

House Bill 2755

Sponsored by Representative BOWMAN

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**.

Establishes Legislative Oversight and Accountability Committee and directs committee to select Legislative Oversight and Accountability Director. Sets forth duties of director, including investigating, reviewing activities of and oversight of executive branch agencies, taking in and investigating complaints of members of public concerning executive branch agency programs, conducting performance audits of executive branch agencies and reporting to committee on work undertaken by director.

Provides that duties director must perform become operative January 1, 2024.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to legislative oversight of executive branch actions; creating new provisions; amending ORS
3 171.415, 171.425, 171.430 and 244.050; and prescribing an effective date.

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

5 **SECTION 1. (1) The Legislative Oversight and Accountability Committee is established**
6 **as a joint committee of the Legislative Assembly.**

7 **(2) The committee shall select a Legislative Oversight and Accountability Director to**
8 **serve as its executive officer. The director shall serve at the pleasure of the committee.**

9 **(3) The committee shall fix the annual salary of the director. Subject to the limitations**
10 **otherwise provided by law for expenses of state officers, the director shall be reimbursed for**
11 **actual and necessary expenses incurred or paid by the director in the performance of duties**
12 **of the director.**

13 **SECTION 2. (1) The Legislative Oversight and Accountability Director shall, subject to**
14 **available resources:**

15 **(a) At the direction of the Legislative Oversight and Accountability Committee, investi-**
16 **gate, review the activities and actions of, and conduct oversight of executive branch agen-**
17 **cies, programs and functions to identify opportunities and areas of improvement to make**
18 **agency functions, operations and programs more effective, transparent and responsive;**

19 **(b) Take in and act upon complaints made by members of the public concerning executive**
20 **branch agency actions by investigating and ascertaining the extent to which agency func-**
21 **tions or program objectives are being met, and report findings to the committee and**
22 **complainants;**

23 **(c) At the direction of the Legislative Oversight and Accountability Committee in con-**
24 **sultation with the Joint Legislative Audit Committee and, where feasible and desired by the**
25 **committees, in partnership with the Secretary of State, conduct performance audits of**
26 **executive branch agencies or programs and report findings to the committees;**

27 **(d) Issue reports, findings and studies on the work undertaken by the director; and**

28 **(e) Perform other related duties as assigned by the Legislative Oversight and Account-**

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 ability Committee.

2 (2) The director may employ and fix the compensation of such professional assistants and
 3 other employees as the director deems necessary for the work under the charge of the di-
 4 rector.

5 (3) The director may enter into contracts to carry out the functions of the director.

6 **SECTION 3.** (1)(a) The Legislative Oversight and Accountability Committee shall consist
 7 of the Speaker of the House of Representatives, the President of the Senate, members of the
 8 House appointed by the Speaker so that there are an equal number of majority party and
 9 minority party members of the House including the Speaker, and members of the Senate
 10 appointed by the President so that there are an equal number of majority party and minority
 11 party members of the Senate including the President. The Speaker of the House of Repre-
 12 sentatives and the President of the Senate may each designate, from among the members
 13 of the appropriate house, majority party and minority party alternates to exercise powers
 14 as members of the committee.

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

17 (A) The date of the convening of an odd-numbered year regular session of the Legislative
 18 Assembly; or

19 (B) The date of the convening of an organizational session of the odd-numbered year
 20 regular session of the Legislative Assembly.

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

22 (A) The date of the convening of the odd-numbered year regular session of the Legislative
 23 Assembly next following the member's appointment; or

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

26 (b) Vacancies occurring in the membership of the committee shall be filled by the ap-
 27 pointing authority so as to ensure an equal number of majority party and minority party
 28 members from the appropriate house.

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

33 (4) The committee may appoint advisory committees or subcommittees. Individuals other
 34 than members of the Legislative Assembly may serve on such advisory committees or sub-
 35 committees. A member of an advisory committee or subcommittee who is not a member of
 36 the Legislative Assembly shall be compensated and reimbursed in the manner provided in
 37 ORS 292.495.

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

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

44 **SECTION 4.** (1) The expiration of the terms of members of the Legislative Oversight and
 45 Accountability Committee, as provided in section 3 of this 2023 Act, does not affect the em-

1 **ployment of any individual filling a position previously approved by the committee.**

2 (2) **Upon the expiration of the terms of members and until the newly appointed Legisla-**
 3 **tive Oversight and Accountability Committee provides otherwise, the Legislative Oversight**
 4 **and Accountability Director may employ and fix the compensation of individuals the director**
 5 **considers necessary for the effective conduct of the work supervised or managed by the di-**
 6 **rector.**

7 (3) **Notwithstanding sections 1 and 3 of this 2023 Act, if a vacancy occurs in the position**
 8 **of director after the expiration of the terms of members and before the appointment of**
 9 **members of a new Legislative Oversight and Accountability Committee, the President of the**
 10 **Senate and the Speaker of the House of Representatives may jointly select a director. The**
 11 **director selected by the President and the Speaker serves at their pleasure at a salary jointly**
 12 **fixed by the President and the Speaker that does not exceed the salary last fixed by the**
 13 **committee. The President and Speaker may act in lieu of the committee under ORS 293.335**
 14 **in designating the director they select to approve disbursements and in filing the statement**
 15 **of designation. After appointment of a Legislative Oversight and Accountability Committee,**
 16 **the director selected under this subsection serves at the pleasure of the committee and the**
 17 **committee may exercise power and authority over the director as if the director had been**
 18 **selected by the committee.**

19 **SECTION 5.** ORS 171.415 is amended to read:

20 171.415. (1) Except as provided in subsections (2) and (3) of this section, a committee or em-
 21 ployee of the Legislative Assembly having possession of legislative records that are not required for
 22 the regular performance of official duties shall, within 10 days after the adjournment sine die of a
 23 regular or special session, deliver all such legislative records to the Legislative Administration
 24 Committee.

25 (2) The chairperson, member or employee of a legislative interim committee responsible for
 26 maintaining the legislative records of that committee shall, within 10 days after the committee
 27 ceases to function or before January 1 next preceding the beginning of an odd-numbered year reg-
 28 ular session of the Legislative Assembly, whichever is earlier, deliver all such legislative records to
 29 the Legislative Administration Committee.

30 (3) This section does not apply to the records of the Emergency Board, the Legislative Admin-
 31 istration Committee, the Legislative Counsel Committee, the Legislative Policy and Research Com-
 32 mittee, **the Legislative Oversight and Accountability Committee**, the Joint Committee on
 33 Conduct and the Legislative Equity Officer or the Joint Committee on Ways and Means.

34 **SECTION 6.** ORS 171.425 is amended to read:

35 171.425. The State Archivist shall allow the Legislative Fiscal Officer, the Legislative Adminis-
 36 trator, the Legislative Counsel, the Legislative Revenue Officer, [*or*] the Legislative Policy and Re-
 37 search Director **or the Legislative Oversight and Accountability Director** to borrow and
 38 temporarily have possession of such legislative records as such officer requests.

39 **SECTION 7.** ORS 171.430 is amended to read:

40 171.430. (1) Except for legislative records borrowed under ORS 171.425 and except as provided
 41 in subsection (2) of this section, the Emergency Board, the Legislative Administration Committee,
 42 the Legislative Counsel Committee, the Legislative Policy and Research Committee, **the Legislative**
 43 **Oversight and Accountability Committee** or the Joint Committee on Ways and Means may cause
 44 any legislative records in its possession to be destroyed or otherwise disposed of, if such legislative
 45 records are considered by such committee to be of no value to the state or the public and are no

1 longer necessary under or pursuant to any statute requiring their creation or maintenance or af-
 2 fecting their use. However, such committee shall prior to destruction or disposal notify the State
 3 Archivist and transfer to the official custody of the State Archivist any such legislative records that
 4 are requisitioned by the State Archivist, except those designated as confidential by statute or by
 5 rule or resolution of the Legislative Assembly or of such committee.

6 (2) The Emergency Board, the Legislative Administration Committee, the Legislative Counsel
 7 Committee, the Legislative Policy and Research Committee, **the Legislative Oversight and Ac-**
 8 **countability Committee** and the Joint Committee on Ways and Means shall cause sound recordings
 9 of its hearings or meetings to be retained or, if not retained, to be delivered to the State Archivist.
 10 The archivist shall be official custodian of the sound recordings so delivered.

11 **SECTION 8.** ORS 244.050, as amended by section 1, chapter 66, Oregon Laws 2022, is amended
 12 to read:

13 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
 14 Government Ethics Commission a verified statement of economic interest as required under this
 15 chapter:

16 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
 17 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

18 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
 19 judicial officer who does not otherwise serve as a judicial officer.

20 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

21 (d) The Deputy Attorney General.

22 (e) The Deputy Secretary of State.

23 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
 24 Legislative Policy and Research Director, **the Legislative Oversight and Accountability Director**,
 25 the Secretary of the Senate, the Chief Clerk of the House of Representatives and the Legislative
 26 Equity Officer.

27 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
 28 versity listed in ORS 352.002.

29 (h) The following state officers:

30 (A) Adjutant General.

31 (B) Director of Agriculture.

32 (C) Manager of State Accident Insurance Fund Corporation.

33 (D) Water Resources Director.

34 (E) Director of the Department of Environmental Quality.

35 (F) Director of the Oregon Department of Administrative Services.

36 (G) State Fish and Wildlife Director.

37 (H) State Forester.

38 (I) State Geologist.

39 (J) Director of Human Services.

40 (K) Director of the Department of Consumer and Business Services.

41 (L) Director of the Department of State Lands.

42 (M) State Librarian.

43 (N) Administrator of the Oregon Liquor and Cannabis Commission.

44 (O) Superintendent of State Police.

45 (P) Director of the Public Employees Retirement System.

- 1 (Q) Director of Department of Revenue.
- 2 (R) Director of Transportation.
- 3 (S) Public Utility Commissioner.
- 4 (T) Director of Veterans' Affairs.
- 5 (U) Executive director of Oregon Government Ethics Commission.
- 6 (V) Director of the State Department of Energy.
- 7 (W) Director and each assistant director of the Oregon State Lottery.
- 8 (X) Director of the Department of Corrections.
- 9 (Y) Director of the Oregon Department of Aviation.
- 10 (Z) Executive director of the Oregon Criminal Justice Commission.
- 11 (AA) Director of the Oregon Business Development Department.
- 12 (BB) Director of the Oregon Department of Emergency Management.
- 13 (CC) Director of the Employment Department.
- 14 (DD) State Fire Marshal.
- 15 (EE) Chief of staff for the Governor.
- 16 (FF) Director of the Housing and Community Services Department.
- 17 (GG) State Court Administrator.
- 18 (HH) Director of the Department of Land Conservation and Development.
- 19 (II) Board chairperson of the Land Use Board of Appeals.
- 20 (JJ) State Marine Director.
- 21 (KK) Executive director of the Oregon Racing Commission.
- 22 (LL) State Parks and Recreation Director.
- 23 (MM) Public defense services executive director.
- 24 (NN) Chairperson of the Public Employees' Benefit Board.
- 25 (OO) Director of the Department of Public Safety Standards and Training.
- 26 (PP) Executive director of the Higher Education Coordinating Commission.
- 27 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 28 (RR) Director of the Oregon Youth Authority.
- 29 (SS) Director of the Oregon Health Authority.
- 30 (TT) Deputy Superintendent of Public Instruction.
- 31 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 32 the Governor's office.
- 33 (j) Every elected city or county official.
- 34 (k) Every member of a city or county planning, zoning or development commission.
- 35 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 36 cipal administrator of the city or county.
- 37 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 38 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 39 executive officer thereof.
- 40 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 41 (p) The chief administrative officer and the financial officer of each common and union high
- 42 school district, education service district and community college district.
- 43 (q) Every member of the following state boards, commissions and councils:
- 44 (A) Governing board of the State Department of Geology and Mineral Industries.
- 45 (B) Oregon Business Development Commission.

- 1 (C) State Board of Education.
- 2 (D) Environmental Quality Commission.
- 3 (E) Fish and Wildlife Commission of the State of Oregon.
- 4 (F) State Board of Forestry.
- 5 (G) Oregon Government Ethics Commission.
- 6 (H) Oregon Health Policy Board.
- 7 (I) Oregon Investment Council.
- 8 (J) Land Conservation and Development Commission.
- 9 (K) Oregon Liquor and Cannabis Commission.
- 10 (L) Oregon Short Term Fund Board.
- 11 (M) State Marine Board.
- 12 (N) Mass transit district boards.
- 13 (O) Energy Facility Siting Council.
- 14 (P) Board of Commissioners of the Port of Portland.
- 15 (Q) Employment Relations Board.
- 16 (R) Public Employees Retirement Board.
- 17 (S) Oregon Racing Commission.
- 18 (T) Oregon Transportation Commission.
- 19 (U) Water Resources Commission.
- 20 (V) Workers' Compensation Board.
- 21 (W) Oregon Facilities Authority.
- 22 (X) Oregon State Lottery Commission.
- 23 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 24 (Z) Columbia River Gorge Commission.
- 25 (AA) Oregon Health and Science University Board of Directors.
- 26 (BB) Capitol Planning Commission.
- 27 (CC) Higher Education Coordinating Commission.
- 28 (DD) Oregon Growth Board.
- 29 (EE) Early Learning Council.
- 30 (FF) The Oversight and Accountability Council.
- 31 (r) The following officers of the State Treasurer:
- 32 (A) Deputy State Treasurer.
- 33 (B) Chief of staff for the office of the State Treasurer.
- 34 (C) Director of the Investment Division.
- 35 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 36 or 777.915 to 777.953.
- 37 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 38 (u) Every member of a governing board of a public university listed in ORS 352.002.
- 39 (v) Every member of the district school board of a common school district or union high school
- 40 district.
- 41 (w) Every member of the board of directors of an authority created under ORS 465.600 to
- 42 465.621.
- 43 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 44 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
- 45 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070

1 and 244.090.

2 (3) By April 15 next after the filing deadline for the primary election, each candidate described
 3 in subsection (1) of this section shall file with the commission a statement of economic interest as
 4 required under ORS 244.060, 244.070 and 244.090.

5 (4) Not later than the 40th day before the date of the statewide general election, each candidate
 6 described in subsection (1) of this section who will appear on the statewide general election ballot
 7 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
 8 section shall file with the commission a statement of economic interest as required under ORS
 9 244.060, 244.070 and 244.090.

10 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
 11 appointed public officials as of April 15 and to persons who are candidates on April 15.

12 (6) If a statement required to be filed under this section has not been received by the commis-
 13 sion within five days after the date the statement is due, the commission shall notify the public of-
 14 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
 15 requirements of this section. If the public official or candidate fails to comply by the date set by the
 16 commission, the commission may impose a civil penalty as provided in ORS 244.350.

17 **SECTION 9. Section 2 of this 2023 Act and the amendments to ORS 171.425 and 244.050**
 18 **by sections 6 and 8 of this 2023 Act become operative January 1, 2024.**

19 **SECTION 10. Notwithstanding section 3 (1) of this 2023 Act, the Speaker of the House**
 20 **of Representatives and the President of the Senate shall appoint members to the Legislative**
 21 **Oversight and Accountability Committee within 30 days after the effective date of this 2023**
 22 **Act. The term of a member of the committee appointed under this section shall expire as**
 23 **provided in section 3 (2) of this 2023 Act.**

24 **SECTION 11. This 2023 Act takes effect on the 91st day after the date on which the 2023**
 25 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

26