

TITLE 17

STATE LEGISLATIVE DEPARTMENT AND LAWS

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1965 REPLACEMENT PART

State Legislature

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GENERAL PROVISIONS

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171.020 [Repealed by 1955 c.211 §7]

171.021 [1955 c.211 §1; repealed by 1961 c.482 §4]

171.025 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	Yamhill	1
9th	Washington	1
10th	Tillamook and Washington	1
11th	Clackamas	2
12th	Multnomah	7
13th	Benton	1
14th	Clatsop and Columbia	1
15th	Lincoln and Polk.....	1
16th	Gilliam, Hood River, Morrow, Sherman, Wasco and Wheeler	1
17th	Umatilla	1
18th	Baker, Union and Wallowa	1
19th	Grant, Harney and Malheur	1
20th	Crook, Deschutes, Jefferson and Lake	1
21st	Klamath	1

[1961 c.482 §1]

Note: Chapter 482, Oregon Laws 1961, including the apportionments under ORS 171.025 and 171.035, was held unconstitutional in *In Re Apportionment of Senators and Representatives*, (1961) 228 Or. 562, 364 P. (2d) 1004. Pursuant to direction of the Supreme Court under section 6 of Article IV, Oregon Constitution, the Secretary of State drafted a re-apportionment which he returned to the Supreme Court. The Supreme Court determined that the draft so returned complied with section 6 of Article IV, Oregon Constitution, in *In Re Apportionment of Senators and Representatives*, (1961) 228 Or. 575, 365 P. (2d) 1042. Upon filing with the Governor on

October 27, 1961, the draft became law. That part of the draft relating to the Senate is printed below.

Senate

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

171.035 Representative districts; number of Representatives. The House of Representatives shall consist of 60 Representatives. 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	3
5th	Yamhill	1
6th	Multnomah	16
7th	Clackamas	4
8th	Lincoln	1
9th	Polk	1
10th	Benton	1
11th	Marion	4
12th	Linn	2
13th	Lane	5
14th	Douglas	2
15th	Coos	1
16th	Coos and Curry	1
17th	Josephine	1
18th	Jackson	2

19th	Gilliam, Hood River, Morrow, Sherman, Wasco and Wheeler	2
20th	Umatilla	2
21st	Union and Wallowa	1
22nd	Crook and Jefferson	1
23rd	Baker	1
24th	Deschutes	1
25th	Grant, Harney and Lake	1
26th	Malheur	1
27th	Klamath	2

[1961 c.482 §3]

Note: See note under ORS 171.025. That part of the Secretary of State's draft relating to the House of Representatives is printed below.

House of Representatives

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

171.040 [Repealed by 1955 c.211 §7]

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

171.043 Multnomah County representative subdistricts. (1) Three representatives of the sixth 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 para-

graph (c) of subsection (2) of this section.

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

(a) West. All of the sixth representative district west of the middle of the main channel of the Willamette River.

(b) South City. All of the sixth 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 sixth 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 sixth 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 sixth 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 or any street or avenue in the City of Portland means such middle of the main channel or street or avenue as it existed on April 5, 1955. Any reference to the city limits of the City of Portland means the city limits as they exist on May 27, 1965.

[1955 c.211 §4; 1965 c.593 §1]

171.046 Position numbers in districts and subdistricts with more than one Senator or Representative. (1) In senatorial and representative districts and subdistricts entitled by law to be represented by more than one State Senator or State Representative, the positions of the State Senators or State Representatives, and their respective successors in office, shall be designated by numbers as Position No. 1, Position No. 2, and so on.

(2) In all proceedings for the nomination or election of candidates for or to the office of State Senator or State Representa-

tive in senatorial or representative districts or subdistricts referred to in subsection (1) of this section, every petition for nomination, declaration of candidacy, certificate of nomination, ballot or other document used in connection with the nomination or election shall state the position number of the position to which the candidate aspires, and his name shall appear on the ballot only for the designated position. Each voter has the right to vote for only one candidate for each position, and the candidate for each position receiving the highest number of votes for the position is considered nominated or elected, as the case may be.

[1965 c.578 §1]

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

171.072 Salary and expenses of members and presiding officers. (1) Except as otherwise provided in subsection (2) of this section, a member of the Legislative Assembly shall receive for his services a salary at the rate of \$250 monthly, payment to be made in the same manner as the salaries of other elected state officers and employes.

(2) The President of the Senate and the Speaker of the House each shall receive for his services, as additional salary, one-third of the sum allowed him as a member under subsection (1) of this section. The salary provided under subsections (1) and (2) of this section shall not be paid to a presiding officer for any period for which he is paid a salary under ORS 292.325.

(3) A member of the Legislative Assembly shall receive, as an allowance for expenses not otherwise provided for, \$20 for each day, not to exceed 120 days, within the period that the Legislative Assembly is in session, to be paid weekly. [1963 c.1 §1]

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]

171.120 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 Presession filing of proposed measures; preparation for printing. (1) At any time in advance of each session of the Legislative Assembly, the following may file a proposed measure with the Legislative Counsel Committee:

(a) The Department of Finance and Administration, to implement the fiscal recommendations of the Governor contained in his biennial budget report.

(b) A Governor-elect, to implement his recommended revisions to the biennial budget report.

(c) Interim or statutory committees created by the Legislative Assembly.

(2) The Legislative Counsel Committee may order any measure filed pursuant to subsection (1) of this section, to be prepared for printing before the beginning of the session, if the committee determines that advance preparation for printing will expedite the work of the Legislative Assembly. The costs of carrying out this subsection 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.

(3) Nothing in this section affects any law or any rule of the Legislative Assembly relating to the introduction of legislative measures.

[1961 c.167 §17]

171.135 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.

[Formerly 171.100]

171.140 Forwarding materials to legislators and chief clerks upon adjournment. Unless otherwise directed by joint resolution:

(1) The Secretary of State shall cause to be forwarded to each member and the chief clerk of each house 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 or chief clerk in the custody of the Secretary of State at the adjournment of a regular biennial session of the Legislative Assembly to be so forwarded, to whatever address is designated by the member or chief clerk.

(2) The expenses incurred in carrying out the services described in 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.

[1961 c.167 §15]

171.145 to 171.195 [Reserved for expansion]

PUBLICATIONS

171.200 "Publications" defined for ORS 171.205 and 171.211; excludes session laws, journals and Oregon Revised Statutes. As used in ORS 171.205 and 171.211, "publications" does not include materials published under ORS 171.225 or 173.150, 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) Other documents or papers which the Legislative Assembly, or either house thereof, orders printed.

[1961 c.167 §18; 1965 c.424 §4]

171.205 Printing and distribution of publications when legislature in session. Except as provided under ORS 171.215, 171.225 or 182.070, when the Legislative Assembly is in session, all publications printed for either house of the Legislative Assembly shall be printed and distributed as ordered by the two houses, or one of them.

[Formerly 171.090; 1965 c.424 §5]

171.210 [Repealed by 1961 c.150 §9]

171.211 Distribution of publications by Legislative Fiscal Committee when legislature not in session. (1) Unless otherwise directed by joint resolution and except as otherwise provided under ORS 171.205, 171.215 or 182.070, the Legislative Fiscal Committee shall cause to be distributed without charge the publications of each session of the Legislative Assembly among such state officers, departments and agencies, public officers, state institutions of higher learning and libraries, as it considers appropriate for their requirements.

(2) The Legislative Fiscal Committee may charge reasonable fees for copies of publications it distributes otherwise than under subsection (1) of this section. In establishing these fees, it shall consider the costs of reproducing and distributing copies other

than those reproduced and distributed under subsection (1) of this section.

(3) All money received under subsection (2) of this section shall be deposited in the General Fund and be available for payment of the general expenses of the state, except that so much thereof is appropriated as is necessary to reimburse the Legislative Fiscal Committee for its actual costs incurred in distributing copies of publications other than under subsection (1) of this section.

[1961 c.167 §20; 1965 c.424 §6]

171.215 Furnishing 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.

[Formerly 171.092]

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

Note: The repeal of ORS 171.218, 171.222, 171.226, 171.230, 171.240, 171.250 and 171.260 takes effect July 1, 1966. See 1965 c.424 §9. Until then, these sections as compiled in the 1963 Replacement Part remain in effect.

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

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

Note: See note under ORS 171.218.

171.225 Publishing and distributing session laws, journals and other legislative materials. The Legislative Assembly shall cause to be published and distributed, in such form, at such times and subject to such charges, if any, as it may direct, the laws enacted by it and by the people, such adopted resolutions and memorials as it may specify, its proceedings as shown by the journals thereof and such other legislative material as may be required by the Constitution and laws of this state.

[1965 c.424 §1]

Note: ORS 171.225 takes effect July 1, 1966.

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

Note: See note under ORS 171.218.

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

Note: See note under ORS 171.218.

171.235 Determining form, number and distribution of, and charges for, legislative publications under ORS 171.225. (1) Unless otherwise directed by joint resolution, the Legislative Counsel Committee shall determine the form, number and distribution of and charges for, if any, the legislative materials authorized to be printed under ORS 171.225. With the concurrence of the Legislative Fiscal Committee, the Legislative Counsel Committee may authorize the distribution of such legislative materials by the Legislative Fiscal Committee.

(2) The Legislative Counsel Committee may order the disposition of any legislative printed material which in its judgment is no longer of value to the state.

[1965 c.424 §7]

Note: ORS 171.235 takes effect July 1, 1966.

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

Note: See note under ORS 171.218.

171.245 Appropriation for expenses under ORS 171.225; disposition of receipts. (1) From moneys in the General Fund, there is continuously appropriated such sums as are necessary, not to exceed \$5,000, in addition to the moneys received under ORS 171.225, for payment of expenses authorized by ORS 171.225. Disbursements of such expenses shall be made upon submission of claims approved by either of the presiding officers of the Legislative Assembly in the same manner as other claims against the state.

(2) All moneys collected or received under the provisions of ORS 171.225 shall be paid into the General Fund of the State Treasury, and such moneys hereby are appropriated for the purposes of carrying out the publication and distribution of the legislative publications referred to in ORS 171.225.

[1965 c.424 §3]

Note: ORS 171.245 takes effect July 1, 1966.

171.250 [Repealed by 1965 c.424 §8]

Note: See note under ORS 171.218.

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 171.225, shall be received in all courts of this state as an authorized publication of the laws of Oregon published therein.

[1965 c.424 §2]

Note: ORS 171.255 takes effect July 1, 1966.

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

Note: See note under ORS 171.218.

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

171.280 Disposition of valueless advance sheets, journals and session laws. The Secretary of State may dispose of any part of any issues of the legislative advance sheets, Senate and House journals and session laws which in his judgment are no longer of value to the state.

[1963 c.418 §2]

171.290 to 171.400 [Reserved for expansion]

RECORDS

171.405 Binding 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.

[Formerly 171.220]

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 employed personnel 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]

171.415 Delivery to Legislative Fiscal Officer. (1) Except as provided in subsections (2) and (3) of this section, a committee or employed personnel 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 Fiscal Officer.

(2) The chairman, member or employe 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 a regular biennial session of the Legislative Assembly, whichever is earlier, deliver all such legislative records in his possession to the Legislative Fiscal Officer.

(3) This section does not apply to the records of the Emergency Board, the Senate Committee on Interstate Cooperation, the House Committee on Interstate Cooperation, the Legislative Counsel Committee or the Legislative Fiscal Committee.

[1961 c.150 §2]

171.420 Classification and arrangement; delivery to State Archivist. The Legislative Fiscal Officer shall classify and arrange the legislative records delivered to him pursuant to ORS 171.415, in a manner that he considers best suited to carry out the efficient and economical utilization, maintenance, preservation and disposition of the records. The State Archivist shall assist him in the performance of this work. The Legislative Fiscal Officer shall deliver to the State Archivist all legislative records in his possession 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]

171.425 Borrowing by Legislative Fiscal Officer and Legislative Counsel. The State Archivist shall allow the Legislative Fiscal Officer and the Legislative Counsel, or either, to borrow and temporarily have possession of such legislative records as either officer requests.

[1961 c.150 §4]

171.430 Disposal by certain committees. Except for legislative records borrowed under ORS 171.425, the Emergency Board, the Senate Committee on Interstate Cooperation, the House Committee on Interstate Cooperation, the Legislative Counsel Committee or the Legislative Fiscal Committee

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 his official custody any such legislative records that are requisitioned by the State Archivist, except those designated as confidential by statute or by rule or resolution of the Legislative Assembly or of such committee.

[1961 c.150 §6]

171.435 to 171.500 [Reserved for expansion]

WITNESSES IN LEGISLATIVE PROCEEDINGS

171.505 Administering oaths to witnesses. The President of the Senate, the Speaker of the House of Representatives, the chairman or vice chairman of any statutory, standing, special or interim committee of either house of the Legislative Assembly, or the chairman or vice chairman 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 chairman or vice chairman 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, by the sheriff of the county where the person to whom it is directed is found, or by any competent person 21 years of age or older who is a resident of this state, in the manner prescribed for the service of a summons upon a defendant in a civil proceeding. 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 or that the person cannot be found. A person other

than an officer making service shall make proof thereof by his affidavit in the same manner provided in ORS 15.110. 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]

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 Legislative Fiscal Committee 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 fee that would be payable to him if he were appearing before a judge pursuant to ORS 44.010 and 44.430. All claims for reimbursement are subject to the approval of the Legislative Fiscal Officer.

[1961 c.167 §11]

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 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.

[Formerly 171.078]

171.530 to 171.550 [Reserved for expansion]

STANDING COMMITTEES

171.555 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.

[Formerly 171.080]

171.560 Senate Committee on Executive Appointments. (1) In case an appointment to an office or position is made in the interim between legislative sessions, the Senate shall when required by law act through a standing committee of six members known as the Committee on Executive Appointments. The President of the Senate shall appoint the committee from among the members of the Senate.

(2) Within 10 days after the interim appointment, the Secretary of State shall send written notice thereof to each committee member. The notice shall request the member to reply by mail, stating whether the member desires to approve the appointment of the person named or whether the member desires that a committee meeting be held to discuss the appointment before action is taken. If the Secretary of State finds that each committee member favors approval, the Secretary of State shall notify the appointing authority and each committee member of the finding and the appointment is approved. If one or more committee members desire a committee meeting before action is taken, the Secretary of State shall call the committee to meet at the Capitol or at some other place in the state mutually satisfactory to the committee. The committee shall act at this meeting or at adjournments thereof.

(3) A favorable vote of four of the members of the committee is necessary for approval of an appointment at a meeting. Individuals so appointed and approved are subject to approval of the Senate when it next convenes. If the individual appointed is disapproved, the appointing authority shall appoint another individual, subject to approval by the committee.

(4) Members attending meetings of the committee under this section shall receive necessary traveling and living expenses in attending and traveling to and from such meetings. The Secretary of State shall audit and allow all such claims approved by the committee or by one of its members authorized to do so, and draw his warrants on the State Treasurer for the payment thereof out of the appropriation for the payment of expenses of that session of the Legislative Assembly appointing the committee, in the same manner as other expenses of the session are audited and paid.

[1961 c.167 §39 (enacted in lieu of ORS 351.030)]

171.565 to 171.600 [Reserved for expansion]

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 Duration. An interim committee may function during the period beginning at the adjournment sine die of that session of the Legislative Assembly during which it was created, and ending at the convening of the next regular biennial legislative session. [1961 c.167 §4]

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 chairman 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 the committee and members of advisory committees or subcommittees for their actual and necessary travel and other expenses incurred in the performance of their duties. [1961 c.167 §5]

171.625 Preparing, filing, reproducing, distributing and selling reports; disposition of proceeds. (1) Each interim committee shall prepare a report containing at least the committee's findings and recommendations. Unless otherwise provided by joint resolution, each committee shall, before October 15 next preceding the beginning of the session to which its report is addressed, file five copies of its report with the Legislative Fiscal Committee. In addition to the number

of reports otherwise required by law, an additional number may be reproduced and distributed as directed by the interim committee. For copies distributed other than as required by law, the Legislative Fiscal Committee may charge a reasonable fee. In establishing this fee, the Legislative Fiscal Committee may consider the costs of reproducing and distributing the copies.

(2) All money received under this section shall be deposited in the General Fund and be available for payment of the general expenses of the state, except that so much thereof is appropriated as is necessary to reimburse the Legislative Fiscal Committee for its actual costs incurred in reproducing and distributing the copies not required by law. [1961 c.167 §6]

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 his capacity as a member of the Legislative Assembly ceases to be a member of the interim committee:

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

(b) During such time, as presiding officer of either house of the Legislative Assembly, that he serves as Governor during the Governor's temporary absence from the state or other temporary inability to discharge the duties of his office.

(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 his house to exercise his powers as a member of the committee. [1961 c.167 §7]

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 to 171.700 [Reserved for expansion]

REVIEW OF STATE AGENCY RULES

171.705 Definitions for ORS 171.705 and 171.710. As used in this section and ORS 171.710, unless the context requires otherwise:

(1) "Committee" means the Legislative Counsel Committee.

(2) "Rule" means any rule, directive or regulation or any alteration thereof of a state agency promulgated after March 2, 1964:

(a) The violation of which subjects the person violating the same to imposition of a penalty.

(b) Establishing, altering or revoking any procedure, practice or requirement relating to agency hearings at which specific parties are entitled to appear and be heard.

(c) Establishing, altering or revoking any qualification or requirement relating to benefits or privileges to which applicants are entitled by law, or to the issuance, suspension or revocation of licenses to pursue any commercial activity, trade or profession.

(d) Establishing, altering or revoking any mandatory standard for any product or material when it is required by law that such standards must be met before the affected product or material may be offered for sale.

(3) "State agency" means every state officer, board, commission, department, institution, branch or agency of the state government, whose costs are paid wholly or in part from funds held in the State Treasury, except the Legislative Assembly, the courts and their officers and committees, and except the Secretary of State and the State Treasurer in the performance of their constitutional duties.

[1963 (s.s.) c.1 §1]

171.710 Review of state agency rules by Legislative Counsel Committee; findings; report to Legislative Assembly. (1) The Legislative Counsel Committee may review a rule of a state agency when requested in writing to do so by any person in order to:

(a) Determine whether the rule is within the intent and scope of the enabling legislation purporting to authorize the adoption thereof;

(b) Determine whether the rule has been adopted in accordance with all applicable provisions of law; and

(c) Determine whether constitutional provisions have been observed in establishing the standards under which the rule is adopted.

(2) The Legislative Counsel Committee shall prepare written findings on the rules which are reviewed, setting forth the determinations of the committee under subsection (1) of this section and shall send a copy of the determinations to the person requesting the review and the state agency concerned.

(3) The Legislative Counsel Committee shall report its findings to the Legislative Assembly at its next succeeding session following the review.

[1963 (s.s.) c.1 §2]

171.715 to 171.750 [Reserved for expansion]

LOBBYING

171.755 Definitions for ORS 171.755 to 171.775. As used in ORS 171.755 to 171.775:

(1) "Lobbying" means influencing, or attempting to influence, the passage or defeat of a measure by the Legislative Assembly or the approval or veto thereof by the Governor or attempting to influence other executive branch action, or inaction, regarding passage, defeat or veto of legislation.

(2) "Lobbyist" means:

(a) Any person who agrees to provide his personal services for money or any other consideration for the purpose of attempting to influence legislation.

(b) Any and all persons, including public employes, who as a regular part of their employment, attempt to influence legislation. [1965 c.488 §1]

171.760 Application of ORS 171.755 to 171.775. ORS 171.755 to 171.775 and any rule adopted by either house of the Legislative Assembly pursuant to ORS 171.755 to 171.775 do not apply to:

(1) Any news media, or their employes or agents, which in the ordinary course of business publish or broadcast news items, editorials or other comments or paid advertisements which directly or indirectly urge the passage or defeat of legislation, if such news media or their employes or agents engage in no other activities in connection with the passage or defeat of such legislation.

(2) Any person who appears before a legislative committee or the Governor but who is not a lobbyist.

(3) Any elected official of this state, excepting members of the Legislative Assembly. [1965 c.488 §4]

171.765 Registration required prior to lobbying; contents of verified statement. Before engaging in lobbying, lobbyists shall register with the Legislative Counsel by filing with him a verified statement containing the following information:

(1) The name and address of the registrant.

(2) The name and address of the person by whom the registrant is employed or in whose interest he appears or works.

[1965 c.488 §2]

171.770 Rules to require information from lobbyists and legislators; uniformity.

(1) Either house of the Legislative Assembly by rule may require all lobbyists and members of such house to file such information as the house may consider relevant to lobbying.

(2) The required information may include:

(a) A list of specific measures or subjects of legislative interest of the registrant's employer or client.

(b) The financial arrangements between the registrant and his employer or client.

(3) Any information required under subsection (2) of this section shall be required uniformly of all persons subject to ORS 171.755 to 171.775.

[1965 c.488 §3]

171.775 Sanctions to be prescribed by either chamber of Legislative Assembly; uniform application. Any person who fails to register as provided in ORS 171.755 to 171.775 or who fails to furnish information required by rules adopted pursuant to ORS 171.755 to 171.775 or who makes any false statement in his registration or in providing the required additional information or who fails to reveal all information required shall be subject to such sanctions as either house of the Legislative Assembly may prescribe but such sanctions shall be uniformly applicable to all persons subject to ORS 171.755 to 171.775.

[1965 c.488 §5]

171.780 to 171.985 [Reserved for expansion]

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]

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 November 15, 1965.

Sam R. Haley
Legislative Counsel