

# Senate Bill 843

Sponsored by Senator DECKERT; Senator MORSE, Representatives HASS, LIM

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Designates offices of state Senator and state Representative as nonpartisan.

### A BILL FOR AN ACT

Relating to the Legislative Assembly; creating new provisions; and amending ORS 137.658, 171.051, 171.060, 171.068, 244.250, 249.002, 249.068, 249.072, 249.088, 249.200, 254.005, 254.365 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, Article 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.

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

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

(10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge, state Senator, state Representative or district attorney.

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

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

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

5       **(2)** **(3)** When a candidate for the office of **state Senator, state Representative**, sheriff, *[the*  
 6 *office of]* county clerk, *[the office of]* county treasurer or a candidate to fill a vacancy receives a  
 7 majority of votes cast for the office at the nominating election, that candidate alone is nominated.

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

9       249.200. (1) A major political party may nominate a candidate to fill a vacancy in a partisan  
 10 elective office in the following manner:

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

13       (b) If the vacancy occurs after the 70th day before the primary election but before the 61st day  
 14 before the general election, by selecting a nominee as provided by party rule.

15       (2) The procedure under subsection (1) of this section shall not apply in any case in which one  
 16 of the following specific procedures for filling a vacancy applies:

17       (a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and  
 18 United States Senator.

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

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

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

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

25       (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-  
 26 cancy within which a major political party that selects a nominee under subsection (1)(b) of this  
 27 section must notify the filing officer of the name of the nominee under subsection (3) of this section.

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

29       249.068. (1) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072:

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

36       (b) For an election next following any change in the boundaries of a congressional district, there  
 37 shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the  
 38 average number of votes cast in all congressional districts in this state, as the case may be, for the  
 39 candidates of that major political party for presidential electors at the last presidential election,  
 40 whichever is less;

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

43       (d) If the office is one to be voted for in the state at large the signatures shall include those  
 44 of electors registered in at least five percent of the precincts in each of at least seven counties. If  
 45 the office is one to be voted for in a congressional district the signatures shall include those of

1 electors registered in at least five percent of the precincts in each of at least one-fourth of the  
2 counties in the congressional district.

3 (2) Except as otherwise provided in this section or for a candidate for nonpartisan office in ORS  
4 249.072:

5 (a) A nominating petition for an office not provided for in subsection (1) of this section shall  
6 contain the signatures of electors who are members of the same major political party as the candi-  
7 date. There shall be at least 500 signatures or the number of signatures at least equal to two percent  
8 of the vote in the electoral district for the candidates of that major political party for presidential  
9 electors at the last presidential election, whichever is less;

10 *[(b) In the case of major political party candidates for the office of state Senator or state Repre-*  
11 *sentative, for an election next following any change in the boundaries of the districts of state Senators*  
12 *or state Representatives under section 6, Article IV of the Oregon Constitution, there shall be at least*  
13 *500 signatures or the number of signatures at least equal to two percent of the average number of votes*  
14 *cast in all state senatorial or state representative districts in this state, as the case may be, for the*  
15 *candidates of that major political party for presidential electors at the last presidential election,*  
16 *whichever is less;]*

17 *[(c) (b) In the case of a candidate nominated by a major political party that did not nominate*  
18 *presidential electors at the last presidential election, there shall be at least 1,000 signatures;*

19 *[(d) (c) If the office under this subsection is to be voted for in more than one county, the sig-*  
20 *natures shall include those of electors registered in at least six percent of the precincts in the*  
21 *electoral district that are located in each of two or more of the counties, or portions of the counties,*  
22 *within which the electoral district is located. If six percent of the precincts of the electoral district*  
23 *in one of the counties or portion thereof does not constitute a whole precinct, the nominating peti-*  
24 *tion shall contain signatures from at least one precinct in that county; and*

25 *[(e) (d) If the office is to be voted for in only one county or in a city, the signatures shall in-*  
26 *clude those of electors registered in at least 10 percent of the precincts in the electoral district.*

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

28 249.072. (1) If the nonpartisan office is to be voted for in the state at large, the nominating pe-  
29 tition shall contain at least 1,000 signatures of electors, or a number of signatures of electors equal  
30 to at least one percent of the vote cast in the state for all candidates for Governor at the most re-  
31 cent election at which a candidate for Governor was elected to a full term, whichever is less. The  
32 signatures shall include those of electors registered in each of at least five percent of the precincts  
33 in each of at least seven counties.

34 (2) The nominating petition for a nonpartisan office not provided for in subsection (1) of this  
35 section shall contain at least 500 signatures of electors in the electoral district, or a number of  
36 signatures of electors equal to at least one percent of the vote cast in the electoral district for all  
37 candidates for Governor at the most recent election at which a candidate for Governor was elected  
38 to a full term, whichever is less. **In the case of candidates for the office of state Senator or the**  
39 **office of state Representative, for an election next following any change in the boundaries**  
40 **of the districts of state Senators or state Representatives under section 6, Article IV of the**  
41 **Oregon Constitution, the nominating petition shall contain at least 500 signatures or the**  
42 **number of signatures at least equal to one percent of the average number of votes cast in**  
43 **all state senatorial or state representative districts in this state, as the case may be, for all**  
44 **candidates for presidential electors at the last presidential election, whichever is less. In ad-**  
45 **dition:**

1 (a) If an office under this subsection is to be voted for in more than one county, the signatures  
 2 shall include those of electors registered in each of at least six percent of the precincts in the  
 3 electoral district that are located in each of two or more of the counties, or portions of the counties,  
 4 within which the electoral district is located. If six percent of the precincts of the electoral district  
 5 in one of the counties or portion thereof does not constitute a whole precinct, the nominating peti-  
 6 tion shall contain signatures from at least one precinct in that county.

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

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

10 254.005. As used in this chapter:

11 (1) "Ballot" means any material on which votes may be cast for candidates or measures. In the  
 12 case of a recall election, "ballot" includes material posted in a voting compartment or delivered to  
 13 an elector by mail.

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

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

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

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

21 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be  
 22 voted on in a city only.

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

24 (5) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-  
 25 tution.

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

28 (7) "Measure" includes any of the following submitted to the people for their approval or re-  
 29 jection at an election:

30 (a) A proposed law.

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

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

33 (d) Local, special or municipal legislation.

34 (e) A proposition or question.

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

37 (9) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, cir-  
 38 cuit court or the Oregon Tax Court, Superintendent of Public Instruction, Commissioner of the Bu-  
 39 reau of Labor and Industries, **state Senator, state Representative**, any elected office of a  
 40 metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county  
 41 assessor, county surveyor, county treasurer, county judge who exercises judicial functions, sheriff,  
 42 district attorney or any office designated nonpartisan by a home rule charter.

43 (10) "Prospective petition" means the information, except signatures and other identification of  
 44 petition signers, required to be contained in a completed petition.

45 (11) "Regular district election" means the election held each year for the purpose of electing

1 members of a district board as defined in ORS 255.005 (2).

2 (12) "Voting machine" means:

3 (a) Any device which will record every vote cast on candidates and measures and which will  
4 either internally or externally total all votes cast on that device.

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

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

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

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

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

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

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

27 (3) Not later than the 90th day before the date of the primary election, a major political party  
28 may file with the Secretary of State a certified copy of the current party rule allowing an elector  
29 not affiliated with any political party to vote in the party's primary election. The party shall not  
30 repeal the rule as filed during the 90 days before the primary election. The rule shall continue to  
31 be effective after the date of the primary election until the party gives written notice to the Secre-  
32 tary of State that the rule has been repealed. A party rule under this subsection may limit the  
33 candidates for whom an elector who is not affiliated with any political party may vote. [*The party*  
34 *rule shall, however, allow any elector who is permitted to vote for the most numerous branch of the*  
35 *Legislative Assembly to also vote in federal legislative elections, consistent with section 2, Article I, and*  
36 *the Seventeenth Amendment to the United States Constitution.*]

37 (4) If the primary election ballot includes city, county or nonpartisan offices or measures, and  
38 it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked  
39 "limited."

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

41 171.051. (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by  
42 reason of resignation filed in writing with the Secretary of State or a person is declared disqualified  
43 by the house to which the person was elected, the vacancy shall be filled by appointment if:

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

45 (b) The vacancy occurs in the office of a state Representative before the 61st day before the

1 general election to be held during that term of office;

2 (c) The vacancy occurs in the office of a state Senator before the 61st day before the first gen-  
3 eral election to be held during that term of office;

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

7 (e) A special session of the Legislative Assembly will be convened before a successor to the of-  
8 fice can be elected and qualified.

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

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

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

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

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

32 [(b) *The Secretary of State shall accept certificates of nomination and notifications of nominees se-*  
33 *lected by party rule and filed with the secretary] **except that the Secretary of State shall accept**  
34 **nominating petitions or declarations of candidacy** pursuant to a schedule for filing set by the  
35 Secretary of State but in any case not later than the 62nd day before the first general election.*

36 (6) The remaining two years of the term of office of a state Senator under subsection (4) of this  
37 section will commence on the second Monday in January following the general election. Any ap-  
38 pointment under the provisions of subsection (1)(c) of this section shall expire when a successor to  
39 the office is elected and qualified.

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

41 171.060. [(1) *When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or*  
42 *Representative affiliated with a major political party and that vacancy is to be filled by an appointing*  
43 *authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the person desig-*  
44 *nated by the party to receive such notice. The party shall pursuant to party rule nominate not fewer*  
45 *than three nor more than five qualified persons to fill the vacancy. The nominating procedure shall*

1 reflect the principle of one-person, one-vote to accord voting weight in proportion to the number of party  
 2 members represented. At the request of a party making a nomination, the county clerks of each county  
 3 constituting the district in which the vacancy exists shall assist the party in determining the number  
 4 of electors registered as members of the party in the district. A person shall not be nominated to fill  
 5 the vacancy unless the person signs a written statement indicating that the person is willing to serve  
 6 in the office of Senator or Representative. As soon as the nominees have been appointed, but no later  
 7 than 20 days after the vacancy occurs, the party shall notify the Secretary of State of the persons  
 8 nominated. The notification shall be accompanied by the signed written statement of each nominee in-  
 9 dicating that the nominee is willing to serve in the office of Senator or Representative. The Secretary  
 10 of State shall notify the county courts or boards of county commissioners of the counties constituting  
 11 the district in which the vacancy exists of the nominees and of the number of votes apportioned to each  
 12 member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The  
 13 Secretary of State shall set a time for the meeting of the county courts or boards of county commis-  
 14 sioners in order to fill the vacancy and by rule shall establish procedures for the conduct of the meet-  
 15 ing. If the district is composed of more than one county, the Secretary of State shall name a temporary  
 16 chairperson and designate a meeting place within the district where the county courts or boards of  
 17 county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051  
 18 (2).]

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

30 [(3)] (2) A written statement signed by a majority of those qualified to vote upon the filling of  
 31 any vacancy naming the person selected to fill the vacancy and directed to the Secretary of State  
 32 is conclusive evidence of the filling of the vacancy by the appointing authority named therein.

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

34 171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of  
 35 county commissioners which shall fill the vacancy in the Legislative Assembly in a district created  
 36 by reapportionment shall be the county court or board of county commissioners of each county any  
 37 part of which is in the district that is created by the reapportionment and includes the residence  
 38 from which the former **state** Senator or **state** Representative was elected.

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

44 [(3)] (2) This section [shall apply] **applies** only to a vacancy in the Legislative Assembly occur-  
 45 ring after the primary election next following reapportionment and before a person has been elected

1 and qualified to fill the vacancy.

2 **SECTION 11.** ORS 137.658 is amended to read:

3 137.658. (1) The chairperson of the Oregon Criminal Justice Commission may create any com-  
4 mittees within the commission as the chairperson may think necessary. Persons who are not com-  
5 mission members may be appointed as members to serve on the committees with the approval of the  
6 commission.

7 (2) The chairperson shall appoint members of committees created under this section in such a  
8 manner as to ensure representation from all segments of the criminal justice system that are af-  
9 fected by the work of the committee. In selecting members for committee assignments, the chair-  
10 person shall consider, but is not limited to, representatives from the following:

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

33 **SECTION 12.** ORS 244.250 is amended to read:

34 244.250. (1) The Oregon Government Standards and Practices Commission is established, con-  
35 sisting of seven members appointed in the following manner to be confirmed by the Senate:

36 (a) Four members appointed by the Governor from among persons recommended, [*one*] **two** each  
37 by the leadership of [*the Democratic and Republican parties in*] each house of the Legislative As-  
38 sembly. If a person recommended [*by the leadership of the Democratic or Republican party*] **under**  
39 **this paragraph** is not approved by the Governor, another person shall be recommended.

40 (b) Three members appointed by the Governor without leadership recommendation, no more than  
41 two of whom shall be from the same major political party.

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

45 (3) The term of office is four years. No member shall be eligible to be appointed to more than



1 one full term but may serve out an unexpired term. However, those members first appointed to the  
 2 commission serving less than a three-year term are eligible for a second appointment for a full term.  
 3 Vacancies shall be filled by the appointing authority for the unexpired term.

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

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

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

9 (7) The commission may retain or appoint qualified legal counsel who shall be a member of the  
 10 Oregon State Bar and who shall be responsible to the commission. The appointment of legal counsel  
 11 under this subsection shall be made only when the commission finds it is inappropriate and contrary  
 12 to the public interest for the office of the Attorney General to represent concurrently more than  
 13 one public official or agency in any matter before the commission because such representation would  
 14 create or tend to create a conflict of interest and is not subject to ORS 180.230 or 180.235.

15 (8) The Attorney General shall not represent before the commission any state public official who  
 16 is the subject of any complaint or action of the commission at the commission's own instigation.

17 **SECTION 13.** ORS 442.035 is amended to read:

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

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

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

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

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

30 (d) The commission shall have at least one member who is a physician licensed to practice in  
 31 this state. For the purposes of this paragraph, "physician" has the meaning given that term in ORS  
 32 677.010.

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

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

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

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

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

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

39 (7) Vacancies of voting members on the commission shall be filled by appointments of the Gov-  
 40 ernor for the unexpired term.

41 (8) In addition to the members appointed to the commission under subsection (2) of this section:

42 (a) The President of the Senate[, *in consultation with leadership from the minority party,*] shall  
 43 appoint two members of the Senate to the commission[, *one from the majority party and one from the*  
 44 *minority party, who*]. **The Senate members of the commission** shall be nonvoting, advisory mem-  
 45 bers.[: *and*]

1 (b) The Speaker of the House of Representatives[, *in consultation with leadership from the mi-*  
2 *nority party,*] shall appoint two members of the House of Representatives to the commission[, *one*  
3 *from the majority party and one from the minority party, who*]. **The House members of the com-**  
4 **mission** shall be nonvoting, advisory members.

5 **SECTION 14. (1) The amendments to ORS 137.658, 171.051, 171.060, 171.068, 244.250,**  
6 **249.002, 249.068, 249.072, 249.088, 249.200, 254.005, 254.365 and 442.035 by sections 1 to 13 of this**  
7 **2005 Act apply only to nominations for and appointments and elections to the offices of state**  
8 **Senator and state Representative, and appointments to commissions involving members of**  
9 **the Legislative Assembly, occurring on or after the effective date of this 2005 Act. A certif-**  
10 **icate of nomination, nominating petition or declaration of candidacy for the office of state**  
11 **Senator or state Representative filed before the effective date of this 2005 Act for an election**  
12 **to be conducted on or after the effective date of this 2005 Act shall be considered to have**  
13 **been filed for the nonpartisan office of state Senator or state Representative.**

14 (2) **Nothing in the amendments to ORS 137.658, 171.051, 171.060, 171.068, 244.250, 249.002,**  
15 **249.068, 249.072, 249.088, 249.200, 254.005, 254.365 and 442.035 by sections 1 to 13 of this 2005**  
16 **Act is intended to require a change in the composition of any commission described in ORS**  
17 **137.658, 244.250 or 442.035 as amended by sections 11, 12 and 13 of this 2005 Act.**

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