

# TITLE 18

## STATE EXECUTIVE DEPARTMENT AND ADMINISTRATIVE ORGANIZATION

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### Chapter 176

#### 1971 REPLACEMENT PART

#### Governor

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## GENERAL PROVISIONS

**176.010 Commencement of term; inauguration.** The official term of the Governor shall commence upon the publication of the returns by the Speaker of the House of Representatives, as provided in section 4, Article V, Oregon Constitution; or in case of an election of the Governor by the Legislative Assembly, as provided in section 5, Article V, Oregon Constitution, his official term shall commence immediately upon such election; and he shall be inaugurated by taking the oath of office.

**176.020 Cessation of term.** The term of office of the Governor ceases when his successor, having been declared elected by the Legislative Assembly as provided in the Constitution, is inaugurated by taking the oath of office.

**176.030** [Renumbered 176.510]

**176.040 Disability of Governor, how determined; succession to office, when permitted.** (1) Whenever it appears that the Governor is unable to discharge the duties of the office, the person next in line of succession to the office of Governor or the person who is Chief Justice of the Supreme Court of Oregon may call a conference consisting of the person who is Chief Justice, the person who is chief medical officer of the state hospital in Salem and the person who is dean of the University of Oregon Medical School. The three members of the conference shall examine the Governor. After the examination, or if upon attempting to examine the Governor the members of the conference are unable to examine him because of circumstances beyond their control, they shall conduct a secret ballot and by unanimous vote may find that the Governor is temporarily unable to discharge the duties of the office.

(2) The finding of or failure to find a disability shall be made public, and in case the Governor is found to be unable to discharge the duties of the office, the person next in line of succession to the office of Governor shall be notified. After receiving the notification such person may, under section 8, Article V of the Oregon Constitution, become Governor until the disability be removed.

[1959 c.672 §1; 1969 c.391 §13]

**176.050 Finding that Governor's disability is, or is not, removed.** (1) Whenever

a Governor who is unable to discharge the duties of the office believes his disability to be removed, he may call a conference consisting of the three persons referred to as members of such a conference in subsection (1) of ORS 176.040. The three members of the conference shall examine the disabled Governor. After the examination they shall conduct a secret ballot and by unanimous vote may find the disability removed.

(2) The finding of or failure to find the disability removed shall be made public. [1959 c.672 §2]

**176.110 Actions of Governor-elect; budget report; expenses.** (1) The person elected to the office of Governor may take any action prior to the date his official term of office commences that is necessary to enable him to exercise on such date the powers and duties of the office of Governor.

(2) The Governor-elect shall cause the budget report for the biennium beginning July 1 of the year in which he takes office to be compiled and prepared for printing as required in ORS 291.222.

(3) All necessary expenses of the Governor-elect incurred in carrying out the provisions of this section shall be audited by the Secretary of State and paid from any funds appropriated for this purpose in the same manner as other claims against the state are paid.

[1965 c.80 §1; 1969 c.464 §1]

**176.510 Secretary to Governor.** (1) The Governor may appoint a Secretary to the Governor.

(2) The Secretary to the Governor shall:

(a) Hold his office during the pleasure of the Governor.

(b) Perform such duties as may be directed by the Governor or as the business of the office may require.

(3) The Secretary to the Governor shall not:

(a) Serve as clerk or secretary to any state board or commission.

(b) Receive any fees or emoluments in addition to his salary.

[Formerly 176.030]

**176.610** [1969 c.597 §2; repealed by 1971 c.301 §26 and by 1971 c.319 §11 and by 1971 c.401 §120]

**176.620** [1969 c.597 §3; repealed by 1971 c.319 §11]

**176.630** [1969 c.597 §4; 1971 c.319 §4; renumbered 184.765]

**GUBERNATORIAL RETIREMENT FUND**

**176.650 Governor's eligibility for retirement benefit; computation of benefit.** (1) Except as otherwise provided in ORS 176.680, an individual who has served as Governor of Oregon for a continuous period of two years or more is eligible, on attaining the age of 62, to receive a retirement benefit specified in subsection (2) of this section.

(2) Subject to the deductions authorized by ORS 176.690, an individual eligible to receive retirement benefits under ORS 176.650 to 176.730 and 316.067 is entitled to receive monthly during the period of his natural life, out of the Gubernatorial Retirement Fund, one-twelfth of an amount equal to 45 percent of the annual salary to which he was entitled at the time he ceased to be Governor.

[1971 c.686 §1]

**176.660 Governor's contribution to fund; rights in fund.** Each individual serving as Governor, other than one whose service is as temporary Governor occasioned solely by reason of a Governor's absence from this state, shall pay monthly into the Gubernatorial Retirement Fund a contribution equal to seven percent of his monthly salary. However, such individual retains no vested proprietary rights, interest or equity in such contributions.

[1971 c.686 §10]

**176.670 Benefits exempt from taxation, execution, garnishment; benefits nonassignable.** Retirement benefits under ORS 176.650 to 176.730 and 316.067, and the money in the Gubernatorial Retirement Fund, are exempt from all state, county and municipal taxes heretofore or hereafter imposed, are not subject to execution, garnishment, attachment or any other process or to the operation of any state insolvency law heretofore or hereafter existing or enacted, and are unassignable.

[1971 c.686 §8]

**176.680 Time when former Governors ineligible to receive benefits; application to Governors serving before and after July 1, 1971.** (1) An individual is not entitled to receive retirement pay under ORS 176.650 to 176.730 and 316.067 with respect to any time during which he holds an elective office or is employed by the United States, this state or a political subdivision in this state. For purposes of this subsection, service as a member of a public board or commission, for which

the individual receives compensation not to exceed \$50 in any calendar month, or reimbursement for expenses actually and necessarily incurred, or both, does not constitute such an elective office or employment.

(2) Service as Governor both before and after July 1, 1971, shall be considered in determining eligibility and entitlement for retirement benefits under ORS 176.650 to 176.730 and 316.067.

[1971 c.686 §2]

**176.690 Certain deductions from benefits authorized.** There shall be deducted from any benefits payable to an individual under ORS 176.650 to 176.730 and 316.067 the total of all amounts he is entitled to receive under any other pension or retirement system, by virtue of his service as an employe or elected officer of the United States, this state or a political subdivision in this state. However, this section does not authorize deduction of any amounts which the individual is entitled to receive under the federal Social Security Act, or by reason of service or service-incurred disability in the Armed Forces of the United States.

[1971 c.686 §3]

**176.700 Payment of accrued benefit to survivor.** Any monthly retirement payment that has accrued to an individual, and remains unpaid at the time of his death, shall be paid to his surviving spouse or, if he leaves no surviving spouse, to his next of kin.

[1971 c.686 §4]

**176.710 Gubernatorial Retirement Fund.**

(1) There is created a Gubernatorial Retirement Fund, consisting of:

(a) Moneys appropriated by law from time to time.

(b) All gifts, grants and donations to the fund, and the rents, issues and profits thereof or the proceeds of sales of assets thereof.

(c) Contributions paid into the fund under ORS 176.660.

(2) Moneys in the Gubernatorial Retirement Fund are continuously appropriated to the Public Employes' Retirement Board for the purpose of paying retirement benefits under ORS 176.650 to 176.730 and 316.067.

[1971 c.686 §5]

**176.720 Public Employes' Retirement Board as trustee of fund; gifts to fund.** (1) The Gubernatorial Retirement Fund is declared to be a trust fund for the uses and purposes set forth in ORS 176.650 to 176.730

and 316.067 and for no other use or purpose, except that this provision does not amend or impair the force or effect of any law specifically authorizing the investment of moneys from such fund. For all purposes the Public Employes' Retirement Board established by ORS 237.251, or its successor agency, is declared to be the trustee of such fund.

(2) The Public Employes' Retirement Board may accept gifts, grants, and donations of money or other property from any source, given for the uses and purposes of the Gubernatorial Retirement Fund. Money so received shall be paid into the fund. Money or other property so received shall be used for the purposes for which received. Unless otherwise prescribed by the source from which the money or other property is received, such money shall be considered as income of the fund and such other property shall be retained, managed and disposed of as are investments of the fund.

[1971 c.686 §6]

**176.730 Accounting for and investment of fund.** (1) All moneys paid into the Gubernatorial Retirement Fund shall be deposited with the State Treasurer, who shall be custodian of the fund and pay all warrants drawn on it in compliance with law. No such warrants shall be paid until the claim for which it is drawn first is approved by the Public Employes' Retirement Board, or its designee, and otherwise audited and verified as required by law.

(2) The Public Employes' Retirement Board shall keep a separate account for the assets and prorated earnings of the Gubernatorial Retirement Fund. For investment purposes, the moneys in the Gubernatorial Retirement Fund may be commingled with those of the Public Employes' Retirement Fund and shall be invested in the same manner as moneys of the Public Employes' Retirement Fund are invested.

[1971 c.686 §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, 1971.

Robert W. Lundy  
Legislative Counsel

