

# Chapter 173

## 1961 REPLACEMENT PART

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**LEGISLATIVE COUNSEL COMMITTEE**

173.010 [Amended by 1953 c.625 §4; repealed by 1953 c.492 §16]

173.015 [1953 c.625 §4; repealed by 1953 c.492 §16]

173.020 [Repealed by 1953 c.492 §16]

173.030 [Amended by 1953 c.625 §4; repealed by 1953 c.492 §16]

173.040 [Repealed by 1953 c.492 §16]

173.050 [Amended by 1953 c.625 §4; repealed by 1953 c.492 §16]

**173.110 Legislative Counsel Committee and office of Legislative Counsel created.** The Legislative Counsel Committee, referred to in ORS 173.110 to 173.250 as the committee, hereby is established as a joint committee of the Legislative Assembly. The committee shall select a Legislative Counsel to serve as its executive officer.

[1953 c.492 §1]

**173.120 Legislative Counsel to be in attendance upon legislative sessions.** The Legislative Counsel shall be in attendance upon all sessions of the Legislative Assembly.

[1953 c.492 §2]

**173.130 Performance of legislative services.** (1) The Legislative Counsel shall prepare or assist in the preparation of legislative measures when requested to do so by a member of the Legislative Assembly. Upon the written request of a state agency the Legislative Counsel may perform a similar service for the agency.

(2) The Legislative Counsel shall give such consideration to and service concerning any measure before the Legislative Assembly as circumstances will permit, and which is in any way requested by the House of Representatives or Senate, or any committee of the Legislative Assembly having the measure before it for consideration.

(3) The Legislative Counsel, pursuant to the policies and directions of the Legislative Counsel Committee and in conformity with any applicable rules of the House or Senate, shall perform or cause to be performed, as circumstances will permit, research service requested by any committee of the Legislative Assembly in connection with the performance of its functions. Research assignments made to the Legislative Counsel Committee by joint or concurrent resolution of the Legislative Assembly shall be given priority over other research requests received or initiated by the committee. The research service to be performed includes the administrative services incident to the accomplishment of the research requests or assignments.

[1953 c.492 §3; 1959 c.295 §2]

**173.135 Participation in legal proceedings to protect legislative interests.** When deemed necessary or advisable to protect the official interests of the Legislative Assembly, one or more legislative committees, or one or more members of the Legislative Assembly, the committee may direct the Legislative Counsel and his staff, or may retain any member of the Oregon State Bar, to appear in, commence, prosecute or defend any action, suit, matter, cause or proceeding in any court or agency of this state or of the United States. Expenses and costs incurred pursuant to this section may be paid by the committee from any funds available to the committee.

[1961 c.167 §32]

**173.140 Preparation of initiative measures.** The Legislative Counsel shall cooperate with the proponents of an initiative measure in its preparation when:

(1) Requested in writing so to do by 50 or more electors proposing the measure; and

(2) In the judgment of the committee there is reasonable probability that the measure will be submitted to the voters of the state under the laws relating to the submission of initiative measures.

[1953 c.492 §4]

**173.150 Continuous revision program; publication and distribution of statute editions and other materials.** (1) The committee, through the Legislative Counsel, shall formulate, supervise and execute plans and methods for:

(a) The revision, clarification, classification, arrangement, codification, annotation, indexing, printing, binding, publication, copyrighting, sale and distribution of the Oregon Revised Statutes, including index, replacement parts, annotations and supplements, and all editions thereof.

(b) The printing, binding, indexing, publication, copyrighting, sale and distribution of other materials the committee considers necessary or desirable to carry out its powers and duties.

(2) The committee shall determine when editions and publications shall be published, and shall fix the prices thereof.

[1953 c.492 §5; 1961 c.279 §1]

**173.152 Free distribution of Oregon Revised Statutes.** (1) The state officer or agency designated by law to distribute copies of Oregon Revised Statutes, including index and annotations, shall furnish, free of charge and in addition to distribution otherwise authorized, to:

(a) Each member of the Legislative Assembly, one set for each regular biennial session during which he serves, and the replacement parts therefor issued prior to the convening of the next succeeding regular biennial session.

(b) The incumbent of each judgeship, the salary of which is paid by the state, one set for each county in which the judge regularly holds court.

(2) The costs of furnishing sets and replacement parts therefor to members of the Legislative Assembly shall be paid from the appropriation made for the payment of the expenses of that session of the Legislative Assembly for which the sets and replacement parts are furnished.

(3) This section does not authorize the furnishing of a set to any judge who is a successor in office to the recipient of a set furnished under ORS 171.272 (1959 Replacement Part), or to any judge whose office was established before August 9, 1961. Except in the case of sets furnished to members of the Legislative Assembly and as otherwise provided in ORS 171.272 (1959 Replacement Part), sets heretofore and hereafter distributed pursuant to this section shall be delivered by the recipients to their successors in office.

[Formerly 171.272]

**173.155 Substantive law revision program.** In addition to such functions as it heretofore has carried out, the Legislative Counsel Committee shall exercise its authority under ORS 173.150 to develop and cause to be executed a substantive law revision program. The subject or subjects to be covered shall be designated by concurrent resolution of the Legislative Assembly or, if not so designated, shall be those designated by the committee. During the first two weeks of the regular session in 1961, the committee shall submit to the Legislative Assembly a report including at least its specific recommendations, together with such measures in draft form as it may deem appropriate, (a) for the revision or enactment of laws relating to the designated subjects, (b) for a subject or subjects to be covered in a substantive revision program during the 1961-1963 biennium, and (c) for such additional legislation, if any, as the committee may deem necessary or desirable for the establishment and operation of a permanent system for continuous substantive revision.

[1959 c.295 §1]

**173.160 Powers and duties of Legislative Counsel in preparing editions for publication.** In preparing editions of the statutes for publication and distribution, the Legislative Counsel shall not alter the sense, meaning, effect or substance of any Act, but, within such limitations, may renumber sections and parts of sections of the Acts, change the wording of head-notes, rearrange sections, change reference numbers to agree with renumbered chapters, sections or other parts, substitute the proper subsection, section or chapter or other division numbers, strike out figures or words which are merely repetitious, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors.

[1953 c.492 §6]

**173.170 Legislative Counsel to certify that printed statutes are correct copies of enrolled bill; effects of certification.** (1) When any edition of the statutes, or part or supplement designed to replace parts of or to supplement a previous edition and to bring such edition up to date, is published by the committee, the Legislative Counsel shall cause to be printed in the edition, part or supplement a certificate that he has compared each section in such edition, part or supplement with the original section in the enrolled bill, and that, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law, the sections in the published edition, part or supplement are correctly copied.

(2) Any edition, part or supplement certified as provided in subsection (1) of this section shall constitute prima facie evidence of the law in all courts and proceedings, and any section in such edition, part or supplement may be amended or repealed by amending or repealing such section of the edition, part or supplement without reference to the legislative Act from which it was derived. No compilation of the statute laws of Oregon not bearing such certificate, or a similar certificate of the Reviser of Statutes, shall be admissible as evidence of the law in any court or proceeding.

[1953 c.492 §7; 1961 c.167 §28]

**173.180 Type used in printing statutes may be preserved; uses of type.** (1) In any contract for the printing of any editions of the statutes, provision may be made for preservation or purchase, on behalf of the state, of the type or plates from which the

editions were printed, for use in producing future editions or publications.

(2) The committee may permit the use of such type or plates or material printed therewith for the production of pamphlets of particular portions of the statute laws requested by any public agency, under such terms and conditions as the committee considers reasonable.

[1953 c.492 §8]

**173.190 Legislative Counsel Committee; advisory committees.** (1) The Legislative Counsel Committee shall consist of the Speaker of the House of Representatives, the President of the Senate, five members of the House appointed by the Speaker, and four members of the Senate appointed by the President. The President of the Senate and the Speaker of the House of Representatives may, except when serving as Governor, each designate an alternate from time to time from among the members of his house to exercise his powers as a member of the committee. The term of a member shall expire upon the convening of the Legislative Assembly in regular session next following the commencement of the member's term. The committee shall select its own chairman who may, in addition to other acts authorized, approve voucher claims. Vacancies occurring in the membership of the committee shall be filled by appointment by the Speaker or President, as the case may be.

(2) The committee has a continuing existence and may meet, act and conduct its business during the sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions. Members of the committee shall be reimbursed for actual and necessary expenses incurred or paid in the performance of their duties as members of the committee, such reimbursement to be made from funds appropriated for such purpose after submission of approved voucher claims.

(3) The committee may appoint advisory committees or subcommittees, which may include individuals other than members of the Legislative Assembly, and may reimburse the members of such committees and subcommittees for their actual and necessary travel and other expenses incurred in the performance of their duties.

[1953 c.492 §9; 1961 c.167 §29]

**173.200 Legislative Counsel.** (1) The committee shall select the Legislative Counsel, who shall serve at the pleasure of the

committee. The Legislative Counsel shall be a person authorized to practice law in the highest court of one of the states of the United States.

(2) The committee shall fix the annual salary of the Legislative Counsel. Subject to and in the manner otherwise provided by law, the Legislative Counsel shall be reimbursed for actual and necessary expenses incurred or paid by him in the performance of his duties.

[1953 c.492 §10]

**173.210 Employment of staff; optional coverage under public employes' retirement laws.** (1) Subject to the approval of the committee, the Legislative Counsel may employ and fix the compensation of such professional assistants and clerical and other employes as he deems necessary for the effective conduct of the work under his charge.

(2) Except as provided in this subsection an employe of the committee, which includes for the purposes of this subsection the Legislative Counsel, shall not be considered an "employe" as the term is defined in the public employes' retirement laws. However, an employe of the committee may at his option be considered an "employe" as defined in such laws. The option, once exercised by written notification directed to the Public Employes Retirement Board, may not be revoked subsequently, except as may otherwise be provided by law. Upon receipt of such notification by the board, an employe of the committee who would otherwise, but for the exemption provided in this subsection, be considered an "employe" as the term is defined in the public employes' retirement laws shall be so considered.

[1953 c.492 §11]

**173.220 Location of Legislative Counsel's office.** The permanent office of the Legislative Counsel shall be in the State Capitol, where he shall be provided with suitable and sufficient offices convenient to the chambers of the House and Senate.

[1953 c.492 §12]

**173.230 Confidential nature of matters handled by committee's staff.** Neither the Legislative Counsel nor any employe of the committee shall reveal to any person not an employe or a member of the committee the contents or nature of any matter before him in his official capacity, if the person bringing the matter before the committee or employe designates the matter as confidential.

Matters not designated as confidential may only be revealed as prescribed by the rules of the committee.

[1953 c.492 §14; 1961 c.167 §30]

**173.240 Committee's staff prohibited from influencing legislation.** Neither the Legislative Counsel nor any employe of the committee shall oppose, urge or attempt to influence legislation.

[1953 c.492 §14]

**173.250 Legislative Counsel Committee Revolving Account.** (1) The proceeds from the sale of any edition or publication made pursuant to ORS 173.150 shall be deposited in the State Treasury to the credit of a revolving account for the use of the committee in publishing and distributing future editions or publications. The account, to be known as the Legislative Counsel Committee Revolving Account, shall be continuously appropriated for such purpose.

(2) There shall also be deposited to the credit of the Legislative Counsel Committee Revolving Account any moneys received through the sale of type metal or plates belonging to the committee or any moneys received by the committee in connection with the use of type or plates, or material printed therewith, pursuant to ORS 173.180.

(3) The committee, from time to time, may cause to be transferred from the Legislative Counsel Committee Revolving Account to the General Fund such moneys as the committee may consider unnecessary for use in publishing and distributing future editions or publications.

(4) Any unexpended and unobligated balance in the Legislative Counsel Committee Revolving Account in excess of \$125,000 as of July 1 of any odd-numbered year, as certified by the Legislative Counsel, shall be transferred from the account to the General Fund to be available for general governmental expenditures.

[1953 c.492 §15; 1957 c.60 §1; subsection (4) enacted as 1961 c.159 §2]

173.260 to 173.400 [Reserved for expansion]

## LEGISLATIVE FISCAL COMMITTEE

**173.410 Legislative Fiscal Committee and office of Legislative Fiscal Officer created.** The Legislative Fiscal Committee hereby is established as a joint committee of the Legislative Assembly. The committee shall select the Legislative Fiscal Officer who shall serve at the pleasure of the committee and under its direction.

[1959 c.70 §1]

**173.420 Duties of Legislative Fiscal Officer.** Subject to the procedures and priorities determined by the Legislative Fiscal Committee, the Legislative Fiscal Officer shall:

(1) Ascertain facts and make recommendations to the Legislative Assembly concerning the Governor's budget report.

(2) Ascertain facts concerning state revenues and expenditures and make estimates concerning state revenues and expenditures.

(3) Ascertain facts and make recommendations concerning the fiscal implications of the organization and functions of the state and its agencies.

(4) Ascertain facts and make recommendations on such other matters as may be provided for by joint or concurrent resolution.

(5) Furnish such assistance in the performance of their duties as is requested by the Emergency Board, the Joint Ways and Means Committee, the House Taxation Committee, the Senate Taxation Committee and other legislative standing and interim committees and members of the Legislative Assembly.

[1959 c.70 §2]

**173.430 Administering oaths.** The Legislative Fiscal Officer, in the performance of his official duties, has the same authority to administer oaths as is conferred by ORS 171.505 upon the chairman and vice chairman of the Legislative Fiscal Committee.

[1959 c.70 §11; 1961 c.167 §14]

**173.440 Legislative Fiscal Committee; advisory committees.** (1) The Legislative Fiscal Committee shall consist of:

(a) A member of the House Taxation Committee and a member of the House Ways and Means Committee and four other members of the House appointed by the Speaker, but not more than three out of these six House members shall be of the same political party.

(b) A member of the Senate Taxation Committee and a member of the Senate Ways and Means Committee and three other members of the Senate appointed by the President, but not more than three of these five Senate members shall be of the same political party.

(c) The President of the Senate and the Speaker of the House of Representatives. These officers may, except when serving as Governor, each designate an alternate from

time to time from among the members of his house to exercise his powers as a member of the committee.

(2) The committee has a continuing existence and may meet, act and conduct its business during the sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions. The term of a member shall expire upon the convening of the Legislative Assembly in regular session next following the commencement of the member's term. When a vacancy occurs in the membership of the committee in the interim between sessions, until such vacancy is filled, the membership of the committee shall be deemed not to include the vacant position for the purpose of determining whether a quorum is present and a quorum is a majority of the remaining members.

(3) Members of the committee shall be reimbursed for actual and necessary expenses incurred or paid in the performance of their duties as members of the committee, such reimbursement to be made from funds appropriated for such purpose, after submission of approved voucher claims.

(4) The committee shall select its own chairman who may, in addition to other acts authorized, approve voucher claims. The committee may appoint advisory committees or subcommittees, which may include individuals other than members of the Legislative Assembly, and reimburse the members of such committees for their actual and necessary travel and other expenses incurred in the performance of their duties.

[1959 c.70 §§3, 4, 5; 1961 c.41 §1; 1961 c.167 §33a]

**173.450 Employment of staff; compensation and expenses of staff members.** (1) Subject to the approval of the committee, the Legislative Fiscal Officer may employ and fix the compensation of such professional assistants and clerical and other employes as he finds necessary for the effective conduct of the work under his charge.

(2) The committee shall fix the annual salary of the Legislative Fiscal Officer.

(3) Subject to the limitations otherwise provided by law for expenses of state officers, the Legislative Fiscal Officer and members of his staff shall be reimbursed for all actual and necessary expenses incurred in performing their duties.

[1959 c.70 §§6, 7, 8]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,  
on December 1, 1961.

Sam R. Haley  
Legislative Counsel