Chapter 173

2003 EDITION

Legislative Service Agencies

GENERAL PROVISIONS

173.005 Personnel policies for employees of statutory committees

173.007 Personnel policies applicable to regular employees of Legislative Assembly

LEGISLATIVE IMPACT STATEMENTS

173.025 Preparation of fiscal impact and revenue impact statements for legislation affecting local governments

173.029 Preparation of statements for legislation creating new crime or increasing period of incarceration

173.035 Submission of statements to Legislative Assembly; committee referral and review

173.045 Revision of statements

173.051 Preparation of fiscal impact statements for legislation increasing employer contributions under Public Employees Retirement System

173.055 Contracts to provide fiscal data

LEGISLATIVE COUNSEL COMMITTEE

173.111 Legislative Counsel Committee and office of Legislative Counsel established

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

173.160 Powers and duties of Legislative Counsel in preparing editions for publication

173.191 Membership; term; vacancies; advisory committees

173.200 Selection of 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

OREGON LAW COMMISSION

173.315 Oregon Law Commission established; duties; membership; chairperson

173.325 Compensation and expenses of members

173.328 Commission meetings

173.335 Commission staff; duties

173.338 Law revision program; drafting services

173.342 Commission biennial report to Legislative Assembly

173.345 Cooperation with bar associations or other associations

173.347 Appearance of commission members or staff before Legislative Assembly

173.352 Advisory and technical committees

173.355 Solicitation and receipt of gifts and grants

173.357 Disposition of moneys collected or received by commission

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

173.455 Maintaining confidentiality of draft measures

OREGON STATE CAPITOL FOUNDATION

173.500 Establishment; members; powers and duties

NATURAL RESOURCES POLICY ADMINISTRATOR

173.610 Appointing authority for Natural Resources Policy Administrator; selection of administrator

173.620 Duties of Natural Resources Policy Administrator

173.630 Employment of staff; compensation and expenses of staff members

173.640 Confidential nature of matters handled by administrator and staff; administrator and staff prohibited from influencing legislation

LEGISLATIVE ADMINISTRATION COMMITTEE

173.710 Legislative Administration Committee and office of Legislative Administrator established

173.720 Duties of Legislative Administrator

173.730 Committee membership; status; term; chairperson

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

173.763 Electronic distribution of information; no fee for distribution; reservation of copyright and other proprietary interest

173.766 Electronic mail address

173.770 Rules regarding fees for services and obtaining copyrights and patents

173.780 Sale or lease of data processing programs, materials and information

173.785 Capitol gift shop; bidding; use of profits

173.790 Stores Revolving Account; Property and Supplies Stores Account

LEGISLATIVE REVENUE OFFICER

173.800 Appointing authority for Legislative Revenue Officer; selection of 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

173.855 Maintaining confidentiality of draft measures

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]

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 public 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; 2001 c.962 §103]

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]

173.051 Preparation of fiscal impact statements for legislation increasing employer contributions under Public Employees Retirement System. The Legislative Fiscal Officer, with the aid of the Public Employees Retirement Board and public employers providing benefits under ORS chapter 238A, shall prepare a fiscal impact statement on each measure introduced in the Legislative Assembly that would increase employer contributions under ORS chapter 238A. If the Legislative Fiscal Officer determines that a proposed measure would result in an increase in the total liability for benefits under ORS chapter 238A that is in excess of one-tenth of one percent, the Legislative Fiscal Officer shall promptly notify the Public Employees Retirement Board. The board shall thereafter promptly give notice of the proposed measure, and the fiscal impact of the proposed measure as determined by the Legislative Fiscal Officer, to all public employers providing benefits under ORS chapter 238A. [2003 c.733 §45b]

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 established. The Legislative Counsel Committee is established as a joint committee of the Legislative Assembly. The Legislative Counsel 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; 1999 c.117 §1]

173.120 Legislative Counsel to be in attendance upon legislative sessions. The Legislative Counsel shall be in attendance upon all sessions of the Legislative Assembly. [1953 c.492 §2]

173.130 Performance of legislative services; charges. (1) The Legislative Counsel shall prepare or assist in the preparation of legislative measures when requested to do so by a member or committee 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 Judicial Department, the Governor, 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 or other legislative matter before the Legislative Assembly as is requested by the House of Representatives, the Senate or any committee of the Legislative Assembly that has the measure or other matter under 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 of Representatives or Senate, shall perform or cause to be performed research service requested by any member or committee of the Legislative Assembly in connection with the performance of legislative functions. Research assignments made by joint or concurrent resolution of the Legislative Assembly shall be given priority over other research re-

quests received by the Legislative Counsel. The research service to be performed includes the administrative services incident to the accomplishment of the research requests or assignments.

(5) The Legislative Counsel shall give an opinion in writing upon any question of law in which the Legislative Assembly or any member or committee of the Legislative Assembly may have an interest when the Legislative Assembly or any member or committee of the Legislative Assembly requests the opinion. Except as provided in subsection (2) of this section and ORS 173.135, the Legislative Counsel shall not give opinions or provide other legal services to persons or agencies other than the Legislative Assembly and members and committees of the Legislative Assembly.

(6) The Legislative Counsel may enter into contracts to carry out the functions of the Legislative Counsel. [1953 c.492 §3; 1959 c.295 §2; 1973 c.226 §1; 1979 c.237 §1; 1999 c.117 §2; 1999 c.207 §1; 2001 c.45 §2; 2001 c.104 §57]

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, rearrange sections, change reference numbers to agree with renumbered chapters, sections or other parts, delete references to repealed sections, substitute the proper subsection, section or chapter or other division numbers, change capitalization and spelling for the purpose of uniformity, and correct manifest clerical, grammatical or typographical errors. [1953 c.492 §6; 1999 c.117 §3]

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; 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 from among the members of the appropriate house an alternate 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 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; 1999 c.117 §4; 2001 c.45 §3]

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

173.200 Selection of Legislative Counsel. (1) The Legislative Counsel 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 Legislative Counsel Committee shall fix the annual salary of the Legislative Counsel. Subject to the limitations otherwise provided by law for expenses of state officers, 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; 1999 c.117 §5]

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, 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 the newly appointed Legislative Counsel Committee provides otherwise, the Legislative Counsel may employ and fix the compensation of individuals the Legislative Counsel considers necessary for the effective conduct of the work supervised or managed by the Legislative Counsel.

(3) Notwithstanding ORS 173.111 and 173.200, if a vacancy occurs in the position of Legislative Counsel after the convening of the Legislative Assembly in regular session and before the appointment of a Legislative Counsel Committee, the President of the Senate and the Speaker of the House of Representatives may jointly select a Legislative Counsel who has the qualifications set forth in ORS 173.200. The Legislative Counsel selected by the President and the Speaker serves at their pleasure at a salary jointly fixed by the President and the Speaker that does not exceed the salary last fixed by the committee. The President and Speaker may act in lieu of the Legislative Counsel Committee under ORS 293.335 in designating the Legislative Counsel they select to approve disbursements and in filing the statement of designation. After appointment of a Legislative Counsel Committee, the Legislative Counsel selected under this subsection serves at the pleasure of the committee and the committee may exercise power and authority over the Legislative Counsel as if the Legislative Counsel had been selected by the committee. [1965 c.113 §1; 1967 c.5 §1; 1975 c.136 §10; 1999 c.117 §6]

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. (1) The Legislative Counsel or any employee of the Legislative Counsel Committee may not reveal to any person not an employee 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 Legislative Counsel or employee designates the matter as confidential. Matters not designated as confidential may be revealed only as prescribed by the rules of the committee.

(2) Notwithstanding subsection (1) of this section, the Legislative Counsel may provide a copy of a draft measure to the Legislative Fiscal Officer and the Legislative Revenue Officer.

(3) The provision by the Legislative Counsel of a copy of a draft measure under subsection (2) of this section is not a waiver of privilege under ORS 40.225. [1953 c.492 §14; 1961 c.167 §30; 1999 c.117 §7; 2001 c.45 §4]

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]

OREGON LAW COMMISSION

173.315 Oregon Law Commission established; duties; membership; chairperson. (1) The Oregon Law Commission is established to conduct a continuous substantive law revision program, including but not limited to the subjects stated in ORS 173.338.

(2) The Oregon Law Commission shall consist of:

(a) Two persons, at least one of whom is a Senator at the time of appointment, appointed by the President of the Senate;

(b) Two persons, at least one of whom is a Representative at the time of appointment, appointed by the Speaker of the House of Representatives;

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

(d) Three persons designated by the Board of Governors of the Oregon State Bar;

(e) The Attorney General or the Attorney General's designee;

(f) The Chief Justice of the Supreme Court or the Chief Justice's designee; and

(g) One person appointed by the Governor.

(3) The term of office of each appointed member of the Oregon Law Commission is two years. Before the expiration of the term of a member, the appointing authority shall appoint a successor whose term begins on September 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term. A member shall be removed from the commission if the member misses three consecutive meetings without prior approval of the chairperson.

(4) The Oregon Law Commission shall elect its chairperson and vice chairperson from among the members with such powers and duties as the commission shall determine.

(5) A majority of the members of the commission constitutes a quorum for the transaction of business. [1981 c.813 §1; 1997 c.661 §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 Oregon Law Commission who is not a member of the Legislative Assembly shall receive no compensation for services as a member but, subject 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. [1981 c.813 §2; 1987 c.879 §3; 1997 c.661 §2]

173.328 Commission meetings. The Oregon Law Commission shall meet at least once every three months at a place, day and hour determined by the commission. The commission also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the commission. [1997 c.661 §5]

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 Commission staff; duties. (1) The Legislative Counsel shall assist the Oregon Law Commission to carry out its functions as provided by law.

(2) The Legislative Counsel pursuant to subsection (1) of this section shall:

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

(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 commission 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 commission.

(d) Perform such other services as are necessary to enable the commission to carry out its functions as provided by law. [1981 c.813 §§3,4; 1997 c.661 §6]

173.338 Law revision program; drafting services. (1) The specific subject areas to be part of the law revision program of the Oregon Law Commission include but are not limited to:

(a) The common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

(b) Proposed changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies.

(c) Suggestions from judges, justices, public officials, lawyers and the public generally as to defects and anachronisms in the law.

(d) Such changes in the law as the commission considers necessary to modify or eliminate antiquated and inequitable rules of law and to bring the law of Oregon into harmony with modern conditions.

(e) The express repeal of all statutes repealed by implication or held unconstitutional by state and federal courts.

(2) The Legislative Counsel shall provide necessary drafting services as legislative priorities permit. [1997 c.661 §3]

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

173.342 Commission biennial report to Legislative Assembly. (1) The Oregon Law Commission shall file a report at each regular session of the Legislative Assembly that shall contain recommendations for statutory and administrative changes and a calendar of topics selected by the commission for study, including a list of the studies in progress and a list of topics intended for future consideration.

(2) The commission shall also study any topic that the Legislative Assembly, by concurrent resolution, refers to it for such study. [1997 c.661 §4]

173.345 Cooperation with bar associations or other associations. The Oregon Law Commission may cooperate with any bar association or other learned, professional or scientific association, institution or foundation in a manner suitable to fulfill the functions of the commission. [1997 c.661 §7]

173.347 Appearance of commission members or staff before Legislative Assembly. The Oregon Law Commission by its members or its staff may appear before committees of the Legislative Assembly in an advisory capacity, pursuant to the rules thereof, to present testimony and evidence in support of the commission's recommendations. [1997 c.661 §8]

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

173.352 Advisory and technical committees. (1) To aid and advise the Oregon Law Commission in the performance of its functions, the commission may establish such advisory and technical committees as the commission considers necessary. These committees may be continuing or temporary. The commission shall determine the representation, membership, terms and organization of the committees and shall appoint their members.

(2) Members of the committees are not entitled to compensation, but in the discretion of the commission may be reimbursed from funds available to the commission for actual and necessary travel and other expenses incurred in the performance of their official duties. [1997 c.661 §10]

173.355 Solicitation and receipt of gifts and grants. The Oregon Law Commission may solicit and receive funds from grants and gifts to assist and support its functions. [1997 c.661 §9]

173.357 Disposition of moneys collected or received by commission. All moneys collected or received by the Oregon Law Commission shall be paid into the General Fund of the State Treasury. Such moneys are continuously appropriated for and shall be used by the commission in carrying out the purposes for which the funds are received. [1997 c.661 §11]

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. (1) Pursuant to the policies and directions of the appointing authority, the Legislative Fiscal Officer shall:

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

(b) Ascertain facts concerning state expenditures and make estimates concerning state expenditures.

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

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

(e) 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.

(2) Pursuant to the policies and directions of the appointing authority, the Legislative Fiscal Officer may enter into contracts to carry out the functions of the Legislative Fiscal Officer. [1959 c.70 §2; 1971 c.679 §2; 1975 c.789 §7; 1999 c.207 §2; 2001 c.158 §1]

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]

173.455 Maintaining confidentiality of draft measures. The Legislative Fiscal Officer or any employee of the Legislative Fiscal Officer may not reveal to any person not an employee of the Legislative Fiscal Officer the contents or nature of any confidential draft measure provided to the Legislative Fiscal Officer by the Legislative Counsel. [2001 c.45 §5]

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

OREGON STATE CAPITOL FOUNDATION

173.500 Establishment; members; powers and duties. (1) There is established within the legislative department the Oregon State Capitol Foundation. The foundation shall be composed of not fewer than nine and not more than 25 voting members, who shall each serve a term of four years. The President of the Senate shall appoint three voting members from members of the Senate. The Speaker of the House of Representatives shall appoint three voting members from members of the House of Representatives. The Legislative Administration Committee shall appoint the remaining voting members. A member is eligible for reappointment. At all times there shall be appointed to the foundation an odd number of voting members. The foundation may appoint honorary, nonvoting members to the foundation.

(2) The Oregon State Capitol Foundation shall:

(a) Advise the Legislative Administration Committee on the terms and conditions of contracts or agreements entered into under ORS 276.002.

(b) Recommend to the committee renovations, repairs and additions to the State Capitol.

(c) Recommend to the committee exhibits and events for the State Capitol.

(d) Deposit gifts, grants, donations and moneys converted from gifts or donations of other than money into separate trust accounts reserved for the purposes of the gifts, grants and donations.

(e) Develop, maintain and implement plans to:

(A) Enhance and embellish the State Capitol in keeping with the design and purpose of the building and adjacent areas; and

(B) Preserve the history of activities of state government that have occurred in the State Capitol and of persons who have participated in state government in the State Capitol.

(f) Adopt rules to guide the foundation and implement the foundation's responsibilities under this subsection and the foundation's authority under subsections (3) to (5) of this section.

(g) Consult with any advisory committees the Legislative Administration Committee may designate before the foundation makes a recommendation required by this subsection.

(3) The Oregon State Capitol Foundation may:

(a) Solicit and accept gifts, grants and donations from public and private sources in the name of the foundation.

(b) Under guidelines adopted by the Legislative Administration Committee, expend moneys from the Oregon State Capitol Foundation Fund for the purposes set out in subsection (2) of this section, including but not limited to the reasonable and necessary operating expenses of the foundation.

(c) Convert gifts or donations other than money into moneys.

(d) Become or create an organization under section 501(c)(3) of the Internal Revenue Code.

(4)(a) As used in this subsection, "community foundation" has the meaning given that term in ORS 348.580.

(b) The Oregon State Capitol Foundation may enter into agreements with a person, including a community foundation in Oregon, for the person to assume the management of the moneys in the Oregon State Capitol Foundation Fund. The Oregon State Capitol Foundation may transfer to the person any moneys in the fund.

(c) The Oregon State Capitol Foundation shall include in any agreement entered into under this subsection a requirement that:

(A) The person conduct a periodic independent financial audit of the moneys transferred to the person.

(B) The person prepare an annual financial report according to generally accepted accounting principles.

(C) The person submit an annual financial report to the Oregon State Capitol Foundation, the Legislative Administration Committee and the Oregon Investment Council.

(d) If a provision of an agreement entered into under this subsection would cause the person to be out of compliance with a federal law, the Oregon State Capitol Foundation may waive the provision.

(5) The Oregon State Capitol Foundation may, through the Legislative Administrator, enter into contracts or agreements to implement the foundation's responsibilities and authority. ORS chapter 279 does not apply to a contract or agreement entered into by the foundation.

(6) The Oregon State Capitol Foundation may take action under this section upon a majority vote of a quorum of members. A majority of the voting members of the foundation constitutes a quorum for the transaction of business. [2001 c.118 §1]

Note: The amendments to 173.500 by section 197, chapter 794, Oregon Laws 2003, become operative March 1, 2005, and apply only to public contracts first advertised, but if not advertised then entered into, on or after March 1, 2005. See sections 336 and 337, chapter 794, Oregon Laws 2003. The text that is operative on and after March 1, 2005, is set forth for the user's convenience.

173.500. (1) There is established within the legislative department the Oregon State Capitol Foundation. The foundation shall be composed of not fewer than nine and not more than 25 voting members, who shall each serve a term of four years. The President of the Senate shall appoint three voting members from members of the Senate. The Speaker of the House of Representatives shall appoint three voting members from members of the House of Representatives. The Legislative Administration Committee shall appoint the remaining voting members. A member is eligible for reappointment. At all times there shall be appointed to the foundation an odd number of voting members. The foundation may appoint honorary, nonvoting members to the foundation.

(2) The Oregon State Capitol Foundation shall:

(a) Advise the Legislative Administration Committee on the terms and conditions of contracts or agreements entered into under ORS 276.002.

(b) Recommend to the committee renovations, repairs and additions to the State Capitol.

(c) Recommend to the committee exhibits and events for the State Capitol.

(d) Deposit gifts, grants, donations and moneys converted from gifts or donations of other than money into separate trust accounts reserved for the purposes of the gifts, grants and donations.

(e) Develop, maintain and implement plans to:

(A) Enhance and embellish the State Capitol in keeping with the design and purpose of the building and adjacent areas; and

(B) Preserve the history of activities of state government that have occurred in the State Capitol and of persons who have participated in state government in the State Capitol.

(f) Adopt rules to guide the foundation and implement the foundation's responsibilities under this subsection and the foundation's authority under subsections (3) to (5) of this section.

(g) Consult with any advisory committees the Legislative Administration Committee may designate before the foundation makes a recommendation required by this subsection.

(3) The Oregon State Capitol Foundation may:

(a) Solicit and accept gifts, grants and donations from public and private sources in the name of the foundation.

(b) Under guidelines adopted by the Legislative Administration Committee, expend moneys from the Oregon State Capitol Foundation Fund for the purposes set out in subsection (2) of this section, including but not limited to the reasonable and necessary operating expenses of the foundation.

(c) Convert gifts or donations other than money into moneys.

(d) Become or create an organization under section 501(c)(3) of the Internal Revenue Code.

(4)(a) As used in this subsection, "community foundation" has the meaning given that term in ORS 348.580.

(b) The Oregon State Capitol Foundation may enter into agreements with a person, including a community foundation in Oregon, for the person to assume the management of the moneys in the Oregon State Capitol Foundation Fund. The Oregon State Capitol Foundation may transfer to the person any moneys in the fund.

(c) The Oregon State Capitol Foundation shall include in any agreement entered into under this subsection a requirement that:

(A) The person conduct a periodic independent financial audit of the moneys transferred to the person.

(B) The person prepare an annual financial report according to generally accepted accounting principles.

(C) The person submit an annual financial report to the Oregon State Capitol Foundation, the Legislative Administration Committee and the Oregon Investment Council.

(d) If a provision of an agreement entered into under this subsection would cause the person to be out of compliance with a federal law, the Oregon State Capitol Foundation may waive the provision.

(5) The Oregon State Capitol Foundation may, through the Legislative Administrator, enter into contracts or agreements to implement the foundation's responsibilities and authority. ORS chapters 279, 279A, 279B and 279C do not apply to a contract or agreement entered into by the foundation.

(6) The Oregon State Capitol Foundation may take action under this section upon a majority vote of a quorum of members. A majority of the voting members of the foundation constitutes a quorum for the transaction of business.

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]

NATURAL RESOURCES POLICY ADMINISTRATOR

173.610 Appointing authority for Natural Resources Policy Administrator; selection of administrator. (1) As used in this section and ORS 173.620 and 173.630, "appointing authority" means the President and Minority Leader of the Senate and the

Speaker and Minority Leader of the House of Representatives.

(2) The appointing authority shall select the Natural Resources Policy Administrator by unanimous agreement. The administrator shall serve at the pleasure and under the direction of the appointing authority. [1999 c.1048 §1]

173.620 Duties of Natural Resources Policy Administrator. (1) Pursuant to the policies and directions of the appointing authority, the Natural Resources Policy Administrator shall:

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

(b) Ascertain facts concerning the natural resources of this state.

(c) Make recommendations to the Legislative Assembly concerning the natural resources policy of this state.

(d) Prepare analyses of the effect of all natural resources measures before the Legislative Assembly and of all other measures affecting the natural resources of this state.

(e) Assist in the preparation of measures affecting the natural resources of this state.

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

(g) Adopt rules relating to the submission, processing and priorities of requests. Rules adopted under this paragraph shall be in conformance with any applicable rules of the House of Representatives or the Senate.

(h) 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 administrator.

(i) Provide information to the public about legislative action concerning the natural resources of this state.

(2) Pursuant to the policies and directions of the appointing authority, the Natural Resources Policy Administrator may enter into contracts to carry out the functions of the Natural Resources Policy Administrator. [1999 c.1048 §2; 2001 c.158 §2]

173.630 Employment of staff; compensation and expenses of staff members. (1) Subject to the approval of the appointing authority, the Natural Resources Policy Administrator may employ and fix the compensation of such professional assistants and clerical and other employees as the administrator finds necessary for the effective conduct of the work under the charge of the administrator.

(2) The appointing authority shall fix the salary of the administrator.

(3) Subject to the limitations otherwise provided by law for expenses of state officers, the administrator and members of the staff of the administrator shall be reimbursed for all actual and necessary expenses incurred in performing their duties. [1999 c.1048 §3]

173.640 Confidential nature of matters handled by administrator and staff; administrator and staff prohibited from influencing legislation. (1) Neither the Natural Resources Policy Administrator nor an employee of the administrator may reveal to a person not an employee of the administrator the contents or nature of a matter before the administrator in the official capacity of the administrator, if the person who brings the matter before the administrator designates the matter as confidential.

(2) Neither the administrator nor an employee of the administrator may oppose, urge or attempt to influence legislation. [1999 c.1048 §4]

LEGISLATIVE ADMINISTRATION COMMITTEE

173.710 Legislative Administration Committee and office of Legislative Administrator established. 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 Legislative Administrator. (1) Pursuant to the policies and directions of the Legislative Administration Committee, the Legislative Administrator shall:

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

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

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

(d) 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.

(e) Arrange for and coordinate orientation conferences for members of the Legislative Assembly that shall include, but need not be limited to, education about recycling programs available in the State Capitol.

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

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

(h) Direct renovation and repair of the State Capitol, renovation, repair and replacement of State Capitol fixtures and facilities, and artistic and other aesthetic improvements to the State Capitol and adjacent areas.

(i) 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.

(j) 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.

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

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

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

(n) Coordinate the use of legislative supplies, materials, equipment and other property by legislative interim committees and by standing committees of the Legislative Assembly.

(2) Pursuant to the policies and directions of the Legislative Administration Committee, the Legislative Administrator may enter into contracts to carry out the functions of the Legislative Administrator. [1969 c.620 §3; 1971 c.638 §9; 1977 c.121 §2; 1997 c.552 §28; 1997 c.817 §1; 1999 c.207 §3; 2001 c.158 §3]

173.730 Committee membership; status; term; chairperson. (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 cochairperson, 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 cochairpersons and may alternate at succeeding meetings as presiding chairperson of the committee and vice chairperson thereof. The cochairpersons, 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]

173.763 Electronic distribution of information; no fee for distribution; reservation of copyright and other proprietary interest. (1)(a) The Legislative Administration Committee in conjunction with the Legislative Counsel Committee shall, with the advice of the President of the Senate, through the Secretary of the Senate, and the Speaker of the House of Representatives, through the Chief Clerk of the House of Representatives, make all of the following information available to the public and members of the Legislative Assembly in electronic form:

(A) The legislative calendar, the schedule of legislative committee hearings, a list of matters pending on the floors of both houses of the Legislative Assembly and a list of the committees of the Legislative Assembly and their members.

(B) The text of each bill introduced in each current legislative session, including each amended and enrolled form of the bill.

(C) The bill history of each bill introduced and amended in each current legislative session.

(D) The bill status of each bill introduced and amended in each current legislative session.

(E) All vote information concerning each bill in each current legislative session.

(F) Any veto message concerning a bill in each current legislative session.

(G) The Oregon Constitution.

(H) All Oregon Laws enacted on and after September 9, 1995.

(I) The Constitution of the United States.

(b) The Legislative Administration Committee, in its discretion, may make available in electronic form to the public and members of the Legislative Assembly Staff Measure Summaries for each bill in a current legislative session.

(2)(a) The information identified in subsection (1) of this section shall be made available to the public through the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the general public in this state with the greatest feasible access. Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means that would facilitate public access to the information.

(b) Except as provided in paragraph (c) of this subsection, the Legislative Administration Committee shall determine the most cost-effective formats and procedures for the timely release of the information in electronic form.

(c) Pursuant to ORS 171.275, the Legislative Counsel Committee, in its discretion, may authorize the release of the text of Oregon Revised Statutes in electronic form.

(3) Any documentation that describes the electronic digital formats of the information identified in subsection (1) of this section and is available to the public shall be made available through the computer network specified in subsection (2) of this section.

(4) Personal information concerning a person who accesses the information identified in subsection (1) of this section may be maintained only for the purpose of providing service to the person.

(5) No fee or other charge may be imposed by the Legislative Administration Committee as a condition of accessing the information identified in subsection (1) of

this section through the computer network specified in subsection (2) of this section.

(6) No action taken pursuant to this section shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of Oregon relative to any of the information made available pursuant to subsection (1) or (2)(c) of this section. [1995 c.614 §3; 2001 c.45 §7]

173.766 Electronic mail address. (1) The Legislative Administration Committee shall make available to each member of the Legislative Assembly an electronic mail address accessible by Oregonians through the largest nonproprietary, nonprofit cooperative public computer network.

(2) All state agencies shall cooperate with the Legislative Administration Committee in the implementation of this section and ORS 171.795, 173.763 and 183.365. [1995 c.614 §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 chapter 183 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; Property and Supplies Stores 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 revolving account through receipts on the basis of sales. The moneys in the Stores Revolving Account are appropriated continuously to the committee for the purposes of this subsection.

(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.

(3) There is established for the Legislative Administration Committee a Property and Supplies Stores Account. The committee may pay for rent, staff, stocks of supplies, materials, equipment and fixtures used to provide supplies for resale to tenants of the State Capitol from the Property and Supplies Stores Account for the purpose of supplying current requirements, the cost of which shall be reimbursed to the account through receipts on the basis of sales. The moneys in the Property and Supplies Stores Account are appropriated continuously to the committee for the purposes of this subsection. [1983 c.444 §6; 1987 c.704 §1; 2003 c.734 §22]

173.795 [1993 c.433 §3a; repealed by 2003 c.734 §25]

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. (1) Pursuant to the policies and directions of the appointing authority, the Legislative Revenue Officer shall:

(a) 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.

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

(c) Ascertain facts and make recommendations to the Legislative Assembly concerning the Governor's tax expenditure report.

(d) 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.

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

(f) Adopt rules relating to the submission, processing and priorities of requests. Rules adopted under this paragraph 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 paragraph shall be reviewed and approved by the appointing authority prior to their adoption.

(g) 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.

(h) Perform such other duties as may be prescribed by law.

(2) Pursuant to the policies and directions of the appointing authority, the Legislative Revenue Officer may enter into contracts to carry out the functions of the Legislative Revenue Officer. [1975 c.789 §3; 1995 c.746 §72; 1999 c.207 §4; 2001 c.158 §4]

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 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 Revenue 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]

173.855 Maintaining confidentiality of draft measures. The Legislative Revenue Officer or any employee of the Legislative Revenue Officer may not reveal to any person not an employee of the Legislative Revenue Officer the contents or nature of any confidential draft measure provided to the Legislative Revenue Officer by the Legislative Counsel. [2001 c.45 §6]

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