

House Bill 3179

Sponsored by Representatives MORGAN, LEVY; Senator THATCHER

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**.

Requires legislative committees to consist of equal members of majority party and of minority party.

A BILL FOR AN ACT

1
2 Relating to legislative committees; creating new provisions; and amending ORS 171.555, 171.580,
3 171.605, 171.630, 171.640, 171.852, 171.857, 171.858, 173.191, 173.730 and 291.332.

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

5 **SECTION 1. (1) As used in this section, "committee" means a standing, special, joint,**
6 **conference, interim or legislative statutory committee, or any subcommittee thereof.**

7 **(2) A committee must consist of equal members of the majority party and the minority**
8 **party.**

9 **SECTION 2. ORS 171.555 is amended to read:**

10 171.555. (1) Upon election **and in compliance with section 1 of this 2021 Act**, the President
11 of the Senate and the Speaker of the House of Representatives shall appoint a Joint Committee on
12 Ways and Means. At least two of the members appointed from each house shall have had previous
13 experience on the Joint Committee on Ways and Means. If the Speaker of the House of Represen-
14 tatives or the President of the Senate is a member, either may designate from time to time an al-
15 ternate from among the members of the respective house to exercise powers as a member of the
16 committee except that the alternate shall not preside if the Speaker or President is chair. The
17 President of the Senate shall appoint one cochair for the joint committee and the Speaker of the
18 House of Representatives shall appoint one cochair for the joint committee. The cochairs of the
19 joint committee shall alternate as presiding officers.

20 (2) The cochairs of the Joint Committee on Ways and Means are authorized to cause to be in-
21 vestigated, either through the whole of the committee or by a selected subcommittee, any complaints
22 about the management or conduct of any of the state institutions, departments, officers or activities
23 for the support of which state money has been appropriated, or for which appropriations may here-
24 after be made.

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

28 (4) Action by the Joint Committee on Ways and Means requires the affirmative vote of a ma-
29 jority of committee members from the House of Representatives and a majority of committee mem-
30 bers from the Senate.

31 **SECTION 3. ORS 171.580 is amended to read:**

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.

1 171.580. (1) There is created a Joint Legislative Audit Committee consisting of the cochairs of
2 the Joint Committee on Ways and Means, members of the House of Representatives appointed by
3 the Speaker and members of the Senate appointed by the President. **Appointments to the com-**
4 **mittee shall be made in compliance with section 1 of this 2021 Act.**

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

7 (3)(a) The term of a member shall expire upon the earlier of:

8 (A) The date of the convening of the odd-numbered year regular session of the Legislative As-
9 sembly next following the commencement of the member's term; or

10 (B) The date of the convening of an organizational session of the odd-numbered year regular
11 session of the Legislative Assembly next following the commencement of the member's term.

12 (b) When a vacancy occurs in the membership of the committee in the interim between an odd-
13 numbered year regular session and the earlier of the date of the convening of the next following
14 odd-numbered year regular session or the date of the convening of an organizational session of the
15 next following odd-numbered year regular session, until such vacancy is filled, the membership of
16 the committee shall be considered not to include the vacant position for the purpose of determining
17 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) The committee may not transact business unless a quorum is present. A quorum consists of
25 a majority of committee members from the House of Representatives and a majority of committee
26 members from the Senate.

27 (6) Action by the committee requires the affirmative vote of a majority of committee members
28 from the House of Representatives and a majority of committee members from the Senate.

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

33 **SECTION 4.** ORS 171.605 is amended to read:

34 171.605. (1) The powers described in ORS 171.605 to 171.635 are supplementary and in addition
35 to those otherwise possessed by interim committees and their members. ORS 171.605 to 171.635 are
36 not intended to limit the powers that would be possessed by interim committees and their members
37 had ORS 171.605 to 171.635 not been enacted.

38 (2) The Legislative Assembly intends that no provision of any joint resolution creating an in-
39 terim committee be construed to supersede any provision of ORS 171.610 to 171.620, whether by
40 implication or otherwise, unless the joint resolution specifically provides that its provision super-
41 sedes as to the particular interim committee that it creates.

42 **(3) Appointments to an interim committee shall be made in compliance with section 1 of**
43 **this 2021 Act.**

44 **SECTION 5.** ORS 171.630 is amended to read:

45 171.630. (1) In case of a vacancy among the membership of an interim committee, the authority

1 who appointed a member to the position vacant may appoint a member to fill the vacancy, **but the**
2 **appointment must be made in compliance with section 1 of this 2021 Act.**

3 (2) For the purposes of this section, a member of an interim committee appointed in the capacity
4 of the member as a member of the Legislative Assembly ceases to be a member of the interim com-
5 mittee:

6 (a) If the member ceases to be a member of the Legislative Assembly.

7 (b) If the member is presiding officer of either house of the Legislative Assembly and the mem-
8 ber, as presiding officer, serves as Governor during the Governor's temporary inability to discharge
9 the duties of the office of the Governor.

10 (3) A presiding officer of either house of the Legislative Assembly who is a member of an interim
11 committee may, except when serving as Governor, from time to time designate an alternate from
12 among the members of the house of the presiding officer to exercise the powers of the presiding of-
13 ficer as a member of the committee.

14 **SECTION 6.** ORS 171.640 is amended to read:

15 171.640. (1) As used in this section:

16 (a) "Appointing authority" means the President of the Senate or the Speaker of the House of
17 Representatives, subject to the rules of the respective bodies over which each presides.

18 (b) "Interim committee" includes any committee of three or more members of the Legislative
19 Assembly appointed pursuant to the provisions of this section to pursue the functions described in
20 ORS 171.610, whether the appointing authority designates the committee an interim committee, task
21 force, special committee or any other term customarily used in describing legislative committees
22 functioning during the interim period.

23 (2) Upon or during the interim following adjournment of a regular session of the Legislative
24 Assembly, the appointing authorities may appoint interim committees of members of the house over
25 which the particular authority presides, or members of both houses, and may assign the general
26 topic of study or concern to the committee. **Appointments to an interim committee must be**
27 **made in compliance with section 1 of this 2021 Act.**

28 (3) The appointing authorities may appoint members of the public to an interim committee. The
29 appointing authorities must consult with each other before appointing members of the public to a
30 joint interim committee. The appointing authority may appoint the chairperson of an interim com-
31 mittee. An appointing authority must notify the Legislative Administration Committee in writing of
32 the appointment and membership of all interim committees created.

33 (4) An interim committee created under authority of this section is subject to the provisions of
34 ORS 171.605 to 171.635 and has the authority contained in ORS 171.505 and 171.510. An interim
35 committee created under authority of this section may file its written report at any time within 30
36 days after its final meeting, or at such later time as the appointing authority or, in the case of a
37 joint committee, as the appointing authorities may designate.

38 (5) An appointing authority may employ the persons that the appointing authority considers
39 necessary to perform the function of the interim committees created under authority of this section.
40 The appointing authority shall fix the duties and amounts of compensation of employees. Interim
41 committees shall use the services of permanent legislative staff to the greatest extent practical.

42 (6) Members of the Legislative Assembly are entitled to an allowance as authorized by law for
43 each day that they are engaged in interim committee business that is approved by the appointing
44 authority. Claims for expenses incurred in performing functions of an interim committee shall be
45 paid out of funds appropriated for the expenses of the Legislative Assembly.

1 **SECTION 7.** ORS 171.852 is amended to read:

2 171.852. (1) There is hereby created a Joint Legislative Committee on Information Management
3 and Technology. The President of the Senate and the Speaker of the House of Representatives shall
4 appoint the members of the committee. **Appointments to the committee must be made in com-**
5 **pliance with section 1 of this 2021 Act.**

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

8 (3)(a) The term of a member shall expire upon the earlier of:

9 (A) The date of the convening of the odd-numbered year regular session of the Legislative As-
10 ssembly next following the commencement of the member's term; or

11 (B) The date of the convening of an organizational session of the odd-numbered year regular
12 session of the Legislative Assembly next following the commencement of the member's term.

13 (b) When a vacancy occurs in the membership of the committee in the interim between an odd-
14 numbered year regular session and the earlier of the date of the convening of the next following
15 odd-numbered year regular session or the date of the convening of an organizational session of the
16 next following odd-numbered year regular session, until such vacancy is filled, the membership of
17 the committee shall be deemed not to include the vacant position for the purpose of determining
18 whether a quorum is present and a quorum is a majority of the remaining members.

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

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

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

30 (7) The Legislative Fiscal Office shall furnish to the committee such services of personnel and
31 such other facilities as are necessary to enable the committee to carry out its functions as provided
32 by law.

33 **SECTION 8.** ORS 171.857 is amended to read:

34 171.857. (1) For each odd-numbered year regular session of the Legislative Assembly, the Presi-
35 dent of the Senate and the Speaker of the House of Representatives shall jointly appoint a special
36 legislative committee to issue a report pursuant to section 8, Article VIII of the Oregon Constitu-
37 tion. **Appointments to the committee must be made in compliance with section 1 of this 2021**
38 **Act.**

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

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

44 (4) Members of the committee are entitled to compensation and expense reimbursement as pro-
45 vided in ORS 171.072.

1 (5) The Legislative Assembly in the report shall:

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

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

13 (6)(a) Notwithstanding subsection (5) of this section, the Legislative Assembly may make a de-
 14 termination that the report of the Quality Education Commission should not be used as the basis for
 15 carrying out the reporting requirements of section 8, Article VIII of the Oregon Constitution, and
 16 subsection (5) of this section. If the report is not used, the Legislative Assembly shall identify the
 17 reasons for not using the report to meet the reporting requirements and shall outline an alternative
 18 methodology for making the findings required by section 8, Article VIII of the 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 (7) The Legislative Assembly shall identify in the report whether the state's system of post-
 28 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 (8) The report shall be issued within 180 days after the Legislative Assembly adjourns sine die.

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

36 **SECTION 9.** ORS 171.858 is amended to read:

37 171.858. (1) There is established the Joint Committee on Transportation.

38 (2) The joint committee consists of members of the Senate appointed by President of Senate and
 39 members of the House of Representatives appointed by the Speaker of the House of Representatives.
 40 **Appointments to the committee must be made in compliance with section 1 of this 2021 Act.**

41 (3) The President of the Senate shall appoint one cochair for the joint committee and the
 42 Speaker of the House of Representatives shall appoint one cochair for the joint committee with the
 43 duties and powers necessary for the performance of the functions of the offices as the President and
 44 the Speaker determine.

45 (4) The joint committee has a continuing existence and may meet, act and conduct its business

1 during sessions of the Legislative Assembly or any recess thereof and in the interim between ses-
2 sions.

3 (5) The term of a member shall expire upon the date of the convening of the odd-numbered year
4 regular session of the Legislative Assembly next following the commencement of the member's term.
5 When a vacancy occurs in the membership of the joint committee in the interim between odd-
6 numbered year regular sessions, until such vacancy is filled, the membership of the joint committee
7 shall be considered not to include the vacant position for the purpose of determining whether a
8 quorum is present and a quorum is a majority of the remaining members.

9 (6) If there is a vacancy for any cause, the appointing authority shall make an appointment to
10 become immediately effective.

11 (7) Members of the joint committee shall receive an amount equal to that authorized under ORS
12 171.072 from funds appropriated to the Legislative Assembly for each day spent in the performance
13 of their duties as members of the joint committee or any subcommittee thereof in lieu of re-
14 imbursement for in-state travel expenses. However, when engaged in out-of-state travel, members
15 shall be entitled to receive their actual and necessary expenses therefor in lieu of the amount au-
16 thorized by this subsection. Payment shall be made from funds appropriated to the Legislative As-
17 sembly.

18 (8) The joint committee may not transact business unless a quorum is present. A quorum con-
19 sists of a majority of joint committee members from the House of Representatives and a majority
20 of joint committee members from the Senate.

21 (9) Action by the joint committee requires the affirmative vote of a majority of joint committee
22 members from the House of Representatives and a majority of joint committee members from the
23 Senate.

24 (10) The joint committee may adopt rules necessary for the operation of the joint committee.

25 (11) The Legislative Policy and Research Director may employ persons necessary for the per-
26 formance of the functions of the joint committee. The Legislative Policy and Research Director shall
27 fix the duties and amounts of compensation of the employees. The joint committee shall use the
28 services of continuing legislative staff, without employing additional persons, to the greatest extent
29 practicable.

30 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist the joint
31 committee in the performance of the duties of the joint committee and, to the extent permitted by
32 laws relating to confidentiality, to furnish information and advice the members of the joint commit-
33 tee consider necessary to perform their duties.

34 **SECTION 10.** ORS 173.191 is amended to read:

35 173.191. (1)(a) The Legislative Counsel Committee shall consist of the Speaker of the House of
36 Representatives, the President of the Senate, members of the House appointed by the Speaker and
37 members of the Senate appointed by the President. The Speaker of the House of Representatives and
38 the President of the Senate may each designate from among the members of the appropriate house
39 an alternate to exercise powers as a member of the committee. **Appointments to the committee**
40 **shall be made in compliance with section 1 of this 2021 Act.**

41 (b) The appointing authorities shall appoint members of a new committee within 30 days after
42 the earlier of:

43 (A) The date of the convening of an odd-numbered year regular session of the Legislative As-
44 sembly; or

45 (B) The date of the convening of an organizational session of the odd-numbered year regular

1 session of the Legislative Assembly.

2 (2)(a) The term of a member of the committee shall expire upon the earlier of:

3 (A) The date of the convening of the odd-numbered year regular session of the Legislative As-
4 sembly next following the member's appointment; or

5 (B) The date of the convening of an organizational session of the odd-numbered year regular
6 session of the Legislative Assembly next following the member's appointment.

7 (b) Vacancies occurring in the membership of the committee shall be filled by the appointing
8 authority.

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

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

19 (5) The Legislative Counsel Committee may not transact business unless a quorum is present.
20 A quorum consists of a majority of committee members from the House of Representatives and a
21 majority of committee members from the Senate.

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

24 **SECTION 11.** ORS 173.730 is amended to read:

25 173.730. (1) The Legislative Administration Committee shall consist of the Speaker of the House
26 of Representatives, the President of the Senate, members of the House appointed by the Speaker and
27 members of the Senate appointed by the President. **Appointments shall be made in compliance**
28 **with section 1 of this 2021 Act.** The Speaker of the House of Representatives and the President
29 of the Senate may each designate an alternate from time to time from among the members of their
30 respective chambers to exercise the powers, except as cochairperson, as a member of the committee.
31 No more than three House members of the committee shall be of the same political party. No more
32 than three Senate members of the committee shall be of the same political party.

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

36 (3)(a) The term of a member shall expire upon the earlier of:

37 (A) The date of the convening of the odd-numbered year regular session of the Legislative As-
38 sembly next following the commencement of the member's term; or

39 (B) The date of the convening of an organizational session of the odd-numbered year regular
40 session of the Legislative Assembly next following the commencement of the member's term.

41 (b) When a vacancy occurs in the membership of the committee in the interim between an odd-
42 numbered year regular session and the earlier of the date of the convening of the next following
43 odd-numbered year regular session or the date of the convening of an organizational session of the
44 next following odd-numbered year regular session, until such vacancy is filled, the membership of
45 the committee shall be deemed not to include the vacant position for the purpose of determining

1 whether a quorum is present and a quorum is a majority of the remaining members.

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

5 (5) The committee may not transact business unless a quorum is present. A quorum consists of
6 a majority of committee members from the House of Representatives and a majority of committee
7 members from the Senate.

8 (6) Action by the committee requires the affirmative vote of a majority of committee members
9 from the House of Representatives and a majority of committee members from the Senate.

10 **SECTION 12.** ORS 291.332 is amended to read:

11 291.332. (1) The Emergency Board shall meet immediately upon adjournment sine die of each
12 odd-numbered year regular session of the Legislative Assembly. The board shall meet thereafter at
13 such times as it may determine, except that the activities of the board are suspended during the
14 period beginning at the convening of a regular session of the Legislative Assembly and ending at
15 the adjournment of that session.

16 (2)(a) The President of the Senate and the Speaker of the House of Representatives shall serve
17 as cochairpersons of the board.

18 (b) The President of the Senate shall appoint members of the board from among members of the
19 Senate. The Speaker of the House of Representatives shall appoint members from among members
20 of the House of Representatives. **Appointments shall be made in compliance with section 1 of**
21 **this 2021 Act.**

22 (3) The board may not transact business unless a quorum is present. A quorum consists of a
23 majority of board members from the House of Representatives and a majority of board members from
24 the Senate.

25 (4) Action by the board requires the affirmative vote of a majority of board members from the
26 House of Representatives and a majority of board members from the Senate.

27 (5) The term of members of the board shall run from the adjournment of one odd-numbered year
28 regular session to the convening of the next odd-numbered year regular session.

29 (6) If a vacancy occurs in the board, either the Speaker, if the legislator previously filling the
30 position was a member of the House, or the President, if the legislator previously filling the position
31 was a member of the Senate, shall fill the vacancy by an appointment for the unexpired term.

32