

House Bill 2856

Sponsored by Representative WHISNANT

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 state agency to report to Director of Oregon Department of Administrative Services when any budgeted position is vacant for six months. Prohibits filling of vacant position if director determines, after state agency has opportunity to submit specific and valid reasons for retaining position, that insufficient reasons exist for retaining position. Instructs director to report each quarter on actions taken to President of Senate, Speaker of House of Representatives, members of Legislative Assembly and Legislative Fiscal Officer.

A BILL FOR AN ACT

1
2 Relating to vacant positions in state agencies; amending ORS 291.263.

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

4 **SECTION 1.** ORS 291.263 is amended to read:

5 291.263. (1) As used in this section, "state agency" [*includes any state officer, department, board,*
6 *commission or court, the Legislative Assembly, its committees, officers and employees.*] **or "agency"**
7 **means every state officer, board, commission, department, institution, branch or agency of**
8 **state government, the costs of which are paid wholly or in part from funds held in the State**
9 **Treasury, except:**

10 (a) **The Legislative Assembly and the courts, and their officers and committees;**

11 (b) **The Public Defense Services Commission; and**

12 (c) **The Secretary of State and the State Treasurer in the performance of the duties of**
13 **their constitutional offices.**

14 (2)(a) A state agency shall inform the **Director of the** Oregon Department of Administrative
15 Services of any [*position*] **budgeted position in the agency** that has remained vacant for a contin-
16 uous period of six months by including a report on the position in the estimate submitted to the
17 [*department*] **Oregon Department of Administrative Services** under ORS 291.242. The department
18 may consider the vacancy in its determinations under ORS 291.244 and may reduce the amount al-
19 lotted to the state agency.

20 (b) **If a state agency wants to retain an unfilled position included in the estimate sub-**
21 **mitted to the department under ORS 291.242, the agency shall give the director specific and**
22 **valid reasons for retaining the position.**

23 (c) **If the director determines that the reasons given by the agency are insufficient:**

24 (A) **The director shall inform the agency of the reasons why retaining the position sub-**
25 **mitted by the agency are insufficient; and**

26 (B) **The agency may not fill the position.**

27 (3) **The director shall report each quarter on actions taken under this section to the**
28 **President of the Senate, the Speaker of the House of Representatives, the Legislative As-**
29 **sembly in the manner provided under ORS 192.245 and the Legislative Fiscal Officer.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(4) An agency that has been prohibited from filling a vacant position under subsection (2)**
2 **of this section may include a request to fill the position in the agency budget submitted for**
3 **consideration during the legislative budgeting process of a regular or special session of the**
4 **Legislative Assembly.**

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