

CHAPTER NINETEEN

INTERIM COMMITTEES AND TASK FORCES

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1. INTRODUCTION.

a. Definitions.

“Interim committee” means a legislative committee that functions during one legislative interim and that may be established by the Speaker of the House of Representatives and the President of the Senate (ORS 171.640), by joint resolution (ORS 171.610) or by a bill.

“Legislative task force” means a task force that functions for at least one legislative interim, that consists solely of legislators and that may be established by the Speaker of the House of Representatives and the President of the Senate (ORS 171.640), by joint resolution or by bill.

“Mixed task force” means a task force that consists of legislators and nonlegislators.

“Nonlegislative task force” means a task force with no legislators on it.

b. Generally.

The drafter may be asked to create a temporary body that will study an issue and make recommendations for legislation. Creating this body can, to a certain degree, be an exercise in creative writing. However, that creativity does not extend to naming the body. Do not call it a “Blue Ribbon Panel,” a “Five Star Commission” or even a “work study group.” Although in past sessions these bodies have been given a variety of names, it is now strongly suggested that the body be either an interim committee or a task force.¹

Note that there is no need for any legislation to establish interim committees (or interim legislative task forces). ORS 171.640 gives the Speaker and the President

¹ The drafter must be certain that the requester wants an interim committee or a task force and not a board or commission. There are major differences. Chapter 8 of this manual discusses creation of a board or commission.

authority to appoint any interim committees they want to. Nevertheless, we are frequently asked to create such entities. Interim committees may be (and at one time mostly were) created by joint resolution. ORS 171.605 to 171.635 set out basic provisions related to interim committees created by joint resolution. An interim committee or a task force may also be created by a bill.

As already noted, both interim committees and task forces are temporary bodies. An interim committee can last only one interim. The various types of task forces should usually last only one interim, as well. However, the drafter is occasionally asked to create a temporary body that will last more than an interim. In this situation, the drafter must create the appropriate type of task force. Keep in mind that if the duration of the body is very long, it might not really be temporary at all and should be treated as a permanent body, the creation of which is covered in other chapters of this manual.

For basic boilerplate language to set up an interim committee or a task force and a drafter checklist, see sections 9 and 10 of this chapter.

c. Choosing an Interim Committee or a Task Force.

There are two primary considerations in determining whether to call a temporary body an interim committee or a task force: its function and its composition.

Function. As a general rule, an interim committee studies a variety of problems or a broad range of topics; a task force studies one problem or one topic. While “transportation” may seem like one topic, compare it to “studded tires.” Revenue, Judiciary, General Government are some of the interim committees usually created by the Speaker and the President under the authority given them by ORS 171.640.

Composition. As a general rule, an interim committee consists solely of legislators.² A legislative task force consists solely of legislators.³ If the drafter is asked to create a temporary body that has no legislators, or has some legislators and some non-legislators, call it a task force.

d. Comparison Between an Interim Committee and a Task Force.

ORS 171.130 authorizes an interim committee to pre-session file proposed legislative measures. A task force needs specific authority in the measure creating it to pre-session file. This is a policy decision that must be discussed with the requester. As a general rule, if the drafter is creating a legislative task force, it makes sense to allow it to pre-session file in the manner provided for interim committees. If the drafter creates a task force that is essentially an executive or judicial branch entity, and the requester wants to

² ORS 171.635 says that a joint resolution creating an interim committee may provide for appointment of nonlegislators to the committee. ORS 171.640 allows the Speaker and President to appoint members of the public to interim committees. And, of course, a bill creating an interim committee could provide for appointment of nonlegislators to an interim committee. Nevertheless, it is not often done.

³ A legislative task force is a body usually created instead of an interim committee to study a single issue. See ORS 171.640 for a statement that certain bodies created by the Speaker and President are interim committees even if called task forces.

allow pre-session filing, read ORS 171.130 to determine who is allowed to do so and how it must be done.

ORS 171.072 applies to interim committees and task forces. It allows members of the Legislative Assembly who serve on an interim committee or a task force to receive compensation for their services. (See the discussion in section 4c of this chapter.)

e. Using Joint Resolution or Bill.

ORS 171.640 authorizes the President of the Senate or the Speaker of the House of Representatives to appoint an interim committee without a joint resolution or bill. However, the drafter might be asked to create an interim committee or a task force by a joint resolution or bill. There are important differences between a joint resolution and a bill. For example, a joint resolution requires only a majority vote of both houses while a bill is subject to several constitutional requirements as to origination, reading, subject matter, content and effective date. A joint resolution is not a law. Rowley v. City of Medford, 132 Or. 405 (1930). A bill, unlike a joint resolution, is subject to the Governor's veto under section 15b, Article V of the Oregon Constitution, and is subject to the referendum under section 1, Article IV of the Oregon Constitution. 37 Op. Att'y Gen. 147, 154 (1974). Therefore, the drafter must make an initial decision whether to use a joint resolution or a bill for the request.

i. Joint Resolution.

A joint resolution may be used to create an interim committee or a legislative task force unless it is necessary to appropriate money to or for the interim committee or legislative task force.

A joint resolution may not be used to create a task force that: (1) has nonlegislators appointed by persons other than the Speaker and President; (2) requires an appropriation to or for the task force; (3) requires someone outside of the legislative branch to provide staff support; **or** (4) lasts more than one interim.

ii. Bill.

Use a bill to create an interim committee or a legislative task force when: (1) it is not possible to introduce or find an appropriate joint resolution; **or** (2) it is necessary to appropriate money to or for the interim committee or legislative task force.

Use a bill to create a task force when: (1) an appropriation to or for the task force is necessary; (2) the request directs someone outside of the legislative branch (such as the Governor or executive agency staff) to do something (such as appoint members or provide staff support)⁴; **or** (3) the work of the body will continue beyond the interim.

ORS 171.605 to 171.635 authorize the Legislative Assembly by joint resolution to create an interim committee to make studies, report information to the legislature and

⁴ A joint resolution does not become law and thus cannot (legally) require someone outside the legislative branch to do something.

propose legislative measures. These sections establish the interim committee's functions, powers and duration and the procedures for filling vacancies and for appointing nonlegislators to the interim committee. By its terms, this series applies only when using a joint resolution to create an interim committee. A bill that creates an interim committee can, of course, have a provision subjecting the interim committee to the provisions of the series. If the provisions are appropriate, referring to them will save time and paper.⁵

ORS 171.605 (1) provides that ORS 171.605 to 171.635 supplement and do not limit other powers possessed by interim committees and their members. See, for example, ORS 171.505 (administering oaths to witnesses) and 171.510 (compelling attendance of witnesses and production of papers). ORS 171.605 (2) provides that provisions of a joint resolution may supersede the provisions of ORS 171.605 to 171.635 if the joint resolution specifically so provides.

f. Summary.

All legislators, one general subject or several subjects, one interim = interim committee.

All legislators, one specific topic, one interim = legislative task force.

Some legislators, some nonlegislators, one topic, one interim or longer = mixed task force.

No legislators, one topic, one interim or longer = nonlegislative task force.

2. FINDINGS; PREAMBLE; DEFINITIONS.

A requester may want legislative findings in a bill creating an interim committee or a task force. Ask the requester to supply the text, and explain to the requester the limited effectiveness of findings. As an alternative, the drafter might suggest a preamble instead of findings. However, if the requester insists on a findings section, make it the first section of the bill.

A preamble in a joint resolution is similar to findings in a bill. (For a general discussion of the format of a joint resolution, see chapter 16 of this manual.) A preamble may be used to state reasons for creation of an interim committee or a task force, but it may be omitted because it is not essential to the validity of the joint resolution. If the requester wants to include a preamble, the drafter should explain its limited effectiveness. A resourceful drafter may be able to incorporate the subject matter of the requested preamble into the provisions creating functions or duties, therefore avoiding the problem of a preamble altogether.

⁵ Note that some of the provisions of 171.605 to 171.635 will never be appropriate for a task force that lasts longer than one interim. If the provisions are to be referred to in a bill creating a legislative task force, it is best to say something like "The provisions of ORS 171.605 to 171.635 apply to the Task Force on Blah as though it were an interim committee created by joint resolution."

If the bill needs a definitions section, it should be section 1 (or section 2, if section 1 is a findings section). If the bill creates an interim committee or a task force in one main section, then definitions should be in subsection (1) of section 1.

3. APPOINTING AUTHORITY.

Typically, members of an interim committee or a legislative task force are appointed by the President of the Senate and the Speaker of the House of Representatives.

Members of a nonlegislative task force are usually appointed by the Governor, the head of an executive agency or the Chief Justice of the Oregon Supreme Court.

Members of a mixed task force are usually appointed by the Speaker and the President, who appoint the legislators, and the Governor, the head of an executive agency or the Chief Justice, who appoints the nonlegislators.

4. MEMBERS.

When gathering information about a proposal for an interim committee or a task force, the drafter needs to find out the number of members, their qualifications, the process for filling vacancies, and so on.

a. Term of Office (for task forces that last longer than one interim).

Include a term of office provision when the task force functions for more than one interim. In addition, the drafter may want to specify the terms of members first appointed to the task force. (See section 4a of chapter 8 for examples.)

b. Legislators as Nonvoting, Advisory Members.

Section 1, Article III of the Oregon Constitution (separation of powers provision), prohibits a person charged with official duties in one branch of the government from exercising those duties and the duties of another branch. 43 Op. Att’y Gen. 205 (1983). A separation of powers problem (“dual exercise” problem) can arise when members of the legislature serve on a task force that has executive branch duties or is established within an agency. The drafter should give careful consideration to potential separation of powers issues. If a separation of powers problem exists, making the legislative members nonvoting and advisory members solves the problem. (See boilerplate for examples.)

c. Compensation of Members (Salary, Per Diem and Expenses); Volunteers.

ORS 171.072 (4) governs compensation for members of the Legislative Assembly in the performance of official duties when the legislature is not in session. Therefore, the drafter should not include these provisions in the draft.

ORS 171.072 (4) states that a member of the Legislative Assembly “shall” be compensated for service on an interim committee or a task force. Because a resolution is

not a law, a resolution cannot “notwithstanding” provisions of statutes unless the particular statute authorizes it. Therefore, legislator members of an interim committee or a task force created by a joint resolution will always be entitled to compensation. See 37 Op. Att’y Gen. 147 (1974) (stating that a joint resolution cannot authorize payment to legislator members of an interim committee an amount greater than the amounts authorized by ORS 171.072).

Members of a task force who are not legislators may receive per diem and other expenses. ORS 292.495 (which applies to members of state boards and commissions) provides for a per diem of \$30 and actual and necessary travel and other expenses. (See boilerplate for examples of how to make ORS 292.495 applicable.)

If a task force is created by a bill, the drafter may provide that all members of the task force serve as volunteers. (See boilerplate for examples.)

d. Miscellaneous Provisions.

The drafter should consider including provisions that govern the routine functions of the interim committee or the task force, such as filling a vacancy, selecting a chairperson and vice chairperson, establishing the times and places of meetings and the number of times that the interim committee or the task force will meet, and fixing the number of members that constitute a quorum or that are required to approve official action. Examples of provisions for these routine functions are found in the boilerplate at the end of this chapter.

5. DUTIES.

a. Generally.

The drafter may provide for specific functions and powers that an interim committee or a task force will exercise. Or the drafter can include a provision that allows the appointing authorities to develop a work plan for the interim committee or the task force.

The drafter should use care when creating the powers and describing the functions because it is in this area that separation of powers issues frequently arise. See 43 Op. Att’y Gen. 205 (1983) (discussing governmental functions and the distinctions between executive and legislative branch functions).

b. Staff Support.

Unless the drafter is creating an interim committee by joint resolution, the drafter must provide for staff support for an interim committee or a task force. The drafter may provide that an interim committee or a legislative task force use the services of existing legislative staff to the extent practicable. The drafter should, however, provide that a mixed task force or a nonlegislative task force use the services of the appropriate executive or judicial branch agency.

If the task force is allowed to hire staff support (as opposed to using legislative or other branch staff), the drafter must include a source of funds to pay the staff.

An interim committee or a task force may require the assistance of state agencies to complete assigned tasks.⁶ The drafter should consider potential separation of powers and delegation of legislative authority issues when giving an executive or judicial branch agency or private persons authority to assist the interim committee or task force.

c. Reports and Recommendations.

An interim committee or a legislative task force may be required to submit a report to the Legislative Assembly. A mixed task force or a nonlegislative task force may be required to submit a report to the Legislative Assembly or to an appropriate interim committee. A mixed task force or a nonlegislative task force may also be given authority to make recommendations for legislation. If the task force provides legislative recommendations to an appropriate interim committee, it is unnecessary to also give the task force authority to introduce legislation. That is the function of the appropriate interim committee. See ORS 171.130.

The drafter should consider providing specific due dates for reports. The report due date needs to be before the sunset date. (See section 7 of this chapter for a brief discussion of sunset clauses.) If a mixed task force or a nonlegislative task force is going to submit a report to an appropriate interim committee, require the task force to submit the report to the interim committee on or before October 1 so that the interim committee has time to take whatever action it decides to take.

Examples of provisions that address these issues are found in the boilerplate at the end of this chapter.

6. FUNDING.

A joint resolution is not a law. Rowley v. City of Medford, *supra*. Therefore, appropriations to pay expenses of an interim committee or a task force may not be made by a joint resolution. See section 4, Article IX of the Oregon Constitution, which prohibits drawing money from the state treasury “but in pursuance of appropriations made by law,” and 24 Op. Att’y Gen. 201 (1949). See also section 1g of chapter 9.

An appropriation is enacted each session for the payment of expenses of the Legislative Assembly. A joint resolution creating an interim committee or legislative task force may authorize the interim committee or legislative task force to expend a certain amount of the money already appropriated for legislative expenses.

If the drafter must appropriate funds to an interim committee or a task force, then create the interim committee or the task force in a bill.

⁶ This is true only for an interim committee or a task force created by a bill because a state agency cannot be ordered to act by a joint resolution.

In a Letter of Advice (OP-6373) dated April 9, 1991, the Attorney General opined that certain legislative interim committees or studies cannot be funded from lottery funds. Specific authorization probably is necessary for a task force to accept and use moneys offered by other public or private sources. 29 Op. Att’y Gen. 284 (1959). Note that a continuing appropriation is needed to allow the interim committee or the task force to use these contributed funds.

7. SUNSET CLAUSE.

In any bill creating an interim committee or a task force that lasts only one interim, the drafter must include a sunset clause.⁷ This will ensure that the interim committee or the task force does not remain in limbo after it completes its work.⁸ The sunset date for an interim committee or for a task force that lasts only one interim should be the date of the convening of the next regular legislative session.

If a task force will last longer than one interim, the bill must have a sunset clause. The sunset date in this case should be a normal sunset date (January 2 or June 30 of an even-numbered year).

8. EMERGENCY CLAUSE.

If an interim committee or a task force is created by a bill without an emergency clause, the interim committee or the task force cannot begin to work until the effective date of the act (i.e., January 1 of the year after passage of the bill; see ORS 171.022). An emergency clause will ensure that the interim committee or the task force can begin its work as quickly as possible.

9. BOILERPLATE.

a. Boilerplate for an Interim Committee Created by a Joint Resolution. Use and modify as needed: <boiler INCTJR>

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Interim Committee on [subject] is established, consisting of [number] members appointed as follows:

(a) The President of the Senate shall appoint [number] members from among members of the Senate.

(b) The Speaker of the House of Representatives shall appoint [number] members from among members of the House of Representatives.

(2) The interim committee shall [describe functions; see ORS 171.610].

(3) The interim committee may [describe authority or power; there is no need to duplicate language from ORS 171.505, 171.510 and 171.620].

(4) A majority of members of the interim committee constitutes a quorum for the transaction of business.

⁷ However, if the interim committee or the task force is made subject to the provisions of ORS 171.605 to 171.635 as though the interim committee or task force were an interim committee created by joint resolution, a sunset clause is unnecessary. See ORS 171.615.

⁸ A sunset clause is unnecessary for an interim committee created by a joint resolution (see ORS 171.615).

(5) Official action by the interim committee requires the approval of a majority of the members of the interim committee.

(6) The interim committee shall report to the Legislative Assembly in the manner provided in ORS 192.245 at any time within 30 days after its final meeting or at such later time as the President and Speaker may designate.

(7) The Legislative Administrator may employ persons necessary for the performance of the functions of the interim committee. The Legislative Administrator shall fix the duties and amounts of compensation of these employees. The interim committee shall use the services of continuing legislative staff, without employing additional persons, to the greatest extent practicable.

Optional provisions for a joint resolution that creates an interim committee:

As an alternative to subsections (2) and (3) of the basic boilerplate, a drafter may use:
<spm ic-workplan>

(2) The President and Speaker, in consultation with the interim committee chairperson, shall develop a work plan consisting of a list of subjects for study by the interim committee. The interim committee, by official action, may request a modification of the work plan. Only the President and Speaker, after consultation with the chairperson, may modify the work plan.

If the interim committee needs to begin working quickly, the drafter may use either:
<spm icjr-laterof>

(x) All appointments to the interim committee made under subsection (1) of this resolution must be completed by the later of ___ days after adjournment sine die of the [year] session of the [number of the current] Legislative Assembly or [date].

OR

(x) The interim committee shall have its first meeting on or before the later of ___ days after adjournment sine die of the [year] session of the [number of the current] Legislative Assembly or [date].

b. Basic Boilerplate for an Interim Committee Created by a Bill. Use and modify as needed: <boiler INCTBILL>

SECTION 1. (1) The Interim Committee on [subject] is established, consisting of [number] members appointed as follows:

(a) The President of the Senate shall appoint [number] members from among members of the Senate.

(b) The Speaker of the House of Representatives shall appoint [number] members from among members of the House of Representatives.

(2) The interim committee shall [describe function; see ORS 171.610].

(3) The interim committee may [describe authority or power; there is no need to duplicate language from ORS 171.505 and 171.510].

(4) A majority of the members of the interim committee constitutes a quorum for the transaction of business.

(5) Official action by the interim committee requires the approval of a majority of the members of the interim committee.

(6) The interim committee shall elect one of its members to serve as chairperson.

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

(8) The interim committee shall meet at times and places specified by the call of the chairperson or of a majority of the members of the interim committee.

(9) The interim committee may adopt rules necessary for the operation of the interim committee.

(10) The interim committee shall report to the Legislative Assembly in the manner provided in ORS 192.245 at any time within 30 days after its final meeting or at such later time as the President and Speaker may designate.

(11) The Legislative Administrator may employ persons necessary for the performance of the functions of the interim committee. The Legislative Administrator shall fix the duties and amounts of compensation of these employees. The interim committee shall use the services of continuing legislative staff, without employing additional persons, to the greatest extent practicable.

(12) All agencies of state government, as defined in ORS 174.111, are directed to assist the interim committee in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the interim committee consider necessary to perform their duties.

SECTION 2. Section 1 of this [year] Act is repealed on the date of the convening of the [year] legislative session.

SECTION 3. This [year] Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this [year] Act takes effect on its passage.

Optional provisions for a bill that creates an interim committee:

As an alternative to section 1 (2) and (3) of the basic boilerplate, a drafter may use: <spm ic-workplan>

(2) The President and Speaker, in consultation with the interim committee chairperson, shall develop a work plan consisting of a list of subjects for study by the interim committee. The interim committee, by official action, may request a modification of the work plan. Only the President and Speaker, after consultation with the chairperson, may modify the work plan.

As an alternative to section 1 (6) of the basic boilerplate, a drafter may use: <spm icbill-chair>

(6) The President of the Senate and the Speaker of the House of Representatives shall select one member of the interim committee to serve as chairperson and another to serve as vice chairperson, with the duties and powers necessary for the performance of the functions of the offices as the President and the Speaker determine.

If the interim committee needs to begin working quickly, the drafter may use either: <spm icbill-laterof>

(x) All appointments to the interim committee made under subsection (1) of this [year] Act must be completed by the later of ___ days after adjournment sine die of the [year] session of the [number of the current] Legislative Assembly or [date].

OR

(x) The interim committee shall have its first meeting on or before the later of ___ days after adjournment sine die of the [year] session of the [number of the current] Legislative Assembly or [date].

In addition to the basic boilerplate, a drafter may also include: <spm icbill-moneys>

(x) The Legislative Administrator may accept, on behalf of the interim committee, contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the interim committee.

(y) All moneys received by the Legislative Administrator under subsection (x) of this section shall be deposited into the _____ Account established by ORS XXX.XXX to be used for the purposes of carrying out the duties of the interim committee [this assumes the moneys in the already existing account are already continuously appropriated to the Legislative Administrator or the Legislative Assembly. If not, use the next option to add a continuous appropriation].

OR

(x) The Legislative Administrator may accept, on behalf of the interim committee, contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the interim committee. All moneys received by the Legislative Administrator under this subsection shall be deposited into the _____ Fund established under section X of this (year) Act to be used for the purposes of carrying out the duties of the interim committee.

SECTION X. The _____ Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the _____ Fund shall be credited to the fund. All moneys in the _____ Fund are continuously appropriated to the Legislative Administrator for the purposes of carrying out the duties of the interim committee established under section ____ of this (year) Act.

SECTION Y. (1) Section X of this (year) Act is repealed on January 2, (year).

(2) Any moneys remaining in the _____ Fund on January 2, (year), that are unexpended, unobligated and not subject to any conditions shall revert to the General Fund.

c. Basic Boilerplate for a Legislative Task Force. Use and modify as needed: <boiler LEGTASK>

SECTION 1. (1) The Task Force on [subject] is established, consisting of [number] members appointed as follows:

(a) The President of the Senate shall appoint [number] members from among members of the Senate.

(b) The Speaker of the House of Representatives shall appoint [number] members from among members of the House of Representatives.

(2) The task force shall [describe function].

(3) The task force may [describe authority or powers].

(4) A majority of the members of the task force constitutes a quorum for the transaction of business.

(5) Official action by the task force requires the approval of a majority of the members of the task force.

(6) The task force shall elect one of its members to serve as chairperson.

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

(8) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the members of the task force.

(9) The task force may adopt rules necessary for the operation of the task force.

(10) The task force may pre-session file legislation in the manner provided in ORS 171.130 for interim committees. All legislation recommended by official action of the task force must indicate that it is introduced at the request of the task force.

(11) The task force shall report to the Legislative Assembly in the manner provided in ORS 192.245 at any time within 30 days after its final meeting or at such later time as the President and Speaker may designate.

(12) The Legislative Administrator may employ persons necessary for the performance of the functions of the task force. The Legislative Administrator shall fix the duties and amounts of compensation of these employees. The task force shall use the services of continuing legislative staff, without employing additional persons, to the greatest extent practicable.

(13) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

SECTION 2. Section 1 of this [year] Act is repealed on the date of the convening of the [year] legislative session.

SECTION 3. This [year] Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this [year] Act takes effect on its passage.

Optional provisions for a bill that creates a legislative task force:

As an alternative to section 1 (2) and (3) of the basic boilerplate, a drafter may use: <spm tfleg-workplan>

(2) The President and Speaker, in consultation with the task force chairperson, shall develop a work plan consisting of a list of subjects for study by the task force. The task force, by official action, may request a modification of the work plan. Only the President and Speaker, after consultation with the chairperson, may modify the work plan.

As an alternative to section 1 (6) of the basic boilerplate, a drafter may use: <spm tfleg-chair>

(6) The President of the Senate and the Speaker of the House of Representatives shall select one member of the task force to serve as chairperson and another to serve as vice chairperson, with the duties and powers necessary for the performance of the functions of the offices as the President and the Speaker determine.

In addition to the basic boilerplate, the drafter also may include: <spm tf-authority>

(x) The chairperson or vice chairperson of the task force has the authority given to the chairperson or vice chairperson of a legislative committee by ORS 171.505 and 171.510.

If the task force needs to begin working quickly, the drafter may use either: <spm tf-laterof>

(x) All appointments to the task force made under subsection (1) of this section must be completed by the later of ___ days after adjournment sine die of the [year] session of the [number of the current] Legislative Assembly or [date].

OR

(x) The task force shall have its first meeting on or before the later of ___ days after adjournment sine die of the [year] session of the [number of the current] Legislative Assembly or [date].

In addition to the basic boilerplate, the drafter may insert: <spm tfleg-moneys>

(x) The Legislative Administrator may accept, on behalf of the task force, contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the task force.

(y) All moneys received by the Legislative Administrator under subsection (x) of this section shall be deposited into the _____ Account established by ORS XXX.XXX to be used for the purposes of carrying out the duties of the task force [this assumes the moneys in the already existing account are already continuously appropriated to the Legislative Administrator or the Legislative Assembly. If not, use the next option to add a continuous appropriation].

OR

(x) The Legislative Administrator may accept, on behalf of the task force, contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the task force. All moneys received by the Legislative Administrator under this subsection shall be deposited into the _____ Fund established under section X of this (year) Act to be used for the purposes of carrying out the duties of the task force.

SECTION X. The _____ Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the _____ Fund shall be credited to the fund. All moneys in the _____ Fund are continuously appropriated to the Legislative Administrator for the purposes of carrying out the duties of the task force established under section _____ of this (year) Act.

SECTION Y. (1) Section X of this (year) Act is repealed on January 2, (year).

(2) Any moneys remaining in the _____ Fund on January 2, (year), that are unexpended, unobligated and not subject to any conditions shall revert to the General Fund.

d. Basic Boilerplate for a Mixed Task Force. Use and modify as needed: <boiler MIXTASK>

SECTION 1. (1) The Task Force on [subject] is established, consisting of [number] members appointed as follows:

(a) The President of the Senate shall appoint:

(A) [Number] members from among members of the Senate.

(B) [Number] members who are [set out qualifications of nonlegislators].

(b) The Speaker of the House of Representatives shall appoint:

(A) [Number] members from among members of the House of Representatives.

(B) [Number] members who are [set out qualifications of nonlegislators].

(c) The [Governor, Director of (agency), Chief Justice of Oregon Supreme Court] shall appoint [number] representatives from ____.

(2) The task force shall [describe function].

(3) The task force may [describe authority or powers].

(4) A majority of the voting members of the task force constitutes a quorum for the transaction of business.

(5) Official action by the task force requires the approval of a majority of the voting members of the task force.

(6) The task force shall elect one of its members to serve as chairperson.

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

(8) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the task force.

(9) The task force may adopt rules necessary for the operation of the task force.

(10) The task force shall submit a report, and may include recommendations for legislation, to the joint legislative committee established under ORS [section] or an interim committee of the Legislative Assembly related to [subject of task force] as appropriate no later than October 1, [year].

(11) The [agency] shall provide staff support to the task force.

(12) Members of the task force who are not members of the Legislative Assembly are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions of the task force shall be paid out of funds appropriated to [agency that staffs the task force] for purposes of the task force.

(13) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

SECTION 2. Section 1 of this [year] Act is repealed on the date of the convening of the [year] legislative session.

SECTION 3. This [year] Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this [year] Act takes effect on its passage.

Optional provisions for a bill that creates a mixed task force:

As an alternative to section 1 (2) and (3) of the basic boilerplate, a drafter may use: <spm tf-workplan>

(2) The appointing authorities, in consultation with the task force chairperson, shall develop a work plan consisting of a list of subjects for study by the task force. The task force, by official action, may request a modification of the work plan. Only the appointing authorities, after consultation with the chairperson, may modify the work plan.

As an alternative to section 1 (6) of the basic boilerplate, a drafter may use: <spm tf-chair>

(6) The [Governor, President, Speaker, Director of (agency), Chief Justice] shall select one member of the task force to serve as chairperson and another to serve as vice chairperson, for the terms and with the duties and powers necessary

for the performance of the functions of such offices as the [Governor, President, Speaker, Director of (agency), Chief Justice] determines.

As an alternative to section 1 (10) of the basic boilerplate, a drafter may use either:
<spm tf-report>

(10) The task force shall report its findings and recommendations on [subject] to the [number] Legislative Assembly in the manner provided by ORS 192.245 no later than October 1, [year].

OR

(10) The task force shall report its findings and recommendations to the [Governor, Director of (agency), Chief Justice] and to the [number] Legislative Assembly in the manner provided by ORS 192.245 no later than October 1, [year].

As an alternative to section 1 (12) of the basic boilerplate, a drafter may use either:
<spm tfmix-expense>

(12) Members of the task force who are not members of the Legislative Assembly are entitled to compensation and expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be paid out of funds appropriated to [agency that staffs the task force] for purposes of the task force.

OR

(12) Notwithstanding ORS 171.072, members of the task force who are members of the Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the task force. Other members of the task force are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.

In addition to the basic boilerplate, the drafter may insert: <spm tfmix-advisory>

(x) Members of the Legislative Assembly appointed to the task force are nonvoting members of the task force and may act in an advisory capacity only.

In addition to the basic boilerplate, the drafter may also insert: <spm tf-authority>

(x) The chairperson or vice chairperson of the task force has the authority given to the chairperson or vice chairperson of a legislative committee by ORS 171.505 and 171.510.

If the task force needs to begin working quickly, the drafter may use either: <spm tf-laterof>

(x) All appointments to the task force made under subsection (1) of this section must be completed by the later of ___ days after adjournment sine die of the [year] session of the [number of the current] Legislative Assembly or [date].

OR

(x) The task force shall have its first meeting on or before the later of ___ days after adjournment sine die of the [year] session of the [number of the current] Legislative Assembly or [date].

In addition to the basic boilerplate, the drafter may insert either of the following options if a state agency does not receive a General Fund appropriation to pay for the costs of the task force: <spm tf-moneys>

(x) The [agency that staffs the task force] may accept contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the task force.

(y) All moneys received by the [agency that staffs the task force] under subsection (x) of this section shall be deposited into the _____ Account established by ORS XXX.XXX to be used for the purposes of carrying out the duties of the task force [this assumes the moneys in the already existing account are already continuously appropriated to the agency. If not, use the next option to add a continuous appropriation].

OR

(x) The [agency that staffs the task force] may accept, on behalf of the task force, contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the task force. All moneys received by the [agency that staffs the task force] under this subsection shall be deposited into the _____ Fund established under section X of this (year) Act to be used for the purposes of carrying out the duties of the task force.

SECTION X. The _____ Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the _____ Fund shall be credited to the fund. All moneys in the _____ Fund are continuously appropriated to the [agency that staffs the task force] for the purposes of carrying out the duties of the task force established under section _____ of this (year) Act.

SECTION Y. (1) Section X of this (year) Act is repealed on January 2, (year).

(2) Any moneys remaining in the _____ Fund on January 2, (year), that are unexpended, unobligated and not subject to any conditions shall revert to the General Fund.

In addition to the basic boilerplate, the drafter may also insert: <spm tf-approp>

SECTION X. There is appropriated to the [agency that staffs the task force], for the biennium beginning July 1, [year], out of the General Fund, the amount of \$_____ for the purpose of carrying out the duties of the [name] Task Force.

As an alternative to section 2 of the basic boilerplate, the drafter may use: <spm tf-repeal>

SECTION 2. Section 1 of this [year] Act is repealed on [a regular sunset date].

e. Basic Boilerplate for a Nonlegislative Task Force. Use and modify as needed: <boiler NONTASK>

SECTION 1. (1) The Task Force on [subject] is established, consisting of [number] members appointed as follows:

(a) The President of the Senate shall appoint [number] members who are [set out qualifications].

(b) The Speaker of the House of Representatives shall appoint [number] members who are [set out qualifications].

(c) The [Governor, Director of (agency), Chief Justice of Oregon Supreme Court] shall appoint [number] representatives from ____.

(2) The task force shall [describe function].

(3) The task force may [describe authority or powers].

(4) A majority of the voting members of the task force constitutes a quorum for the transaction of business.

(5) Official action by the task force requires the approval of a majority of the voting members of the task force.

(6) The task force shall elect one of its members to serve as chairperson.

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

(8) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the task force.

(9) The task force may adopt rules necessary for the operation of the task force.

(10) The task force shall submit a report, and may include recommendations for legislation, to the joint legislative committee established under ORS [section] or an interim committee of the Legislative Assembly related to [subject of task force] as appropriate no later than October 1, [year].

(11) The [agency] shall provide staff support to the task force.

(12) Members of the task force are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to [agency that staffs the task force] for purposes of the task force.

(13) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

SECTION 2. Section 1 of this [year] Act is repealed on the date of the convening of the [year] legislative session.

SECTION 3. This [year] Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this [year] Act takes effect on its passage.

Optional provisions for a bill that creates a nonlegislative task force:

As an alternative to section 1 (2) and (3) of the basic boilerplate, the drafter may use: <spm tf-workplan>

(2) The appointing authorities, in consultation with the task force chairperson, shall develop a work plan consisting of a list of subjects for study by the task force. The task force, by official action, may request a modification of the work plan. Only the appointing authorities, after consultation with the chairperson, may modify the work plan.

As an alternative to section 1 (6) of the basic boilerplate, the drafter may use: <spm tf-chair>

(6) The [Governor, President, Speaker, Director of (agency), Chief Justice] shall select one member of the task force to serve as chairperson and another to serve as vice chairperson, for the terms and with the duties and powers necessary for the performance of the functions of such offices as the [Governor, President, Speaker, Director of (agency), Chief Justice] determines.

As an alternative to section 1 (10) of the basic boilerplate, the drafter may use either: <spm tf-report>

(10) The task force shall report its findings and recommendations on [subject] to the [number] Legislative Assembly in the manner provided by ORS 192.245 no later than October 1, [year].

OR

(10) The task force shall report its findings and recommendations to the [Governor, Director of (agency), Chief Justice] and to the [number] Legislative Assembly in the manner provided by ORS 192.245 no later than October 1, [year].

As an alternative to section 1 (12) of the basic boilerplate, the drafter may use either: <spm tfnon-expense>

(12) Members of the task force are entitled to compensation and expenses in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses incurred in performing functions of the task force shall be paid out of funds appropriated to [agency that staffs the task force] for purposes of the task force.

OR

(12) Members of the task force are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.

In addition to the basic boilerplate, the drafter may insert: <spm tf-authority>

(x) The chairperson or vice chairperson of the task force has the authority given to the chairperson or vice chairperson of a legislative committee by ORS 171.505 and 171.510.

If the task force needs to begin working quickly, the drafter may use either: <spm tf-laterof>

(x) All appointments to the task force made under subsection (1) of this section must be completed by the later of ___ days after adjournment sine die of the [year] session of the [number of the current] Legislative Assembly or [date].

OR

(x) The task force shall have its first meeting on or before the later of ___ days after adjournment sine die of the [year] session of the [number of the current] Legislative Assembly or [date].

In addition to the basic boilerplate, the drafter may insert either of the following options if the state agency does not receive a General Fund appropriation to pay for the costs of the task force: <spm tf-moneys>

(x) The [agency that staffs the task force] may accept contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the task force.

(y) All moneys received by the [agency that staffs the task force] under subsection (x) of this section shall be deposited into the _____ Account established by ORS XXX.XXX to be used for the purposes of carrying out the duties of the task force [this assumes the moneys in the already existing account are already continuously appropriated to the agency. If not, use the next option to add a continuous appropriation].

OR

(x) The [agency that staffs the task force] may accept, on behalf of the task force, contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the task force. All moneys received by the [agency that staffs the task force] under this subsection shall be deposited into the _____ Fund established under section X of this (year) Act to be used for the purposes of carrying out the duties of the task force.

SECTION X. The _____ Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the _____ Fund shall be credited to the fund. All moneys in the _____ Fund are continuously appropriated to the [agency that staffs the task force] for the purposes of carrying out the duties of the task force established under section _____ of this (year) Act.

SECTION Y. (1) Section X of this (year) Act is repealed on January 2, (year).

(2) Any moneys remaining in the _____ Fund on January 2, (year), that are unexpended, unobligated and not subject to any conditions shall revert to the General Fund.

In addition to the basic boilerplate, the drafter may also insert: <spm tf-approp>

SECTION X. There is appropriated to the [agency that staffs the task force], for the biennium beginning July 1, [year], out of the General Fund, the amount of \$_____ for the purpose of carrying out the duties of the [name] Task Force.

As an alternative to section 2 of the basic boilerplate, the drafter may use: <spm tf-repeal>

SECTION 2. Section 1 of this [year] Act is repealed on [a regular sunset date].

10. DRAFTER CHECKLIST FOR INFORMATION FOR INTERIM COMMITTEE OR TASK FORCE.

I. NECESSARY INFORMATION

1. **Name** of the interim committee or task force (e.g., Interim Committee on Adolescents or Task Force to Study What's the Matter with Kids Today).
2. **Purpose.**
3. **Duties.**
 - A. Specifically listed; or
 - B. Work plan. If so, who develops the work plan (appointing authorities)?

4. **Duration** (sunset date).
5. **Members.**
 - A. Legislators, nonlegislators.
 - B. Number.
 - C. Appointing authorities.
 - D. Qualification, areas of expertise.
 - E. Compensation (for all or some members) or voluntary service (remember that if a joint resolution is used, legislator members automatically receive compensation under ORS 171.072 because a joint resolution cannot “notwithstanding” a statute).
 - F. Terms of service (if service will last longer than an interim. Not necessary for interim committee or a legislative task force).
 - G. Vacancy (how filled, who appoints).
 - H. Eligibility for reappointment.
 - I. Chairperson (if so, appointing authority).
6. **Staff** (if so, agency staff or continuing legislative staff).
7. **Legislative recommendations** (if so, remember that a task force needs specific authorization to pre-session file; this is a policy decision for the requester).
8. **Report** (if so, when due? to whom submitted? be more specific than “report shall be submitted to the [number] Legislative Assembly”).
9. **Subject to ORS 171.605 to 171.635** (appropriate only for an interim committee or a legislative task force created by a bill.) An interim committee or a legislative task force is a committee of legislators appointed to function in the interim. The Joint Interim Judiciary Committee is a legislative interim committee, as is the interim Senate Revenue Committee. The Task Force on Doing Good, with a few legislators and a few members appointed by the Governor, is not an interim committee or a legislative task force.
10. **Emergency clause** (if so, effective on passage or specific date).

II. ADDITIONAL INFORMATION

1. **Appropriations.** If yes, use a bill. Specify how much money or just leave figure blank. Is money to be appropriated to an agency for use by the task force or is money appropriated directly to the task force? If necessary, name or create an account in which to put the money.
2. **Authority to accept contributions** of funds from federal government or other public or private sources. If yes, specify account and make continuous appropriation to the task force or to the agency staffing the task force.