

# Chapter 173

## 1957 REPLACEMENT PART

### Statute Revision

173.110	Legislative Counsel Committee and office of Legislative Counsel created	173.180	Type used in printing statutes may be preserved; uses of type
173.120	Legislative Counsel to be in attendance upon legislative sessions	173.190	Legislative Counsel Committee
173.130	Performance of bill drafting and legislative services	173.200	Legislative Counsel
173.140	Preparation of initiative measures	173.210	Employment of staff; optional coverage under public employes' retirement laws
173.150	Continuous revision program; publication and distribution of statute editions	173.220	Location of Legislative Counsel's office
173.160	Powers and duties of Legislative Counsel in preparing editions for publication	173.230	Confidential nature of matters handled by committee's staff
173.170	Legislative Counsel to certify that printed statutes are correct copies of enrolled bill; effects of certification	173.240	Committee's staff prohibited from influencing legislation
		173.250	Legislative Counsel Committee Revolving Account

### CROSS REFERENCES

Provisions applicable to state agencies generally, Ch. 182

#### 173.130

Attorney General, duty as bill drafter, 180.100

#### 173.150

Counties to supply statutes to justices of the peace, 51.140

Free distribution of statutes to certain officials, 171.272

#### 173.160

Changes authorized by specific statutes:

(1) 1953 c.156 §2 authorizes substitution of "mentally deficient" and "mental deficiency" for "feeble-minded" and "feeble-mindedness" in ORS chapters 426, 427 and 428.

(2) 1953 c.362 §2 authorizes substitution of "Oregon State College" for "Agricultural College of the State of Oregon" or "state agricultural college."

(3) 1953 c.476 §3 authorizes substitution of "warden" for "superintendent" to reflect the transfer of the superintendent of the penitentiary's duties to the warden.

(4) 1955 c.4 §2 authorizes substitution of "Veterans Day" for "Armistice Day."

(5) 1955 c.61 §1 authorizes substitution of "Department of Agriculture" for "Director of Agriculture" in ORS chapter 558.

(6) 1955 c.287 §8 authorizes substitution of "Director of Department of Motor Vehicles" for "Secretary of State" as member of the State Speed Control Board, effective July 1, 1956.

(7) 1955 c.287 §33 authorizes substitution of "Department of Motor Vehicles" for "Secretary of State" with reference to motor vehicle functions, effective July 1, 1956.

(8) 1955 c.660 §31 authorizes substitution of "Oregon State Correctional Institution" for "intermediary institution" in 1955 Acts.

(9) 1955 c.707 §62 authorizes substitution of "State Water Resources Board" for "State Reclamation Commission" in ORS chapters 544, 545, 547 and 548, effective January 1, 1956.

(10) 1955 c.707 §63 authorizes substitution of "State Engineer" for "State Reclamation Commission" in ORS chapter 555, effective January 1, 1956.

(11) 1955 c.707 §70 authorizes substitution of "State Engineer" for "State Irrigation Board" in ORS chapter 552, effective January 1, 1956.

(12) 1957 c.43 §2 authorizes substitution of "F. H. Dammasch State Hospital" for "Portland State Hospital."

(13) 1957 c.316 §1 authorizes substitution of "Oregon State Board of Nursing" for "State Board of Examination and Registration of Graduate Nurses" and "license" for "registration."

(14) 1957 c.351 §1 authorizes substitution of words designating the "State Engineer" for words designating the "State Water Resources Board, its members or its secretary" in ORS Chapters 545, 547 and 548.

Conflicting amendments to same section at same session, 174.050

**173.010** [Amended by 1953 c.625 §4; repealed by 1953 c.492 §16]

**173.015** [1953 c.625 §4; repealed by 1953 c.492 §16]

**173.020** [Repealed by 1953 c.492 §16]

**173.030** [Amended by 1953 c.625 §4; repealed by 1953 c.492 §16]

**173.040** [Repealed by 1953 c.492 §16]

**173.050** [Amended by 1953 c.625 §4; repealed by 1953 c.492 §16]

**173.110 Legislative Counsel Committee and office of Legislative Counsel created.** The Legislative Counsel Committee, referred to in ORS 173.110 to 173.250 as the committee, hereby is established as a joint committee of the Legislative Assembly. The committee shall select a Legislative Counsel to serve as its executive officer. [1953 c.492 §1]

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

**173.130 Performance of bill drafting and legislative services.** (1) The Legislative Counsel shall prepare or assist in the preparation of legislative measures when requested to do so by a member of the Legislative Assembly. Upon the written request of a state agency the Legislative Counsel may perform a similar service for the agency.

(2) The Legislative Counsel shall give such consideration to and service concerning any measure before the Legislative Assembly as circumstances will permit, and which is in any way requested by the House of Representatives or Senate, or any committee of the Legislative Assembly having the measure before it for consideration. [1953 c.492 §3]

**173.140 Preparation of initiative measures.** The Legislative Counsel shall cooperate with the proponents of an initiative measure in its preparation when:

(1) Requested in writing so to do by 50 or more electors proposing the measure; and

(2) In the judgment of the committee there is reasonable probability that the measure will be submitted to the voters of the state under the laws relating to the submission of initiative measures. [1953 c.492 §4]

**173.150 Continuous revision program; publication and distribution of statute editions.** (1) The committee, through the Legislative Counsel, shall formulate, supervise and

execute plans and methods for the revision, clarification, classification, arrangement, codification, annotation, indexing, printing, binding, publication, copyrighting, sale and distribution of the Oregon Revised Statutes, including index, annotations and supplements, and all editions thereof.

(2) The committee shall determine when editions and publications shall be published, and shall fix the prices thereof. [1953 c.492 §5]

**173.160 Powers and duties of Legislative Counsel in preparing editions for publication.** In preparing editions of the statutes for publication and distribution, the Legislative Counsel shall not alter the sense, meaning, effect or substance of any Act, but, within such limitations, may renumber sections and parts of sections of the Acts, change the wording of head-notes, rearrange sections, change reference numbers to agree with renumbered chapters, sections or other parts, substitute the proper subsection, section or chapter or other division numbers, strike out figures or words which are merely repetitious, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors. [1953 c.492 §6]

**173.170 Legislative Counsel to certify that printed statutes are correct copies of enrolled bill; effects of certification.** (1) When any edition of the statutes is published by the committee, the Legislative Counsel shall prepare a certificate certifying that he has compared each section in such edition with the original section in the enrolled bill, 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 are correctly copied. One copy of the edition, with the original certificate affixed thereto, shall be filed in the office of the Secretary of State. All other copies of the edition shall contain a copy of the certificate.

(2) Any edition 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 may be amended or repealed by amending or repealing such section of the edition, 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.

(3) In case of the publication of parts or supplements designed to replace parts of or to supplement previously certified editions and to bring such editions up to date, the Legislative Counsel shall certify such parts or supplements as provided in subsection (1) of this section. When so certified a part or supplement is to be considered a certified edition for the purposes of subsection (2) of this section. [1953 c.492 §7]

**173.180 Type used in printing statutes may be preserved; uses of type.** (1) In any contract for the printing of any editions of the statutes, provision may be made for preservation or purchase, on behalf of the state, of the type or plates from which the editions were printed, for use in producing future editions or publications.

(2) The committee may permit the use of such type or plates or material printed therewith for the production of pamphlets of particular portions of the statute laws requested by any public agency, under such terms and conditions as the committee considers reasonable. [1953 c.492 §8]

**173.190 Legislative Counsel Committee.** (1) The Legislative Counsel Committee shall consist of the Speaker of the House of Representatives, the President of the Senate, five members of the House appointed by the Speaker, and four members of the Senate appointed by the President. The term of a member shall expire upon the convening of the Legislative Assembly in regular session next following the commencement of the member's term. The committee shall select its own chairman who may, in addition to other acts authorized, approve voucher claims. Vacancies occurring in the membership of the committee shall be filled by appointment by the Speaker or President, as the case may be.

(2) The committee has a continuing existence and may meet, act and conduct its business during the sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions. Members of the committee shall be reimbursed for actual and necessary expenses incurred or paid in the performance of their duties as members of the committee, such reimbursement to be made from funds appropriated for such purpose after submission of approved voucher claims. [1953 c.492 §9]

**173.200 Legislative Counsel.** (1) The committee shall select the Legislative Counsel, who shall serve at the pleasure of the committee. The Legislative Counsel shall be a person authorized to practice law in the highest court of one of the states of the United States.

(2) The committee shall fix the annual salary of the Legislative Counsel. Subject to and in the manner otherwise provided by law, the Legislative Counsel shall be reimbursed for actual and necessary expenses incurred or paid by him in the performance of his duties. [1953 c.492 §10]

**173.210 Employment of staff; optional coverage under public employes' retirement laws.** (1) Subject to the approval of the committee, the Legislative Counsel may employ and fix the compensation of such professional assistants and clerical and other employes as he deems necessary for the effective conduct of the work under his charge.

(2) Except as provided in this subsection an employe of the committee, which includes for the purposes of this subsection the Legislative Counsel, shall not be considered an "employe" as the term is defined in the public employes' retirement laws. However, an employe of the committee may at his option be considered an "employe" as defined in such laws. The option, once exercised by written notification directed to the Public Employes Retirement Board, may not be revoked subsequently, except as may otherwise be provided by law. Upon receipt of such notification by the board, an employe of the committee who would otherwise, but for the exemption provided in this subsection, be considered an "employe" as the term is defined in the public employes' retirement laws shall be so considered. [1953 c.492 §11]

**173.220 Location of Legislative Counsel's office.** The permanent office of the Legislative Counsel shall be in the State Capitol, where he shall be provided with suitable and sufficient offices convenient to the chambers of the House and Senate. [1953 c.492 §12]

**173.230 Confidential nature of matters handled by committee's staff.** Neither the Legislative Counsel nor any employe of the committee shall reveal to any person not an employe or a member of the committee the contents or nature of any matter before him in his official capacity, except with the consent of the person bringing the matter before the committee or employe. [1953 c.492 §13]

**173.240 Committee's staff prohibited from influencing legislation.** Neither the Legislative Counsel nor any employe of the committee shall oppose, urge or attempt to influence legislation. [1953 c.492 §14]

**173.250 Legislative Counsel Committee Revolving Account.** (1) The proceeds from the sale of any edition or publication made pursuant to ORS 173.150 shall be deposited in the State Treasury to the credit of a revolving account for the use of the committee in publishing and distributing future editions or publications. The account, to be known as the Legislative Counsel Committee Revolving Account, shall be continuously appropriated for such purpose.

(2) There shall also be deposited to the credit of the Legislative Counsel Committee Revolving Account any moneys received through the sale of type metal or plates belonging to the committee or any moneys received by the committee in connection with the use of type or plates, or material printed therewith, pursuant to ORS 173.180.

(3) The committee, from time to time, may cause to be transferred from the Legislative Counsel Committee Revolving Account to the General Fund such moneys as the committee may consider unnecessary for use in publishing and distributing future editions or publications. [1953 c.492 §15; 1957 c.60 §1]

#### 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