

B-Engrossed Senate Bill 5

Ordered by the House June 23
Including Senate Amendments dated April 3 and House Amendments
dated June 23

Sponsored by Senator COURTNEY

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.

Modifies membership of certain legislative committees. Removes statutory designation of number of committee members.

Provides that quorum of certain legislative committees is majority of House members and majority of Senate members. Requires affirmative vote of majority of House members and of majority of Senate members for action by committees.

Applies to Joint Committee on Ways and Means, Joint Legislative Committee on Information Management and Technology, special joint legislative committee appointed to issue report pursuant to section 8, Article VIII of Oregon Constitution, Legislative Counsel Committee, [and] Legislative Administration Committee **and Joint Legislative Audit Committee.**

A BILL FOR AN ACT

1
2 Relating to the legislative committees; amending ORS 171.555, 171.580, 171.852, 171.857, 173.191 and
3 173.730.

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

5 **SECTION 1.** ORS 171.555 is amended to read:

6 171.555. (1) *[The President of the Senate, upon election as President, shall appoint a committee of*
7 *ways and means consisting of eight members. The Speaker of the House of Representatives, upon*
8 *election as Speaker, shall appoint a committee of ways and means consisting of eight members.]* **Upon**
9 **election, the President of the Senate and the Speaker of the House of Representatives shall**
10 **appoint a Joint Committee on Ways and Means.** At least two of the members appointed from
11 each house shall have had previous experience on the **Joint** Committee [of] **on** Ways and Means. If
12 the Speaker of the House of Representatives or the President of the Senate is a member, either may
13 designate from time to time an alternate from among the members of the respective house to exer-
14 cise powers as a member of the committee except that the alternate shall not preside if the Speaker
15 or President is [chairperson] **chair.** [As soon as practicable after their appointment, the committees
16 shall meet jointly,] **The President of the Senate shall appoint one cochair for the joint com-**
17 **mittee and the Speaker of the House of Representatives shall appoint one cochair for the**
18 **joint committee.** The [chairpersons] **cochairs** of the [respective committees alternating] **joint com-**
19 **mittee shall alternate** as presiding officers.

20 (2) The [chairpersons] **cochairs** of the Joint Committee **on Ways and Means** are authorized to
21 cause to be investigated, either through the whole of the committee or by a selected subcommittee,
22 any complaints about the management or conduct of any of the state institutions, departments, offi-
23 cers or activities for the support of which state money has been appropriated, or for which appro-

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 priations may hereafter be made.

2 **(3) The Joint Committee on Ways and Means may not transact business unless a quorum**
3 **is present. A quorum consists of a majority of committee members from the House of Rep-**
4 **resentatives and a majority of committee members from the Senate.**

5 **(4) Action by the Joint Committee on Ways and Means requires the affirmative vote of**
6 **a majority of committee members from the House of Representatives and a majority of**
7 **committee members from the Senate.**

8 **SECTION 2.** ORS 171.852 is amended to read:

9 171.852. (1) There is hereby created a Joint Legislative Committee on Information Management
10 and Technology [*consisting of four members appointed by the Speaker of the House of Representatives,*
11 *at least two of whom shall have served on the Joint Ways and Means Committee, and three members*
12 *of the Senate appointed by the President of the Senate, at least one of whom shall have served on the*
13 *Joint Ways and Means Committee*]. **The President of the Senate and the Speaker of the House**
14 **of Representatives shall appoint the members of the committee.**

15 (2) The committee has a continuing existence and may meet, act and conduct its business during
16 sessions of the Legislative Assembly or any recess thereof, and in the interim between sessions.

17 (3) The term of a member shall expire upon the convening of the Legislative Assembly in regular
18 session next following the commencement of the member's term. When a vacancy occurs in the
19 membership of the committee in the interim between sessions, until such vacancy is filled, the
20 membership of the committee shall be deemed not to include the vacant position for the purpose of
21 determining whether a quorum is present and a quorum is a majority of the remaining members.

22 (4) Members of the committee shall receive an amount equal to that authorized under ORS
23 171.072 from funds appropriated to the Legislative Assembly for each day spent in the performance
24 of their duties as members of the committee or any subcommittee thereof in lieu of reimbursement
25 for in-state travel expenses. However, when engaged in out-of-state travel, members shall be entitled
26 to receive their actual and necessary expenses therefor in lieu of the amount authorized by this
27 subsection. Payment shall be made from funds appropriated to the Legislative Fiscal Office.

28 [*(5) Action of the committee shall be taken only upon the affirmative vote of the majority of mem-*
29 *bers of the committee.*]

30 **(5) The committee may not transact business unless a quorum is present. A quorum**
31 **consists of a majority of committee members from the House of Representatives and a ma-**
32 **jority of committee members from the Senate.**

33 **(6) Action by the committee requires the affirmative vote of a majority of committee**
34 **members from the House of Representatives and a majority of committee members from the**
35 **Senate.**

36 [(6)] (7) The Legislative Fiscal Office shall furnish to the committee such services of personnel
37 and such other facilities as are necessary to enable the committee to carry out its functions as
38 provided by law.

39 **SECTION 3.** ORS 171.857 is amended to read:

40 171.857. (1) The President of the Senate and the Speaker of the House of Representatives shall
41 jointly appoint a special legislative committee to issue a report pursuant to section 8, Article VIII
42 of the Oregon Constitution.

43 **(2) The committee may not transact business unless a quorum is present. A quorum**
44 **consists of a majority of committee members from the House of Representatives and a ma-**
45 **jority of committee members from the Senate.**

1 **(3) Action by the committee requires the affirmative vote of a majority of committee**
 2 **members from the House of Representatives and a majority of committee members from the**
 3 **Senate.**

4 [(2)] (4) The Legislative Assembly in the report shall:

5 (a) Demonstrate that the amount within the budget appropriated for the state's system of
 6 kindergarten through grade 12 public education is the amount of moneys as determined by the
 7 Quality Education Commission established by ORS 327.500 that is sufficient to meet the quality
 8 goals; or

9 (b) Identify the reasons that the amount appropriated for the state's system of kindergarten
 10 through grade 12 public education is not sufficient, the extent of the insufficiency and the impact
 11 of the insufficiency on the ability of the state's system of kindergarten through grade 12 public ed-
 12 ucation to meet the quality goals. In identifying the impact of the insufficiency, the Legislative As-
 13 sembly shall include in the report how the amount appropriated in the budget may affect both the
 14 current practices and student performance identified by the commission under ORS 327.506 (4)(a) and
 15 the best practices and student performance identified by the commission under ORS 327.506 (4)(b).

16 [(3)(a)] (5)(a) Notwithstanding subsection [(2)] (4) of this section, the Legislative Assembly may
 17 make a determination that the report of the Quality Education Commission should not be used as
 18 the basis for carrying out the reporting requirements of section 8, Article VIII of the Oregon Con-
 19 stitution, and subsection [(2)] (4) of this section. If the report is not used, the Legislative Assembly
 20 shall identify the reasons for not using the report to meet the reporting requirements and shall
 21 outline an alternative methodology for making the findings required by section 8, Article VIII of the
 22 Oregon Constitution.

23 (b) The alternative methodology shall be based on:

24 (A) Research, data and public values; and

25 (B) The performance of successful schools, professional judgment or a combination of the per-
 26 formance of successful schools and professional judgment.

27 (c) The Legislative Assembly shall include in the report that uses the alternative methodology
 28 a determination of how the amount appropriated may affect the ability of the state's system of
 29 kindergarten through grade 12 public education to meet quality goals established by law, including
 30 expected student performance against those goals.

31 [(4)] (6) The Legislative Assembly shall identify in the report whether the state's system of
 32 post-secondary public education has quality goals established by law. If there are quality goals, the
 33 Legislative Assembly shall include in the report a determination that the amount appropriated in
 34 the budget is sufficient to meet those goals or an identification of the reasons the amount appro-
 35 priated is not sufficient, the extent of the insufficiency and the impact of the insufficiency on the
 36 ability of the state's system of post-secondary public education to meet those quality goals.

37 [(5)] (7) The report shall be issued within 180 days after the regular session of the Legislative
 38 Assembly adjourns sine die.

39 [(6)] (8) The Legislative Assembly shall provide public notice of the report's issuance, including
 40 posting the report on the Internet and providing a print version of the report upon request.

41 **SECTION 4.** ORS 173.191 is amended to read:

42 173.191. (1) The Legislative Counsel Committee shall consist of the Speaker of the House of
 43 Representatives, the President of the Senate, [*five*] members of the House appointed by the
 44 Speaker[,] and [*four*] members of the Senate appointed by the President. The Speaker of the House
 45 of Representatives and the President of the Senate may each designate from among the members of

1 the appropriate house an alternate to exercise powers as a member of the committee. The appointing
 2 authorities shall appoint members of a new committee within 30 days after the convening of the
 3 Legislative Assembly in regular session.

4 (2) The term of a member of the committee shall expire upon the convening of the Legislative
 5 Assembly in regular session next following the member's appointment. Vacancies occurring in the
 6 membership of the committee shall be filled by the appointing authority.

7 (3) The committee has a continuing existence and may meet, act and conduct its business during
 8 the sessions of the Legislative Assembly or any recess thereof, and in the interim period between
 9 sessions but the committee has no authority to affect the rules of either house.

10 (4) The **Legislative Counsel** Committee may appoint advisory committees or subcommittees.
 11 Except as otherwise provided in this subsection, individuals other than members of the Legislative
 12 Assembly may serve on such advisory committees or subcommittees. A member of such committee
 13 or subcommittee who is not a member of the Legislative Assembly shall be compensated and reim-
 14 bursed in the manner provided in ORS 292.495. An advisory committee or subcommittee appointed
 15 to assist the **Legislative Counsel** Committee in review of state agency rules may consist only of two
 16 or more members of the Legislative Assembly.

17 **(5) The Legislative Counsel Committee may not transact business unless a quorum is**
 18 **present. A quorum consists of a majority of committee members from the House of Repre-**
 19 **sentatives and a majority of committee members from the Senate.**

20 **(6) Action by the committee requires the affirmative vote of a majority of committee**
 21 **members from the House of Representatives and a majority of committee members from the**
 22 **Senate.**

23 **SECTION 5.** ORS 173.730 is amended to read:

24 173.730. (1) The Legislative Administration Committee shall consist of the Speaker of the House
 25 of Representatives, the President of the Senate, [*four*] members of the House appointed by the
 26 Speaker[,] and [*three*] members of the Senate appointed by the President. The Speaker of the House
 27 of Representatives and the President of the Senate may each designate an alternate from time to
 28 time from among the members of the house over which that person presides to exercise the powers,
 29 except as cochairperson, as a member of the committee. No more than three House members of the
 30 committee shall be of the same political party. No more than three Senate members of the committee
 31 shall be of the same political party.

32 (2) The committee has a continuing existence and may meet, act and conduct its business during
 33 sessions of the Legislative Assembly or any recess thereof, and in the interim period between ses-
 34 sions.

35 (3) The term of a member shall expire upon the convening of the Legislative Assembly in regular
 36 session next following the commencement of the member's term. When a vacancy occurs in the
 37 membership of the committee in the interim between sessions, until such vacancy is filled, the
 38 membership of the committee shall be deemed not to include the vacant position for the purpose of
 39 determining whether a quorum is present and a quorum is a majority of the remaining members.

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

43 [*(5) Action of the committee shall be taken only upon the affirmative vote of the majority of mem-*
 44 *bers from each house who serve as members of the committee.*]

45 **(5) The committee may not transact business unless a quorum is present. A quorum**

1 **consists of a majority of committee members from the House of Representatives and a ma-**
2 **jority of committee members from the Senate.**

3 **(6) Action by the committee requires the affirmative vote of a majority of committee**
4 **members from the House of Representatives and a majority of committee members from the**
5 **Senate.**

6 **SECTION 6.** ORS 171.580 is amended to read:

7 171.580. (1) There is created a Joint Legislative Audit Committee consisting of the [*chair of the*
8 *House Ways and Means Committee, the chair of the Senate Ways and Means Committee*] **cochairs of**
9 **the Joint Committee on Ways and Means**, [*four*] members of the House of Representatives ap-
10 pointed by the Speaker and [*four*] members of the Senate appointed by the President.

11 (2) The committee has a continuing existence and may meet, act and conduct its business during
12 sessions of the Legislative Assembly or any recess thereof and in the interim between sessions.

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

18 (4) Members of the committee shall receive an amount equal to that authorized under ORS
19 171.072 from funds appropriated to the Legislative Assembly for each day spent in the performance
20 of their duties as members of the committee or any subcommittee thereof in lieu of reimbursement
21 for in-state travel expenses. However, when engaged in out-of-state travel, members shall be entitled
22 to receive their actual and necessary expenses therefor in lieu of the amount authorized by this
23 subsection. Payment shall be made from funds appropriated to the Legislative Assembly.

24 [*(5) Action of the committee shall be taken only upon the affirmative vote of the majority of mem-*
25 *bers of the committee.*]

26 **(5) The committee may not transact business unless a quorum is present. A quorum**
27 **consists of a majority of committee members from the House of Representatives and a ma-**
28 **jority of committee members from the Senate.**

29 **(6) Action by the committee requires the affirmative vote of a majority of committee**
30 **members from the House of Representatives and a majority of committee members from the**
31 **Senate.**

32 [(6)] (7) The Legislative Fiscal Office shall furnish to the committee such services of personnel
33 and such other facilities as are necessary to enable the committee to carry out its functions as di-
34 rected by law, with such assistance as the Division of Audits and Oregon Department of Adminis-
35 trative Services can provide.