

Chapter 173

1979 REPLACEMENT PART

Legislative Service Agencies

GENERAL PROVISIONS

- 173.005 Personnel policies for employes of statutory committees
- 173.007 Personnel policies applicable to regular employes of Legislative Assembly

FISCAL IMPACT STATEMENTS

- 173.025 Preparation of fiscal impact and revenue impact statements for legislation affecting local governments
- 173.035 Submission of statements to Legislative Assembly; committee referral and review
- 173.045 Revision of statements
- 173.055 Contracts to provide fiscal data

LEGISLATIVE COUNSEL COMMITTEE

- 173.111 Legislative Counsel Committee and office of Legislative Counsel created
- 173.120 Legislative Counsel to be in attendance upon legislative sessions
- 173.130 Performance of legislative services; charges
- 173.135 Participation in legal proceedings to protect legislative interests
- 173.140 Preparation of initiative measures
- 173.150 Continuous revision program; publication and distribution of statute editions and other materials
- 173.152 Free distribution of Oregon Revised Statutes and replacement parts; issuance to legislators for use during session
- 173.160 Powers and duties of Legislative Counsel in preparing editions for publication
- 173.170 Legislative Counsel to certify that printed statutes are correct copies of enrolled bill; effects of certification
- 173.180 Type used in printing statutes may be preserved; uses of type
- 173.191 Membership; term; vacancies; chairman; advisory committees
- 173.200 Legislative Counsel
- 173.210 Employment of staff
- 173.215 Effect of expiration of terms of committee members
- 173.220 Location of Legislative Counsel's office
- 173.230 Confidential nature of matters handled by committee's staff

- 173.240 Committee's staff prohibited from influencing legislation
- 173.250 ORS Revolving Account

LEGISLATIVE FISCAL OFFICER

- 173.410 Appointing authority for Legislative Fiscal Officer; selection of officer
- 173.420 Duties of Legislative Fiscal Officer
- 173.450 Employment of staff; compensation and expenses of staff members

LEGISLATIVE ADMINISTRATION COMMITTEE

- 173.710 Legislative Administration Committee and office of Legislative Administrator created
- 173.720 Duties of committee
- 173.730 Committee membership; status; term; chairman
- 173.740 Employment of staff; compensation and expenses of staff; staff prohibited from influencing legislation
- 173.750 Effect of expiration of terms of committee members
- 173.760 Advisory committees; compensation and expenses
- 173.770 Rules regarding fees for services and obtaining copyrights and patents
- 173.780 Sale or lease of data processing programs, materials and information

LEGISLATIVE REVENUE OFFICER

- 173.800 "Appointing authority" defined; appointment of Legislative Revenue Officer
- 173.810 Employment of staff; compensation and expenses
- 173.820 Duties and powers
- 173.830 Authority to accept and expend funds; disposition of moneys received
- 173.840 Designation as applicant for certain federal programs
- 173.850 Department of Revenue to provide assistance; status of reports and information
- 173.860 Report on change of tax treatment of cargo containers by other states

CROSS REFERENCES

Designation of individual by committee to approve disbursements, 293.335
Emergency Board, 291.330
Interagency service arrangements, 283.110, 283.140 to 283.160, 283.305
Interstate cooperation committees, 189.050, 189.060

Legislative Assembly, Ch 171
Legislative employes, retirement under Ch 237, membership status unaffected by certain employment, 237.019
Legislative records, 171.410 to 171.430
Powers of legislative committees in regard to witnesses,

STATE LEGISLATIVE DEPARTMENT AND LAWS

- 171.505 to 171.525
Public Employees' Retirement System, legislative employees, 237.095
Reference work for members of legislature, materials, 357.005
Revision of schedule for retention and destruction of legislative records by Legislative Administration Committee, 171.427
Sound recordings of hearings and meetings of Legislative Administration Committee and Legislative Counsel Committee required, 171.430
Sound recordings of legislative proceedings required, 171.407
Ways and Means Committees, 171.555
- 173.025**
Economic impact statements for local government legislation, 173.025
- 173.111 to 173.140**
Preparation and filing of explanatory statement by Legislative Counsel Committee, 251.225
- 173.130**
Attorney General, duty as bill drafter, 180.100
Legislative Fiscal Officer, performance of legislative services, 173.420
Publishing and distributing legislative publications, 171.225 to 171.255
- 173.152**
County to provide statutes for justice of the peace, 51.140
- 173.160**
Changes authorized by specific statutes, Preface to ORS (Volume 1)
Conflicting amendments to same section at same session, Const. Art. IV §22, 174.050
Rules of Council on Court Procedures to be printed in ORS, 1.750
- 173.191**
Salary and expenses of members, 171.072
- 173.230**
Disposition of confidential legislative records, 171.430
- 173.420**
Audit reports to be supplied Legislative Fiscal Officer, 297.050
Legislative Fiscal Office to furnish staff and facilities for Joint Legislative Committee on Data Processing, 182.115
Services for Data Processing Advisory Commission, 182.115
Statement concerning financial condition of General Fund, 293.655
- 173.450**
Payment of expenses to state employee, Ch. 292
- 173.720**
Appropriation for maintenance of certain state buildings, 276.033
Assigning quarters in State Capitol, control, 276.002
Disposition of legislative records, 171.430
Distribution of legislative publications, 171.211
Enrolled bills, binding, 171.405
Forwarding of member's records after session, 171.140
Legislative records, duties, 171.415, 171.420
Legislative reports, distribution, 171.625
Legislative supplies, 171.135
Legislative Supplies Account, records, 171.137
- 173.800 to 173.850**
State legislature, generally, Ch.171
- 173.820**
Availability of tax returns, 308.290

GENERAL PROVISIONS

173.005 Personnel policies for employes of statutory committees. (1) The appointing authority for regular employes of the Legislative Administration Committee, Legislative Counsel Committee or any other statutory committee or statutory office of the Legislative Assembly holding regular positions in the same sense as those held by regular employes of those statutory committees or offices, may adopt and follow policies in regard to working hours, leaves of absence, vacations and sick and disability leave for those employes consistent with ORS 240.505 to 240.520 and applicable rules adopted pursuant thereto.

(2) The Legislative Administration Committee may adopt and follow policies in regard to vacation and sick leave for regular employes of the Legislative Assembly to whom subsection (1) of this section does not apply that are consistent with the provisions of ORS 240.505 to 240.520 and applicable rules adopted pursuant thereto.

(3) Vacation and sick leave accrued by a regular employe of a statutory committee or office under subsection (1) of this section and by a regular employe of the Legislative Assembly under subsection (2) of this section shall be credited to the employe by the state agency in the executive or administrative branch that employs the regular employe immediately after that employe's employment by a statutory committee or office or by the Legislative Assembly. [1971 c 638 §15; 1979 c.509 §1]

Note: The amendment to 173.005 by section 26, chapter 468, Oregon Laws 1979, becomes operative July 1, 1981. See section 38, chapter 468, Oregon Laws 1979. 173.005, as amended by section 26, chapter 468, Oregon Laws 1979 and by section 1a, chapter 509, Oregon Laws 1979 are set forth for the users' convenience.

173.005. (1) The appointing authority for regular employes of the Legislative Administration Committee, Legislative Counsel Committee or any other statutory committee or statutory office of the Legislative Assembly holding regular positions in the same sense as those held by regular employes of those statutory committees or offices, may adopt and follow policies in regard to working hours, leaves of absence, vacations and sick and disability leave for those employes consistent with the State Personnel Relations Law and applicable rules adopted pursuant thereto.

(2) The Legislative Administration Committee may adopt and follow policies in regard to vacation and sick leave for regular employes of the Legislative Assembly to whom subsection (1) of this section does not apply that are consistent with the provisions of the State Personnel

Relations Law and applicable rules adopted pursuant thereto.

(3) Vacation and sick leave accrued by a regular employe of a statutory committee or office under subsection (1) of this section and by a regular employe of the Legislative Assembly under subsection (2) of this section shall be credited to the employe by the state agency in the executive or administrative branch that employs the regular employe immediately after that employe's employment by a statutory committee or office or by the Legislative Assembly.

173.007 Personnel policies applicable to regular employes of Legislative Assembly. (1) If the Legislative Administration Committee adopts policies under subsection (2) of ORS 173.005, it may give credit for vacation and sick leave of regular employes of the Legislative Assembly that accrued prior to October 3, 1979, if:

(a) The policies adopted and the method of crediting the vacation and sick leave are consistent with the provisions of ORS 240.505 to 240.520 and applicable rules adopted pursuant thereto; and

(b) The regular employe has not been compensated previously in any way for any vacation or sick leave.

(2) If the Legislative Administration Committee acts pursuant to subsection (1) of this section, vacation and sick leave accrued by a regular employe of the Legislative Assembly shall be credited as provided in subsection (3) of ORS 173.005 if a former regular employe is in the employ of a state agency in the executive or administrative branch. [1979 c.509 §2]

Note: Section 3, chapter 509, Oregon Laws 1979, provides:

Section 3. If Senate Bill 57 becomes law, on the operative date [July 1, 1981] of chapter 468, Oregon Laws 1979 (Enrolled Senate Bill 57), section 2 of this Act is amended to read:

Sec. 2. (1) If the Legislative Administration Committee adopts policies under subsection (2) of ORS 173.005, it may give credit for vacation and sick leave of regular employes of the Legislative Assembly that accrued prior to the effective date of this Act [October 3, 1979] if:

(a) The policies adopted and the method of crediting the vacation and sick leave are consistent with the provisions of the State Personnel Relations Law and applicable rules adopted pursuant thereto; and

(b) The regular employe has not been compensated previously in any way for any vacation or sick leave.

(2) If the Legislative Administration Committee acts pursuant to subsection (1) of this section, vacation and sick leave accrued by a regular employe of the Legislative Assembly shall be credited as provided in subsection (3) of

ORS 173.005 if a former regular employe is in the employ of a state agency in the executive or administrative branch

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]

FISCAL IMPACT STATEMENTS

173.025 Preparation of fiscal impact and revenue impact statements for legislation affecting local governments. (1) The Legislative Fiscal Officer, with the aid of the Executive Department, Legislative Revenue Officer, state agencies and affected local governmental units, shall prepare a fiscal impact statement on each measure introduced in the Legislative Assembly that could have an effect on expenditures of local governmental units.

(2) The Legislative Revenue Officer, with aid of the Legislative Fiscal Officer, the Department of Revenue, state agencies and affected local governmental units, shall prepare a revenue impact statement on each measure introduced in the Legislative Assembly that could have any effect on revenues of local governmental units. [1977 c.414 §1]

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

173.035 Submission of statements to Legislative Assembly; committee referral and review. The Legislative Fiscal Officer and Legislative Revenue Officer shall submit the statement prepared under ORS 173.025 to the Legislative Assembly at a time set by the rules of the house where the measure was introduced. The Speaker of the House of Representatives and the President of the Senate shall refer the statement to the committee to which the measure was referred. The committee shall review the statement prepared under ORS 173.025 prior to reporting the measure out. [1977 c.414 §2]

173.040 [Repealed by 1953 c.492 §16]

173.045 Revision of statements. The Legislative Fiscal Officer and Legislative Revenue Officer shall review and revise the statement as measures are amended. [1977 c.414 §3]

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

173.055 Contracts to provide fiscal data. The Legislative Fiscal Officer and Legislative Revenue Officer are authorized to contract with other agencies or persons to provide fiscal data necessary to carry out the provisions of ORS 173.025 to 173.055. [1977 c.414 §4]

LEGISLATIVE COUNSEL COMMITTEE

173.110 [1953 c.492 §1; repealed by 1969 c.256 §1 (173.111 enacted in lieu of 173.110)]

173.111 Legislative Counsel Committee and office of Legislative Counsel created. The Legislative Counsel Committee, referred to in ORS 173.111 to 173.250 as the committee, is established as a joint committee of the Legislative Assembly. The committee shall select a Legislative Counsel to serve as its executive officer. [1969 c.256 §2 (enacted in lieu of 173.110); 1971 c.638 §4]

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; charges. (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.

(2) Upon the written request of a state agency, the Legislative Counsel may prepare or assist in the preparation of legislative measures that have been approved for preparation in writing by the Governor or the Governor's designated representative. The Legislative Counsel may also prepare or assist in the preparation of legislative measures that are requested in writing by the Secretary of State, the State Treasurer, the Attorney General, the Commissioner of the Bureau of Labor and Industries or the Superintendent of Public Instruction. In accordance with ORS 283.110, the Legislative Counsel may charge the agency or officer for the services performed.

(3) The Legislative Counsel shall give such consideration to and service concerning any measure before the Legislative Assembly as circumstances 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.

(4) 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, 1973 c.226 §1; 1979 c.237 §1]

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, copy-righting, 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 and replacement parts; issuance to legislators for use during session. (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:

- (a) For each member of the Legislative Assembly who did not serve during the session immediately preceding, one set and, for as long as he remains a member, the current replacement parts therefor as issued. Such sets shall be furnished, for issuance to the members, to the state officer or agency designated in ORS 171.135.

(b) For each member of the Legislative Assembly who served during the session immediately preceding, one set for his official use during each session. Such sets shall be furnished, for issuance to the members, to the state officer or agency designated in ORS 171.135. The issuing officer or agency upon final adjournment of each session shall collect sets issued pursuant to this paragraph for reissue during subsequent sessions. Current replacement parts for these sets shall be furnished as issued.

- (c) For each judgeship, the salary of which is paid by the state, one set and current replacement parts therefor as issued, for each county in which the judge regularly holds court. Sets and current replacement parts distributed pursuant to this paragraph shall be delivered by the recipients to their successors in office.

(2) (a) The costs of furnishing sets and replacement parts therefor to members of the Legislative Assembly shall be paid from the appropriations made for the payment of the expenses of the Legislative Assembly.

- (b) The costs of furnishing sets and replacement parts therefor pursuant to para-

graph (c) of subsection (1) of this section shall be paid from the state appropriations made for the payment of the expenses of the various judgeships. [Formerly 171.272; amended by 1963 c.420 §1; 1965 c.372 §1]

173.155 [1959 c.295 §1; repealed by 1963 c.292 §1 (173.310 to 173.340 enacted in lieu of 173.155)]

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 [1953 c.492 §9; 1961 c.167 §29; repealed by 1969 c.256 §3 (173.191 enacted in lieu of 173.190)]

173.191 Membership; term; vacancies; chairman; 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 Speaker of the House of Representatives and the President of the Senate may 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 appointing authorities shall appoint members of a new committee within 30 days after the convening of the Legislative Assembly in regular session.

(2) The term of a member of the committee shall expire upon the convening of the Legislative Assembly in regular session next following the member's appointment. Vacancies occurring in the membership of the committee shall be filled by the appointing authority.

(3) 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 but the committee has no authority to affect the rules of either house.

(4) The committee shall select its own chairman who may, in addition to other acts authorized, approve disbursements for indebtedness or expenses.

(5) The committee may appoint advisory committees or subcommittees. Except as otherwise provided in this subsection, individuals other than members of the Legislative Assem-

bly may serve on such advisory committees or subcommittees. A member of such committee or subcommittee who is not a member of the Legislative Assembly shall be compensated and reimbursed in the manner provided in ORS 292.495. An advisory committee or subcommittee appointed to assist the committee in review of state agency rules may consist only of two or more members of the Legislative Assembly. [1969 c.256 §4 (enacted in lieu of 173.190), 1971 c.638 §5; 1975 c.136 §6; 1975 c.530 §4; 1977 c.344 §5]

173.196 [1975 c.136 §8; repealed by 1977 c.344 §7]

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. 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. [1953 c.492 §11, 1973 c.735 §8]

173.215 Effect of expiration of terms of committee members. (1) The expiration of the terms of members of the Legislative Counsel Committee upon the convening of the Legislative Assembly in regular session next following the commencement of their terms, as provided by ORS 173.191, does not affect the employment of any individual filling a position previously approved by the committee.

(2) After the convening of the Legislative Assembly in regular session and until such time as the newly appointed committee provides otherwise:

(a) The Legislative Counsel may employ and fix the compensation of individuals he deems necessary for the effective conduct of the work under his charge.

(b) Notwithstanding ORS 173.111 and 173.200, the President of the Senate and the

Speaker of the House of Representatives, in case of a vacancy in the position of Legislative Counsel, may jointly select a Legislative Counsel having the qualifications set forth in ORS 173.200 to serve at their pleasure at a salary they jointly fix, not exceeding that last fixed by the committee. The President and Speaker may act in lieu of the committee under ORS 293.335 in designating the Legislative Counsel they select to approve voucher claims and in filing the statement of designation, and the provisions of ORS 293.335 shall apply as if the Legislative Counsel they select and so designate had been so designated by the committee.

(c) Nothing in paragraph (b) of this subsection limits the authority of the committee during its term of office over the matters described in paragraph (b) of this subsection. [1965 c.113 §1; 1967 c.5 §1; 1975 c.136 §10]

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 ORS 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 ORS Revolving Account, shall be continuously appropriated for such purpose.

(2) There shall also be deposited to the credit of the ORS 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 ORS 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 ORS 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; 1969 c.256 §5]

173.310 [1963 c.292 §2 (173.310 to 173.340 enacted in lieu of 173.155); 1969 c.314 §10; 1971 c.638 §7; 1977 c.186 §1; repealed by 1979 c.472 §2]

173.320 [1963 c.292 §3 (173.310 to 173.340 enacted in lieu of 173.155); repealed by 1979 c.472 §2]

173.330 [1963 c.292 §4 (173.310 to 173.340 enacted in lieu of 173.155); repealed by 1979 c.472 §2]

173.340 [1963 c.292 §5 (173.310 to 173.340 enacted in lieu of 173.155); repealed by 1979 c.472 §2]

173.350 [1965 c.397 §1, repealed by 1979 c.472 §2]

LEGISLATIVE FISCAL OFFICER

173.410 Appointing authority for Legislative Fiscal Officer; selection of officer. (1) As used in this section, ORS 173.420 and 173.450, "appointing authority" means the Joint Committee on Ways and Means during a session of the Legislative Assembly and the Emergency Board during the interim between sessions of the Legislative Assembly.

(2) The appointing authority shall select the Legislative Fiscal Officer who shall serve at the pleasure of the appointing authority and under its direction. [1959 c.70 §1; 1971 c.679 §1]

173.420 Duties of Legislative Fiscal Officer. Subject to the procedures and priorities determined by the appointing authority, 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 expenditures and make estimates concerning state 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 House Revenue Committee, the Senate Revenue Committee, the Legislative Revenue Officer and other legislative standing and interim committees and members of the Legislative Assembly. [1959 c.70 §2; 1971 c.679 §2; 1975 c.789 §7]

173.430 [1959 c.70 §11; 1961 c.167 §14; repealed by 1971 c.679 §7]

173.440 [1959 c.70 §§3, 4, 5; 1961 c.41 §1, 1961 c.167 §33a; repealed by 1971 c.679 §7]

173.450 Employment of staff; compensation and expenses of staff members.

(1) Subject to the approval of the appointing authority, 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 appointing authority shall fix the 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, 1971 c.679 §3]

173.460 [1965 c.113 §2; repealed by 1971 c.679 §7]

173.510 [1965 c.581 §1; repealed by 1971 c.679 §7]

173.520 [1965 c.581 §2; repealed by 1971 c.679 §7]

173.530 [1965 c.581 §4; repealed by 1971 c.679 §7]

173.540 [1965 c.581 §§6, 10; 1969 c.314 §11; repealed by 1971 c.679 §7]

173.550 [1965 c.581 §11; repealed by 1971 c.679 §7]

173.560 [1965 c.581 §12; repealed by 1971 c.679 §7]

173.570 [1965 c.581 §9; repealed by 1971 c.679 §7]

173.580 [1965 c.581 §7; repealed by 1971 c.679 §7]

173.590 [1965 c.581 §8; repealed by 1971 c.679 §7]

173.600 [1965 c.581 §5; repealed by 1971 c.679 §7]

LEGISLATIVE ADMINISTRATION COMMITTEE

173.710 Legislative Administration Committee and office of Legislative Administrator created. The Legislative Administration Committee hereby is established as a joint committee of the Legislative Assembly. The committee shall select a Legislative Administrator who shall serve at the pleasure of the committee and under its direction. [1969 c.620 §1; 1971 c.638 §8]

173.720 Duties of committee. Subject to the procedures and priorities determined by the Legislative Administration Committee, the Legislative Administrator shall:

(1) Coordinate administrative operations of the Legislative Assembly in order to assure efficient work flow.

(2) Develop standard formats for legislative manuals and interim committee reports.

(3) Review legislative organization, rules and procedure in cooperation with the Legislative Counsel with the intent of modernizing legislative operations.

(4) Conduct a continuing study of possible applications of technological changes and improvements, such as data processing and electronic equipment, to improve legislative procedures, and when considered advisable, make recommendations to adopt such applications.

(5) Arrange for and coordinate orientation conferences for members of the Legislative Assembly.

(6) Study and make recommendations on legislative compensation and working conditions.

(7) Control all space and facilities within the State Capitol and such other space as is assigned to the Legislative Assembly.

(8) Exercise continuing supervision, coordination and support of clerical and administrative services to legislative interim committees, including consideration of adequacy of staff and administrative services for such committees.

(9) Perform administrative service functions for the Legislative Assembly, including but not limited to accounting, data processing,

personnel administration, printing, supply, space allocation and property management.

(10) Provide research facilities and services to members of the Legislative Assembly and committees thereof.

(11) Arrange for the printing and distribution of legislative manuals and interim committee reports.

(12) Establish fee schedules for legislative measures, calendars, indexes and digests.

(13) Coordinate the use of legislative supplies, materials, equipment and other property by legislative interim committees and by standing committees of the Legislative Assembly. [1969 c.620 §3; 1971 c.638 §9; 1977 c.121 §2]

173.730 Committee membership; status; term; chairman. (1) The Legislative Administration Committee shall consist of the Speaker of the House of Representatives, the President of the Senate, four members of the House appointed by the Speaker, and three members of the Senate appointed by the President. The Speaker of the House of Representatives and the President of the Senate may each designate an alternate from time to time from among the members of his house to exercise his powers, except as cochairman, as a member of the committee. No more than three House members of the committee shall be of the same political party. No more than three Senate members of the committee shall be of the same political party.

(2) The committee has a continuing existence and may meet, act and conduct its business during sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions.

(3) 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.

(4) The presiding officers shall act as cochairmen and may alternate at succeeding meetings as presiding chairman of the committee and vice chairman thereof. The cochairmen, jointly or singly, may, in addition

to other acts authorized, approve voucher claims.

(5) Action of the committee shall be taken only upon the affirmative vote of the majority of members from each house who serve as members of the committee. [1969 c.620 §2; 1971 c.638 §10; 1975 c.530 §5; 1977 c.121 §3]

173.740 Employment of staff; compensation and expenses of staff; staff prohibited from influencing legislation. (1) Subject to the approval of the Legislative Administration Committee, the Legislative Administrator may employ and fix the compensation of such assistants and clerks as he finds necessary for the effective conduct of the work under his charge.

(2) The Legislative Administration Committee shall fix the annual salary of the Legislative Administrator.

(3) Neither the Legislative Administrator nor any employe of the committee shall oppose, urge or attempt to influence any measure pending before the Legislative Assembly.

(4) Subject to the limitations otherwise provided by law for the expenses of state officers, the Legislative Administrator and members of his staff shall be reimbursed for all actual and necessary expenses incurred in performing their duties. [1969 c.620 §4]

173.750 Effect of expiration of terms of committee members. The expiration of the terms of members of the Legislative Administration Committee upon the convening of the Legislative Assembly in regular session next following the commencement of their terms, as provided in ORS 173.730, does not affect the employment of any individual filling a position previously approved by the committee. After the convening of the Legislative Assembly in regular session and until such time as the newly appointed committee provides otherwise, the Legislative Administrator may employ and fix the compensation of individuals he deems necessary for the effective conduct of the work under his charge. [1969 c.620 §5]

173.760 Advisory committees; compensation and expenses. (1) The Legislative Administration Committee from time to time may appoint such advisory committees consisting of members of the Legislative Assembly and others as are necessary to assist the committee in carrying out its functions as provided by law.

(2) A member of an advisory committee who is a member of the Legislative Assembly shall be entitled to receive the per diem specified in subsection (4) of ORS 171.072 for each day of performance of duties as an advisory committee member. Other members are entitled to compensation and expenses as provided in ORS 292.495. Expenses incurred under this section are payable from funds appropriated or otherwise available to the Legislative Administration Committee. [1977 c.121 §4]

173.770 Rules regarding fees for services and obtaining copyrights and patents. (1) The Legislative Administration Committee may adopt rules to carry out its duties under statute or legislative rules or directives, including setting and collecting fees for facilities and services and obtaining copyrights and patents on copyrightable or patentable materials developed, published or produced by committee staff.

(2) Rules adopted under authority of this section are not rules within the meaning of ORS 183.310 to 183.500 and are not subject to review under ORS 183.710 to 183.725. However, the Legislative Administration Committee shall give reasonable notice of its intent to adopt rules and conduct a hearing open to the public before adopting any rule.

(3) As used in this section, "rule" means any directive, standard or statement of general application that implements or interprets the duties of the Legislative Administration Committee and includes amendment or repeal of a prior rule but does not include internal management directives or statements relating to committee business between committee members or between committee members and committee staff or between committee staff. [1979 c.740 §2]

173.780 Sale or lease of data processing programs, materials and information. Subject to the approval of the Legislative Administration Committee, the Legislative Administrator may cause to have sold, leased or otherwise made available data processing programs, information or materials developed by committee staff to any agency or legislative body of any state or the Federal Government under such terms and conditions as may be agreed to by the committee and the agencies. Moneys collected under this section shall be credited to the General Fund and are available for general governmental purposes. [1979 c.740 §1]

LEGISLATIVE REVENUE OFFICER

173.800 "Appointing authority" defined; appointment of Legislative Revenue Officer. (1) As used in ORS 173.800 to 173.850, during the interim between sessions of the Legislative Assembly, "appointing authority" means the Interim Committee on Revenue if created, or, if no Interim Committee on Revenue is created, means the Speaker of the House of Representatives and the President of the Senate. During a session of the Legislative Assembly, "appointing authority" means the House Revenue Committee and the Senate Revenue Committee.

(2) The appointing authority, with the approval of the Speaker of the House of Representatives and the President of the Senate, shall select a Legislative Revenue Officer who shall serve at the pleasure of the appointing authority and under its direction. [1975 c.789 §1]

173.810 Employment of staff; compensation and expenses. (1) Subject to the approval of the appointing authority, the Legislative Revenue 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 appointing authority shall fix the salary of the Legislative Revenue Officer.

(3) Subject to the limitations otherwise provided by law for expenses of state officers, the Legislative Revenue Officer and members of his staff shall be reimbursed for all actual and necessary expenses incurred in performing their duties. [1975 c 789 §2]

173.820 Duties and powers. Pursuant to policies and directions of the appointing authority, the Legislative Revenue Officer shall:

(1) Upon written request of a member of the Legislative Assembly or any committee thereof, prepare or assist in the preparation of studies and reports and provide information and research assistance on matters relating to taxation and to the revenue of this state and to any other relevant matters.

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

(3) Prepare analyses of and recommendations on the fiscal impact of all revenue mea-

asures before the Legislative Assembly and of all other measures affecting the revenue of this state.

(4) Perform such duties as may be directed by joint or concurrent resolution of the Legislative Assembly.

(5) Adopt rules relating to the submission, processing and priorities of requests. Rules adopted under this subsection shall be in conformance with any applicable rule of the House of Representatives or the Senate. Requests made by joint or concurrent resolution of the Legislative Assembly shall be given priority over other requests received or initiated by the Legislative Revenue Officer. Rules adopted under this subsection shall be reviewed and approved by the appointing authority prior to their adoption.

(6) Seek the advice and assistance of political subdivisions of this state, governmental agencies and any interested persons, associations or organizations in the performance of his duties.

(7) Enter into such contracts as considered necessary by the appointing authority to carry out his functions.

(8) Perform such other duties as may be prescribed by law. [1975 c 789 §3]

173.830 Authority to accept and expend funds; disposition of moneys received. (1) The Legislative Revenue Officer may accept, receive, receipt for, disburse and expend federal moneys and other moneys, public or private, for the accomplishment of the purposes of ORS 173.800 to 173.850.

(2) All federal moneys accepted under this section shall be accepted and transferred or expended by the Legislative Revenue Officer upon such terms and conditions as are prescribed by the United States.

(3) All other moneys accepted under this section shall be accepted and transferred or expended by the Legislative Revenue Officer upon such terms and conditions as are prescribed by law.

(4) All moneys received by the Legislative Revenue Officer pursuant to this section shall be deposited in the State Treasury and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are continu-

ously appropriated to the Legislative Revenue Officer for the purposes for which they were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available. [1975 c.789 §4]

173.840 Designation as applicant for certain federal programs. The Legislative Revenue Officer is designated as the eligible applicant for the State of Oregon for the purposes of section 842 of the Education Amendments of 1974 (Pub. L. 93-380). [1975 c.789 §4a]

173.850 Department of Revenue to provide assistance; status of reports and information. (1) Subject to subsection (2) of this section, when requested to do so, the Department of Revenue shall:

(a) Advise and assist the Legislative Revenue Officer, his staff and employes with respect to the duties imposed upon him by ORS 173.800 to 173.850 or any resolution of the Legislative Assembly;

(b) Disclose and give access to the Legislative Revenue Officer, his staff and employes, to tax and revenue information, including the information described in ORS 306.129, 308.290 and 314.835, and other information the Legislative Revenue Officer considers necessary and appropriate to the efficient performance of his duties under ORS 173.800 to 173.850 or any resolution of the Legislative Assembly; and

(c) Assist in the compilation, assimilation and integration of such information.

(2) (a) The department shall disclose and give access to the Legislative Revenue Officer or his authorized representatives to the information described in ORS 314.835 only if the request for the information is made in writing, specifies the purposes for which the request is made or information required and is signed by the Legislative Revenue Officer or his authorized representative. The form for request for information made under this paragraph shall be prescribed by the Legislative Revenue Officer and approved by the Director of the Department of Revenue.

(b) The department shall keep on file the request for information made pursuant to this subsection. The requests constitute a public record within the meaning of ORS 192.410 to 192.500. ORS 314.835 and subsection (3) of ORS 314.840 relating to the confidentiality of tax information apply to the Legislative Revenue

Officer, his authorized representatives, his staff and employes.

(c) As used in this subsection, "authorized representative" means a person who, after consultation with the Director of the Department of Revenue, the Legislative Revenue Officer has certified as his authorized representative. A copy of the certificate shall be filed with the department.

(3) Reports, estimates and analyses of the Legislative Revenue Officer based upon the information described in ORS 306.129, 308.290 and 314.835 obtained under this section shall be classified in such a manner as to prevent the identification of particular reports and returns and the items thereof. [1975 c.789 §5]

173.860 Report on change of tax treatment of cargo containers by other states. Prior to the beginning of each regular session of the Legislative Assembly, the Legislative Revenue Officer shall determine if there has been a change from the current tax exemptions or other advantageous tax treatment available to cargo containers of the nature described in section 1, chapter 783, Oregon Laws 1979, by the states of Washington and California. If the Legislative Revenue Officer determines there has been such a change, a report to the Legislative Assembly shall be prepared and submitted. This report shall also state if any of the applicable provisions of the Washington or California property tax statutes have been amended since October 3, 1979 and, if so, the nature and effect of each such amendment. [1979 c.783 §4]

Note: Section 3, chapter 783, Oregon Laws 1979, provides:

Sec. 3. (1) In January, 1987, the Legislative Revenue Officer shall submit to the Legislative Assembly a report on the revenue and economic effects of sections 1 and 2 of this Act. The report shall include an economic impact statement, a compilation of relevant information and an analysis of the changes in economic activity, changes or impact on employment, sales to and by the affected maritime business and industry, the indirect increased tax revenues that resulted from activity occurring as a result of sections 1 and 2 of this Act, and the multiplier effect on business and industry.

(2) The Legislative Revenue Officer is authorized to accept grants, gifts or other assistance to provide funds to bear the cost of preparing this report.

(3) The Legislative Revenue Officer is directed to solicit the cooperation and assistance of all appropriate state agencies and local jurisdictions in the compilation of information and preparation of this report.

(4) The exemption for cargo containers provided in sections 1 and 2 of this Act shall not be allowed for any assessment year after 1979 unless application for exemption is filed by the owner or person having possession or control of the cargo containers in accordance with this subsection. The application for exemption shall be filed with the appropriate county assessor prior to March 3 of

each assessment year for which exemption is claimed. The application shall include the number and value of the cargo containers for which exemption is claimed and any other information considered necessary by the Legislative Revenue Officer to prepare the report required by this section.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1979

Thomas G. Clifford
Legislative Counsel

