Chapter 193

1967 REPLACEMENT PART

(1969 reprint)

Legal Notices

NEWSPAPER PUBLICATION

193.010 Definitions
193.020 Newspaper in which legal notices may be published
193.030 Newspaper in which district legal advertisements and notices may be published
193.040 Publication on week days in daily paper
193.050 Notice by telegraph
193.060 Computation of publication time
193.070 Proof of publication
193.080 Filing affidavit of publication; original or copy as evidence
193.090 Compensation for publication
193.095 Compensation rate for maps
193.100 Payment for newspaper publication of state laws or notices

RADIO AND TELEVISION BROADCASTS

193.310 Definitions for ORS 193.310 to 193.360
193.320 Radio and television broadcasts as supplement to newspaper publication
193.330 Reference to candidate for public office prohibited; transcript available to public
193.340 Proof of broadcast
193.350 Selection of broadcast stations
193.360 Payment for broadcasts authorized by state officer

CROSS REFERENCES

193.020
Selection of newspaper to publish county court proceedings and schedule of expenditures, 294.255

193.060
Computation of time generally, 174.120

NEWSPAPER PUBLICATION

193.010 Definitions. (1) As used in the statute laws of this state, unless the context or a specially applicable definition requires otherwise:

(a) "Column line of measurement" means a line containing 12 pica ems of type.

(b) "Legal advertisement" means any legal publication which requires an affidavit of publication from the printer.

(2) As used in this section and in ORS 193.020:

(a) "Bona fide subscriber" means a person who has been a subscriber for an uninterrupted period of 12 months, or has paid his subscription for a period of 12 months, such subscription in no case to be over 12 months in arrears.

(b) "Newspaper" refers and applies to only such newspapers of general circulation made up of at least four pages of at least five columns each, with type matter of a depth of at least 17 inches, or, if smaller pages, then comprising an equivalent amount of type matter, which have at least 200 bona fide subscribers living within the county in which the newspaper is published, and which have been established and regularly and uninterruptedly published in such county at least once a week during a period of at least 12 consecutive months immediately preceding the first publication of the summons, citation, notice of sheriff's sale or other legal advertisement. Interrupted publication because of labor-management disputes, fire, flood or the elements for a period not to exceed 60 days, either before or after a newspaper is qualified for publication of legal notices, shall not affect such qualification.

193.020 Newspaper in which legal notices may be published. (1) Any summons, citation, notice of sheriff's sale or legal advertisement of any description, the publication of which is now or hereafter required by law, may be published either:

(a) In any newspaper, as defined in ORS 193.010, published in the county where the action, suit or other proceeding is pending, or is to be commenced or had, or in which such notice, summons, citation or other legal publication is required to be given; or

(b) In any newspaper, as defined in ORS 193.010, published anywhere in a city any part of which city is in the county where the action, suit or other proceeding is pending, or is to be commenced or had, or in which such notice, summons, citation or other legal publication is required to be given, if such newspaper has at least the number of bona fide subscribers living within such county as is referred to in paragraph (b) of subsection (2) of ORS 193.010.

(2) If more than one newspaper fulfills the requirements of subsection (1) of this section, the plaintiff or moving party may designate in which of such qualified newspapers the matter shall be published.

[Amended by 1963 c.432 §1]

193.030 Newspaper in which district legal advertisements and notices may be published. Legal advertisements and notices for irrigation districts, school districts and road districts, the publication of which is now required by law, shall be published in a newspaper within the district; and if there is no newspaper in the district, in the newspaper nearest to the district affected.

193.040 Publication on week days in daily paper. Where publication of any form of notice for successive or consecutive days in a daily paper is provided for by statute, the publication of such notice on week days is a full compliance with such statute.

193.050 Notice by telegraph. Whenever any notice, information or intelligence, written or otherwise, is required to be given, the same may be given by telegraph. The dispatch containing the same shall be delivered to the person entitled thereto, or to his agent or attorney. Notice by telegraph is actual notice.

193.060 Computation of publication time. The time for the publication of legal notices shall be computed so as to exclude the first day of publication and to include the day on which the act or event of which notice is given is to happen, or which completes the full period required for publication.

193.070 Proof of publication. Proof of publication of a document or notice required by law, or by an order of a court or judge, to be published in a newspaper, may be made by the affidavit of the owner, editor, publisher, manager or advertising manager of the newspaper or the principal clerk of any of them, or the printer or his foreman, showing the same. The affidavit may be in substantially the form set forth in ORS 15.160 and shall have annexed a copy of the document or notice.

193.080 Filing affidavit of publication; original or copy as evidence. If an affidavit of publication is made in an action, suit or proceeding pending in a court, it may be filed with the clerk thereof; if not so made, it may be filed with the clerk of the county where the newspaper is printed. In either case, the original affidavit, or if the same is filed with the clerk, a copy thereof, duly certified, is primary evidence of the facts stated therein.

193.090 Compensation for publication. (1) When published in a newspaper having more than 40,000 proved circulation, as shown by the last annual report made to the United States Government, the compensation for the publication of all notices, summonses, citations, all notices of sheriffs' sales and other legal advertisements which are now or hereafter required by law to be published shall be not more than four cents per column inch per insertion, for each 1,000 of proved circulation.

(2) When published in any newspaper other than one described by subsection (1) of this section, compensation shall be as follows:

(a) The rate for county financial statements, reports and proceedings mentioned in ORS 193.030, 294.230, 294.235 and 294.250, foreclosure for delinquent taxes as provided in ORS 312.040, 312.190 and 312.400, summary of the budget documents mentioned in ORS 294.416, and all publications required by law to be made in the county official paper or papers shall be 15 cents per column line of 8-point type for the first insertion and 10 cents per column line of 8-point type for each subsequent insertion. If a different point type is used the total charge for such publication shall be the same as if 8-point type were used.

(b) The rate for all notices, summonses, citations and all other legal advertisements now or hereafter required by law or order of court, and not specifically set out in paragraph (a) of this subsection, shall be 15 cents per column line of 8-point type for the first insertion and 10 cents per column line of 8-point type for each subsequent insertion. If a different point type is used the total charge for such publication shall be the same as if 8-point type were used.

[Amended by 1963 c.576 §36; 1963 c.623 §1]

193.095 Compensation rate for maps. Notwithstanding the provisions of ORS 193.090, compensation for that portion of the legal notice encompassing the map as required by ORS 222.130, 222.260, 222.430, 222.620 and 222.650 shall be at that rate published by a newspaper as its local open display advertising rate, that is, the per column inch rate charged local advertisers not under contract to a newspaper for a fixed or minimum quantity of advertising.

[1967 c.283 §7]

193.100 Payment for newspaper publication of state laws or notices. When any law or notice is published in any newspaper of this state, by virtue of any law authorizing any state officer to direct such publication at the expense of the state, the Secretary of State shall audit the account for such publication and draw a warrant upon the State Treasurer therefor, specifying the account upon which the warrant is drawn. The treasurer shall pay the same in like manner as other appropriations are paid.

193.110 [Repealed by 1957 c.356 §1]

RADIO AND TELEVISION BROADCASTS

193.310 Definitions for ORS 193.310 to 193.360. As used in ORS 193.310 to 193.360, unless the context requires otherwise:

(1) "Broadcast" means the transmission of information by means of radio or television facilities.

(2) "Notice" means any notice that is required by law to be published.

(3) "Station" means any radio or television station licensed for commercial operation by the Federal Communications Commission.

[1967 c.63 §1]

193.320 Radio and television broadcasts as supplement to newspaper publication. (1) Any state or other public officer who is required by law to publish any notice may supplement publication thereof by causing such notice or a concise summary or description thereof to be broadcast at such times and with such frequency as he determines suitable when, in his judgment, the public interest is served thereby.

(2) Notices by political subdivisions of this state, cities, municipal and quasi municipal corporations, special districts and other public agencies shall be made only by stations whose primary broadcast coverage encompasses the county or counties in which the notice is required to be given.

[1967 c.63 §3]

193.330 Reference to candidate for public office prohibited; transcript available to public. (1) In the broadcast of the notice or material under ORS 193.310 to 193.360, no reference by name to any person who is a candidate for elective public office at the time of the broadcast shall be made.

(2) Each station that broadcasts any notice or material under ORS 193.310 to 193.360 shall retain at its office a copy or transcription of the text of the notice or material as broadcast for a period of six months after the broadcast. The copy or transcript shall be available for public inspection at reasonable times.
[1967 c.63 §4]

193.340 Proof of broadcast. Proof of publication of the notice or other material under ORS 193.310 to 193.360 shall be by affidavit of the owner, manager, assistant manager or program director of the station, in substantially the following form:

AFFIDAVIT OF BROADCAST

State of Oregon, }
County of ———— } ss.

I, ———— ————, being first duly sworn, depose and say that I am the owner, manager, assistant manager or program director of station ————, a radio (television) station broadcasting from ———— in the aforesaid county and state; that the notice (or other material) described as ———— was broadcast on the following days: (here set forth dates and times when the same was broadcast).

————

Subscribed and sworn to before me———
———— ————, 19——.
Month Day

————
Notary Public for Oregon
My commission expires: ————

[1967 c.63 §5]

193.350 Selection of broadcast stations. All public officials performing functions under ORS 193.310 to 193.360 shall select stations that best assure effective publicity for the notice or material being broadcast, based on the nature of the notice or material being broadcast.
[1967 c.63 §6]

193.360 Payment for broadcasts authorized by state officer. When any broadcast is made by order of a state officer where publication of the same notice is made at the expense of the state, the Secretary of State shall audit the account for the broadcast and draw a warrant upon the State Treasurer therefor, specifying the account upon which the warrant is drawn. The treasurer shall pay the amount in the same manner as other amounts owed by the state are paid.
[1967 c.63 §7]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 1, 1967

Robert W. Lundy
Legislative Counsel