



THEODORE R. KULONGOSKI
Governor

August 9, 2007

The Honorable Bill Bradbury
Secretary of State
136 State Capitol
Salem, OR 97301

Dear Secretary Bradbury:

I am returning Enrolled Senate Bill 1039 unsigned and disapproved.

The Oregon Constitution, Article III, Sec. 1., Separation of powers, states:

“The powers of the Government shall be divided into three separate [sic] departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided. —” (emphasis added)

Senate Bill 1039 would create a permanent committee to oversee state agency performance and to assess performance “excellence.” This committee would consist of eleven members from both the legislative and executive branches of government.

I applaud the goals of Senate Bill 1039. Government programs must be efficient, accountable and closely examined to ensure that the public’s money is wisely spent and that Oregonians receive quality service from their government. Government accountability and customer service have been cornerstones of my administration.

My concerns with Senate Bill 1039 do not relate to the goals of the bill; rather, my concerns relate to the process of achieving those goals. As provided in Article III, Sec. 1 and Article V, Sec. 1., the Governor, as head of the Executive branch, is charged with responsibility for the administration of state government. The Governor is responsible for the performance and evaluation of state agency directors and programs. My veto of Senate Bill 1039 is motivated by my respect for the separate and equally important roles that our Constitution assigns to the different branches of government.

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The review and analysis of agency administration, including program performance measurements, can and must be accomplished by the executive branch in consultation with the other branches of government. I do not believe that creation of a new government entity which blurs the lines between the exercise of the constitutional functions of the different branches of government is the best or most effective way of accomplishing these important goals.

The recent transfer of performance measurement responsibility from the Oregon Progress Board to the Department of Administrative Service's (DAS) Office of Budget and Management provides a perfect opportunity to assure that the Legislature's goals in Senate Bill 1039 are accomplished without creating additional bureaucracy and violating the principle of separation of powers as set forth in the Oregon Constitution. I have directed DAS to review Senate Bill 1039 closely and to incorporate, where appropriate, the bill's intended outcomes and criteria into this new DAS process. I have also directed DAS to work closely with their counterparts in the Legislative Fiscal Office and the Judicial branch to better link performance measurements with the budget process.

Finally, I would like to thank the sponsors of Senate Bill 1039 for their dedication to performance excellence and government accountability. These are important issues. Working together, we can assure that Oregonians enjoy efficient, responsive and accountable government.

Sincerely,



THEODORE R. KULONGOSKI
Governor

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