

TITLE 17

STATE LEGISLATIVE DEPARTMENT AND LAWS

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172. Commissioners on Uniform Laws
173. Statute Revision
174. Construction of Statutes and General Definitions

Chapter 171

1957 REPLACEMENT PART

State Legislature

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171.010 Time and place of holding regular legislative sessions. The sessions of the Legislative Assembly shall be held at the capital of the state and shall commence on the second Monday in January of each odd-numbered year.

171.020 [Repealed by 1955 c.211 §7]

171.021 Senatorial districts; number of Senators. The Senate shall consist of 30 Senators. The senatorial districts, the county or counties constituting each district and the number of Senators to which each district is entitled are as follows:

Districts	Counties	Number of Senators
1st	Marion	2
2nd	Linn	1
3rd	Lane	2
4th	Douglas	1
5th	Jackson	1
6th	Josephine	1
7th	Coos and Curry ...	1
8th	Polk	1
9th	Yamhill	1
10th	Washington	1
11th	Clackamas	2
12th	Multnomah	7
13th	Benton	1
14th	Clatsop and Columbia	1
15th	Tillamook and Lincoln	1
16th	Hood River, Sherman, Gilliam, Morrow, Wasco and Wheeler	1
17th	Jefferson, Deschutes, Crook and Lake	1
18th	Klamath	1
19th	Umatilla	1
20th	Union, Wallowa and Baker	1
21st	Grant, Malheur and Harney	1

[1955 c.211 §1]

171.030 [Repealed by 1955 c.211 §7]

171.031 [Repealed by 1953 c.12 §2]

171.032 [Repealed by 1953 c.12 §2]

171.033 [Repealed by 1953 c.12 §2]

171.034 [Repealed by 1953 c.12 §2]

171.040 [Repealed by 1955 c.211 §7]

171.041 Representative districts; number of Representatives. The House of Repre-

sentatives shall consist of 60 members. The representative districts, the county or counties constituting each district and the number of Representatives to which each district is entitled are as follows:

Districts	Counties	Number of Representatives
1st	Clatsop	1
2nd	Columbia	1
3rd	Tillamook	1
4th	Washington	2
5th	Yamhill	1
6th	Washington and Yamhill	1
7th	Multnomah	16
8th	Clackamas	3
9th	Lincoln	1
10th	Polk	1
11th	Benton	1
12th	Marion	4
13th	Linn	2
14th	Lane	5
15th	Douglas	2
16th	Coos	1
17th	Coos and Curry ...	1
18th	Josephine	1
19th	Jackson	2
20th	Hood River	1
21st	Wasco	1
22nd	Morrow, Gilliam, Sherman and Wheeler	1
23rd	Umatilla	2
24th	Union and Wallowa	1
25th	Jefferson and Crook	1
26th	Baker	1
27th	Deschutes	1
28th	Lake, Harney and Grant	1
29th	Malheur	1
30th	Klamath	2

[1955 c.211 §3]

171.043 Multnomah County representative subdistricts. (1) Three representatives of the seventh representative district, as designated in ORS 171.041, shall be elected in each of the four representative subdistricts described in paragraphs (a), (b), (d) and (e) of subsection (2) of this section, and four representatives shall be elected in the representative subdistrict described in paragraph (c) of subsection (2) of this section.

(2) The representative subdistricts of the seventh representative district are as follows:

(a) West. All of the seventh repre-

sentative district west of the middle of the main channel of the Willamette River.

(b) South City. All of the seventh representative district bounded, on the west, by the middle of the main channel of the Willamette River; on the north, by a line commencing at a point in the middle of the main channel of the Willamette River directly west of the center line of Stark Street and running eastwardly to and along the center line of Stark Street to the intersection of the center line of Stark Street and the center line of Thirty-ninth Avenue, thence southwardly along the center line of Thirty-ninth Avenue to the intersection of the center line of Thirty-ninth Avenue and the center line of Division Street, thence eastwardly along the center line of Division Street to the intersection of the center line of Division Street and the city limits of the City of Portland; on the east, by the city limits of the City of Portland; and, on the south, by the city limits of the City of Portland.

(c) East Central City. All of the seventh representative district bounded, on the west, by the middle of the main channel of the Willamette River; on the north, by a line commencing at a point in the middle of the main channel of the Willamette River directly west of the center line of Fremont Street and running eastwardly to and along the center line of Fremont Street to the intersection of the center line of Fremont Street and the center line of Fifteenth Avenue (Northeast), thence northwardly along the center line of Fifteenth Avenue (Northeast) to the intersection of the center line of Fifteenth Avenue (Northeast) and the center line of Killingsworth Street, thence eastwardly along the center line of Killingsworth Street to the intersection of the center line of Killingsworth Street and the city limits of the City of Portland; on the east, by the city limits of the City of Portland; and, on the south, by a line commencing at a point in the middle of the main channel of the Willamette River directly west of the center line of Stark Street and running eastwardly to and along the center line of Stark Street to the intersection of the center line of Stark Street and the center line of Thirty-ninth Avenue, thence southwardly along the center line of Thirty-ninth Avenue to the intersection of the center line of Thirty-ninth Avenue and the center line of Division Street, thence eastwardly along the center line of Division Street to the intersection of

the center line of Division Street and the city limits of the City of Portland.

(d) North City. All of the seventh representative district bounded, on the west, by the middle of the main channel of the Willamette River; on the north, by the city limits of the City of Portland; on the east, by the city limits of the City of Portland; and, on the south, by a line commencing at a point in the middle of the main channel of the Willamette River directly west of the center line of Fremont Street and running eastwardly to and along the center line of Fremont Street to the intersection of the center line of Fremont Street and the center line of Fifteenth Avenue (Northeast), thence northwardly along the center line of Fifteenth Avenue (Northeast) to the intersection of the center line of Fifteenth Avenue (Northeast) and the center line of Killingsworth Street, thence eastwardly along the center line of Killingsworth Street to the intersection of the center line of Killingsworth Street and the city limits of the City of Portland.

(e) East County. All of the seventh representative district east of the middle of the main channel of the Willamette River and not within the city limits of the City of Portland.

(3) Any reference in this section to the middle of the main channel of the Willamette River, the city limits of the City of Portland or any street or avenue in the City of Portland means such middle of the main channel, city limits or street or avenue as it existed on April 5, 1955. [1955 c.211 §4]

171.050 Filling vacancies in Legislative Assembly. (1) When any vacancy occurs in the office of Senator or Representative from any legislative district or subdistrict due to the death of the Senator or Representative, to his resignation in writing filed with the Secretary of State, to his being recalled from office, or to his being declared disqualified by the house to which he was elected and no election at which the vacancy could be filled by the voters of the district or subdistrict is to intervene between the time of the occurrence of the vacancy and the time set for the convening of a regular or special session of the Legislative Assembly, or when any vacancy occurs during any session thereof, the vacancy shall be filled by the appointment of a qualified elector of the district by the county courts or boards of county commissioners of the coun-

ties constituting the district in which the vacancy exists.

(2) If the vacancy does not occur during a legislative session and if an election is to intervene between the occurrence of any such vacancy and the time of convening of any regular or special session of the legislature at which such vacancy can be filled by vote of the electors of the legislative district or subdistrict in which the vacancy has occurred, no interim appointment shall be made and the vacancy shall be filled by the voters of the legislative district or subdistrict affected. [Amended by 1955 c.211 §5]

171.060 Procedure for filling vacancy by appointment. (1) When any such vacancy as is mentioned in ORS 171.050 exists which cannot be filled by the voters of the legislative district or subdistrict affected, as provided in ORS 171.050, 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 and shall set a time for a meeting of the county courts or boards of county commissioners and, in case the district is composed of more than one county, name a temporary chairman and designate a meeting place within the said district where the county courts or boards of county commissioners shall convene for the purpose of appointing a person to fill the vacancy.

(2) A written statement signed by a majority of those qualified to vote upon the filling of any such vacancy directed to the Secretary of State is equivalent to a writ of election for the purposes herein contained. [Amended by 1955 c.211 §6]

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

171.071 Compensation of members. The compensation of members of the Legislative Assembly shall be paid by the State Treasurer out of appropriations for legislative expenses, upon warrants drawn by the Secretary of State, as follows:

(1) Each member of the Legislative Assembly who has attended one or more days of a regular session shall be paid the sum of \$600 as salary for the year in which the regular session is held, and, in addition thereto, the sum of \$600 as an advance of his \$600 salary for the succeeding year in which a regular session is not held. Payment of such sums shall be made as soon as possible

after the first day the member attends the regular session.

(2) If a member of the Legislative Assembly ceases to be a member for any reason before the expiration of his term and during a year in which a regular session is held, and his successor is elected or appointed and qualifies in such year, such successor shall be paid the sum of \$600 as salary for such year, and, in addition thereto, the sum of \$600 as an advance of his \$600 salary for the succeeding year in which a regular session is not held. Payment of such sums shall be made as soon as possible after such successor is elected or appointed and qualifies.

(3) A member of the Legislative Assembly who has received an advance of salary under subsection (1) or (2) of this section may retain such advance if he ceases to be a member for any reason before the expiration of his term but after the end of the year in which a regular session is held.

(4) If a member of the Legislative Assembly ceases to be a member for any reason before the expiration of his term and during a year in which a regular session is not held, and his successor is elected or appointed and qualifies in such year, such successor shall be paid the sum of \$600 as salary for such year. Payment of such sum shall be made as soon as possible after such successor is elected or appointed and qualifies.

(5) The presiding officers of the respective houses of the Legislative Assembly each shall be paid an additional compensation equal to one-third of the sum they are paid as salary or advance of salary as members of the Legislative Assembly under subsection (1), (2) or (4) of this section. Payment of such additional compensation shall be made at the same times and in the same manner as salary or advance of salary under subsection (1), (2) or (4) of this section is made. A presiding officer who has received an advance of compensation under this subsection may retain such advance if he ceases to be a presiding officer for any reason before the expiration of his term but after the end of the year in which a regular session is held. [1957 c.164 §2 (enacted in lieu of ORS 171.070)]

171.075 Administration of oath to witnesses in legislative proceedings. The President of the Senate, the Speaker of the House, or a chairman or vice chairman of any standing, special or interim committee of either house of the legislature, or the

chairman or vice chairman of a joint committee established by a joint or concurrent resolution of the two houses, is empowered to administer oaths to witnesses in any proceedings under their examination. [1953 c.544 §1]

171.076 Compelling attendance of witnesses and production of papers. The President of the Senate, the Speaker of the House or chairman or vice chairman of any of the committees referred to in ORS 171.075 shall have upon a majority vote of any such committee, full power and authority to issue any and all processes that may be necessary to compel the attendance of witnesses and the production of any books, papers, records or documents as may be required. [1953 c.544 §2]

171.077 Reporting violations of ORS 171.076 and 171.990. Whenever a person summoned as provided in ORS 171.076 and 171.990 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 joint committee established by a joint or concurrent resolution of the two houses, or any standing, special or interim committee, and the fact of such failure or failures is reported to either house while in session, or when the legislature is not in session, a statement of fact constituting such failure is reported to and filed with the President of the Senate or the Speaker of the House, it shall be the duty of the said President of the Senate or Speaker of the House, as the case may be, to certify, and he shall so certify, the statement of facts aforesaid to the district attorney for Marion County whose duty it shall be to bring the matter before the grand jury for its action. [1953 c.544 §4]

171.078 Immunities of witness with respect to testimony before legislative committee. Any testimony given by a witness before any legislative committee shall not be used against him 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 him, except for perjury committed before such committee. [1953 c.544 §5]

171.080 Ways and means committees. The President of the Senate, upon his

election, shall appoint a committee of ways and means consisting of seven members. The Speaker of the House of Representatives, upon his election, shall appoint a committee of ways and means consisting of seven members. At least two of the members appointed from each house shall have had previous experience on the committee of ways and means. As soon as practicable after their appointment, the committees shall meet jointly, the chairmen of the respective committees alternating as presiding officers. The chairmen of the joint committee 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. [Amended by 1953 c.544 §7]

171.090 Printing and distribution of bills, documents and papers printed for the Legislative Assembly. All bills, documents or papers printed for either house of the Legislative Assembly are for the use of both houses and shall be distributed in proportion to the number of members belonging to each house. No bill or resolution in the nature of law shall be printed unless specially so ordered by the two houses, or one of them, and 240 copies of each shall be printed, unless a greater or lesser number is ordered.

171.092 Distribution of legislative bills, calendars and interim committee reports to State Librarian. The person responsible for distribution of legislative bills, calendars and interim committee reports issued by authority of the Legislative Assembly or of a legislative interim committee shall make available to the State Librarian for distribution and exchange purposes 50 copies of each bill and daily calendar and 125 copies of each legislative interim committee report, or such lesser number as is desired by the State Librarian. [1953 c.527 §1]

171.100 Office supplies and stationery for officers and employes of Legislative Assembly. It is the duty of the Secretary of State to furnish necessary office supplies and stationery to all officers, clerks and stenographers of the Legislative Assembly, taking their receipt therefor. It is the duty of such officers, clerks and stenographers to return to the Secretary of State any unused stationery

and all office supplies at the close of each session of the Legislative Assembly. No officer, clerk or stenographer shall receive a warrant for his pay until he has complied with the provisions of this section.

171.110 [Repealed by 1953 c.492 §17]

171.120 Purpose of enactment of ORS 171.120 to 171.125. It is the purpose and intent of the Legislative Assembly in enacting this section, ORS 171.122 and 171.125 that, subject to the conditions set forth in such sections, any member of the Legislative Assembly whose employment is interrupted by reason of attendance upon 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 such employment in such a manner as to give him the status in such employment that he would have enjoyed if he had continued in such employment continuously during any such attendance or performance of duties. [1957 c.549 §1]

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

(1) Any member of the Legislative Assembly who leaves his regular employment in order to attend upon any regular or special session of the Legislative Assembly or to perform official duties as a member of the Legislative Assembly, shall be deemed to be on 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) The regular employment position of a member on leave of absence under this section shall only be deemed vacant for the period of such leave of absence, and the member shall not be subject to removal or discharge from such position as a consequence of such leave of absence.

(3) Upon the termination of his leave of absence under this section, a member shall be restored to the regular employment position he 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 rendered, as a consequence of his leave of absence. Such seniority, right to participate in insurance or other employment benefits shall continue to accumulate during the

leave of absence as though the member had continued in employment continuously in the regular employment position he held immediately prior to the first day of his leave of absence.

(4) This section is not applicable if:

(a) The 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 as to make restoration of the member to employment impossible or unreasonable.

(c) The member fails to apply for restoration to employment within 15 days after the termination of his leave of absence.

(d) The regular employment position of the 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 less than 10 persons immediately prior to the first day of the leave of absence. [1957 c.549 §2]

171.125 Proceeding to require compliance with ORS 171.122. If any employer fails to comply with the provisions of ORS 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 person entitled to the benefits of ORS 171.122 and who has been denied such benefits by reason of the noncompliance of the employer, specifically to require the employer to comply with the provisions of ORS 171.122 and to compensate such person for any loss of such benefits suffered by reason of such noncompliance by the employer. Such compensation shall be in addition to and shall not be deemed to diminish any of the benefits to which the member is entitled under ORS 171.122. [1957 c.549 §3]

171.130 to 171.200 [Reserved for expansion]

171.210 Deposit of papers by chief clerk of each house. The chief clerk of each house of the Legislative Assembly, at the close of each session, shall deposit for safekeeping in the office of the Secretary of State all books, bills, documents and papers in the

possession of the house of which he is chief clerk, correctly labeled, folded and classified.

171.220 Binding and indexing original enrolled laws and joint resolutions. The Secretary of State 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 Secretary of State 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; but he shall index the volume and cause the title thereof, with the session at which the Acts and joint resolutions were passed, to be written or printed on the back of such volume.

171.230 Furnishing of copies of session laws, resolutions and legislative journals for printing. (1) The Secretary of State shall furnish the Department of Finance and Administration as soon as possible after the adjournment of any session of the Legislative Assembly true and correct copies of:

(a) The laws enacted by the Legislative Assembly, together with copies of those resolutions and memorials which seem to him of sufficient importance to be published; and

(b) The proceedings of such Legislative Assembly, as shown by the journals thereof.

(2) The Secretary of State shall employ the necessary clerical aid to perform the duties imposed upon him by subsection (1) of this section, which shall be paid from the appropriation made for the publication of the laws and journals.

171.240 Printing, binding and indexing session laws, resolutions, memorials and journals. (1) The Department of Finance and Administration, upon receiving from the Secretary of State the copy for the session laws, resolutions and memorials, shall cause the same to be printed within 30 days thereafter. The Secretary of State shall then make out and furnish as soon as possible suitable indexes for the same, which shall be printed at once in form for binding. The Senate and the House journals shall be printed within 60 days from the date of receipt of the copy therefor from the Secretary of State, who, after such journals are printed, shall cause to be prepared as speedily as possible the requisite indexes for the same, which shall then be printed without delay. Unless the department otherwise directs, there shall be printed and bound in one vol-

ume, in half-sheep in a good and workman-like manner and delivered to the Secretary of State 2,500 copies of the session laws, resolutions and memorials, and 480 copies each of the Senate and House journals, which journals, however, may be bound in one volume if deemed advisable by the department; also there shall be printed 500 copies of the session laws, resolutions and memorials, which shall be delivered unbound, folded and wrapped.

(2) At the end of each session of the Legislative Assembly the State Printer shall cause to be printed 240 copies of the special laws bound in half-sheep in one volume and 240 copies of the special laws bound separately in pamphlet form.

171.250 Designation and publication of Acts passed by the Legislative Assembly and the people. (1) The Secretary of State shall cause each Act passed by the Legislative Assembly to be designated in the published general session laws of this state as a separate chapter, beginning with chapter one and numbering them consecutively. He shall cause to be incorporated into and made a part of the published general session laws any law enacted by the people, under the provisions of section 1, Article IV, Oregon Constitution, subsequent to the last publication of the general session laws. The Secretary of State shall also cause to be printed with the general session laws first printed after the approval by the people of a measure referred or initiated, the date of the Governor's proclamation declaring the same to have been approved by the people.

(2) The laws enacted by the Legislative Assembly and by the people under the provisions of section 1, Article IV, Oregon Constitution, when published in accordance with the provisions of this section shall be known and designated as "Oregon Laws _____" (inserting the year of the respective Legislative Assembly) and shall be received in all the courts of this state as an authorized publication of the laws of Oregon published therein. For the purpose of amendment or repeal in or by subsequent Acts of the Legislative Assembly, a reference to any such published law by the number of the chapter as given thereto shall be sufficient.

171.260 Distribution and disposal of session laws and legislative journals. (1) (a) Upon receipt of the session laws, the Secretary of State shall retain seven copies and

transmit, free of charge, five copies to the Supreme Court Library; three copies to the Governor, the State Treasurer and the Attorney General; two copies to the Supreme Court of the United States, the Library of Congress, each judge of the Supreme Court of this state, the State Librarian, the University of Oregon, and Oregon State College; and one copy to each member of Congress from this state, the Attorney General of the United States, the Secretary of the Interior, the Solicitor of the United States Treasury, each judge of the United States Court of Appeals at San Francisco, each judge of the United States District Court for the District of Oregon, the clerk thereof, each member of the Legislative Assembly and the chief and assistant chief clerk of both houses thereof who were such during the session at which the laws were adopted, each judge of the circuit court, the Clerk of the Supreme Court of this state, the reporter thereof, each principal officer, board and commission not mentioned in this subsection of this section, each institution governed by the Oregon State Board of Control, each state normal school and each district attorney of this state. At the expense of the county for transportation and upon receipt of the certificate of the county clerk of the county stating the number of copies required, the Secretary of State shall transmit to the county clerk of each county a number of copies sufficient to supply one copy to the county judge, the county clerk, the sheriff, the county commissioners, the assessor, the treasurer, the recorder, the county school superintendent, the surveyor, the coroner and each justice of the peace district.

(b) Further distribution may be made as the Department of Finance and Administration orders.

(c) Surplus copies of the session laws of the latest session of the Legislative Assembly shall be sold at such price as will conserve the state's best interest, but not less than \$1.25 per volume. The session laws of the former sessions that are in the custody of the Secretary of State shall be sold at such prices and distributed as the Department of Finance and Administration directs.

(2) (a) Upon receipt of the Senate and House journals, the Secretary of State shall transmit one set to each member, and the chief and assistant chief clerk of both

houses, of the Legislative Assembly who were such during the session to which the journals relate and to each principal state officer, including the judges of the Supreme Court, who applies therefor; two sets to the State Archivist; and such number of sets to the State Librarian, upon requisition, as that official requires for exchange purposes and to supply each public depository.

(b) Surplus copies of the Senate and House journals shall be sold at such prices and distributed as the Department of Finance and Administration directs.

171.270 Copies furnished public officers are public property. The copies of the session laws and Senate and House journals furnished to the public officers of this state pursuant to ORS 171.260 are public property and shall be delivered over by them to their successors in office.

171.272 Distribution of Oregon Revised Statutes. The state officer or agency designated by law to distribute copies of the Oregon Revised Statutes, including index and annotations, shall distribute, free of charge and in addition to distribution otherwise authorized, to the officers or agencies listed in this section the number of sets specified, as follows:

(1) Each member of the Forty-seventh Legislative Assembly, one set.

(2) Each circuit judge, one set for each county in which the judge regularly holds court.

(3) Each district attorney, one set.

(4) Supreme Court and Supreme Court Library, 26 sets.

Except for the sets furnished the members of the Forty-seventh Legislative Assembly, and such of those as are furnished to the Supreme Court Library for exchange purposes, the sets distributed pursuant to this section shall remain the property of the state and shall be delivered by the recipients to their successors in office. [1953 c.546 §1]

171.990 Penalty for witness failing to appear or to give testimony in legislative proceedings. Every person who, having been summoned as a witness by the authority of either house to give testimony or to produce papers upon any matter under inquiry before either house, or any joint committee established by a joint or concurrent resolution of

the two houses, or any committee of either house, wilfully makes default, or who, having appeared, refuses to answer any question pertinent to the matter under inquiry shall be guilty of a misdemeanor. [1953 c.544 §3]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel