

# TITLE 17

## STATE LEGISLATIVE DEPARTMENT AND LAWS

- Chapter 171. State Legislature  
172. Commission on Uniform Laws; Commission on Indian Services  
173. Legislative Service Agencies  
174. Construction of Statutes; General Definitions

### Chapter 171

2011 EDITION

### State Legislature

GENERAL PROVISIONS		171.125	Proceeding to require compliance with ORS 171.120 and 171.122
	(Sessions)		
171.010	Time and place of holding regular legislative sessions		(Measure Filing)
171.015	Emergency legislative sessions; procedure for determining legislators' request for or refusal of emergency sessions; time and manner of convening sessions	171.127	When proposed measure to bear name of person other than member requesting introduction; statement of chief sponsor
	(Effective Date)	171.130	Pre-session filing of proposed measures; printing and distribution
171.022	Effective date for Act of Legislative Assembly	171.133	Approval of Governor required for measure introduction
	(Resignation)		(Readability)
171.023	When member-elect may resign	171.134	Readability test for legislative digests and summaries
	(Vacancies)		(Supplies)
171.051	Filling vacancies in Legislative Assembly	171.136	Supplies and equipment
171.060	Procedure for filling vacancy by appointment		ELECTION DATES
171.062	Filling vacancies in multicounty legislative districts	171.180	State policy governing election dates
171.064	Apportioning votes for filling vacancies in multicounty legislative districts	171.185	Dates for legislatively prescribed elections; emergency election
171.068	Procedure when vacancy filled after reapportionment		PUBLICATIONS
	(Salaries and Expenses)	171.200	"Publications" defined for ORS 171.206
171.072	Salary of members and presiding officers; per diem allowance; expenses; tax status	171.206	Legislative publications; distribution; form and number; charges; disposition; reports of witnesses
171.113	Use of state provided telephones	171.236	Advance sheets; session laws; publication; distribution; form and number; charges; disposition
	(Funds)	171.245	Legislative Publications Account
171.115	Revolving fund; warrants	171.255	Evidentiary status of published session laws
171.117	Lounge Revolving Account	171.270	Legislative materials furnished public officers without charge are public property
	(Employment Rights)		OREGON REVISED STATUTES
171.120	Purpose of ORS 171.120 to 171.125; unlawful employment practices	171.275	Oregon Revised Statutes; committee policy; charges
171.122	Rights and benefits of legislators and prospective legislators in relation to their regular employment	171.285	Legislative Counsel certificate

**STATE LEGISLATIVE DEPARTMENT AND LAWS**

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171.295 Preservation and use of ORS medium  
 171.305 ORS Revolving Account  
 171.315 Distribution of ORS  
 171.325 Certified copy of statute or rule of civil procedure published in Oregon Revised Statutes; form; fee

**RECORDS**

171.405 Binding original enrolled laws and joint resolutions  
 171.407 Sound recordings of legislative proceedings; public access  
 171.410 "Legislative record" defined for ORS 171.410 to 171.430  
 171.415 Delivery to Legislative Administration Committee; exception  
 171.420 Classification and arrangement; delivery to State Archivist  
 171.425 Borrowing by certain legislative personnel  
 171.427 Schedule for retention, destruction or disposition of records  
 171.430 Disposal by certain committees; sound recordings by certain committees

**INVESTIGATIONS OF LEGISLATOR AND LEGISLATOR-ELECT**

171.450 Legislative intent  
 171.455 Complaint of elector; content  
 171.460 Secretary of State to conduct investigation; findings; report  
 171.465 Credentials committee; appointment; duties

**WITNESSES IN LEGISLATIVE PROCEEDINGS**

171.505 Administering oaths to witnesses  
 171.510 Legislative process to compel attendance and production of papers; service  
 171.515 Reimbursement of witnesses appearing under legislative process  
 171.520 Reporting violations of ORS 171.510  
 171.522 Judicial enforcement of legislative process; order; service  
 171.525 Immunities of witness before legislative committee  
 171.530 Privilege of witness before legislative committee

**WAYS AND MEANS COMMITTEE**

171.555 Joint Committee on Ways and Means

**STATE BUDGET POLICY**

171.557 State budget policy  
 171.559 Duty of Joint Committee on Ways and Means

**SENATE CONFIRMATION OF EXECUTIVE APPOINTMENTS**

171.562 Procedures for confirmation  
 171.565 Vote required for confirmation; interim Senate meetings

**COMPENSATION AND CLASSIFICATION SYSTEM OVERSIGHT**

171.575 Oversight over state compensation and classification system

**AUDIT COMMITTEE**

171.580 Joint Legislative Audit Committee  
 171.585 Duties of committee  
 171.590 Cooperation of state agencies

**INTERIM COMMITTEES**

171.605 Construction of ORS 171.605 to 171.635  
 171.610 Functions  
 171.615 Periods during which committees function  
 171.620 Powers  
 171.630 Vacancies; appointment of alternates by presiding officers  
 171.635 Appointment of nonlegislators  
 171.640 Appointment of interim committees; membership; topics of study; employees; expenses

**INTERIM AUTHORITY FOR STAFF AND DISBURSEMENTS**

171.650 Interim staff for presiding officers  
 171.670 Authority for approval of disbursements during interim

**LOBBYING REGULATION**

171.725 Definitions for ORS 171.725 to 171.785  
 171.730 Legislative finding  
 171.735 Exceptions to application of ORS 171.740 and 171.745  
 171.740 Lobbyist registration; contents of statement  
 171.745 Lobbyist statements of expenditures  
 171.750 Lobbyist employer statements of expenditures  
 171.752 Time for filing statements  
 171.756 Prohibited conduct  
 171.762 Verification of reports, registrations and statements  
 171.764 False statement or misrepresentation by lobbyist or public official; defense  
 171.766 Status of reports, registrations and statements  
 171.772 Forms for reports, registrations and statements; rules; electronic filing  
 171.776 Commission duties; advisory opinions; status of opinions  
 171.778 Complaint and adjudicatory process; confidentiality; Preliminary Review Phase; Investigatory Phase; possible actions by order; report of findings; contested case procedure; limitation on commission action  
 171.785 Sanctions prescribed by either chamber of Legislative Assembly; uniform application

**CONTACT WITH LEGISLATIVE ASSEMBLY**

171.790 Contact with Legislative Assembly by local government officials and employees  
 171.795 Electronic distribution of information

**COMMITTEE ON INFORMATION MANAGEMENT AND TECHNOLOGY**

171.852 Joint Legislative Committee on Information Management and Technology  
 171.855 Duties of committee

## STATE LEGISLATURE

- COMMITTEE ON PUBLIC EDUCATION  
APPROPRIATION**
- 171.857 Appointment; quorum; expenses; report**
- WESTERN STATES LEGISLATIVE  
FORESTRY TASK FORCE**
- 171.860 Western States Legislative Forestry Task  
Force; membership; duties; expenses**
- STUDIES OF MANDATED  
HEALTH COVERAGE**
- 171.870 Legislative findings**
- 171.875 Report required to accompany measures  
proposing mandated coverage**
- 171.880 Content of report**
- PENALTIES**
- 171.990 Penalty for witness failing to appear or to  
give testimony in legislative proceeding**
- 171.992 Civil penalty for violation of lobby regu-  
lation; rules; report**
- Note** The following lists of appointments and recom-  
mendations by presiding officers and ap-  
pointments requiring Senate confirmation are  
provided for the user's convenience.
- Appointments and Recommendations  
by Presiding Officers**
- Access Management Oversight Task Force (operative  
January 1, 2012, sunsets January 2, 2016), 2011 c.330  
§27
- Administrative Hearings Oversight Committee, Office of,  
183.690
- Alcohol and Drug Policy Commission, 430.241
- Asian and Pacific Islander Affairs, Commission on,  
185.610
- Asset Forfeiture Oversight Advisory Committee,  
131A.455
- Baseball advisory committee, 184.406
- Black Affairs, Commission on, 185.420
- Broadband Advisory Council, Oregon (sunsets January  
2, 2016), 2009 c.782 §1
- Business Development Commission, Oregon, 285A.040
- Capitol Foundation, Oregon State, 173.500
- Capitol Planning Commission, 276.055
- Charitable Checkoff Commission, Oregon, 305.695
- Child Care, Commission for, 657A.610
- Children and Families, State Commission on, 417.730
- Citizens' Initiative Review Commission, 250.137
- Compliance Advisory Panel (Clean Air Act), 468A.330
- Court Appointed Special Advocate Task Force (sunsets  
June 30, 2012), 2011 c.725 §1
- Criminal Justice Commission, Oregon, 137.654
- Debt Policy Advisory Commission, State, 286A.250
- District Best Business Practices Advisory Committee,  
326.136
- Early Learning Council (sunsets March 15, 2016), 2011  
c.519 §4
- Education Commission of the States, 348.950
- Education Investment Board, Oregon (sunsets March 15,  
2016), 2011 c.519 §1
- Educator Health Benefits, Task Force on (sunsets Feb-  
ruary 4, 2013), 2007 c.7 §20
- Educator Professional Development Commission, Ore-  
gon, 329.822
- Electronic Government Portal Advisory Board, 182.128
- Emergency Board, 291.330 and 291.332
- Fiscal control board, 203.095 and 203.100
- Forest Resources Institute board of directors, Oregon,  
526.610
- Fujian Sister State Committee, 285A.148
- Genetic Privacy and Research, Advisory Committee on,  
192.549
- Global Warming Commission, Oregon, 468A.215 and  
468A.220
- Government Ethics Commission, Oregon, 244.250
- Grow Oregon Council (sunsets January 2, 2016), 2010  
c.90 §1
- Hanford Cleanup Board, Oregon, 469.571
- Health Insurance Exchange Corporation, advisory com-  
mittee to Oregon (sunsets January 2, 2016), 2011 c.415  
§5
- Higher Education Coordinating Commission (operative  
July 1, 2012), 351.715
- Higher Education Student and Institutional Success,  
Task Force on (sunsets February 4, 2013), 2011 c.640  
§1
- Hispanic Affairs, Commission on, 185.320
- Homeland Security Council, Oregon, 401.109
- Hospital Advisory Board, Oregon State, 179.560
- Hunger Relief Task Force, 458.532
- Independent Multidisciplinary Science Team, 541.914
- Indian Services, Commission on, 172.110
- Infrastructure Finance Authority Board, Oregon,  
285A.091
- Innovation Council, Oregon, 284.706
- Interoperability Executive Council, State, 403.450
- Interstate Adult Offender Supervision, Oregon State  
Council for, 144.600
- Interstate Juvenile Supervision, Oregon State Council  
for, 417.030
- Joint Committee on Ways and Means, 171.555
- Joint Legislative Audit Committee, 171.580
- Joint Legislative Committee on Information Manage-  
ment and Technology, 171.852
- Juvenile Crime Prevention Advisory Committee, 417.845
- Law Commission, Oregon, 173.315
- Legislative Administration Committee, 173.730
- Legislative Counsel, 173.215
- Legislative Counsel Committee, 173.191
- Legislative Revenue Officer, 173.800
- Long Term Care Advisory Committee, 441.137
- Medicaid Long Term Care Quality and Reimbursement  
Advisory Council, 410.550
- Multistate Highway Transportation Agreement cooper-  
ating committee, 802.560
- Natural Resources Policy Administrator, 173.610
- Oregon Heritage Vitality, Task Force on (sunsets Feb-  
ruary 4, 2013), 2011 c.676 §1
- Oregon Tort Claims Act, Task Force on the (operative  
January 1, 2014, sunsets March 1, 2015), 2009 c.67 §7
- Pacific Ocean Resources Compact, 196.185
- Pacific States Marine Fisheries Commission, 507.050
- Pain Management Commission, 413.574
- Performance Excellence, Committee on, 182.562

## STATE LEGISLATIVE DEPARTMENT AND LAWS

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Progress Board, Oregon, 284.604  
Public Employees' Benefit Board, 243.061  
Public Guardian and Conservator Task Force (sunsets July 1, 2013), 2011 c.525 §1  
Public Officials Compensation Commission, 292.907  
Road User Fee Task Force, 184.843  
Senior Services, Governor's Commission on, 410.330  
Sensitive review committee, 409.194  
Shared Housing of Special Populations in County Jails, Task Force on the (sunsets February 4, 2013), 2011 c.654 §1  
Sister State Committee, 285A.143  
Special legislative committee to issue report required by section 8, Article VIII of the Oregon Constitution, 171.857  
State and Local Government Efficiency Task Force (sunsets February 4, 2013), 2011 c.435 §1  
State Courts Revenue Structure, Joint Committee on (sunsets February 4, 2013), 2011 c.595 §171  
Transparency Oregon Advisory Commission, 184.486  
Trust for Cultural Development Board, 359.410  
Western States Legislative Forestry Task Force, 171.860  
Willamette River Cleanup Authority, 468.533  
Women, Commission for, 185.520  
Workforce Investment Board, State, 660.321  
Youth Conservation Corps Advisory Committee, Oregon, 418.653

**Appointments Requiring Confirmation by Senate**

Accountancy, Oregon Board of, 673.410  
Administrative Services, director of Oregon Department of, 184.315  
Affirmative Action, Director of, 243.315  
Agriculture, Director of, 561.010  
Alcohol and Drug Policy Commission, 430.241  
Appraiser Certification and Licensure Board, 674.305  
Apprenticeship and Training Council, State, 660.110  
Asian and Pacific Islander Affairs, Commission on, 185.610  
Aviation Board, State, 835.102  
Aviation, Director of the Oregon Department of, 835.106  
Black Affairs, Commission on, 185.420  
Blind, Commission for the, 346.130  
Boiler Rules, Board of, 480.535  
Building Codes Structures Board, 455.144  
Business Development Commission, Oregon, 285A.040  
Business Development Department, Director of the Oregon, 285A.070  
Children and Families, State Commission on, 417.730  
Chiropractic Examiners, State Board of, 684.130  
Clinical Social Workers, State Board of, 675.590  
Columbia River Gorge Commission, 196.160  
Construction Contractors Board, 701.205  
Consumer and Business Services, director of Department of, 705.105  
Corrections, Director of Department of, 423.075  
Criminal Justice Commission, Oregon, 137.654  
Dentistry, Oregon Board of, 679.230  
Denture Technology, State Board of, 680.556  
Direct Entry Midwifery, State Board of, 687.470  
Education Investment Board, Oregon (sunsets March 15, 2016), 2011 c.519 §1  
Education, State Board of, 326.021  
Educators Benefit Board, Oregon, 243.862  
Electrical and Elevator Board, 455.144  
Employment Appeals Board, 657.685  
Employment Department, Director of, 657.608  
Employment Relations Board, 240.065  
Energy Facility Siting Council, 469.450  
Environmental Quality Commission, 468.010  
Fair Dismissal Appeals Board, 342.930  
Fish and Wildlife Commission, State, 496.090  
Forestry, State Board of, 526.009  
Geology and Mineral Industries, governing board of State Department of, 516.080  
Government Ethics Commission, Oregon, 244.250  
Health Evidence Review Commission, 414.688  
Health Information Technology Oversight Council, 413.301  
Health Insurance Exchange Corporation, Oregon, 741.025  
Health Services Commission, 414.715  
Higher Education Coordinating Commission, 351.715  
Higher Education, State Board of, 351.020  
Hispanic Affairs, Commission on, 185.320  
Home Care Commission, 410.602  
Hospital Advisory Board, Oregon State, 179.560  
Housing Council, State, 456.567  
Human Services, Director of, 409.100  
Investment Council, Oregon, 293.706  
Judicial Fitness and Disability, Commission on, 1.410  
Land Conservation and Development Commission, 197.030  
Land Use Board of Appeals, 197.810  
Library, Trustees of the State, 357.010  
Licensed Dietitians, Board of Examiners of, 691.485  
Licensed Professional Counselors and Therapists, Oregon Board of, 675.775  
Licensed Social Workers, State Board of, 675.590  
Liquor Control Commission, Oregon, 471.705  
Long Term Care Advisory Committee, 441.137  
Long Term Care Ombudsman, 441.103  
Lottery Commission, Oregon State, 461.100  
Lottery, Director of the Oregon State, 461.150  
Marine Board, State, 830.105  
Maritime Pilots, Oregon Board of, 776.105  
Mass transit district boards (includes Tri-Met and Lane Transit District Board), 267.090  
Massage Therapists, State Board of, 687.115  
Mechanical Board, 455.144  
Medical Board, Oregon, 677.235  
Medical Imaging, Board of, 688.545  
Mortuary and Cemetery Board, State, 692.300  
Naturopathic Medicine, Oregon Board of, 685.160  
Nursing Home Administrators Board, 678.800  
Nursing, Oregon State Board of, 678.140  
Occupational Therapy Licensing Board, 675.310  
Ocean Policy Advisory Council, 196.438  
Optometry, Oregon Board of, 683.250  
Oregon Community Power board of directors, 757.834

## STATE LEGISLATURE

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Oregon Health and Science University Board of Directors, 353.040  
Oregon Health Authority, Director of the, 413.033  
Oregon Health Policy Board, 413.006  
Outdoor Youth Program Advisory Board, 418.243  
Pacific Northwest Electric Power and Conservation Planning Council, 469.805  
Parks and Recreation Commission, State, 390.114  
Parole and Post-Prison Supervision, State Board of, 144.015  
Patient Safety Commission Board of Directors, Oregon, 442.830  
Pharmacy, State Board of, 689.115  
Physical Therapist Licensing Board, 688.160  
Plumbing Board, State, 693.115  
Port of Coos Bay, board of commissioners of Oregon International, 777.925  
Port of Portland, board of commissioners of the, 778.215  
Professional Liability Fund commissions, 752.025  
Psychiatric Security Review Board, 161.385  
Psychologist Examiners, State Board of, 675.100  
Public Employees' Benefit Board, 243.061  
Public Employees Retirement Board, 238.630  
Public Officials Compensation Commission, 292.907  
Public Safety Standards and Training, Board on, 181.620  
Public Utility Commission, 756.014  
Quality Education Commission, 327.500  
Racing Commission, Oregon, 462.210  
Real Estate Commissioner, 696.375  
Residential and Manufactured Structures Board, 455.144  
Respiratory Therapist and Polysomnographic Technologist Licensing Board, 688.820  
Revenue, Director of the Department of, 305.035  
Speech-Language Pathology and Audiology, State Board of, 681.400  
Spinal Cord Injury Research Board, 431.290  
State Accident Insurance Fund Corporation, Board of Directors of, 656.751  
State Police, Superintendent of, 181.200  
Student Access Commission, Oregon, 348.510  
Superintendent of Public Instruction, Deputy, 326.300  
Sustainability Board, 184.427  
Tax Practitioners, State Board of, 673.725  
Teacher Standards and Practices Commission, 342.350  
Tourism Commission, Oregon, 285A.261  
Transportation Commission, Oregon, 184.612  
Transportation, Director of, 184.620  
Trust for Cultural Development Board, 359.410  
Veterans' Affairs, Director of, 406.020  
Veterinary Medical Examining Board, Oregon State, 686.210  
Voluntary Action and Service, Oregon Volunteers Commission for, 458.555  
Wage and Hour Commission, 653.505  
Water Resources Commission, 536.022  
Water Resources Director, 536.032  
Watershed Enhancement Board, executive director of Oregon, 541.902  
Watershed Enhancement Board, public members of Oregon, 541.900  
Women, Commission for, 185.520  
Workers' Compensation Board, 656.712  
Workers' Compensation Management-Labor Advisory Committee, 656.790  
Workforce Investment Board, State, 660.321  
Youth Authority, Director of Oregon, 420A.017



**GENERAL PROVISIONS****(Sessions)**

**171.010 Time and place of holding regular legislative sessions.** The regular sessions of the Legislative Assembly shall be held at the capital of the state and shall commence on the first day of February of each year, except that if the first day of February is a Thursday, Friday, Saturday or Sunday, the regular session shall commence on the following Monday. [Amended by 2010 c.98 §1]

**171.015 Emergency legislative sessions; procedure for determining legislators' request for or refusal of emergency sessions; time and manner of convening sessions.** (1) When a majority of the members of each house of the Legislative Assembly has cause to believe that an emergency exists and so notifies the presiding officers of each house in the manner described in this section, the presiding officers shall invoke section 10a, Article IV of the Oregon Constitution.

(2) Members of the Legislative Assembly may give notice of intent to invoke the provisions of subsection (1) of this section by filing written notice thereof with the Legislative Administrator. The notice shall be accompanied by a written statement giving justification of the need for a special session. The filing may be signed by more than one member of each house but must be signed by at least one member of each house.

(3) Upon receipt of a properly signed notice and statement described in subsection (2) of this section, the Legislative Administrator shall send to each member of the Legislative Assembly a form to be signed and returned by the member indicating whether the member requests a special session or does not so request. The form shall be as prescribed by the Legislative Administration Committee and shall contain the text of this section, the names of the members who filed the notice, and the text of the accompanying statement. The form shall be dated and shall bear the date 14 days later, computed as provided in subsection (7) of this section, by 5 p.m. on which date the form must be returned to the Secretary of the Senate or the Chief Clerk of the House of Representatives, respectively, or the person designated to serve in that capacity in order to be counted in determining whether the minimum requisite number of signatures requesting a special session has been obtained. The form sent to the members shall be sent by certified mail, addressee only, return receipt requested.

(4) The return of the signed form by a member to the Secretary of the Senate or the Chief Clerk of the House of Representatives

or person designated to serve in that capacity constitutes an irrevocable request for or refusal of the special session requested by the members filing under subsection (2) of this section and described in the form.

(5) The Secretary of the Senate and the Chief Clerk of the House of Representatives, respectively, or the person designated to serve in that capacity shall verify the signatures in the return form and tally the requests and refusals, note the date and time of the receipt of each returned form. When each receives the requisite minimum number of signed forms agreeing to the special session from members of the house of which the person is an officer, each immediately shall notify the presiding officer of each house.

(6) Upon receiving notice from the Secretary of the Senate and the Chief Clerk of the House of Representatives or the person designated to serve in that capacity that the minimum requisite number of signed requests for a special session has been received and verified for both houses, the presiding officers jointly shall convene the Legislative Assembly into emergency session by joint proclamation, fixing the date thereof. The date must be within five days after receipt by the presiding officers of the notice from the Secretary of the Senate and Chief Clerk of the House of Representatives. The original of the proclamations shall be filed with the Secretary of State.

(7) The period of time for purposes of subsection (3) of this section shall be computed by excluding the first day and including the last day unless the last day falls on any legal holiday or on Saturday, in which case the last day is also excluded. The period of time for purposes of subsection (6) of this section shall be computed by beginning on the day after which the presiding officers receive the notice described in subsection (6) of this section and ending five days later, regardless of legal holidays or Saturdays. [1977 c.689 §1]

**171.020** [Repealed by 1955 c.211 §7]

**171.021** [1955 c.211 §1; repealed by 1961 c.482 §4]

**(Effective Date)**

**171.022 Effective date for Act of Legislative Assembly.** Except as otherwise provided in the Act, an Act of the Legislative Assembly takes effect on January 1 of the year after passage of the Act. [1999 c.1012 §1]

**(Resignation)**

**171.023 When member-elect may resign.** Any person who receives a certificate of election as a member of the Legislative Assembly is at liberty to resign the office, though the person may not have entered

upon the execution of its duties or taken the requisite oath of office. [1981 c.517 §1]

**171.025** [1961 c.482 §1; renumbered 188.210]

**171.030** [Repealed by 1955 c.211 §7]

**171.031** [Repealed by 1953 c.12 §2]

**171.032** [Repealed by 1953 c.12 §2]

**171.033** [Repealed by 1953 c.12 §2]

**171.034** [Repealed by 1953 c.12 §2]

**171.035** [1961 c.482 §3; renumbered 188.220]

**171.037** [1971 s.s. c.1 §2; renumbered 188.230]

**171.038** [1971 s.s. c.1 §3; renumbered 188.240]

**171.040** [Repealed by 1955 c.211 §7]

**171.041** [1955 c.211 §3; repealed by 1961 c.482 §4]

**171.043** [1955 c.211 §4; 1965 c.593 §1; 1967 c.634 §1; repealed by 1979 c.748 §3]

**171.046** [1965 c.578 §1; repealed by 1981 c.517 §26]

**171.050** [Amended by 1955 c.211 §5; 1973 c.773 §1; repealed by 1981 c.517 §2 (171.051 enacted in lieu of 171.050)]

### (Vacancies)

**171.051 Filling vacancies in Legislative Assembly.** (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by reason of resignation filed in writing with the Secretary of State or a person is declared disqualified by the house to which the person was elected, the vacancy shall be filled by appointment if:

(a) The vacancy occurs during any session of the Legislative Assembly;

(b) The vacancy occurs in the office of a state Representative before the 61st day before the general election to be held during that term of office;

(c) The vacancy occurs in the office of a state Senator before the 61st day before the first general election to be held during that term of office;

(d) The vacancy occurs in the office of a state Senator at any time after the 62nd day before the first general election and before the 61st day before the second general election to be held during that term of office; or

(e) A special session of the Legislative Assembly will be convened before a successor to the office can be elected and qualified.

(2) The person appointed under the provisions of subsection (1) of this section shall be a citizen qualified to hold the office, an elector of the affected legislative district and a member of the same political party for at least 180 days before the date on which the vacancy occurred. The political affiliation of a person appointed under subsection (1) of this section shall be determined under ORS 236.100. The appointment shall be made by the county courts or boards of county commissioners of the affected counties pursuant to ORS 171.060 to 171.064. When the pro-

visions of ORS 171.060 (1) are applicable, the appointment shall be made from a list of not fewer than three nor more than five nominees who have signed written statements indicating that they are willing to serve furnished by the Secretary of State. If fewer than three names of nominees are furnished, a list shall not be considered to have been submitted and the county courts or boards of county commissioners shall fill the vacancy. The vacancy must be filled by appointment within 30 days after its occurrence or not later than the time set for the convening of the special session described in subsection (1)(e) of this section when that is the basis for filling the vacancy.

(3) If the appointing authority required by this section to fill the vacancy does not do so within the time allowed, the Governor shall fill the vacancy by appointment within 10 days.

(4) Notwithstanding any appointment under the provisions of subsection (1)(c) of this section, when a vacancy occurs in the office of a state Senator before the 61st day before the first general election to be held during that term of office, the remaining two years of the term of office shall be filled by the electors of the affected legislative district at the first general election.

(5) Candidates for the remaining two years of the term of office of a state Senator under subsection (4) of this section shall be nominated as provided in ORS chapter 249 except as follows:

(a) A major political party, minor political party, assembly of electors or individual electors may select a nominee for any vacancy occurring before the 61st day before the first general election; and

(b) The Secretary of State shall accept certificates of nomination and notifications of nominees selected by party rule and filed with the secretary pursuant to a schedule for filing set by the Secretary of State but in any case not later than the 62nd day before the first general election.

(6) The remaining two years of the term of office of a state Senator under subsection (4) of this section will commence on the second Monday in January following the general election. Any appointment under the provisions of subsection (1)(c) of this section shall expire when a successor to the office is elected and qualified. [1981 c.517 §3 (enacted in lieu of 171.050); 1985 c.771 §1; 1987 c.380 §1; 1989 c.207 §1; 1995 c.607 §59]

**171.060 Procedure for filling vacancy by appointment.** (1) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Representative affiliated with a major political party and that vacancy

is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the person designated by the party to receive such notice. The party shall pursuant to party rule nominate not fewer than three nor more than five qualified persons to fill the vacancy. The nominating procedure shall reflect the principle of one-person, one-vote to accord voting weight in proportion to the number of party members represented. At the request of a party making a nomination, the county clerks of each county constituting the district in which the vacancy exists shall assist the party in determining the number of electors registered as members of the party in the district. A person shall not be nominated to fill the vacancy unless the person signs a written statement indicating that the person is willing to serve in the office of Senator or Representative. As soon as the nominees have been appointed, but no later than 20 days after the vacancy occurs, the party shall notify the Secretary of State of the persons nominated. The notification shall be accompanied by the signed written statement of each nominee indicating that the nominee is willing to serve in the office of Senator or Representative. The Secretary of State shall notify the county courts or boards of county commissioners of the counties constituting the district in which the vacancy exists of the nominees and of the number of votes apportioned to each member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of State shall set a time for the meeting of the county courts or boards of county commissioners in order to fill the vacancy and by rule shall establish procedures for the conduct of the meeting. If the district is composed of more than one county, the Secretary of State shall name a temporary chairperson and designate a meeting place within the district where the county courts or boards of county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051 (2).

(2) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Representative not affiliated with a major political party and that vacancy is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the county courts or boards of county commissioners of the counties constituting the district in which the vacancy occurs of the vacancy and of the number of votes apportioned to each member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of State shall set a time for a meeting of the county courts or boards of county commissioners and by rule

shall establish procedures for the conduct of the meeting. If the district is composed of more than one county, the Secretary of State shall name a temporary chairperson and designate a meeting place within the district where the county courts or boards of county commissioners shall convene for the purpose of appointing a person to fill the vacancy.

(3) A written statement signed by a majority of those qualified to vote upon the filling of any vacancy naming the person selected to fill the vacancy and directed to the Secretary of State is conclusive evidence of the filling of the vacancy by the appointing authority named therein. [Amended by 1955 c.211 §6; 1973 c.773 §2; 1975 c.779 §2; 1977 c.302 §1; 1985 c.771 §2; 1987 c.380 §2; 1989 c.207 §2; 1993 c.797 §17]

**171.062 Filling vacancies in multi-county legislative districts.** (1) When a legislative district in which a vacancy occurs encompasses two or more counties, each county shall be entitled to one vote for each 1,000 of its electors or major fraction thereof residing within the legislative district at the time the vacancy occurs. However, any county having electors in the district shall be entitled to at least one vote.

(2) A major fraction of electors shall be a number greater than 500 but less than 1,000. [Formerly 248.175]

**171.064 Apportioning votes for filling vacancies in multicounty legislative districts.** The number of votes apportioned to each county commissioner in filling a legislative vacancy shall be equal to the total number allotted to the respective county of the county commissioner in the manner set forth in ORS 171.062 divided by the total number of county commissioners of the respective county. [Formerly 248.180]

**171.068 Procedure when vacancy filled after reapportionment.** (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of county commissioners which shall fill the vacancy in the Legislative Assembly in a district created by reapportionment shall be the county court or board of county commissioners of each county any part of which is in the district that is created by the reapportionment and includes the residence from which the former Senator or Representative was elected.

(2) Each person nominated by a major political party to fill a vacancy in the Legislative Assembly occurring as described by ORS 171.051 in a district created by reapportionment must be registered to vote in the district from which the former Senator or Representative was elected and must have been a member of the same major political party at least 180 days before the date the vacancy to be filled occurred.

(3) This section shall apply only to a vacancy in the Legislative Assembly occurring after the primary election next following reapportionment and before a person has been elected and qualified to fill the vacancy. [1983 c.25 §1; 1985 c.771 §3; 1987 c.267 §62; 1987 c.380 §3; 1993 c.797 §18; 1995 c.712 §81]

**171.070** [Repealed by 1957 c.164 §1 (171.071 enacted in lieu of 171.070)]

**171.071** [1957 c.164 §2 (enacted in lieu of 171.070); 1959 c.391 §1; repealed by 1963 c.1 §2]

### (Salaries and Expenses)

**171.072 Salary of members and presiding officers; per diem allowance; expenses; tax status.** (1) A member of the Legislative Assembly shall receive for services an annual salary of the greater of:

(a) One step below the maximum of Salary Range 1 in the Management Service Compensation Plan in the executive department as defined in ORS 174.112; or

(b) Seventeen percent of the salary of a Circuit Court Judge.

(2) The President of the Senate and the Speaker of the House of Representatives each shall receive for services, as additional salary, an amount equal to the salary allowed each of them as a member under subsection (1) of this section.

(3) A member of the Legislative Assembly shall receive, as an allowance for expenses not otherwise provided for, a per diem determined as provided in subsection (9) of this section for each day within the period that the Legislative Assembly is in session, to be paid with the salary provided for in subsection (1) of this section. Pursuant to procedures determined by the Legislative Administration Committee, a member may draw from an accrued allowance.

(4) A member of the Legislative Assembly shall receive, as an allowance for expenses incurred in the performance of official duties during periods when the legislature is not in session, \$400 for each calendar month or part of a calendar month during those periods, to be paid monthly, and subject to approval of the President of the Senate or Speaker of the House of Representatives, mileage expenses and a per diem determined as provided in subsection (9) of this section for each day a member is engaged in the business of legislative interim and statutory committees, including advisory committees and subcommittees of advisory committees, and task forces and for each day a member serves on interstate bodies, advisory committees and other entities on which the member serves ex officio, whether or not the entity is a legislative one.

(5) In addition to the mileage and per diem expense payments provided by this section, a member of the Legislative Assembly may receive reimbursement for actual and necessary expenses, subject to approval by the President of the Senate or Speaker of the House of Representatives, for legislative business outside of the state.

(6) The President of the Senate and the Speaker of the House of Representatives may delegate to the chairpersons of interim and statutory committees and task forces the approval authority granted to the President and the Speaker by subsection (4) of this section, with respect to expenses incurred in attending any meeting of a particular committee or task force.

(7) Amounts received under subsections (3) to (5) of this section are excluded from gross income and expenditures of the amounts are excluded in computing deductions for purposes of ORS chapter 316. If there is attached to the personal income return a schedule of all ordinary and necessary business expenses paid during the tax year as a member of the Legislative Assembly, a deduction may be claimed on the return for legislative expenses paid in excess of the amounts received under subsections (3) to (5) of this section. Expenses of members of the Legislative Assembly who are reimbursed by the state for actual expenses for meals and lodging associated with state travel for the same period during which a legislator receives per diem are subject to state income tax.

(8) For periods when the Legislative Assembly is not in session, the Legislative Administration Committee shall provide for a telephone and an expense allowance for members of the Legislative Assembly that is in addition to the amount allowed under subsection (4) of this section. In determining the amount of allowance for members, the committee shall consider the geographic area of the member's district. The additional allowance shall reflect travel expenses necessary to communicate in districts of varying sizes.

(9) The per diem allowance referred to in subsections (3) and (4) of this section shall be the amount fixed for per diem allowance that is authorized by the United States Internal Revenue Service to be excluded from gross income without itemization. [1963 c.1 §1; 1967 c.66 §1; 1967 c.246 §1; 1971 c.465 §1; 1973 c.250 §1; 1975 c.530 §1; 1977 c.896 §1; 1979 c.557 §1; 1979 c.635 §7; 1981 c.517 §13; 1985 c.782 §3; 1987 c.879 §1; 1989 c.977 §7; 1995 c.658 §86; 1999 c.181 §1; 2003 c.516 §§1,2; 2007 c.912 §§5,5b; 2009 c.899 §6]

**171.074** [1969 c.236 §1; 1971 c.465 §2; repealed by 1975 c.530 §9]

**171.075** [1953 c.544 §1; 1961 c.167 §8; renumbered 171.505]

**171.076** [1953 c.544 §2; 1961 c.167 §9; renumbered 171.510]

**171.077** [1953 c.544 §4; 1961 c.167 §12; renumbered 171.520]

**171.078** [1953 c.544 §5; renumbered 171.525]

**171.080** [Amended by 1953 c.544 §7; renumbered 171.555]

**171.090** [Amended by 1959 c.577 §1; 1961 c.167 §19; renumbered 171.205]

**171.092** [1953 c.527 §1; renumbered 171.215]

**171.100** [Renumbered 171.135]

**171.110** [Repealed by 1953 c.492 §17]

**171.113 Use of state provided telephones.** It is the policy of the Legislative Assembly that all use of state provided phones by members or by legislative staff at the members' direction, including phones assigned either at the member's residence or at the Capitol, shall be considered to be used on state business for purposes of the Legislative Assembly. [1987 c.879 §25]

#### (Funds)

**171.115 Revolving fund; warrants.** (1) When requested in writing by the Legislative Administrator, the Oregon Department of Administrative Services shall draw a warrant in favor of the Legislative Assembly for use as a revolving fund. Warrants drawn to establish or increase the revolving fund, rather than to reimburse it, may not exceed the aggregate sum of \$3,000. The State Treasurer shall hold the revolving fund in special account against which the Legislative Assembly may draw checks.

(2) All claims for reimbursement of advances paid from the revolving fund are subject to approval by the Legislative Administrator. When such claims have been approved, a warrant covering them shall be drawn in favor of the Legislative Assembly, charged against the appropriate funds and accounts, and used to reimburse the revolving fund. [1987 c.867 §3]

**171.117 Lounge Revolving Account.** There is established for the Legislative Assembly a Lounge Revolving Account. The Legislative Administration 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. [1995 c.408 §7; reenacted by 1997 c.688 §7]

#### (Employment Rights)

##### **171.120 Purpose of ORS 171.120 to 171.125; unlawful employment practices.**

(1) It is the purpose and intent of the Legislative Assembly in enacting this section and ORS 171.122 and 171.125 that, subject to the conditions set forth in these sections, any member of the Legislative Assembly whose employment is interrupted because of attendance at regular or special sessions of the Legislative Assembly or the performance of official duties as a member of the Legislative Assembly shall be restored to the employment status the member would have enjoyed if the member had continued in employment during any such attendance or performance of duties.

(2) As a part of the public policy to encourage public service, an employer may not discharge or threaten to discharge, intimidate or coerce any employee by reason of the employee's service or scheduled service as a member or prospective member of the Legislative Assembly.

(3) The member or prospective member may not be subject to discipline or harassment or placed at any employment disadvantage as a consequence of the leave of absence. It is an unlawful employment practice under ORS chapter 659A for a member or prospective member to be subject to discipline or harassment or placed at any employment disadvantage as a consequence of any leave of absence related to regular or special session attendance or duties. A member or prospective member may file a complaint with the Commissioner of the Bureau of Labor and Industries under ORS 659A.820, or a civil action under ORS 659A.885, alleging violation of this subsection. [1957 c.549 §1; 1989 c.1066 §2; 1991 c.454 §1; 2001 c.621 §69; 2005 c.199 §2]

##### **171.122 Rights and benefits of legislators and prospective legislators in relation to their regular employment.**

(1) Any member or prospective member of the Legislative Assembly who leaves regular employment in order to attend upon any regular or special session of the Legislative Assembly or to perform official duties as a member or prospective member of the Legislative Assembly for which the member or prospective member may receive a per diem under ORS 171.072 or may receive reimbursements for out-of-state travel, shall be granted a leave of absence from such regular employment position for such period of time as is reasonably necessary to permit such attendance or performance of duties.

(2) A member or prospective member of the Legislative Assembly shall give notice to the employer when the leave of absence de-

scribed in subsection (1) of this section is anticipated or is to be taken:

(a) At least 30 days before a regular session; and

(b) As soon as it is reasonably apparent that a special or emergency session is to be called.

(3) The regular employment position of a member or prospective member on leave of absence under this section shall only be deemed vacant for the period of such leave of absence, and the member or prospective member shall not be subject to removal or discharge from such position as a consequence of such leave of absence.

(4) Upon the termination of the leave of absence of the member or prospective member under this section, a member or prospective member shall be restored to the regular employment position the member or prospective member held immediately prior to the first day of the leave of absence if such position still exists, or, if such position does not still exist, to as similar a position as possible, without loss of seniority, the right to participate in insurance or any other employment benefits, other than wages for services not rendered during the leave of absence, as a consequence of the leave of absence of the member or prospective member. Such seniority, right to participate in insurance or other employment benefits shall continue to accumulate during the leave of absence as though the member or prospective member had continued in employment continuously in the regular employment position the member or prospective member held immediately prior to the first day of the leave of absence of the member or prospective member.

(5) This section is not applicable if:

(a) The member or prospective member was employed by the employer for a period of less than 90 days immediately prior to the first day of the leave of absence.

(b) The circumstances of the employer have so changed during the leave of absence of the member or prospective member as to make restoration of the member or prospective member to employment impossible or unreasonable.

(c) The member or prospective member fails to apply for restoration to employment within:

(A) Fifteen days after adjournment sine die of the Legislative Assembly following a regular session; or

(B) If the leave was for a lesser period for another legislative assignment, five days after the assignment is completed.

(d) The regular employment position of the member or prospective member immediately prior to the first day of the leave of absence or the character, terms, conditions or activities of such position are incompatible under the Constitution and laws of this state with the office of member of the Legislative Assembly.

(e) Employment is on a temporary basis.

(f) The employer employs fewer than 10 persons immediately prior to the first day of the leave of absence.

(6) As used in this section, "prospective member" means a person who is certified or appointed to serve in the Legislative Assembly but who has not taken the oath of office. [1957 c.549 §2; 1989 c.1066 §1; 1991 c.454 §2]

**171.125 Proceeding to require compliance with ORS 171.120 and 171.122.** (1) If any employer fails to comply with the provisions of ORS 171.120 and 171.122, the circuit court for any county in which such employer maintains a place of business has jurisdiction, upon the filing of a petition by the Attorney General on behalf of the person entitled to such benefits by reason of non-compliance of the employer, specifically to require the employer to comply with the provisions of ORS 171.120 and 171.122.

(2) If any employer fails to comply with ORS 171.120 and 171.122, the member or prospective member may bring an action under ORS chapter 659A employing counsel of the member's or prospective member's own choosing. [1957 c.549 §3; 1989 c.1066 §3; 1991 c.454 §3; 2001 c.621 §70]

#### (Measure Filing)

**171.127 When proposed measure to bear name of person other than member requesting introduction; statement of chief sponsor.** (1) Each proposed legislative measure shall at the time of submission for filing bear the name of any state or other public agency or representative thereof, any private organization or representative thereof, or any person other than a member of the Legislative Assembly at whose specific formal request the measure is being introduced. As used in this subsection, "formal request" means the presentation, submission or providing of a drafted measure to a member or committee of the Legislative Assembly.

(2) Each proposed legislative measure shall bear a statement signed by the chief sponsor thereof, stating that all agencies, organizations and persons that have formally requested the measure are named thereon. [1975 c.783 §§1,2; 1981 c.517 §14; 1999 c.1074 §6]

**171.130 Pre-session filing of proposed measures; printing and distribution.**

(1) At any time in advance of any regular or special session of the Legislative Assembly fixed by the Legislative Counsel Committee, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

(a) Members who will serve in the session and members-elect.

(b) Interim and statutory committees of the Legislative Assembly.

(2) On or before December 15 of an even-numbered year, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

(a) The Oregon Department of Administrative Services, to implement the fiscal recommendations of the Governor contained in the budget report of the Governor.

(b) The person who will serve as Governor during the session.

(c) The Secretary of State, the State Treasurer, the Attorney General and the Commissioner of the Bureau of Labor and Industries.

(d) The Judicial Department.

(3) Notwithstanding subsection (2) of this section, a statewide elected official who initially assumes office in January of an odd-numbered year may submit proposed measures for introduction by members or committees of the Legislative Assembly until the calendar day designated by rules of either house of the Legislative Assembly. The exemption granted by this subsection to a newly elected Governor does not apply to state agencies in the executive branch.

(4) On or before December 15 of an even-numbered year, a state agency may file a proposed legislative measure with the Legislative Counsel through a member or committee of the Legislative Assembly.

(5) The Legislative Counsel shall order each measure filed pursuant to subsections (1) to (4) of this section prepared for printing and may order the measure printed. If the person filing a measure specifically requests in writing that the measure be made available for distribution, the Legislative Counsel shall order the measure printed and shall make copies of the printed measure available for distribution before the beginning of the session to members and members-elect and to others upon request.

(6) Copies of all measures filed and prepared for printing or printed pursuant to this section shall be forwarded by the Legislative Counsel to the chief clerk of the house designated by the person filing the measure for introduction.

(7) The costs of carrying out this section shall be paid out of the money appropriated for the expenses of that session of the Legislative Assembly for which the measure is to be printed.

(8) The Legislative Counsel Committee may adopt rules or policies to accomplish the purpose of this section.

(9) This section does not affect any law or any rule of the Legislative Assembly or either house thereof relating to the introduction of legislative measures. [1961 c.167 §17; 1969 c.374 §1; 1971 c.638 §1; 1981 c.517 §15; 1999 c.1074 §1; 2001 c.45 §1; 2011 c.545 §1; 2011 c.731 §4]

**Note:** The amendments to 171.130 by section 4, chapter 731, Oregon Laws 2011, do not apply to the Superintendent of Public Instruction who was holding office on August 5, 2011. See section 26, chapter 731, Oregon Laws 2011. The text that applies to the Superintendent of Public Instruction who was holding office on August 5, 2011, is set forth for the user's convenience.

**171.130.** (1) At any time in advance of any regular or special session of the Legislative Assembly fixed by the Legislative Counsel Committee, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

(a) Members who will serve in the session and members-elect.

(b) Interim and statutory committees of the Legislative Assembly.

(2) On or before December 15 of an even-numbered year, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

(a) The Oregon Department of Administrative Services, to implement the fiscal recommendations of the Governor contained in the budget report of the Governor.

(b) The person who will serve as Governor during the session.

(c) The Secretary of State, the State Treasurer, the Attorney General, the Commissioner of the Bureau of Labor and Industries and the Superintendent of Public Instruction.

(d) The Judicial Department.

(3) Notwithstanding subsection (2) of this section, a statewide elected official who initially assumes office in January of an odd-numbered year may submit proposed measures for introduction by members or committees of the Legislative Assembly until the calendar day designated by rules of either house of the Legislative Assembly. The exemption granted by this subsection to a newly elected Governor does not apply to state agencies in the executive branch.

(4) On or before December 15 of an even-numbered year, a state agency may file a proposed legislative measure with the Legislative Counsel through a member or committee of the Legislative Assembly.

(5) The Legislative Counsel shall order each measure filed pursuant to subsections (1) to (4) of this section prepared for printing and may order the measure printed. If the person filing a measure specifically requests in writing that the measure be made available for distribution, the Legislative Counsel shall order the measure printed and shall make copies of the printed measure available for distribution before the beginning of the session to members and members-elect and to others upon request.

(6) Copies of all measures filed and prepared for printing or printed pursuant to this section shall be forwarded by the Legislative Counsel to the chief clerk of the house designated by the person filing the measure for introduction.

(7) The costs of carrying out this section shall be paid out of the money appropriated for the expenses of that session of the Legislative Assembly for which the measure is to be printed.

(8) The Legislative Counsel Committee may adopt rules or policies to accomplish the purpose of this section.

(9) This section does not affect any law or any rule of the Legislative Assembly or either house thereof relating to the introduction of legislative measures.

**171.132** [1975 c.783 §3; 1979 c.237 §2; repealed by 1999 c.1074 §8]

**171.133 Approval of Governor required for measure introduction.** (1) A state agency shall not cause a bill or measure to be introduced before the Legislative Assembly if the bill or measure has not been approved by the Governor.

(2) As used in ORS 171.130 and this section, "state agency" means every state agency whose costs are paid wholly or in part from funds held in the State Treasury, except:

(a) The Legislative Assembly, the courts and their officers and committees;

(b) The Public Defense Services Commission; and

(c) The Secretary of State, the State Treasurer, the Attorney General and the Commissioner of the Bureau of Labor and Industries. [1979 c.237 §3; 1999 c.1074 §5; 2003 c.449 §25; 2011 c.731 §5]

**Note:** The amendments to 171.133 by section 5, chapter 731, Oregon Laws 2011, do not apply to the Superintendent of Public Instruction who was holding office on August 5, 2011. See section 26, chapter 731, Oregon Laws 2011. The text that applies to the Superintendent of Public Instruction who was holding office on August 5, 2011, is set forth for the user's convenience.

**171.133.** (1) A state agency shall not cause a bill or measure to be introduced before the Legislative Assembly if the bill or measure has not been approved by the Governor.

(2) As used in ORS 171.130 and this section, "state agency" means every state agency whose costs are paid wholly or in part from funds held in the State Treasury, except:

(a) The Legislative Assembly, the courts and their officers and committees;

(b) The Public Defense Services Commission; and

(c) The Secretary of State, the State Treasurer, the Attorney General, the Commissioner of the Bureau of Labor and Industries and the Superintendent of Public Instruction.

### (Readability)

**171.134 Readability test for legislative digests and summaries.** Any measure digest or measure summary prepared by the Legislative Assembly shall be written in a manner that results in a score of at least 60 on the Flesch readability test or meets an equivalent standard of a comparable test. [1979 c.270 §1]

### (Supplies)

**171.135** [Formerly 171.100; 1969 c.620 §6; repealed by 1981 c.517 §4 (171.136 enacted in lieu of 171.135 and 171.140)]

**171.136 Supplies and equipment.** (1) The Legislative Administrator, subject to the policies of the Legislative Administration Committee and the rules of each house, shall furnish necessary office supplies, equipment and stationery for the use of all members, officers and employees of the Legislative Assembly, taking their receipt therefor. It is the duty of such members, officers and employees to return to the Legislative Administrator any unused stationery or supplies and all equipment at the close of each session of the Legislative Assembly unless otherwise directed by the Legislative Administrator. The Legislative Administrator is authorized to charge the cost of any unreturned non-consumable supplies or equipment against the final payroll check of the member, officer or employee responsible therefor.

(2) Unless otherwise directed by joint resolution, the Legislative Administrator shall cause to be forwarded to each member of the Legislative Assembly all materials furnished to them by statute, rule or resolution that do not remain the property of the state and that are left by the member with the Legislative Administrator to be so forwarded at the close of each regular or special session of the Legislative Assembly. The member shall designate the address to which the materials are to be forwarded.

(3) The expenses incurred in carrying out the provisions of this section shall be paid out of the appropriation for the expenses of that session of the Legislative Assembly for which the services were performed or the supplies provided. [1981 c.517 §5 (enacted in lieu of 171.135 and 171.140)]

**171.137** [1969 c.620 §16; repealed by 1981 c.130 §1]

**171.140** [1961 c.167 §15; 1969 c.620 §7; repealed by 1981 c.517 §4 (171.136 enacted in lieu of 171.135 and 171.140)]

**ELECTION DATES**

**171.180 State policy governing election dates.** The Legislative Assembly finds that to limit the number of days on which elections are held in this state would consolidate separate single purpose elections, reduce the cost of elections and local government, and increase participation in the electoral process. It, therefore, finds that the number of election days in this state is a matter of statewide concern. [1979 c.316 §1]

**171.185 Dates for legislatively prescribed elections; emergency election.** (1) Except as provided in subsection (2) of this section, an election called by the Legislative Assembly shall be held only on:

- (a) The second Tuesday in March;
- (b) The third Tuesday in May;
- (c) The third Tuesday in September; or
- (d) The first Tuesday after the first Monday in November.

(2) An election may be held on a date other than that provided in subsection (1) of this section, if the Legislative Assembly by resolution or Act finds that an election sooner than the next available election date is required on a measure to finance repairs to property damaged by fire, vandalism or a natural disaster. [1979 c.316 §2; 1981 c.639 §1; 1987 c.267 §63; 1989 c.923 §3; 1991 c.71 §1; 1993 c.713 §50; 1995 c.712 §112]

**PUBLICATIONS**

**171.200 "Publications" defined for ORS 171.206.** As used in ORS 171.206, "publications" does not include materials published under ORS 171.236 or 171.275, but does include:

(1) Bills, resolutions and memorials and amendments thereto.

(2) Reports of statutory, standing, special or interim legislative committees.

(3) Periodic legislative calendars and periodic journals, if any of these are published.

(4) Reports of witnesses who appear before legislative committees, setting forth the name of each witness, the measure concerning which the witness provides testimony and the entity, if any, that the witness represents or is affiliated with.

(5) Other documents or papers which the Legislative Assembly, or either house thereof, orders printed. [1961 c.167 §18; 1965 c.424 §4; 2011 c.175 §1]

**171.205** [Formerly 171.090; 1965 c.424 §5; 1971 c.638 §2; repealed by 1981 c.517 §6 (171.206 enacted in lieu of 171.205, 171.211, 171.215 and 171.625)]

**171.206 Legislative publications; distribution; form and number; charges; disposition; reports of witnesses.** (1) Ex-

cept as provided in ORS 171.236 and 171.275, all publications printed for either house of the Legislative Assembly and their committees, including joint committees created by law, rule or joint resolution, shall be published and distributed by the Legislative Administrator, subject to the rules of each house and under the direction of the Legislative Administration Committee.

(2) Unless otherwise directed by joint resolution and except as otherwise provided by law, the Legislative Administrator may cause to be distributed the publications of the Legislative Assembly among such state officers, departments and agencies, public officers and state institutions of higher learning as the Legislative Administration Committee determines necessary for their requirements. Each house shall receive from the Legislative Administrator such number of publications as it deems necessary.

(3) The Legislative Administrator shall make public documents available to the State Librarian for distribution to depository libraries as required by ORS 357.090.

(4) Unless otherwise directed by joint resolution, the Legislative Administration Committee shall determine the form, number and distribution of and charges for, if any, the materials referred to in subsection (1) of this section. In determining charges, the committee shall take into account the cost of publishing and distributing copies other than those it distributes under subsections (2) and (3) of this section.

(5) All moneys received under subsection (4) of this section are continuously appropriated to the Legislative Administration Committee for its actual costs incurred in publishing and distributing the copies for which it charges a fee.

(6) The Legislative Administration Committee may order the disposition of legislative publications that in its judgment are no longer of value to the state.

(7) The reports of witnesses described in ORS 171.200 (4) shall be posted on the legislative website in an arrangement that allows a member of the public to view a legislative measure and the list of witnesses who have testified in relation to the measure. [1981 c.517 §7 (enacted in lieu of 171.205, 171.211, 171.215 and 171.625); 1991 c.842 §6; 2005 c.33 §7; 2005 c.755 §1; 2011 c.175 §2]

**171.210** [Repealed by 1961 c.150 §9]

**171.211** [1961 c.167 §20; 1965 c.424 §6; 1969 c.620 §8; repealed by 1981 c.517 §6 (171.206 enacted in lieu of 171.205, 171.211, 171.215 and 171.625)]

**171.215** [Formerly 171.092; repealed by 1981 c.517 §6 (171.206 enacted in lieu of 171.205, 171.211, 171.215 and 171.625)]

**171.218** [1961 c.167 §22; repealed by 1965 c.424 §8]

**171.220** [Amended by 1959 c.577 §2; renumbered 171.405]

**171.222** [1961 c.167 §23; repealed by 1965 c.424 §8]

**171.225** [1965 c.424 §1; repealed by 1981 c.517 §8 (171.236 enacted in lieu of 171.225 and 171.235)]

**171.226** [1961 c.167 §24; repealed by 1965 c.424 §8]

**171.230** [Amended by 1959 c.577 §3; repealed by 1965 c.424 §8]

**171.235** [1965 c.424 §7; 1969 c.174 §1; 1969 c.620 §9; repealed by 1981 c.517 §8 (171.236 enacted in lieu of 171.225 and 171.235)]

**171.236 Advance sheets; session laws; publication; distribution; form and number; charges; disposition.** (1) The Legislative Counsel, under the direction of the Legislative Counsel Committee, shall publish and distribute the laws enacted by the Legislative Assembly.

(2) The Legislative Counsel Committee shall determine the form, number and distribution of and charges for, if any, the publications referred to in subsection (1) of this section and may perform other functions necessary for the publication and distribution thereof.

(3) The Legislative Counsel shall provide sufficient copies of the publications prepared under this section to the Legislative Administrator for distribution in accordance with ORS 171.206 (2).

(4) The Legislative Counsel Committee may order the disposition of any publications referred to in this section which in its judgment are no longer of value to the state. [1981 c.517 §9 (enacted in lieu of 171.225 and 171.235)]

**171.240** [Amended by 1959 c.577 §4; repealed by 1965 c.424 §8]

**171.245 Legislative Publications Account.** (1) There is established in the General Fund an account to be known as the Legislative Publications Account. All moneys collected or received under ORS 171.236 shall be paid into the account. All moneys in the account are appropriated continuously for and shall be used for the purposes described in ORS 171.236.

(2) Disbursements of moneys from the Legislative Publications Account shall be approved by either of the presiding officers of the Legislative Assembly; but the presiding officers may jointly designate an individual to approve disbursements from the account. A statement designating the individual, together with a sample of the individual's signature, shall be filed as provided in ORS 293.335. [1965 c.424 §3; 1969 c.174 §2; 1981 c.517 §16; 1999 c.117 §9]

**171.250** [Repealed by 1965 c.424 §8]

**171.255 Evidentiary status of published session laws.** The laws enacted by the Legislative Assembly and by the people, when published in accordance with the provisions of ORS 171.236, shall be received in

all courts of this state as an authorized publication of the laws of Oregon published therein. [1965 c.424 §2; 1981 c.517 §17]

**171.260** [Amended by 1959 c.577 §5; repealed by 1965 c.424 §8]

**171.270 Legislative materials furnished public officers without charge are public property.** Except as otherwise provided by or pursuant to law, the copies of the legislative materials referred to in ORS 171.236 furnished free of charge to the public officers of this state pursuant to law are public property and shall be delivered over by them to their successors in office. [Amended by 1969 c.174 §3; 1981 c.517 §18]

**171.272** [1953 c.546 §1; 1961 c.167, §27; renumbered 173.152]

## OREGON REVISED STATUTES

**171.275 Oregon Revised Statutes; committee policy; charges.** (1) Each biennium, the Legislative Counsel, under the direction of the Legislative Counsel Committee, shall publish and distribute the Oregon Revised Statutes, including an index and annotations.

(2) Each biennium, the Legislative Counsel shall solicit bids for the printing of the Oregon Revised Statutes.

(3) The Legislative Counsel Committee shall establish policies for the revision, clarification, classification, arrangement, codification, annotation, indexing, printing, binding, publication, copyrighting, sale and distribution of the publications referred to in subsection (1) of this section.

(4) The Legislative Counsel Committee shall establish the charges necessary to recover the costs of publishing the materials sold and distributed under this section. [1981 c.517 §11 (enacted in lieu of 173.150); 2003 c.207 §1; 2009 c.554 §1]

**171.280** [1963 c.418 §2; repealed by 1969 c.174 §5]

**171.285 Legislative Counsel certificate.** (1) When any edition of the statutes, or part or supplement designed to replace parts of or to supplement a previous edition and to bring such edition up to date, is published by the Legislative Counsel Committee, the Legislative Counsel shall cause to be printed in the edition, part or supplement a certificate that the Legislative Counsel has compared each section in such edition, part or supplement with the original section in the enrolled bill or, if the enrolled bill is stored in a computer or similar device, with any printout or other output readable by sight, shown to reflect the enrolled bill accurately, and that, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law, the sections in the published edition, part or supplement are correctly copied.

(2) Any edition, part or supplement certified as provided in subsection (1) of this section shall constitute prima facie evidence of the law in all courts and proceedings, and any section in such edition, part or supplement may be amended or repealed by amending or repealing such section of the edition, part or supplement without reference to the legislative Act from which it was derived. No compilation of the statute laws of Oregon not bearing such certificate, or a similar certificate of the Reviser of Statutes, shall be admissible as evidence of the law in any court or proceeding. [Formerly 173.170; 1983 c.740 §37]

**171.295 Preservation and use of ORS medium.** (1) In any contract for the printing of the Oregon Revised Statutes, the Legislative Counsel Committee may provide for preservation or purchase, on behalf of the state, of the medium from which the statutes were printed.

(2) The committee may permit the use of the medium or material printed from the medium for the production of pamphlets of particular portions of the statutes requested by any public agency, under the terms and conditions that the committee considers reasonable. [Formerly 173.180; 2003 c.207 §2]

**171.305 ORS Revolving Account.** (1) The proceeds from the sale of an edition or publication made pursuant to ORS 171.275 shall be deposited in the State Treasury to the credit of a revolving account for the use of the Legislative Counsel Committee in publishing and distributing future editions or publications. The account, to be known as the ORS Revolving Account, is continuously appropriated to the committee for this purpose.

(2) There shall also be deposited to the credit of the ORS Revolving Account any moneys received through the sale of a medium of publication belonging to the Legislative Counsel Committee or any moneys received by the committee in connection with the use of a medium, or material printed with a medium pursuant to ORS 171.295.

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

(4) Any unexpended and unobligated balance in the ORS Revolving Account in excess of \$500,000 as of July 1 of any odd-numbered year, as certified by the Legislative Counsel, shall be transferred from the account to the General Fund to be available for general governmental expenditures.

[Formerly 173.250; 1983 c.178 §4; 1991 c.579 §1; 2003 c.207 §3; 2011 c.630 §81]

**171.315 Distribution of ORS.** (1) The Legislative Counsel shall provide one set of Oregon Revised Statutes, including an index and annotations:

(a) For each member of the Legislative Assembly.

(b) For each judgeship, the salary of which is paid by the state.

(2)(a) The costs of providing sets to members of the Legislative Assembly shall be paid from the appropriations made for the payment of the expenses of the Legislative Assembly. The Legislative Counsel shall provide the sets to the Legislative Administrator.

(b) The costs of providing sets pursuant to subsection (1)(b) of this section shall be paid from the state appropriations made for the payment of the expenses of the various judgeships. [Formerly 173.152; 2003 c.207 §4]

**171.325 Certified copy of statute or rule of civil procedure published in Oregon Revised Statutes; form; fee.** (1) Upon request of any person, the Secretary of State may certify under the seal of the State of Oregon:

(a) A copy of any statute of this state published in the Oregon Revised Statutes.

(b) A copy of any rule contained in the Oregon Rules of Civil Procedure and published in the Oregon Revised Statutes.

(2) The certification of the Secretary of State shall state that the statute or rule was published in the Oregon Revised Statutes and shall specify the edition of the Oregon Revised Statutes in which the statute or rule appeared.

(3) The Secretary of State may charge a fee for the cost of reproducing and certifying a copy of a statute or rule requested under this section. [1983 c.245 §1]

## RECORDS

**171.405 Binding original enrolled laws and joint resolutions.** The Legislative Administration Committee shall cause the original enrolled laws and joint resolutions passed at each session of the Legislative Assembly to be bound in a volume in a substantial manner in the order in which they are approved. The Legislative Administration Committee is not required to keep any further record of the official acts of the Legislative Assembly, so far as relates to Acts and joint resolutions. [Formerly 171.220; 1971 c.638 §3]

**171.407 Sound recordings of legislative proceedings; public access.** (1) Sound recordings, produced on equipment selected by

the Legislative Administration Committee for compatibility with equipment for reproduction by the State Archives, shall be made of every meeting of the Legislative Assembly and of every hearing and meeting of every standing, special and interim committee of the Legislative Assembly, or subcommittee thereof.

(2) The sound recordings required under subsection (1) of this section are part of the legislative records of the Legislative Assembly or committee and shall be subject to the provisions of ORS 171.410 to 171.430.

(3) Except as provided in ORS 171.425, the State Archivist shall not loan any sound recording required under subsection (1) of this section, but may arrange to have such recordings copied in an appropriate manner and may make a reasonable charge therefor. [1973 c.555 §1]

**171.410 “Legislative record” defined for ORS 171.410 to 171.430.** As used in ORS 171.410 to 171.430, unless the context requires otherwise, “legislative record” means a measure or amendment thereto, a document, book, paper, photograph, sound recording or other material exclusive of personal correspondence, regardless of physical form or characteristics, made by the Legislative Assembly, a committee or employee thereof, in connection with the exercise of legislative or investigatory functions, but does not include the record of an official act of the Legislative Assembly kept by the Secretary of State under section 2, Article VI of the Oregon Constitution. [1961 c.150 §1; 1981 c.517 §19]

**171.415 Delivery to Legislative Administration Committee; exception.** (1) Except as provided in subsections (2) and (3) of this section, a committee or employee of the Legislative Assembly having possession of legislative records that are not required for the regular performance of official duties shall, within 10 days after the adjournment sine die of a regular or special session, deliver all such legislative records to the Legislative Administration Committee.

(2) The chairperson, member or employee of a legislative interim committee responsible for maintaining the legislative records of that committee shall, within 10 days after the committee ceases to function or before January 1 next preceding the beginning of an odd-numbered year regular session of the Legislative Assembly, whichever is earlier, deliver all such legislative records to the Legislative Administration Committee.

(3) This section does not apply to the records of the Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee or the Joint Committee on Ways and Means. [1961 c.150 §2;

1969 c.620 §10; 1973 c.555 §4; 1981 c.517 §20; 2011 c.545 §4]

**171.420 Classification and arrangement; delivery to State Archivist.** The Legislative Administrator shall classify and arrange the legislative records delivered to the Legislative Administrator pursuant to ORS 171.415, in a manner that the Legislative Administrator considers best suited to carry out the efficient and economical utilization, maintenance, preservation and disposition of the records. The State Archivist shall assist the Legislative Administrator in the performance of this work. The Legislative Administrator shall deliver to the State Archivist all legislative records in the possession of the Legislative Administrator when such records have been classified and arranged. The State Archivist shall thereafter be official custodian of the records so delivered. [1961 c.150 §3; 1969 c.620 §11]

**171.425 Borrowing by certain legislative personnel.** The State Archivist shall allow the Legislative Fiscal Officer, the Legislative Administrator, the Legislative Counsel, or the Legislative Revenue Officer to borrow and temporarily have possession of such legislative records as such officer requests. [1961 c.150 §4; 1969 c.620 §12; 1975 c.789 §6]

**171.427 Schedule for retention, destruction or disposition of records.** The Legislative Administration Committee and State Archivist shall establish and from time to time may revise a schedule that shall govern the retention and destruction or other disposition of legislative records delivered to and in the custody of the archivist under ORS 171.420 or 171.430 and of sound recordings retained by a committee under ORS 171.430 (2). The schedule agreed upon by the committee and archivist shall be set forth in the rules and regulations issued by the archivist. [1973 c.555 §3]

**171.430 Disposal by certain committees; sound recordings by certain committees.** (1) Except for legislative records borrowed under ORS 171.425 and except as provided in subsection (2) of this section, the Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee or the Joint Committee on Ways and Means may cause any legislative records in its possession to be destroyed or otherwise disposed of, if such legislative records are considered by such committee to be of no value to the state or the public and are no longer necessary under or pursuant to any statute requiring their creation or maintenance or affecting their use. However, such committee shall prior to destruction or disposal notify the State Archivist and transfer to the official custody of the State Archivist any such legislative records that are requisi-

tioned by the State Archivist, except those designated as confidential by statute or by rule or resolution of the Legislative Assembly or of such committee.

(2) The Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee and the Joint Committee on Ways and Means shall cause sound recordings of its hearings or meetings to be retained, or if not retained, to be delivered to the State Archivist. The archivist shall be official custodian of the sound recordings so delivered. [1961 c.150 §6; 1969 c.620 §13; 1973 c.555 §5]

### INVESTIGATIONS OF LEGISLATOR AND LEGISLATOR-ELECT

**171.450 Legislative intent.** In enacting ORS 171.455 to 171.465, it is the intention of the Legislative Assembly to support the privilege of free suffrage and to protect the integrity of the election process against improper conduct:

(1) By establishing a procedure to examine complaints about election conduct of members or members-elect of the Legislative Assembly; and

(2) By assisting the Legislative Assembly in carrying out its constitutional duties to judge of the election, qualifications and returns of its own members. [1985 c.693 §1]

#### **171.455 Complaint of elector; content.**

(1) Within 30 days after a general election, any elector may file a complaint with the Secretary of State alleging a criminal violation of any election law by a member or member-elect of the Legislative Assembly.

(2) The complaint shall be specific in its allegations. If the complaint pertains to campaign publications or material, a copy of the material shall be filed with the complaint. If the charge is incapable of such documentation, the affidavits of at least two persons who witnessed the conduct that is subject of the complaint shall be attached. Each affidavit shall contain the name and address of the affiant and a detailed statement describing the conduct that is the subject of the complaint. [1985 c.693 §2]

**171.460 Secretary of State to conduct investigation; findings; report.** (1) Upon receipt of the complaint, the Secretary of State shall conduct an investigation to determine whether there is probable cause to believe that the alleged violation occurred, and that it was both deliberate and capable of having some possible effect upon the election.

(2) Upon a finding of probable cause, the Secretary of State shall report the finding to the Secretary of the Senate or Chief Clerk

of the House of Representatives, as appropriate, at least five days prior to the convening of the odd-numbered year regular session of the Legislative Assembly.

(3) The findings under this section are a public record available for public inspection.

(4) Action under this section is in addition to and not in lieu of action under ORS 260.345. [1985 c.693 §3; 2011 c.545 §71]

**171.465 Credentials committee; appointment; duties.** The presiding officer of each house of the Legislative Assembly shall appoint a credentials committee. The credentials committee shall review the finding of any report of the Secretary of State submitted under this section and ORS 171.450 to 171.460, hear additional evidence if it so chooses, and make recommendations to the appropriate legislative body. [1985 c.693 §4]

### WITNESSES IN LEGISLATIVE PROCEEDINGS

**171.505 Administering oaths to witnesses.** The President of the Senate, the Speaker of the House of Representatives, the chairperson or vice chairperson of any statutory, standing, special or interim committee of either house of the Legislative Assembly, or the chairperson or vice chairperson of a statutory, standing, special or interim joint committee of the two houses, may administer oaths to witnesses in any proceedings under their examination. [Formerly 171.075]

#### **171.510 Legislative process to compel attendance and production of papers; service.**

(1) The President of the Senate, the Speaker of the House of Representatives, or the chairperson or vice chairperson of any of the legislative committees referred to in ORS 171.505 upon a majority vote of any such committee, may issue any processes necessary to compel the attendance of witnesses and the production of any books, papers, records or documents as may be required.

(2) Process may be served by a sergeant-at-arms of either house when the Legislative Assembly is in session or by a person authorized to serve summons and in the manner prescribed for the service of a summons upon a defendant in a civil action in a circuit court. The process shall be returned to the authority issuing it within 10 days after its delivery to the person for service, with proof of service as for summons or that the person cannot be found. When served outside of the county in which the process originated, the process may be returned by mail. The person to whom the process is delivered shall indorse thereon the date of delivery. [Formerly 171.076; 1973 c.827 §21; 1977 c.877 §16; 1979 c.284 §117]

**171.515 Reimbursement of witnesses appearing under legislative process.** (1) Witnesses appearing under process issued pursuant to ORS 171.510:

(a) Before the Senate or House of Representatives, or a standing, special or statutory committee of either or both, or a subcommittee thereof, except as provided in paragraph (b) of this subsection, shall be reimbursed from funds appropriated for the expenses of that session of the Legislative Assembly during which the witnesses appear.

(b) Before the Legislative Counsel Committee, the Emergency Board, the Joint Committee on Ways and Means or an interim committee, or a subcommittee thereof, shall be reimbursed from funds appropriated for the expenses of the committee or subcommittee before which the witnesses appear.

(2) The amount of reimbursement payable to a witness under subsection (1) of this section shall not exceed the fees and mileage provided for witnesses in ORS 44.415 (2). All claims for reimbursement are subject to the approval of the Legislative Fiscal Officer. [1961 c.167 §11; 1981 c.892 §91a; 1989 c.980 §9]

**171.520 Reporting violations of ORS 171.510.** (1) Whenever a person summoned as provided in ORS 171.510 fails to appear to testify or fails to produce any books, papers, records or documents as required, or whenever any person so summoned refuses to answer any question pertinent to the subject under inquiry before either house or any of the committees referred to in ORS 171.505, the fact of such failure may be reported to either house while in session.

(2) If the Legislative Assembly is not in session, a statement of facts constituting such failure may be filed with the President of the Senate or the Speaker of the House of Representatives. The President of the Senate or the Speaker of the House of Representatives, as the case may be, shall certify the statement of facts to the district attorney for the county in which the offense occurred, who shall take appropriate action. [Formerly 171.077]

**171.522 Judicial enforcement of legislative process; order; service.** (1) Whenever a person summoned as provided in ORS 171.510 fails to appear to testify or fails to produce any books, papers, records or documents as required, or whenever any person so summoned refuses to answer any question pertinent to the subject under inquiry before either house, any statutory committee, any standing committee of either house, or any special or interim committee created by both houses, the house or committee, in lieu of proceeding under ORS 171.520, may apply to the circuit court for the county in which the failure occurred for an order to the person

to attend and testify, or otherwise to comply with the demand or request of the house or committee.

(2) The application to the court shall be by ex parte motion upon which the court shall make an order requiring the person against whom it is directed to comply with the demand or request of the house or committee within three days after service of the order, or within such further time as the court may grant, or to justify the failure within that time.

(3) The order shall be served upon the person to whom it is directed in the manner required by this state for service of process, which service is required to confer jurisdiction upon the court. Failure to obey an order issued by the court under this section is contempt of court.

(4) This section does not affect the exercise of the powers of either house under section 16, Article IV, Oregon Constitution. [1965 c.294 §1]

**171.525 Immunities of witness before legislative committee.** Any testimony given by a witness before any legislative committee shall not be used against the witness in any criminal action or proceeding, nor shall any criminal action or proceeding be brought against such witness on account of any testimony so given by the witness, except for perjury committed before such committee. [Formerly 171.078]

**171.530 Privilege of witness before legislative committee.** (1) The privilege of a witness who appears voluntarily or under subpoena before a committee of the Legislative Assembly in a matter within the jurisdiction of the committee is the same as that of a witness in judicial proceedings. A statement made by the witness before a legislative committee which is pertinent to the matter before the legislative committee is privileged and the witness shall not be subject to an action for civil damages as a result thereof unless the witness knowingly makes a false and immaterial statement for the purpose of defaming another.

(2) As used in this section, "legislative committee" means a statutory, standing, special or interim committee of either or both houses, including a legislative task force, established by rule of either or both houses, by resolution or by law and whether or not all members of the legislative committee are also members of the Legislative Assembly. [1987 c.797 §1]

**171.535** [1983 c.796 §5; repealed by 2007 c.354 §1]

**171.540** [1983 c.796 §6; 1989 c.180 §1; repealed by 2007 c.354 §1]

**171.545** [1983 c.796 §7; repealed by 2007 c.354 §1]

**171.550** [1983 c.796 §8; repealed by 2007 c.354 §1]

**171.551** [1997 c.7 §2; 1999 c.270 §1; repealed by 2007 c.354 §1]

**171.553** [1997 c.7 §3; 1999 c.270 §2; 1999 c.1026 §24; 2005 c.22 §118; repealed by 2007 c.354 §1]

### WAYS AND MEANS COMMITTEE

**171.555 Joint Committee on Ways and Means.** (1) Upon election, the President of the Senate and the Speaker of the House of Representatives shall appoint a Joint Committee on Ways and Means. At least two of the members appointed from each house shall have had previous experience on the Joint Committee on Ways and Means. If the Speaker of the House of Representatives or the President of the Senate is a member, either may designate from time to time an alternate from among the members of the respective house to exercise powers as a member of the committee except that the alternate shall not preside if the Speaker or President is chair. The President of the Senate shall appoint one cochair for the joint committee and the Speaker of the House of Representatives shall appoint one cochair for the joint committee. The cochairs of the joint committee shall alternate as presiding officers.

(2) The cochairs of the Joint Committee on Ways and Means are authorized to cause to be investigated, either through the whole of the committee or by a selected subcommittee, any complaints about the management or conduct of any of the state institutions, departments, officers or activities for the support of which state money has been appropriated, or for which appropriations may hereafter be made.

(3) The Joint Committee on Ways and Means may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(4) Action by the Joint Committee on Ways and Means requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate. [Formerly 171.080; 1977 c.891 §1; 1981 c.2 §1; 2007 c.790 §1]

### STATE BUDGET POLICY

**171.557 State budget policy.** (1) The Legislative Assembly finds that there is a need for a comprehensive, specific budget format available to all members of the Legislative Assembly so that:

(a) Effective policy decisions can be made;

(b) Line items in agency budgets can be identified by program function;

(c) Decisions to increase or decrease agency budgets can be made with knowledge as to policy and programmatic impact; and

(d) A more objective comparison can be made to the Governor's budget.

(2) The Legislative Assembly also finds that the goal of the legislative budgeting process is to afford members a thorough understanding of:

(a) The policies of state government regarding the definition and delivery of state services;

(b) What program functions are necessary to state operations and the cost of these functions; and

(c) The means whereby these policies and programs are administered.

(3) The goal of the Legislative Assembly is to decide, as a body, which policies and programs are necessary to discharge its public responsibilities. Consequently, the Legislative Assembly finds that there is a need to examine the legislative budgeting process so that:

(a) Policy decisions are made by the Legislative Assembly as a whole;

(b) Program functions are more closely identified with line items in agency budgets;

(c) Funding options and priorities are defined in terms of policies; and

(d) Legislative budgeting identifies programs which are necessary in terms of policies and state responsibilities, as opposed to the need to maintain existing program activities. [1989 c.652 §1]

**171.559 Duty of Joint Committee on Ways and Means.** The Joint Committee on Ways and Means shall examine budgets based upon policy where budget policies affect more than one agency pursuant to the policies stated in ORS 171.557. [1989 c.652 §2; 2009 c.11 §14]

**171.560** [1961 c.167 §39 (enacted in lieu of 351.030); 1969 c.695 §2; 1971 c.638 §16; 1977 c.891 §2; 1979 c.351 §1; repealed by 1979 c.351 §5; 171.562 enacted in lieu of 171.560]

### SENATE CONFIRMATION OF EXECUTIVE APPOINTMENTS

**171.562 Procedures for confirmation.** The Senate by rule adopted during a session or at a convening of the Senate to carry out its duties under section 4, Article III of the Oregon Constitution, shall specify its procedures for the confirming of appointments by the Governor that are by law subject to confirmation by the Senate. [1981 c.4 §1; enacted in lieu of 171.560]

**171.565 Vote required for confirmation; interim Senate meetings.** (1) In case of any executive appointment made subject

to confirmation of the Senate, the affirmative vote of a majority of the members of the Senate shall be necessary for confirmation. If an appointment is not confirmed by the Senate, the Governor shall make another appointment, subject to confirmation by the Senate.

(2) The name of the individual to be appointed or reappointed shall be submitted to the Senate by the Governor. The Senate shall take up the question of confirmation as soon after the convening of a regular or special session as is appropriate or upon a convening of the Senate to carry out its duties under section 4, Article III of the Oregon Constitution. The question of confirmation may be referred to committee or it may be acted upon without such referral.

(3) Members of the Senate convened to carry out duties of the Senate under section 4, Article III of the Oregon Constitution, shall be considered in attendance at a meeting of an interim committee during the period of convening for purposes of ORS 171.072.

(4) If the name of an individual to be appointed or reappointed submitted by the Governor is not acted upon during the term of the Legislative Assembly to which it is submitted, the name may be resubmitted to the subsequent term by the Governor on or after the date the Legislative Assembly convenes in the subsequent regular session. [1981 c.4 §2; enacted in lieu of 171.570; 1985 c.35 §1]

**171.570** [1969 c.695 §1; 1979 c.351 §2; repealed by 1979 c.351 §5; 171.565 enacted in lieu of 171.570]

**171.572** [1981 c.517 §12; repealed by 2001 c.45 §8]

### COMPENSATION AND CLASSIFICATION SYSTEM OVERSIGHT

**171.575 Oversight over state compensation and classification system.** The Legislative Assembly shall provide continuing oversight, by committee, task force or other appropriate means, to insure that compensation and classification in the state service meet the requirements of ORS 240.190 and other applicable provisions of state law. Members performing the oversight function shall review the proposed changes to classification and compensation plans and their implementation as necessary to determine the progress within each branch of government in achieving policies stated in ORS 240.190 and other applicable provisions of state law. The oversight function shall include recommending appropriate actions to remedy any inequities in the plan. [1989 c.975 §1]

### AUDIT COMMITTEE

**171.580 Joint Legislative Audit Committee.** (1) There is created a Joint Legislative Audit Committee consisting of the cochairs of the Joint Committee on Ways and Means, members of the House of Representatives appointed by the Speaker and members of the Senate appointed by the President.

(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 between sessions.

(3) The term of a member shall expire upon the date of the convening of the odd-numbered year regular session of the Legislative Assembly next following the commencement of the member's term. When a vacancy occurs in the membership of the committee in the interim between odd-numbered year regular sessions, until such vacancy is filled, the membership of the committee shall be considered 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) Members of the committee shall receive an amount equal to that authorized under ORS 171.072 from funds appropriated to the Legislative Assembly for each day spent in the performance of their duties as members of the committee or any subcommittee thereof in lieu of reimbursement for in-state travel expenses. However, when engaged in out-of-state travel, members shall be entitled to receive their actual and necessary expenses therefor in lieu of the amount authorized by this subsection. Payment shall be made from funds appropriated to the Legislative Assembly.

(5) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(7) The Legislative Fiscal Office shall furnish to the committee such services of personnel and such other facilities as are necessary to enable the committee to carry out its functions as directed by law, with such assistance as the Division of Audits and Oregon Department of Administrative Services can provide. [1989 c.128 §1; 1997 c.331 §1; 1999 c.59 §34; 1999 c.567 §1; 2007 c.790 §6; 2011 c.545 §5]

**171.585 Duties of committee.** The Joint Legislative Audit Committee shall:

(1) Review all audits and make recommendations for change or remediation by the agency or other organization under review to the Emergency Board, the Joint Ways and Means Committee and other persons receiving the audit report under ORS 192.245.

(2) Accept requests for performance and program audits from individual legislators, legislative committees, the Division of Audits, the Budget and Management Division and the Legislative Fiscal Office.

(3) In conjunction with the Director of the Division of Audits, set priorities on the basis of risk assessment for performance and program audits and program evaluations.

(4) With the advice and assistance of the Legislative Fiscal Officer, the Administrator of the Budget and Management Division and the Director of the Division of Audits, determine the type of audit, evaluation or review utilizing criteria to include but not be limited to the nature and scope of the task, the time frame involved, necessary professional guidelines, economy, efficiency, cost and cost responsibility.

(5) Not later than 12 months after the issuance of an audit report, review the actions of an agency or other government organization for compliance with the recommendations of the audit report.

(6) Assign tasks to the Legislative Fiscal Office, the Budget and Management Division, the Division of Audits or a special task force.

(7) Review state agency performance measures and make recommendations for change. [1989 c.128 §2; 1997 c.847 §3; 2005 c.837 §19]

**171.590 Cooperation of state agencies.**

(1) In carrying out specific program evaluations and reviews, the Legislative Fiscal Office may utilize the services of the Division of Audits, the Budget and Management Division, other statutory agencies of the Legislative Assembly and staff of the substantive committees as necessary. The Division of Audits shall undertake a performance audit at the direction of the Joint Legislative Audit Committee and report to the committee.

(2) The Emergency Board shall make funds available to the Division of Audits to reimburse it for expenses incurred under this section for a performance audit. [1989 c.128 §3]

**171.595** [1999 c.1039 §1; repealed by 2007 c.354 §1]

**171.600** [1999 c.1039 §2; repealed by 2007 c.354 §1]

**INTERIM COMMITTEES**

**171.605 Construction of ORS 171.605 to 171.635.** (1) The powers described in ORS 171.605 to 171.635 are supplementary and in addition to those otherwise possessed by interim committees and their members. ORS 171.605 to 171.635 are not intended to limit the powers that would be possessed by interim committees and their members had ORS 171.605 to 171.635 not been enacted.

(2) The Legislative Assembly intends that no provision of any joint resolution creating an interim committee be construed to supersede any provision of ORS 171.610 to 171.620, whether by implication or otherwise, unless the joint resolution specifically provides that its provision supersedes as to the particular interim committee that it creates. [1961 c.167 §1]

**171.610 Functions.** The Legislative Assembly may by joint resolutions create interim committees to:

(1) Make studies of and inquiries into any subject of assistance to the Legislative Assembly, or either house thereof, in exercising its legislative authority.

(2) Report information of assistance to the Legislative Assembly, or either house thereof, in exercising its legislative authority.

(3) Prepare and submit recommendations, which may include proposed legislative measures, to the Legislative Assembly. [1961 c.167 §2]

**171.615 Periods during which committees function.** (1) An interim committee may function during the period beginning at the adjournment sine die of the odd-numbered year regular session of the Legislative Assembly during which it was created, and ending at the convening of the next odd-numbered year regular session of the Legislative Assembly.

(2) Notwithstanding subsection (1) of this section, the activities of an interim committee are suspended during the period beginning at the convening of the even-numbered year regular session of the Legislative Assembly and ending at the adjournment sine die of that session. [1961 c.167 §4; 2011 c.545 §6]

**171.620 Powers.** Unless otherwise specifically provided by law or by the joint resolution creating it, and in addition to any other powers it possesses, an interim committee may:

(1) Perform such acts as the committee finds necessary to carry out its powers and the purposes expressed in the joint resolution creating it.

(2) Select its officers and adopt such rules for its organization and proceedings as

the committee considers convenient to exercise its powers and accomplish its purposes.

(3) Hold meetings at such times and places, whether within or without this state, as the committee considers expedient.

(4) Use advisory committees or subcommittees, the members to be appointed by the chairperson of the interim committee subject to approval by a majority of the members of the interim committee. The advisory committees or subcommittees may include individuals other than members of the Legislative Assembly.

(5) Reimburse members of advisory committees or subcommittees who are not members of the Legislative Assembly for their actual and necessary travel and other expenses incurred in the performance of their duties. [1961 c.167 §5; 1975 c.530 §2]

**171.625** [1961 c.167 §6; 1969 c.620 §14; 1977 c.121 §1; repealed by 1981 c.517 §6 (171.206 enacted in lieu of 171.205, 171.211, 171.215 and 171.625)]

**171.630 Vacancies; appointment of alternates by presiding officers.** (1) In case of a vacancy among the membership of an interim committee, the authority who appointed a member to the position vacant may appoint a member to fill the vacancy.

(2) For the purposes of this section, a member of an interim committee appointed in the capacity of the member as a member of the Legislative Assembly ceases to be a member of the interim committee:

(a) If the member ceases to be a member of the Legislative Assembly.

(b) If the member is presiding officer of either house of the Legislative Assembly and the member, as presiding officer, serves as Governor during the Governor's temporary inability to discharge the duties of the office of the Governor.

(3) A presiding officer of either house of the Legislative Assembly who is a member of an interim committee may, except when serving as Governor, from time to time designate an alternate from among the members of the house of the presiding officer to exercise the powers of the presiding officer as a member of the committee. [1961 c.167 §7; 2001 c.31 §1]

**171.635 Appointment of nonlegislators.** Provision may be made, in the joint resolution creating an interim committee, for the appointment to the committee of individuals other than members of the Legislative Assembly. [1961 c.167 §3]

**171.640 Appointment of interim committees; membership; topics of study; employees; expenses.** (1) As used in this section:

(a) "Appointing authority" means the President of the Senate or the Speaker of the House of Representatives, subject to the rules of the respective bodies over which each presides.

(b) "Interim committee" includes any committee of three or more members of the Legislative Assembly appointed pursuant to the provisions of this section to pursue the functions described in ORS 171.610, whether the appointing authority designates the committee an interim committee, task force, special committee or any other term customarily used in describing legislative committees functioning during the interim period.

(2) Upon or during the interim following adjournment of a regular session of the Legislative Assembly, the appointing authorities may appoint interim committees of members of the house over which the particular authority presides, or members of both houses, and may assign the general topic of study or concern to the committee.

(3) The appointing authorities may appoint members of the public to an interim committee. The appointing authorities must consult with each other before appointing members of the public to a joint interim committee. The appointing authority may appoint the chairperson of an interim committee. An appointing authority must notify the Legislative Administration Committee in writing of the appointment and membership of all interim committees created.

(4) An interim committee created under authority of this section is subject to the provisions of ORS 171.605 to 171.635 and has the authority contained in ORS 171.505 and 171.510. An interim committee created under authority of this section may file its written report at any time within 30 days after its final meeting, or at such later time as the appointing authority or, in the case of a joint committee, as the appointing authorities may designate.

(5) An appointing authority may employ the persons that the appointing authority considers necessary to perform the function of the interim committees created under authority of this section. The appointing authority shall fix the duties and amounts of compensation of employees. Interim committees shall use the services of permanent legislative staff to the greatest extent practical.

(6) Members of the Legislative Assembly are entitled to an allowance as authorized by law for each day that they are engaged in interim committee business that is approved by the appointing authority. Claims for expenses incurred in performing functions of an interim committee shall be paid out of funds appropriated for the expenses of the

Legislative Assembly. [1987 c.879 §24; 2003 c.207 §5]

**171.645** [1991 c.693 §1a; 1993 c.45 §22; repealed by 1995 c.79 §55]

### INTERIM AUTHORITY FOR STAFF AND DISBURSEMENTS

**171.650 Interim staff for presiding officers.** The President of the Senate and the Speaker of the House of Representatives each may appoint an interim staff to assist the President or Speaker during the period between sessions of the Legislative Assembly. Each presiding officer shall fix the compensation and prescribe the duties of the interim staff of the presiding officer. Expenses incurred for each interim staff appointed under this section shall be paid from amounts appropriated by law out of the General Fund for payment of the expenses of the Legislative Assembly. [1969 c.236 §2]

**171.660** [1969 c.236 §3; repealed by 1975 c.530 §9]

**171.670 Authority for approval of disbursements during interim.** Subject to any other grant of or limitation on authority to authorize the incurring of and approve disbursements for indebtedness or expenses of the Legislative Assembly to be paid from amounts appropriated by law out of the General Fund for that purpose, which may be adopted by joint resolution of both houses, such authority is vested as follows:

(1) For general expenses of the Legislative Assembly not specifically attributable to either house, in the Legislative Administration Committee.

(2) For expenses specifically attributable to either house, in the President of the Senate or the Speaker of the House of Representatives, as the case may be. [1975 c.530 §8]

**171.705** [1963 s.s. c.1 §1; 1975 c.136 §1; 1979 c.593 §1; renumbered 183.710]

**171.707** [1975 c.136 §3 (enacted in lieu of 171.710); 1977 c.344 §1; 1979 c.593 §2; renumbered 183.715]

**171.709** [1975 c.136 §4 (enacted in lieu of 171.710); 1977 c.344 §3; 1979 c.593 §3; renumbered 183.720]

**171.710** [1963 s.s. c.1 §2; repealed by 1975 c.136 §2 (171.707, 171.709, 171.713 enacted in lieu of 171.710)]

**171.713** [1975 c.136 §5 (enacted in lieu of 171.710); 1977 c.344 §4; renumbered 183.725]

**171.715** [1977 c.161 §3; repealed by 1979 c.593 §34]

### LOBBYING REGULATION

**171.725 Definitions for ORS 171.725 to 171.785.** As used in ORS 171.725 to 171.785, unless the context requires otherwise:

(1) “Compensation” has the meaning given that term in ORS 292.951.

(2) “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes

a contract, promise or agreement, whether or not legally enforceable.

(3) “Executive agency” means a commission, board, agency or other body in the executive branch of state government that is not part of the legislative or judicial branch.

(4) “Executive official” means any member or member-elect of an executive agency and any member of the staff or an employee of an executive agency. A member of a state board or commission, other than a member who is employed in full-time public service, is not an executive official for purposes of ORS 171.725 to 171.785.

(5) “Judge” means an active judge serving on the Oregon Supreme Court, Court of Appeals, Oregon Tax Court, or an Oregon circuit court.

(6) “Legislative action” means introduction, sponsorship, testimony, debate, voting or any other official action on any measure, resolution, amendment, nomination, appointment, or report, or any matter that may be the subject of action by either house of the Legislative Assembly, or any committee of the Legislative Assembly, or the approval or veto thereof by the Governor.

(7) “Legislative official” means any member or member-elect of the Legislative Assembly, any member of an agency, board or committee that is part of the legislative branch, and any staff person, assistant or employee thereof.

(8) “Lobbying” means influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of executive officials or other persons to influence or attempt to influence legislative action or attempting to obtain the goodwill of legislative officials.

(9) “Lobbyist” means:

(a) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying.

(b) Any person not otherwise subject to paragraph (a) of this subsection who provides personal services as a representative of a corporation, association, organization or other group, for the purpose of lobbying.

(c) Any public official who lobbies.

(10) “Public agency” means a commission, board, agency or other governmental body.

(11) “Public official” means any member or member-elect of any public agency and any member of the staff or an employee of the public agency. [1973 c.802 §2; 1975 c.747 §1; 1977 c.588 §1; 1987 c.566 §1; 1991 c.378 §1; 2001 c.751 §1; 2007 c.877 §6]

**171.730 Legislative finding.** The Legislative Assembly finds that, to preserve and maintain the integrity of the legislative process, persons who engage in efforts to influence legislative action, either by direct communication with legislative officials or by solicitation of executive officials or other persons to engage in those efforts, should regularly report their efforts to the public. [1973 c.802 §1; 2001 c.751 §2; 2007 c.877 §6a]

**171.735 Exceptions to application of ORS 171.740 and 171.745.** ORS 171.740 and 171.745 do not apply to the following persons:

(1) News media, or their employees or agents, that in the ordinary course of business directly or indirectly urge legislative action but that engage in no other activities in connection with the legislative action.

(2) Any legislative official acting in an official capacity.

(3) Any individual who does not receive compensation or reimbursement of expenses for lobbying, who limits lobbying activities solely to formal appearances to give testimony before public sessions of committees of the Legislative Assembly, or public hearings of state agencies, and who, when testifying, registers an appearance in the records of the committees or agencies.

(4) A person who does not spend more than an aggregate amount of 24 hours during any calendar quarter lobbying and who does not spend an aggregate amount in excess of \$100 lobbying during any calendar quarter.

(5) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040, State Treasurer, Deputy State Treasurer appointed pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney General, Deputy Attorney General appointed pursuant to ORS 180.130, Deputy Superintendent of Public Instruction appointed pursuant to ORS 326.300, Commissioner of the Bureau of Labor and Industries, deputy commissioner of the Bureau of Labor and Industries appointed pursuant to ORS 651.060, members and staff of the Oregon Law Commission who conduct the law revision program of the commission or any judge. [1973 c.802 §3; 1974 c.72 §27; 1975 c.747 §2; 1977 c.588 §1a; 1979 c.666 §1; 1981 c.528 §1; 1987 c.566 §2; 1991 c.378 §2; 1993 c.714 §1; 2001 c.751 §3; 2007 c.877 §6b; 2009 c.254 §1; 2011 c.68 §2; 2011 c.731 §6]

**Note:** The amendments to 171.735 by section 6, chapter 731, Oregon Laws 2011, do not apply to the Superintendent of Public Instruction who was holding office on August 5, 2011. See section 26, chapter 731, Oregon Laws 2011. The text that applies to the Superintendent of Public Instruction who was holding office

on August 5, 2011, is set forth for the user's convenience.

**171.735.** ORS 171.740 and 171.745 do not apply to the following persons:

(1) News media, or their employees or agents, that in the ordinary course of business directly or indirectly urge legislative action but that engage in no other activities in connection with the legislative action.

(2) Any legislative official acting in an official capacity.

(3) Any individual who does not receive compensation or reimbursement of expenses for lobbying, who limits lobbying activities solely to formal appearances to give testimony before public sessions of committees of the Legislative Assembly, or public hearings of state agencies, and who, when testifying, registers an appearance in the records of the committees or agencies.

(4) A person who does not spend more than an aggregate amount of 24 hours during any calendar quarter lobbying and who does not spend an aggregate amount in excess of \$100 lobbying during any calendar quarter.

(5) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040, State Treasurer, Deputy State Treasurer appointed pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney General, Deputy Attorney General appointed pursuant to ORS 180.130, Superintendent of Public Instruction, Deputy Superintendent of Public Instruction appointed pursuant to ORS 326.330, Commissioner of the Bureau of Labor and Industries, deputy commissioner of the Bureau of Labor and Industries appointed pursuant to ORS 651.060, members and staff of the Oregon Law Commission who conduct the law revision program of the commission or any judge.

**171.740 Lobbyist registration; contents of statement.** (1) Within three business days after exceeding the limit of time or expenditure specified in ORS 171.735 (4), a lobbyist shall register with the Oregon Government Ethics Commission by filing with the commission a statement containing the following information:

(a) The name, address and telephone number of the lobbyist.

(b) The name, address and telephone number of each person that employs the lobbyist or in whose interest the lobbyist appears or works.

(c) A general description of the trade, business, profession or area of endeavor of any person designated under paragraph (b) of this subsection, and a statement by the person that the lobbyist is officially authorized to lobby for the person.

(d) The name of any member of the Legislative Assembly employed, retained or otherwise compensated by:

(A) The lobbyist designated under paragraph (a) of this subsection; or

(B) A person designated under paragraph (b) of this subsection.

(e) The general subject or subjects of the legislative action of interest to the person for whom the lobbyist is registered.

(2) The designation of official authorization to lobby shall be signed by an official of each person that employs the lobbyist or in whose interest the lobbyist appears or works.

(3) A lobbyist must file a separate registration statement under this section for each person that employs the lobbyist or in whose interest the lobbyist appears or works. If a lobbyist appears or works for a person for whom the lobbyist has not registered, the lobbyist shall register with the commission not later than three business days after the day the lobbyist first appears or works for the person.

(4) If any of the information submitted by a lobbyist in the statement required under subsection (1) of this section changes, the lobbyist shall revise the statement within 30 days of the change.

(5) A lobbyist registration expires December 31 of an odd-numbered year. If a lobbyist renews the registration before March 31 of the following even-numbered year, the commission shall consider the registration to have been effective as of December 31 of the odd-numbered year on which the registration expired.

(6) For the statement required by this section, an entity comprised of more than one lobbyist may file one statement for the lobbyists who comprise the entity. The statement the entity files must include the names of the individuals authorized to lobby on behalf of the client listed in the statement. [1973 c.802 §4; 1974 c.72 §28; 1975 c.747 §3; 1987 c.566 §3; 1993 c.714 §2; 2001 c.751 §4; 2007 c.877 §6c]

**171.743** [1993 c.714 §3; repealed by 2001 c.751 §9]

**171.745 Lobbyist statements of expenditures.** (1) A lobbyist registered with the Oregon Government Ethics Commission or required to register with the commission shall, according to the schedule described in ORS 171.752, file with the commission a statement showing for the applicable reporting period:

(a) The total amount of all moneys expended for food, refreshments and entertainment by the lobbyist for the purpose of lobbying.

(b) The name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure is made for the purposes of lobbying, and the date, name of payee, purpose and amount of that expenditure. This paragraph applies if the total amount expended on the occasion by one or more persons exceeds \$50.

(2) Statements required by this section need not include amounts expended by the lobbyist for personal living and travel ex-

penses and office overhead, including salaries and wages paid for staff and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to be included in a statement is not accurately known at the time the statement is required to be filed, an estimate of the expenditure shall be submitted in the statement and designated as an estimate. The exact amount expended for which a previous estimate was made shall be submitted in a subsequent report when the information is available.

(3) A statement required by this section shall include a copy of any notice provided to a public official or candidate under ORS 244.100.

(4) For each statement required by this section, an entity comprised of more than one lobbyist may file one statement that reports expenditures by the entity and not by individual lobbyists. [1973 c.802 §5; 1974 c.72 §29; 1975 c.747 §4; 1979 c.666 §2; 1987 c.158 §32; 1987 c.566 §4; 1991 c.354 §1; 1991 c.677 §2; 1993 c.743 §4; 2001 c.751 §5; 2007 c.865 §39; 2007 c.877 §6d; 2009 c.68 §17]

**171.750 Lobbyist employer statements of expenditures.**

(1) Any person on whose behalf a lobbyist was registered, or was required to register, with the Oregon Government Ethics Commission at any time during the calendar year shall file with the commission, according to the schedule described in ORS 171.752, a statement showing for the applicable reporting period:

(a) The total amount of all moneys expended for lobbying activities on the person's behalf, excluding living and travel expenses incurred for a lobbyist performing lobbying services.

(b) The name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure is made for the purposes of lobbying by the person, and the date, name of payee, purpose and amount of that expenditure. This paragraph applies if the total amount expended on the occasion by one or more persons exceeds \$50. This paragraph does not apply to information reported in compliance with ORS 171.745.

(c) The name of each registered lobbyist or entity comprised of more than one lobbyist to whom the person paid moneys for lobbying activities on the person's behalf, excluding living and travel expenses incurred for a lobbyist performing lobbying services, and the total amount of moneys paid to that lobbyist or entity.

(2) A statement required under subsection (1) of this section shall include a copy of any notice provided to a public official or candidate under ORS 244.100. [1973 c.802 §6; 1975 c.747 §5; 1979 c.666 §3; 1987 c.566 §5; 1991 c.677 §3; 2001 c.751 §6; 2007 c.865 §40; 2007 c.877 §7; 2009 c.68 §18]

**171.752 Time for filing statements.** Statements required to be filed with the Oregon Government Ethics Commission under ORS 171.745 and 171.750 shall be filed in each calendar year:

(1) Not later than April 15, for the accounting period beginning January 1 and ending March 31;

(2) Not later than July 15, for the accounting period beginning April 1 and ending June 30;

(3) Not later than October 15, for the accounting period beginning July 1 and ending September 30; and

(4) Not later than January 15 of the following calendar year, for the accounting period beginning October 1 and ending December 31. [2007 c.877 §5]

**Note:** 171.752 was added to and made a part of 171.725 to 171.785 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**171.755** [1965 c.488 §1; repealed by 1973 c.802 §15]

**171.756 Prohibited conduct.** (1) A lobbyist may not instigate the introduction of any legislative action for the purpose of obtaining employment to lobby in opposition to the legislative action.

(2) A lobbyist may not attempt to influence the vote of any member of the Legislative Assembly by the promise of financial support of the candidacy of the member, or by threat of financing opposition to the candidacy of the member, at any future election.

(3) A person may not lobby or offer to lobby for consideration any part of which is contingent upon the success of any lobbying activity.

(4) A legislative or executive official may not receive consideration other than from the State of Oregon for acting as a lobbyist in Oregon. [1973 c.802 §7; 1974 c.72 §30; 1975 c.747 §6; 1987 c.566 §6; 1989 c.340 §1; 1993 c.743 §5; 2001 c.751 §7]

**171.760** [1965 c.488 §4; repealed by 1973 c.802 §15]

**171.762 Verification of reports, registrations and statements.** (1) Each report, registration or statement required by ORS 171.725 to 171.785 shall contain or be verified by a written declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.

(2) No person shall willfully make and subscribe any document which contains or is verified by a written declaration for false swearing which the person does not believe to be true and correct to every matter. [1973 c.802 §8; 1979 c.666 §4]

**171.764 False statement or misrepresentation by lobbyist or public official; defense.** (1) No lobbyist or public official, as defined in ORS 244.020, shall make any false statement or misrepresentation to any legislative or executive official or, knowing a document to contain a false statement, cause a copy of such document to be received by a legislative or executive official without notifying such official in writing of the truth as prescribed in subsection (2) of this section.

(2) It is a defense to a charge of violation of subsection (1) of this section if the person who made the false statement or misrepresentation retracts the statement or misrepresentation and notifies the official in writing of the truth:

(a) In a manner showing complete and voluntary retraction of the prior false statement or misrepresentation; and

(b) Before the subject matter of the false statement or misrepresentation is submitted to a vote of a legislative committee or either house of the Legislative Assembly or is relied upon by an executive official in an administrative hearing.

(3) As used in this section:

(a) "False statement or misrepresentation" means the intentional misrepresentation or misstatement of a material fact.

(b) "Material" means that which may have affected the course or outcome of any proceeding or transaction if known prior to the proceeding or transaction. [1993 c.743 §6]

**171.765** [1965 c.488 §2; repealed by 1973 c.802 §15]

**171.766 Status of reports, registrations and statements.** All information submitted to the Oregon Government Ethics Commission in any report, registration or statement required by ORS 171.725 to 171.785 is a public record. [1973 c.802 §9; 1983 c.740 §38]

**171.770** [1965 c.488 §3; repealed by 1973 c.802 §15]

**171.772 Forms for reports, registrations and statements; rules; electronic filing.** In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government Ethics Commission shall:

(1) Prescribe by rule forms for registrations, statements and reports required to be filed by ORS 171.725 to 171.785 and provide the forms to persons required to register and to file the statements and reports.

(2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS 171.725 to 171.785.

(3) Make registrations, statements and reports filed available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost.

(4) Adopt by rule an electronic filing system under which statements required to be filed under ORS 171.745 and 171.750 may be filed with the commission in an electronic format. The commission may not charge a fee for filing a statement under this subsection. The commission shall accept statements filed under ORS 171.745 and 171.750 in a format that is not electronic.

(5) Provide training on procedures for filing statements under subsection (4) of this section.

(6) Make statements filed under ORS 171.745 and 171.750, including statements that are not filed in an electronic format, available in a searchable format for review by the public using the Internet. [1973 c.802 §10; 1983 c.740 §39; 2007 c.865 §27; 2007 c.877 §8]

**Note:** The amendments to 171.772 by section 8a, chapter 877, Oregon Laws 2007, become operative January 1, 2015. See section 8b, chapter 877, Oregon Laws 2007, as amended by section 24, chapter 68, Oregon Laws 2009, and section 78, chapter 630, Oregon Laws 2011. The text that is operative on and after January 1, 2015, is set forth for the user's convenience.

**171.772.** In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government Ethics Commission shall:

(1) Prescribe by rule forms for registrations, statements and reports required to be filed by ORS 171.725 to 171.785 and provide the forms to persons required to register and to file the statements and reports.

(2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS 171.725 to 171.785.

(3) Make registrations, statements and reports filed available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost.

(4) Adopt by rule an electronic filing system under which statements required to be filed under ORS 171.745 and 171.750 must be filed with the commission in an electronic format. The commission may not charge a fee for filing a statement under this subsection.

(5) Provide training on procedures for filing statements under subsection (4) of this section.

(6) Make statements filed under ORS 171.745 and 171.750 available in a searchable format for review by the public using the Internet.

**171.775** [1965 c.488 §5; repealed by 1973 c.802 §15]

**171.776 Commission duties; advisory opinions; status of opinions.** (1) In addition to the duties prescribed in ORS 171.772, the Oregon Government Ethics Commission may make inquiries or investigations in the manner prescribed in ORS 171.778 with respect to registrations, statements and reports filed under ORS 171.725 to 171.785, and with respect to any alleged failure to register or to file any statements or reports required under ORS 171.725 to 171.785, and upon signed complaint by any individual or on its own instigation, with respect to apparent violation of any part of ORS 171.725 to 171.785.

(2) Upon written request of any lobbyist, lobbyist employer or any person, or upon its

own motion, the commission, under signature of the chairperson, may issue and publish opinions on the requirements of ORS 171.725 to 171.785, based on actual or hypothetical circumstances.

(3) If any lobbyist or lobbyist employer associated with the lobbyist is in doubt whether a proposed transaction or action constitutes a violation of ORS 171.725 to 171.785, the lobbyist or lobbyist employer may request in writing a determination from the commission. The requester shall supply such information as the commission requests to enable it to issue the interpretation.

(4) A lobbyist or lobbyist employer associated with the lobbyist shall not be liable under ORS 171.725 to 171.785 for any action or transaction carried out in accordance with an advisory interpretation issued under subsection (3) of this section. Such an advisory interpretation shall be considered a formal opinion having precedential effect and shall be subject to review by legal counsel to the commission before the interpretation is sent to the requester. [1973 c.802 §11; 1983 c.740 §40; 1993 c.743 §7]

**171.778 Complaint and adjudicatory process; confidentiality; Preliminary Review Phase; Investigatory Phase; possible actions by order; report of findings; contested case procedure; limitation on commission action.** (1)(a) Any person may file with the Oregon Government Ethics Commission a signed written complaint alleging that there has been a violation of any provision of ORS 171.725 to 171.785 or of any rule adopted by the commission under ORS 171.725 to 171.785. The complaint shall state the person's reason for believing that a violation occurred and include any evidence relating to the alleged violation.

(b) If at any time the commission has reason to believe that there has been a violation of a provision of ORS 171.725 to 171.785 or of a rule adopted by the commission under ORS 171.725 to 171.785, the commission may proceed under this section on its own motion as if the commission had received a complaint.

(2)(a) Not later than two business days after receiving a complaint under this section, the commission shall notify the person who is the subject of the complaint.

(b) Before approving a motion to proceed under this section without a complaint, the commission shall provide notice to the person believed to have committed the violation of the time and place of the meeting at which the motion will be discussed. If the commission decides to proceed on its own motion, the commission shall give notice to the person not later than two business days after the motion is approved.

(c) The commission shall give notice of the complaint or motion under paragraph (a) or (b) of this subsection by mail and by telephone if the person can be reached by telephone. The notice must describe the nature of the alleged violation. The mailed notice must include copies of all materials submitted with a complaint. If the commission will consider a motion to proceed without a complaint, the notice must provide copies of all materials that the commission will consider at the hearing on the motion.

(d) Information that the commission considers before approving a motion to proceed on its own motion under this section and any correspondence regarding the motion or potential violation is confidential. Commission members and staff may not make any public comment or publicly disclose any materials relating to the motion pending the commission's approval to proceed. A person who intentionally violates this paragraph is subject to a civil penalty in an amount not to exceed \$1,000. Any person aggrieved as a result of a violation of this paragraph by a member of the commission or its staff may file a petition in a court of competent jurisdiction in the county in which the petitioner resides in order to enforce the civil penalty provided in this paragraph.

(3) After receiving a complaint or deciding to proceed on its own motion, the commission shall undertake action in the Preliminary Review Phase to determine whether there is cause to undertake an investigation.

(4)(a) The Preliminary Review Phase begins on the date the complaint is filed or the date the commission decides to proceed on its own motion and ends on the date the commission determines there is cause to undertake an investigation, dismisses the complaint or rescinds its own motion. The Preliminary Review Phase may not exceed 135 days unless a delay is stipulated to by both the subject person and the commission, with the commission reserving a portion of the delay period to complete its actions.

(b) During the Preliminary Review Phase, the commission may seek, solicit or otherwise obtain any books, papers, records, memoranda or other additional information, administer oaths and take depositions necessary to determine whether there is cause to undertake an investigation.

(c) The Preliminary Review Phase is confidential. Commission members and staff may acknowledge receipt of a complaint but may not make any public comment or publicly disclose any materials relating to a case during the Preliminary Review Phase. A person who intentionally violates this paragraph is subject to a civil penalty in an

amount not to exceed \$1,000. Any person aggrieved as a result of a violation of this paragraph by a member of the commission or its staff may file a petition in a court of competent jurisdiction in the county in which the petitioner resides in order to enforce the civil penalty provided in this paragraph.

(d) At the conclusion of the Preliminary Review Phase, the commission shall conduct its deliberations in executive session. All case related materials and proceedings shall be open to the public after the commission makes a finding of cause to undertake an investigation, dismisses a complaint or rescinds a motion. Prior to the end of the Preliminary Review Phase, the executive director of the commission shall prepare a statement of the facts determined during the phase, including appropriate legal citations and relevant authorities. Before presentation to the commission, the executive director's statement shall be reviewed by legal counsel to the commission.

(e) The time limit imposed in this subsection and the commission's inquiry are suspended if:

(A) There is a pending criminal investigation that relates to the issues arising out of the underlying facts or conduct at issue in the matter before the commission, unless the parties stipulate otherwise; or

(B) A court has enjoined the commission from continuing its inquiry.

(5)(a) If the commission determines that there is not cause to undertake an investigation, the commission shall dismiss the complaint or rescind its motion and formally enter the dismissal or rescission in its records. The commission shall notify the person who is the subject of the inquiry of the dismissal or rescission. After dismissal or rescission, the commission may not take further action involving the person unless a new and different complaint is filed or action on the commission's own motion is undertaken based on different conduct.

(b) If the commission makes a finding of cause to undertake an investigation, the commission shall undertake action in the Investigatory Phase. The commission shall notify the person who is the subject of the investigation, identify the issues to be examined and confine the investigation to those issues. If the commission finds reason to expand the investigation, the commission shall move to do so, record in its minutes the issues to be examined before expanding the scope of its investigation and formally notify the complainant, if any, and the person who is the subject of the investigation of the expansion and the scope of the investigation.

(6)(a) The Investigatory Phase begins on the date the commission makes a finding of cause to undertake an investigation and ends on the date the commission dismisses the complaint, rescinds its own motion, issues a settlement order, moves to commence a contested case proceeding or takes other action justified by the findings. The Investigatory Phase may not exceed 180 days unless a delay is stipulated to by both the subject person and the commission, with the commission reserving a portion of the delay period to complete its actions.

(b) During the Investigatory Phase, the commission may seek any additional information, administer oaths, take depositions and issue subpoenas to compel attendance of witnesses and the production of books, papers, records, memoranda or other information necessary to complete the investigation. If any person fails to comply with any subpoena issued under this paragraph or refuses to testify on any matters on which the person may be lawfully interrogated, the commission shall follow the procedure described in ORS 183.440 to compel compliance.

(c) The time limit imposed in this subsection and the commission's investigation are suspended if:

(A) There is a pending criminal investigation that relates to the issues arising out of the underlying facts or conduct at issue in the matter before the commission, unless the parties stipulate otherwise; or

(B) A court has enjoined the commission from continuing its investigation.

(d) At the end of the Investigatory Phase, the commission shall take action by order. The action may include:

(A) Dismissal, with or without comment;

(B) Continuation of the investigation for a period not to exceed 30 days for the purpose of additional fact-finding;

(C) Moving to a contested case proceeding;

(D) Entering into a negotiated settlement; or

(E) Taking other appropriate action if justified by the findings.

(e) The commission may move to a contested case proceeding if the commission determines that the information presented to the commission is sufficient to make a preliminary finding of a violation of any provision of ORS 171.725 to 171.785 or of any rule adopted by the commission under ORS 171.725 to 171.785.

(7) A person conducting any inquiry or investigation under this section shall:

(a) Conduct the inquiry or investigation in an impartial and objective manner; and

(b) Provide to the commission all favorable and unfavorable information the person collects.

(8) The commission shall report the findings of any inquiry or investigation in an impartial manner. The commission shall report both favorable and unfavorable findings and shall make the findings available to:

(a) The person who is the subject of the inquiry or investigation; and

(b) Any employer of the person.

(9) Hearings conducted under ORS 171.725 to 171.785 must be held before an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605. The procedure shall be that for a contested case under ORS chapter 183.

(10) The commission may not inquire into or investigate any conduct that occurred more than four years before a complaint is filed or a motion is approved under subsection (1) of this section.

(11) This section does not prevent the commission and the person alleged to have violated any provision of ORS 171.725 to 171.785 or any rule adopted by the commission under ORS 171.725 to 171.785 from stipulating to a finding of fact concerning the violation and consenting to an appropriate penalty. The commission shall enter an order based on the stipulation and consent.

(12) At any time during proceedings conducted under this section, the commission may enter into a negotiated settlement with the person who is the subject of action under this section.

(13) As used in this section, "cause" and "pending" have the meanings given those terms in ORS 244.260. [1993 c.743 §2; 1993 c.747 §1; 1999 c.849 §§48,49; 2003 c.75 §27; 2007 c.865 §24; 2009 c.163 §1]

**171.780** [1973 c.802 §14; repealed by 1981 c.522 §2]

**171.785 Sanctions prescribed by either chamber of Legislative Assembly; uniform application.** (1) In addition to such penalties as otherwise may be provided by law, a person is subject to such sanctions as either house of the Legislative Assembly may prescribe if the person:

(a) Violates any provision of ORS 171.740 to 171.762; or

(b) Fails to file any report, registration or statement or to furnish any information required by ORS 171.725 to 171.785 and 171.992.

(2) The sanctions referred to in subsection (1) of this section shall be uniformly ap-

plied to all persons subject to ORS 171.725 to 171.785 and 171.992. [1973 c.802 §12]

### CONTACT WITH LEGISLATIVE ASSEMBLY

**171.790 Contact with Legislative Assembly by local government officials and employees.** Notwithstanding any provision of a city or county charter or any ordinance or order adopted thereunder, a city or county shall not:

(1) Prohibit an elected official, other officer or employee of the city or county from initiating contacts with legislators or giving testimony before public sessions of committees of the Legislative Assembly or public hearings of state agencies when:

(a) The contacts are made or testimony given as a representative of the city or county;

(b) The contacts are made or testimony given to represent the interests of the city or county or the residents thereof;

(c) No substantial part of the duties performed by the official, officer or employee consists of influencing or attempting to influence matters which may be the subject of action by either house of the Legislative Assembly or any of its committees;

(d) The official, officer or employee receives no consideration for making the contacts or giving testimony other than the remuneration ordinarily paid to the official, officer or employee out of the funds of the city or county in return for duties performed for the city or county, together with reimbursement for expenses actually and necessarily incurred in appearing before the legislative committees or state agencies; and

(e) The official, officer or employee is not required to register with the Oregon Government Ethics Commission under ORS 171.725 to 171.785 and the rules of the commission adopted thereunder.

(2) Prohibit an elected official, other officer or employee of the city or county from initiating contacts with legislators when the contacts are made to express personal political views and do not occur during working hours while the official, officer or employee is on the job.

(3) Prohibit an elected official, other officer or employee of the city or county from responding to requests from legislators or committees of the Legislative Assembly for information, data or opinions. [1985 c.788 §1]

**171.795 Electronic distribution of information.** (1) The Legislative Assembly finds and declares that it is now possible and feasible in this electronic age to distribute information more widely by way of electronic

communication. The Legislative Assembly further finds that it is desirable to make information available to the citizens of this state in a timely manner and for the least possible cost. The use of electronic communication will:

(a) Better inform the public of legislative proceedings and matters pending before the Legislative Assembly;

(b) Allow broader participation among Oregonians in the legislative process;

(c) Make information regarding legislative matters and proceedings more readily available to the citizens of this state;

(d) Allow constituents to better communicate with their elected representatives, irrespective of where they reside;

(e) Make administrative rules adopted or amended by state agencies more readily available to the citizens of this state; and

(f) Provide the public with a better insight into the operations of state government.

(2) This section and ORS 173.763, 173.766 (1) and (2) and 183.365 may be cited as the Oregon Public Access Act. [1995 c.614 §§1,2; 2007 c.775 §2]

**171.800** [1973 c.700 §1; 1975 c.225 §7; repealed by 2007 c.354 §1]

**171.805** [1973 c.700 §2; 1975 c.225 §8; 1975 c.530 §3a; 1977 c.891 §3; 1983 c.150 §1; repealed by 2007 c.354 §1]

**171.810** [1973 c.700 §3; 1975 c.225 §9; repealed by 1983 c.150 §3]

**171.815** [1973 c.700 §4; 1975 c.225 §10; repealed by 1983 c.150 §3]

**171.820** [1973 c.700 §5; 1975 c.225 §11; repealed by 1983 c.150 §3]

**171.825** [1973 c.700 §6; 1975 c.225 §12; 1995 c.79 §56; repealed by 2007 c.354 §1]

**171.830** [1973 c.700 §7; 1975 c.225 §13; repealed by 2007 c.354 §1]

**171.833** [1975 c.225 §6; repealed by 2007 c.354 §1]

**171.835** [1973 c.700 §8; repealed by 2007 c.354 §1]

**171.840** [1973 c.700 §9; repealed by 2007 c.354 §1]

**171.845** [Formerly 461.720; 1993 c.18 §29; repealed by 2007 c.354 §1]

**171.850** [1981 c.755 §7; repealed by 2007 c.354 §1]

### COMMITTEE ON INFORMATION MANAGEMENT AND TECHNOLOGY

**171.852 Joint Legislative Committee on Information Management and Technology.** (1) There is hereby created a Joint Legislative Committee on Information Management and Technology. The President of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee.

(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 between sessions.

(3) The term of a member shall expire upon the date of the convening of the odd-numbered year regular session of the Legislative Assembly next following the commencement of the member's term. When a vacancy occurs in the membership of the committee in the interim between odd-numbered year regular 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) Members of the committee shall receive an amount equal to that authorized under ORS 171.072 from funds appropriated to the Legislative Assembly for each day spent in the performance of their duties as members of the committee or any subcommittee thereof in lieu of reimbursement for in-state travel expenses. However, when engaged in out-of-state travel, members shall be entitled to receive their actual and necessary expenses therefor in lieu of the amount authorized by this subsection. Payment shall be made from funds appropriated to the Legislative Fiscal Office.

(5) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(7) The Legislative Fiscal Office shall furnish to the committee such services of personnel and such other facilities as are necessary to enable the committee to carry out its functions as provided by law. [Formerly 182.115; 1993 c.724 §15a; 2007 c.790 §2; 2011 c.545 §7]

**171.855 Duties of committee.** The Joint Legislative Committee on Information Management and Technology shall:

(1) Establish statewide goals and policy regarding information systems and technology, including telecommunications.

(2) Conduct studies of information management and technology efficiency and security.

(3) Review the activities of the Oregon Department of Administrative Services, Information Resources Management Council.

(4) Make recommendations regarding established or proposed information resource management programs and information tech-

nology acquisitions. [1975 c.731 §2; formerly 182.121; 1993 c.724 §15b]

## COMMITTEE ON PUBLIC EDUCATION APPROPRIATION

**171.857 Appointment; quorum; expenses; report.** (1) For each odd-numbered year regular session of the Legislative Assembly, the President of the Senate and the Speaker of the House of Representatives shall jointly appoint a special legislative committee to issue a report pursuant to section 8, Article VIII of the Oregon Constitution.

(2) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(3) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.

(4) Members of the committee are entitled to compensation and expense reimbursement as provided in ORS 171.072.

(5) The Legislative Assembly in the report shall:

(a) Demonstrate that the amount within the budget appropriated for the state's system of kindergarten through grade 12 public education is the amount of moneys as determined by the Quality Education Commission established by ORS 327.500 that is sufficient to meet the quality goals; or

(b) Identify the reasons that the amount appropriated for the state's system of kindergarten through grade 12 public education is not sufficient, the extent of the insufficiency and the impact of the insufficiency on the ability of the state's system of kindergarten through grade 12 public education to meet the quality goals. In identifying the impact of the insufficiency, the Legislative Assembly shall include in the report how the amount appropriated in the budget may affect both the current practices and student performance identified by the commission under ORS 327.506 (4)(a) and the best practices and student performance identified by the commission under ORS 327.506 (4)(b).

(6)(a) Notwithstanding subsection (5) of this section, the Legislative Assembly may make a determination that the report of the Quality Education Commission should not be used as the basis for carrying out the reporting requirements of section 8, Article VIII of the Oregon Constitution, and subsection (5) of this section. If the report is not

used, the Legislative Assembly shall identify the reasons for not using the report to meet the reporting requirements and shall outline an alternative methodology for making the findings required by section 8, Article VIII of the Oregon Constitution.

(b) The alternative methodology shall be based on:

(A) Research, data and public values; and

(B) The performance of successful schools, professional judgment or a combination of the performance of successful schools and professional judgment.

(c) The Legislative Assembly shall include in the report that uses the alternative methodology a determination of how the amount appropriated may affect the ability of the state's system of kindergarten through grade 12 public education to meet quality goals established by law, including expected student performance against those goals.

(7) The Legislative Assembly shall identify in the report whether the state's system of post-secondary public education has quality goals established by law. If there are quality goals, the Legislative Assembly shall include in the report a determination that the amount appropriated in the budget is sufficient to meet those goals or an identification of the reasons the amount appropriated is not sufficient, the extent of the insufficiency and the impact of the insufficiency on the ability of the state's system of post-secondary public education to meet those quality goals.

(8) The report shall be issued within 180 days after the Legislative Assembly adjourns sine die.

(9) The Legislative Assembly shall provide public notice of the report's issuance, including posting the report on the Internet and providing a print version of the report upon request. [2001 c.895 §7; 2003 c.14 §69; 2007 c.790 §3; 2011 c.272 §17; 2011 c.545 §8]

#### WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE

**171.860 Western States Legislative Forestry Task Force; membership; duties; expenses.** (1) The President of the Senate and the Speaker of the House of Representatives, joining with the presiding officers of the legislatures of Washington, Idaho, Montana, California and Alaska, shall appoint, respectively, two Senators and two Representatives to represent Oregon on the Western States Legislative Forestry Task Force, which shall operate as a clearinghouse for opinion from all the various interests involved in the western states forest industries, and which shall include among its duties the duty to report to the legislatures

of the participating states and to the state delegations in the United States Congress concerning means of protecting and fostering the forest industries of the participating states.

(2) The legislators appointed to represent Oregon shall receive no compensation or per diem for service as a member unless the service is performed during a legislative session but may receive actual and necessary travel and other expenses under ORS 171.072 from funds appropriated therefor. [1987 c.678 §1; 1987 c.879 §26]

**171.865** [1987 c.678 §2; 1987 c.879 §27; repealed by 2011 c.272 §25]

**171.867** [1991 c.926 §1; repealed by 2011 c.272 §25]

#### STUDIES OF MANDATED HEALTH COVERAGE

**171.870 Legislative findings.** (1) The Legislative Assembly takes notice of the increasing number of legislative proposals for mandating certain health coverages, whether such proposals mandate payments for certain providers of health care or mandate the offering of health coverages by insurance carriers and health care service contractors as a component of individual or group policies. Improved access to these health care services to segments of the population who desire them may provide social and health consequences that are beneficial and in the public interest.

(2) The Legislative Assembly also takes notice of the fact that the cost ramifications of expanding health coverages is resulting in a growing public concern. The way that the coverages are structured and the steps taken to create incentives to provide cost-effective services or to take advantage of features of services that offset costs can significantly affect the cost of mandating particular coverages.

(3) The Legislative Assembly hereby finds and declares the following:

(a) The merits of a particular coverage mandate must be balanced against a variety of consequences that may go far beyond the immediate effect upon the cost of insurance coverage.

(b) A systematic review of legislation proposing mandated or mandatorily offered health coverage that explores all ramifications of the proposed legislation will assist the Legislative Assembly determining whether mandating a particular coverage or offering is in the public interest. [1985 c.747 §55]

**171.875 Report required to accompany measures proposing mandated coverage.** Every proposed legislative measure that mandates a health insurance coverage,

whether by requiring payment for certain providers or by requiring an offering of a health insurance coverage by an insurer or health care service contractor as a component of individual or group health insurance policies, shall be accompanied by a report that assesses both the social and financial effects of the coverage in the manner provided in ORS 171.880, including the efficacy of the treatment or service proposed. The report may be prepared either by the chief sponsor or by any other proponent of the proposed measure. The report shall be submitted with the proposed measure when the proposed measure is submitted for filing, and shall be in writing and be a public record. [1985 c.747 §56]

**171.880 Content of report.** The report required under ORS 171.875, to the extent that information is available, shall include but need not be limited to the following:

(1) Answers to the following questions concerning the social effect of the proposed measure:

(a) To what extent is the treatment or service used by the general population of Oregon?

(b) To what extent is the insurance coverage already generally available in Oregon?

(c) What proportion of the population of Oregon already has such coverage?

(d) To what extent does the lack of coverage result in financial hardship in Oregon?

(e) What evidence exists to document the medical need in Oregon for the proposed treatment or services?

(2) Answers to the following questions concerning the financial effect of the proposed measure:

(a) To what extent is the coverage expected to increase or decrease the cost of treatment or services?

(b) To what extent is the coverage expected to increase the use of the treatment or services?

(c) To what extent is the mandated treatment or services expected to be a substitute for more expensive treatment or services?

(d) To what extent is the coverage expected to increase or decrease the administrative expenses of insurance companies and the premium and administrative expenses of policyholders?

(e) What will be the effect of this coverage on the total cost of health care? [1985 c.747 §57]

## PENALTIES

**171.990 Penalty for witness failing to appear or to give testimony in legislative proceeding.** Every person who, having been summoned as a witness under ORS 171.510 to give testimony or to produce books, papers, records or documents upon any matter under inquiry before either house or any of the committees referred to in ORS 171.505, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the matter under inquiry, is guilty of a misdemeanor. [1953 c.544 §3; 1961 c.167 §13]

**171.992 Civil penalty for violation of lobby regulation; rules; report.** (1) Any person who violates any provision of ORS 171.740 to 171.762, or any rule adopted under ORS 171.725 to 171.785, shall forfeit and pay to the General Fund for each violation a civil penalty of not more than \$5,000, to be determined by the Oregon Government Ethics Commission.

(2)(a) The commission may impose civil penalties upon a person who fails to file the statement required under ORS 171.745 or 171.750. In enforcing this subsection, the commission is not required to follow the procedures in ORS 171.778 before finding that a violation of ORS 171.745 or 171.750 has occurred.

(b) Failure to file the required statement in timely fashion is prima facie evidence of a violation of ORS 171.745 or 171.750.

(c) The commission may impose a civil penalty of \$10 for each of the first 14 days the statement is late beyond the date set by law and \$50 for each day thereafter. The maximum penalty that may be imposed under this subsection is \$5,000.

(3) A civil penalty imposed under this section may be recovered in an action brought in the name of the State of Oregon in any court of appropriate jurisdiction or may be imposed as provided in ORS 183.745. In any proceedings before the court, including judicial review under ORS 183.745, the court may review the penalty as to both liability and reasonableness of amount.

(4)(a) Except as provided in paragraph (b) of this subsection, the commission shall report, in the manner described in ORS 192.245, to the Legislative Assembly violations of any provision of ORS 171.740 to 171.762, or any rule adopted under ORS 171.725 to 171.785, for which a penalty is imposed under this section. The report shall include the name of the person against whom the penalty was imposed and describe the nature of the violation.

(b) The commission shall adopt rules specifying conditions under which repeated violations of ORS 171.745 or 171.750 involv-

ing a failure to file required statements in a timely fashion are reported to the Legislative Assembly.

(5) In lieu of or in conjunction with finding a violation of law or rule or imposing a

civil penalty under this section, the commission may issue a written letter of reprimand, explanation or education. [1973 c.802 §13; 1987 c.566 §6a; 1991 c.734 §9; 2007 c.877 §10]

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