

Senate Bill 615

Sponsored by Senator FERRIOLI; Senators BOQUIST, GEORGE, KRUSE, MORSE, TELFER, WHITSETT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Legislative Revenue Officer to prepare quarterly revenue estimates for state purposes.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to quarterly revenue estimates; creating new provisions; amending ORS 173.850 and
3 291.342; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) In addition to the quarterly estimates prepared by the Oregon Depart-**
6 **ment of Administrative Services under ORS 291.342, the Legislative Revenue Officer, with the**
7 **assistance of the Department of Revenue and the Oregon Department of Administrative**
8 **Services, shall for each calendar quarter of the year ascertain by computation and estimate**
9 **the total amount of revenue available for state purposes for the current fiscal year, as well**
10 **as the amount of revenue received quarterly, cumulated throughout the biennium, and re-**
11 **port its estimate to the Emergency Board, or if the Legislative Assembly is in session, to the**
12 **Joint Committee on Ways and Means.**

13 **(2) In carrying out the duties imposed under subsection (1) of this section, the Legislative**
14 **Revenue Officer shall issue quarterly a statement setting forth the methodology and as-**
15 **sumptions used in making the revenue estimate. Nothing in this subsection requires the**
16 **statement to set forth procedures used or methods used to determine either the methodology**
17 **or the assumptions.**

18 **SECTION 2.** ORS 173.850 is amended to read:

19 173.850. (1) Subject to subsection (2) of this section, when requested to do so, the Department
20 of Revenue shall:

21 (a) Advise and assist the Legislative Revenue Officer, staff and employees with respect to the
22 duties imposed upon the Legislative Revenue Officer by ORS 173.800 to 173.850 **or section 1 of this**
23 **2009 Act** or any resolution of the Legislative Assembly;

24 (b) [*Disclose and give access*] **Make available** to the Legislative Revenue Officer, staff and em-
25 ployees of the Legislative Revenue Officer, [*to*] tax and revenue information, including the informa-
26 tion described in ORS 308.290 and 314.835, and other information the Legislative Revenue Officer
27 considers necessary and appropriate to the efficient performance of duties under ORS 173.800 to
28 173.850 **or section 1 of this 2009 Act** or any resolution of the Legislative Assembly; and

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

30 (2)(a) The department shall [*disclose and give access*] **make available** to the Legislative Revenue
31 Officer or any authorized representatives [*to*] the information described in ORS 314.835 only if the

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 request for the information is made in writing, specifies the purposes for which the request is made
 2 or information required and is signed by the Legislative Revenue Officer or an authorized repre-
 3 sentative. The form for request for information made under this paragraph shall be prescribed by the
 4 Legislative Revenue Officer and approved by the Director of the Department of Revenue.

5 (b) The department shall keep on file the request for information made pursuant to this sub-
 6 section. The requests constitute a public record within the meaning of ORS 192.410 to 192.505. ORS
 7 314.835 and 314.840 (3) relating to the confidentiality of tax information apply to the Legislative
 8 Revenue Officer, authorized representatives, staff and employees of the Legislative Revenue Officer.

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

12 (3) Reports, estimates and analyses of the Legislative Revenue Officer based upon the informa-
 13 tion described in ORS 308.290 and 314.835 obtained under this section shall be classified in such a
 14 manner as to prevent the identification of particular reports and returns and the items thereof.

15 **SECTION 3.** ORS 291.342 is amended to read:

16 291.342. (1) By August 15 of each year, but not earlier than 90 days from the end of the regular
 17 session, if any, of the Legislative Assembly held in that calendar year, the Oregon Department of
 18 Administrative Services, with the assistance of the Department of Revenue, shall:

19 (a) Ascertain by computation and estimate the total amount of revenue available for state pur-
 20 poses for the current fiscal year; and

21 (b) Apportion the state tax levy on property, if any, among the several counties in the manner
 22 provided in ORS 291.445.

23 (2) In addition to the requirement in subsection (1) of this section, the Oregon Department of
 24 Administrative Services with the assistance of the Department of Revenue shall for each calendar
 25 quarter of the year ascertain by computation and estimate the total amount of revenue available for
 26 state purposes for the current fiscal year, as well as the amount of revenue received quarterly, cu-
 27 mulated throughout the biennium, and report its estimate to the Legislative Revenue Officer and to
 28 the Emergency Board, or if the Legislative Assembly is in session, to the Joint Committee on Ways
 29 and Means.

30 (3) In carrying out its duties under subsection (2) of this section, the Oregon Department of
 31 Administrative Services shall issue quarterly a statement setting forth the methodology and as-
 32 sumptions used in making the revenue estimate. Nothing in this subsection requires the statement
 33 to set forth procedures used or methods used to determine either the methodology or the assump-
 34 tions.

35 **(4) For purposes of section 4 (6), Article XV of the Oregon Constitution, the estimate**
 36 **made under this section is the quarterly economic and revenue forecast referred to in sec-**
 37 **tion 4 (6), Article XV of the Oregon Constitution.**

38 **SECTION 4.** (1) Section 1 of this 2009 Act and the amendments to ORS 173.850 and 291.342
 39 by sections 2 and 3 of this 2009 Act become operative January 1, 2010, and apply to revenue
 40 estimates required on or after January 1, 2010.

41 **(2) The Oregon Department of Administrative Services, the Legislative Revenue Officer**
 42 **and the Department of Revenue may take any action prior to January 1, 2010, that is nec-**
 43 **essary to allow the Oregon Department of Administrative Services, the Legislative Revenue**
 44 **Officer and the Department of Revenue to exercise, on and after January 1, 2010, all the**
 45 **duties, functions and powers conferred on the Oregon Department of Administrative Ser-**

1 vices, the Legislative Revenue Officer and the Department of Revenue by section 1 of this
2 2009 Act and the amendments to ORS 173.850 and 291.342 by sections 2 and 3 of this 2009 Act.

3 **SECTION 5.** This 2009 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
5 on its passage.

6
