shall be considered to have been filed for
6 the nonpartisan office of state Senator or state Representative.

7 (2) Nothing in the amendments to ORS 137.658, 171.051, 171.060,
8 171.068, 171.540, 173.730, 188.010, 197.130, 244.250, 249.002, 249.068, 249.072,
9 249.088, 249.200, 254.005, 254.365, 285A.143 and 442.035 by sections 1 to 18
10 of this 2006 Act is intended to require a change in the composition of
11 any committee or commission described in ORS 137.658, 171.540, 171.730,
12 197.130, 285A.143 or 442.035, as amended by sections 11, 12, 14, 15, 17 and
13 18 of this 2006 Act.

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