

Senate Bill 5

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 **as introduced**.

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.

A BILL FOR AN ACT

1
2 Relating to the legislative committees; amending ORS 171.555, 171.580, 171.852, 171.857, 173.191,
3 173.730 and 291.330.

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-
24 priations may hereafter be made.

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

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

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

5 171.852. (1) There is hereby created a Joint Legislative Committee on Information Management
 6 and Technology [*consisting of four members appointed by the Speaker of the House of Representatives,*
 7 *at least two of whom shall have served on the Joint Ways and Means Committee, and three members*
 8 *of the Senate appointed by the President of the Senate, at least one of whom shall have served on the*
 9 *Joint Ways and Means Committee*]. **The President of the Senate and the Speaker of the House**
 10 **of Representatives shall appoint the members of the committee.**

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 deemed not to include the vacant position for the purpose of
 17 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 Fiscal Office.

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
 34 provided by law.

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

36 171.857. (1) The President of the Senate and the Speaker of the House of Representatives shall
 37 jointly appoint a special legislative committee to issue a report pursuant to section 8, Article VIII
 38 of the Oregon Constitution.

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

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

45 [(2)] (4) The Legislative Assembly in the report shall:

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

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

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

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

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

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

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

27 [(4)] (6) The Legislative Assembly shall identify in the report whether the state's system of
 28 post-secondary public education has quality goals established by law. If there are quality goals, the
 29 Legislative Assembly shall include in the report a determination that the amount appropriated in
 30 the budget is sufficient to meet those goals or an identification of the reasons the amount appro-
 31 priated is not sufficient, the extent of the insufficiency and the impact of the insufficiency on the
 32 ability of the state's system of post-secondary public education to meet those quality goals.

33 [(5)] (7) The report shall be issued within 180 days after the regular session of the Legislative
 34 Assembly adjourns sine die.

35 [(6)] (8) The Legislative Assembly shall provide public notice of the report's issuance, including
 36 posting the report on the Internet and providing a print version of the report upon request.

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

38 173.191. (1) The Legislative Counsel Committee shall consist of the Speaker of the House of
 39 Representatives, the President of the Senate, [five] members of the House appointed by the
 40 Speaker[,] and [four] members of the Senate appointed by the President. The Speaker of the House
 41 of Representatives and the President of the Senate may each designate from among the members of
 42 the appropriate house an alternate to exercise powers as a member of the committee. The appointing
 43 authorities shall appoint members of a new committee within 30 days after the convening of the
 44 Legislative Assembly in regular session.

45 (2) The term of a member of the committee shall expire upon the convening of the Legislative

1 Assembly in regular session next following the member's appointment. Vacancies occurring in the
2 membership of the committee shall be filled by the appointing authority.

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

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

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

16 **(6) Action by the committee requires the affirmative vote of a majority of committee**
17 **members from the House of Representatives and a majority of committee members from the**
18 **Senate.**

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

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

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

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

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

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

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

44 **(6) Action by the committee requires the affirmative vote of a majority of committee**
45 **members from the House of Representatives and a majority of committee members from the**

1 **Senate.**

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

3 171.580. (1) There is created a Joint Legislative Audit Committee consisting of the [*chair of the*
4 *House Ways and Means Committee, the chair of the Senate Ways and Means Committee*] **cochairs of**
5 **the Joint Committee on Ways and Means**, four members of the House of Representatives ap-
6 pointed by the Speaker and four members of the Senate appointed by the President.

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

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

14 (4) Members of the committee shall receive an amount equal to that authorized under ORS
15 171.072 from funds appropriated to the Legislative Assembly for each day spent in the performance
16 of their duties as members of the committee or any subcommittee thereof in lieu of reimbursement
17 for in-state travel expenses. However, when engaged in out-of-state travel, members shall be entitled
18 to receive their actual and necessary expenses therefor in lieu of the amount authorized by this
19 subsection. Payment shall be made from funds appropriated to the Legislative Assembly.

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

22 (6) The Legislative Fiscal Office shall furnish to the committee such services of personnel and
23 such other facilities as are necessary to enable the committee to carry out its functions as directed
24 by law, with such assistance as the Division of Audits and Oregon Department of Administrative
25 Services can provide.

26 **SECTION 7.** ORS 291.330 is amended to read:

27 291.330. The Emergency Board shall be composed of the President of the Senate, the Speaker
28 of the House of Representatives, the [*chairpersons of the Senate and House Ways and Means Com-*
29 *mittees*] **cochairs of the Joint Committee on Ways and Means serving at the conclusion of the**
30 **preceding regular legislative session**, six members of the Senate, at least three of whom shall have
31 had some previous experience on the **Joint Committee on Ways and Means** [*Committee*], to be ap-
32 pointed by the President of the Senate and confirmed by a majority of all the members elected to
33 the Senate, and seven members of the House, at least four of whom shall have had some previous
34 experience on the **Joint Committee on Ways and Means** [*Committee*], to be appointed by the
35 Speaker and confirmed by a majority of all the members elected to the House.

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