

Chapter 173

1993 EDITION

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GENERAL PROVISIONS

173.005 Personnel policies for employees of statutory committees. (1) The appointing authority for regular employees 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 employees 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 employees 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 employees 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 employee of a statutory committee or office under subsection (1) of this section and by a regular employee of the Legislative Assembly under subsection (2) of this section shall be credited to the employee by the state agency in the executive or administrative branch that employs the regular employee immediately after that employee's employment by a statutory committee or office or by the Legislative Assembly. [1971 c.638 §15; 1979 c.468 §38; 1979 c.509 §1a]

173.007 Personnel policies applicable to regular employees of Legislative Assembly. (1) If the Legislative Administration Committee adopts policies under ORS 173.005 (2), it may give credit for vacation and sick leave of regular employees 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 the State Personnel Relations Law and applicable rules adopted pursuant thereto; and

(b) The regular employee 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 employee of the Legislative Assembly shall be credited as provided in ORS 173.005 (3) if a former regular employee is in the employ of a state agency in the executive or administrative branch. [1979 c.509 §§2,3]

Note: Section 5, chapter 540, Oregon Laws 1993, provides:

Sec. 5. (1) Notwithstanding any other provision of ORS 237.001 to 237.315, for the purposes of establishing membership in the Public Employees' Retirement System under the provisions of ORS 237.011, a temporary legislative employee shall not be considered to have been in the service of a public employer for any period of time that the temporary legislative employee was employed by the Sixty-seventh Legislative Assembly, either of its houses, or any of its committees or officers, during the 1993 regular session of the Sixty-seventh Legislative Assembly.

(2) Subsection (1) of this section does not apply to:

(a) Any person who is a member of the Public Employees' Retirement System on July 1, 1993; or

(b) Any person who is employed by the Sixty-seventh Legislative Assembly, either of its houses, or any of its committees or officers, on the seventh day after adjournment sine die of the regular session of the Sixty-seventh Legislative Assembly, or who is reemployed by the Legislative Assembly, either of its houses, or any of its committees or officers, within 30 days after adjournment sine die of the regular session of the Sixty-seventh Legislative Assembly.

(3) As used in this section, "temporary legislative employee" means any person employed by the Legislative Assembly, either of its houses or any of its committees or officers for all or any part of the 1993 regular session of the Sixty-seventh Legislative Assembly. [1993 c.540 §5]

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]

LEGISLATIVE 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 Oregon Department of Administrative Services, Legislative Revenue Officer, state agencies and affected local governmental units, including school districts, 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, including school districts.

(2) The Legislative Revenue Officer, with aid of the Legislative Fiscal Officer, the Department of Revenue, state agencies and affected local governmental units, including school districts, 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, including school districts. [1977 c.414 §1; 1989 c.970 §2]

173.029 Preparation of statements for legislation creating new crime or increasing period of incarceration. (1) For any measure introduced in the Legislative Assembly the effect of which is to create a new crime or increase the period of incarceration allowed or required for an existing crime, the Legislative Fiscal Officer, with the aid of the Oregon Department of

Administrative Services, Legislative Revenue Officer, state agencies and affected local governmental units, shall prepare a fiscal impact statement describing the fiscal impact that the measure would, if enacted, have on the state as well as on local governmental units.

(2) In particular and to the extent practicable, the Legislative Fiscal Officer shall determine and describe in the statement the following:

(a) The fiscal impact on state and local law enforcement agencies, including an estimate of the increase in anticipated number of arrests annually;

(b) The fiscal impact on state and local courts, including an estimate of the increase in the anticipated number of trials annually;

(c) The fiscal impact on district attorney offices, including an estimate of the increase in the anticipated number of prosecutions annually;

(d) The fiscal impact on indigent defense resources, including an estimate of the increase in the anticipated number of cases annually; and

(e) The fiscal impact on state and local corrections resources, including resources supporting parole and probation supervision, and also including an estimate of the increase in the anticipated number of bed-days to be used annually at both the state and local level as a result of the passage of the measure. [1987 c.854 §2]

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 or 173.029 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 or 173.029 prior to reporting the measure out. [1977 c.414 §2; 1987 c.854 §3]

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 173.240 and 171.275 to 171.315 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 the staff of the Legislative Counsel, 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 electors of the state under the laws relating to the submission of initiative measures. [1953 c.492 §4]

173.150 [1953 c.492 §5; 1961 c.279 §1; repealed by 1981 c.517 §10 (171.275 enacted in lieu of 173.150)]

173.152 [Formerly 171.272; amended by 1963 c.420 §1; 1965 c.372 §1; 1981 c.517 §21; renumbered 171.315]

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 [1953 c.492 §7; 1961 c.167 §28; 1981 c.517 §22; renumbered 171.285]

173.180 [1953 c.492 §8; 1981 c.517 §23; renumbered 171.295]

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 the house over which that person presides to exercise 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 Assembly 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 Selection of 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 the Legislative Counsel in the performance of duties of the Legislative Counsel. [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 employees as the Legislative Counsel deems necessary for the effective conduct of the work under the charge of the Legislative Counsel. [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 the Legislative Counsel deems necessary for the effective conduct of the work under the charge of the Legislative Counsel.

(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 the Legislative Counsel 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 employee of the committee shall reveal to any person not an employee or a member of the committee the contents or nature of any matter before the Legislative Counsel in the official capacity of the Legislative Counsel, if the person bringing the matter before the committee or employee 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 employee of the committee shall oppose, urge or attempt to influence legislation. [1953 c.492 §14]

173.250 [1953 c.492 §15; 1957 c.60 §1; subsection (4) enacted as 1961 c.159 §2; 1969 c.256 §5; 1981 c.517 §24; renumbered 171.305]

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]

LAW IMPROVEMENT COMMITTEE

173.315 Law Improvement Committee created; duties; membership; chairperson.

(1) The Legislative Counsel Committee shall cause to be conducted a continuous substantive law revision program and shall establish the Law Improvement Committee to supervise the conduct of the program.

(2) The Law Improvement Committee shall consist of:

(a) The cochairpersons of the Legislative Counsel Committee;

(b) The deans of Oregon's accredited law schools, or their designees;

(c) A person designated by the Board of Governors of the Oregon State Bar;

(d) The Attorney General or the Attorney General's designee; and

(e) The chairpersons of the legislative committees having jurisdiction over judicial matters in the preceding regular session.

(3) The Law Improvement Committee shall elect its chairperson and vicechairperson with such powers and duties as the committee shall determine. [1981 c.813 §1]

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

173.325 Compensation and expenses of members. A member of the Law Improvement Committee who is not a member of the Legislative Assembly shall receive no compensation for services as a member but, sub-

ject to any other applicable law regulating travel and other expenses for state officers, may receive actual and necessary travel and other expenses incurred in the performance of official duties, providing funds are appropriated therefor in the budget of the Legislative Counsel Committee. Subject to the availability of funds, any member of the committee who is a member of the Legislative Assembly shall be entitled to compensation and expenses as provided in ORS 171.072 from funds appropriated to the Legislative Assembly for service on the committee. [1981 c.813 §2; 1987 c.879 §3]

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

173.335 Committee staff; duties. (1) With the approval of the Law Improvement Committee chairperson, the Legislative Counsel shall designate a staff attorney whose primary duty shall be to assist the committee to carry out its functions as provided by law.

(2) The attorney designated pursuant to subsection (1) of this section shall:

(a) Coordinate research for, and preparation of, legislative proposals, as requested by the Law Improvement Committee.

(b) Examine the published opinions of any judge of the Supreme Court, the Court of Appeals and the Oregon Tax Court of this state for the purpose of discovering and reporting to the Law Improvement Committee any statutory defects, anachronisms or omissions mentioned therein.

(c) Receive suggestions and proposed changes in the law from interested persons, and bring such suggestions and proposals to the attention of the Law Improvement Committee.

(d) Perform such other services as are necessary to enable the Law Improvement Committee to carry out its functions as provided by law. [1981 c.813 §§3,4]

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 employees as the Legislative Fiscal Officer finds necessary for the effective conduct of the work under the charge of the Legislative Fiscal Officer.

(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 the staff of the Legislative Fiscal Officer 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 the house over which that person presides to exercise the 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

the Legislative Administrator finds necessary for the effective conduct of the work under the charge of the Legislative Administrator.

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

(3) Neither the Legislative Administrator nor any employee 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 the staff of the Legislative Administrator 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 the Legislative Administrator deems necessary for the effective conduct of the work under the charge of the Legislative Administrator. [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 ORS 171.072 from funds appropriated to the Legislative Assembly 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; 1987 c.879 §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 183.550 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]

173.785 Capitol gift shop; bidding; use of profits. (1) The Legislative Administration Committee directly or by contract may establish a gift shop in the Capitol to provide for the retail sale of Oregon products approved for sale by the committee. Wholesale purchase of such products is not subject to competitive bidding.

(2) All net profits from sales described in subsection (1) of this section shall be applied to exceptional and otherwise unbudgeted maintenance expenses and other expenses incurred for enhancement and restoration of the Capitol and are continuously appropriated therefor. [1983 c.444 §5]

173.790 Stores Revolving Account. (1) There is established for the Legislative Administration Committee a Stores Revolving Account. The committee may pay for rent, staff, stocks of supplies, materials, equipment and fixtures used under ORS 173.785 from the Stores Revolving Account for the purpose of supplying current requirements, the cost of which shall be reimbursed to the re-

volving account through receipts on the basis of sales. The moneys in the Stores Revolving Account are appropriated continuously for the purposes of this section.

(2) Quarterly any amount in the Stores Revolving Account in excess of \$30,000 shall be transferred and credited to the State Capitol Operating Account established under ORS 276.003, to be accounted for separately and to be used as provided in ORS 173.785 (2). The use shall be considered to be an operating and maintenance expense of the State Capitol. [1983 c.444 §6; 1987 c.704 §1]

173.795 Lounge Revolving Account. There is established for the Legislative Administration Committee a Lounge Revolving Account. The committee may pay for the costs of food served in the members' lounges from the Lounge Revolving Account for the purpose of supplying current requirements, the cost of which shall be reimbursed to the revolving account through receipts on the basis of sales or by payroll deductions from members. The moneys in the Lounge Revolving Account are appropriated continuously for the purposes of this section. [1993 c.433 §3a]

LEGISLATIVE REVENUE OFFICER

173.800 Appointing authority for Legislative Revenue Officer; selection of 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 employees as the Legislative Revenue Officer finds necessary for the effective conduct of the work under the charge of the Legislative Revenue Officer.

(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 the staff of the Legislative Revenue Officer 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 measures 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 the duties of the Legislative Revenue Officer.

(7) Enter into such contracts as considered necessary by the appointing authority to carry out the functions of the Legislative Revenue Officer.

(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 Offi-

cer 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 continuously 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, staff and employees with respect to the duties imposed upon the Legislative Revenue Officer by ORS 173.800 to 173.850 or any resolution of the Legislative Assembly;

(b) Disclose and give access to the Legislative Revenue Officer, staff and employees of the Legislative Revenue Officer, to tax and revenue information, including the information described in ORS 308.290 and 314.835, and other information the Legislative Re-

venue Officer considers necessary and appropriate to the efficient performance of 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 any 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 an 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 192.505. ORS 314.835 and 314.840 (3) relating to the confidentiality of tax information apply to the Legislative Revenue Officer, authorized representatives, staff and employees of the Legislative Revenue Officer.

(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 an 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 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; 1985 c.565 §18]

173.860 [1979 c.783 §4; repealed 1981 c.704 §1]

