

Chapter 204

1979 REPLACEMENT PART

County Officers

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**ELECTION OF COUNTY
OFFICERS; COUNTY JUDGE
PRO TEM**

204.005 Election of county officers. (1) There shall be elected at the general election, by the qualified voters of each county, the following county officers:

- (a) A sheriff.
- (b) A county clerk.
- (c) A county assessor.
- (d) A county treasurer.
- (e) A county surveyor.

(f) A county commissioner to succeed any commissioner whose term of office expires the following January; and in any county where there is a vacancy from any cause in the office of county commissioner, there shall be elected an additional commissioner to fill the vacancy.

(2) The general election at which any county assessor, county treasurer or county surveyor must be elected is the general election next preceding the expiration of the term of the then incumbent of such office.

[Subsection (2) enacted as 1953 c.477 §2; subsection (3) enacted as 1959 c.174 §3; 1959 c.628 §1; 1961 c.571 §3; subsection (4) enacted as 1963 c.386 §2; 1965 c.221 §21; 1969 c.532 §3; 1971 c.88 §4]

204.010 Terms of office of county officers. (1) Except as provided in subsection (2) of this section, the term of office of each officer mentioned in ORS 204.005 is four years, and until his successor is elected and qualified.

(2) When two or more county commissioners are elected for one county at a general election and one of them is elected to fill a vacancy, as provided in paragraph (f) of subsection (1) of ORS 204.005, one of them shall hold his office for two years and the others four years, and until their successors are elected and qualified.

204.013 Numbered positions for office of county commissioner. (1) In each county that has a board of county commissioners, each office of county commissioner shall be designated by number as Position No. 1, Position No. 2 or Position No. 3.

(2) After September 2, 1963, in every county having a board of county commissioners, or when a board of county commissioners is established in any county, the county clerk shall assign a position number to each office

on the board of county commissioners. The number so assigned shall be certified by the county clerk to the commissioner in office holding that position. One copy of the certification shall be sent to the Secretary of State, and one copy shall be filed in the office of the county clerk. [1963 c.329 §1]

204.015 [Repealed by 1957 c.555 §1 (204.016 enacted in lieu of 204.015)]

204.016 Qualifications for county offices generally; additional qualifications for surveyor and assessor. (1) A person is not eligible to any office listed in subsection (1) of ORS 204.005 unless he is a citizen of the United States, a qualified elector under the Oregon Constitution and a resident of the county wherein he is elected for the period of one year next preceding his election, except that in counties of less than 20,000 population the requirement of residency in the county wherein he is elected shall not apply to the county surveyor or assessor.

(2) A person is not eligible to hold the office of county surveyor unless he is registered under the laws of this state as a registered professional engineer or a registered professional land surveyor.

(3) A person is not eligible to be a candidate for election or appointment to the office of county assessor unless:

(a) He has qualified as a certified appraiser or is an appraiser trainee under ORS 308.015 and if an appraiser trainee, becomes a certified appraiser within two years after taking office; and in addition

(b) He either has two years of office and accounting experience, including experience in office management activities; or has two years of full-time employment in the office of a county assessor.

(4) The Department of Revenue shall prepare applications and questionnaires, and obtain information it may deem necessary to determine that a candidate for the office of county assessor has met the requirements of this section, and shall furnish to applicants suitable certificates evidencing satisfactory compliance with the required qualifications.

[1957 c.555 §2 (enacted in lieu of 204.015); 1973 c.538 §1; 1975 c 780 §18]

204.017 Election of county commissioners by numbered position. (1) In all proceedings for the nomination or election of candidates for or to the office of county com-

missioner in each county having a board of county commissioners, every petition for nomination, declaration of candidacy, certificate of nomination or election, ballot or other document used in connection with the nomination or election shall state the position number of the office to which the candidate aspires, and his name shall appear on the ballot only for the designated position.

(2) Each voter shall have the right to vote for only one candidate for each position on the board, and the candidate for each position receiving the highest number of votes for such position shall be considered nominated or elected, as the case may be. [1963 c.329 §2]

204.020 When terms of office commence; filing certificate of election, oath and undertaking. (1) The term of office of each officer mentioned in subsection (1) of ORS 204.005 shall commence on the first Monday of January next following his election.

(2) Before entering upon any office listed in subsection (1) of ORS 204.005, the person elected must qualify by filing with the county clerk of the county wherein he is elected his certificate of election, with an oath of office indorsed thereon, and subscribed by him, to the effect that he will support the Constitution of the United States and of this state, and faithfully demean himself in office. Such person shall also give and file the undertaking provided for in ORS 204.025 to 204.060.

(3) The county clerk of Multnomah County shall, before entering upon the duties of his office, qualify by filing with the treasurer of Multnomah County his certificate of election, with an oath of office indorsed thereon, and subscribed and sworn to by him, to the effect that he will support the Constitution of the United States and of this state and faithfully demean himself in office, and by giving to the state and filing with such treasurer the official undertaking provided in subsection (3) of ORS 204.030.

204.025 Official undertaking of sheriff. (1) The official undertaking of the sheriff must be given to the state in the sum of \$10,000, with two or more sufficient sureties, who must be residents of the county, and have the qualifications of bail upon arrest; provided, when in the opinion of the county court the sum named is insufficient, the undertaking may be increased to \$15,000.

(2) The undertaking must be approved by the county court, and filed with the county clerk.

(3) The undertaking may be substantially in the following form:

"Whereas at an election held on November —, 19—, A. B. was duly elected sheriff of — County, we, C D and E F, hereby undertake that if A B shall not faithfully pay over, according to law, all moneys that may come into his hands by virtue of his office, and otherwise well and faithfully perform the duties of such office, then we, or either of us, will pay the State of Oregon the sum of \$10,000."

204.030 Official undertaking of clerk. (1) The official undertaking of a county clerk must be given, approved and filed in the manner prescribed for the official undertaking of a sheriff, and must be in the same amount.

(2) The undertaking may be in substantially the same form as that of a sheriff, substituting the name of "county clerk," for that of "sheriff."

(3) The official undertaking of the county clerk of Multnomah County shall be in the sum of \$25,000, with two or more good and sufficient sureties, who must be residents of the county and have the qualification of bail upon arrest. The undertaking must be approved by the county judge, and must be to the effect that the clerk will faithfully perform all the duties of his office and well and truly according to law pay over and deliver all moneys, books, papers and other property, which shall come into his possession by virtue of his office. [Amended by 1965 c.221 §22]

204.035 Official undertaking of county treasurer. (1) The official undertaking of a county treasurer must be given to the state in a sum not less than \$10,000 nor more than \$100,000, to be fixed by order of the county court, with two or more sufficient sureties, who must be residents of the county and have the qualifications of bail upon arrest, or a surety company authorized to do business in this state.

(2) The undertaking must be approved by the county court, and filed with the county clerk.

(3) The undertaking may be substantially

in the following form:

"Whereas at an election held on November —, 19—, A B was duly elected county treasurer for ——— County, we, C D and E F, hereby undertake that if A B shall not faithfully keep, account for and pay over according to law all moneys that may come into his hands by virtue of his office, and otherwise well and faithfully perform the duties of such office, then we, or either of us, will pay to the State of Oregon, the sum of \$—."

[Amended by 1953 c.306 §17]

204.040 Official undertaking of assessor, surveyor and commissioner. (1) The official undertaking of a county assessor and county surveyor must be given, approved and filed in the manner prescribed for the official undertaking of a county treasurer, but the amount must be \$5,000.

(2) The undertaking may be in substantially the same form as that of a county treasurer substituting the name of "county assessor" or "county surveyor" for that of "county treasurer."

(3) A commissioner of the county court is not required to give an undertaking.

204.045 [Repealed by 1971 c.88 §8]

204.050 Payment of premiums on bonds of county officers. It shall be the duty of the county court to pay out of the general fund the premiums on corporate surety bonds furnished by all county officials.

204.055 When new undertaking required; effect of default. When it satisfactorily appears to the county court that the sureties in an official undertaking are dead or insufficient, or have removed from the county, such court, upon reasonable notice to the officer giving the undertaking, must require him to give a new undertaking, with sufficient sureties. In default of compliance with such order, the office is to be deemed vacant.

204.060 Justification of sureties. The sureties in the official undertakings in this chapter mentioned, other than that of a county clerk must justify before the county court as bail upon arrest; and their justification must be filed with the undertaking.

204.065 Appointment of county judge pro tem. Whenever because of illness or injury an elected county judge is incapacitated

and unable to perform the duties of his office, and such facts are made to appear by the affidavit of one or more physicians, licensed to practice in this state, filed in the office of the Secretary of State, the Governor shall appoint some competent and qualified person county judge pro tem, who shall serve until the termination of the incapacity of the elected county judge has been evidenced in the same manner as the incapacity was originally evidenced, or until the expiration of the term of office, whichever shall first occur, or until the appointment may be revoked for cause by the Governor. Such appointment shall not vacate the office of the elected county judge nor discontinue his salary.

204.070 Oath of judge pro tem. Before entering upon the performance of the duties of county judge pro tem, the appointee shall subscribe and file in the office of the county clerk the same oath of office required of an elected county judge.

204.075 Compensation of judge pro tem. A county judge pro tem shall receive from the county compensation for his services at the same rate and in the same manner as the elected county judge.

COMPENSATION OF COUNTY OFFICERS, DEPUTIES AND OTHER EMPLOYES

204.101 Compensation of county officers, deputies and employes to be fixed by county court. The county court or board of county commissioners of each county shall fix the compensation of its own members and of every other county officer, deputy and employe, including justices of the peace, constables and elective district court clerks, but excluding district court judges and any court officer appointed by any judge or judges of either the circuit or district courts exercising jurisdiction in the county and compensated from county funds, where the compensation of such officers, deputies and employes is to be paid from county funds. [1953 c.306 §1; 1965 c.89 §1]

204.105 [Repealed by 1953 c.306 §18]

204.110 [Repealed by 1953 c.306 §18]

204.111 Compensation fixed under ORS 204.101 as exclusive compensation. (1) The compensation fixed under ORS 204.101 constitutes full and exclusive compen-

sation for official services rendered to the county, and includes compensation for any special services rendered to the county, such as those performed by the county clerk as clerk of the district court.

(2) No other compensation, commission or fees for services rendered to the county shall be allowed to, received or retained by any county officer, deputy or employe whose compensation is fixed under ORS 204.101, except for the performance of marriage ceremonies and surveys for private persons by county surveyors. [1953 c.306 §5]

204.115 [Repealed by 1953 c 306 §18]

204.120 [Renumbered 204.241]

204.121 Compensation and appointment of officers, deputies and employes in counties subject to county civil service law. It is the intent of the legislature that no provision of ORS 204.101, 204.111, 204.131 or 204.601 shall supersede any provision of the county civil service law, and when any conflict arises between any provision of ORS 204.101, 204.111, 204.131 or 204.601 and any provision of the county civil service law, then the county civil service law shall prevail. [1953 c.306 §10]

204.125 [Repealed by 1953 c 306 §18]

204.130 [Repealed by 1953 c.306 §18]

204.131 Effective date of compensation initially fixed; change in compensation of elective officers; diminishing judicial officer's compensation. (1) The governing body of each county shall initially fix the compensation of all county officers, deputies and employes under ORS 204.101 prior to and to be effective upon July 1, 1953. The compensation of any elective county officer so fixed shall remain in effect unless changed with the approval of the budget committee or tax supervising and conservation commission under ORS 204.141.

(2) Nothing in this section or ORS 204.101 shall be construed to require or authorize the diminishment of the compensation of justices of the peace and judges of county courts having judicial functions during the term for which they are elected. [1953 c.306 §2; 1961 c.395 §1; 1977 c.345 §1]

204.135 [Repealed by 1953 c.306 §18]

204.140 [Repealed by 1953 c.306 §18]

204.141 Approval by budget committee of change in compensation of elective officers. Before any change in the compensa-

tion of an elective county officer is effective, it shall be submitted to and approved by the county budget committee or tax supervising and conservation commission at a regular meeting or at a special meeting called for that purpose. [1953 c.306 §3; 1977 c.345 §2]

204.145 [Repealed by 1953 c.306 §18]

204.150 [Repealed by 1953 c.306 §18]

204.151 Reduction by county court of proposed increase in compensation of elective officers. At any time prior to the making of the tax levy for the year in which any increase in the compensation of elective county officers is proposed to take effect, the county court or board of county commissioners may reduce or rescind the proposed increase. [1953 c.306 §4]

204.155 [Repealed by 1953 c.306 §18]

204.160 [Repealed by 1953 c.306 §18]

204.165 [Repealed by 1953 c.306 §18]

204.170 [Repealed by 1953 c.306 §18]

204.175 [Repealed by 1953 c.306 §18]

204.180 [Repealed by 1953 c.306 §18]

204.185 [Repealed by 1953 c.306 §18]

204.190 [Repealed by 1953 c.306 §18]

204.195 [Repealed by 1953 c.306 §18]

204.200 [Repealed by 1953 c.306 §18]

204.205 [Repealed by 1953 c.306 §18]

204.210 [Repealed by 1953 c.306 §18]

204.215 [Repealed by 1953 c.306 §18]

204.220 [Repealed by 1953 c.306 §18]

204.225 [Repealed by 1953 c.306 §18]

204.230 [Repealed by 1953 c.306 §18]

204.235 [Repealed by 1953 c.306 §18]

204.240 [Repealed by 1953 c.306 §18]

204.241 [Formerly 204.120; repealed by 1979 c.492 §1]

204.245 [Amended by 1965 c.251 §3; repealed by 1979 c.492 §1]

204.250 [Repealed by 1979 c.492 §1]

204.255 [Amended by 1965 c.251 §4; repealed by 1979 c.492 §1]

204.260 [Repealed by 1979 c. 492 §1]

204.265 [Amended by 1963 c.519 §25; repealed by 1979 c.492 §1]

204.270 [Repealed by 1953 c.306 §18]

204.275 [Repealed by 1953 c.306 §18]

204.280 [Repealed by 1953 c.306 §18]
 204.285 [Repealed by 1953 c.306 §18]
 204.290 [Repealed by 1953 c.306 §18]
 204.295 [Repealed by 1953 c.306 §18]
 204.300 [Repealed by 1953 c.306 §18]
 204.305 [Repealed by 1953 c.306 §18]
 204.310 [Repealed by 1953 c.306 §18]
 204.315 [Repealed by 1953 c.306 §18]
 204.320 [Repealed by 1953 c.306 §18]
 204.325 [Repealed by 1953 c.306 §18]
 204.330 [Repealed by 1953 c.306 §18]

204.335 Claims of commissioners for compensation. (1) Each county commissioner, where his claim for pay as such commissioner is based upon a per diem and mileage basis, or either, shall prepare and file with the county clerk of his county an itemized sworn statement setting forth the day and date of the month on which his services for the county were performed and the nature of such services. If by law he is allowed mileage in the performance of such services, he shall set forth in such claim the number of miles actually traveled by him in going to and returning from the places where such services were performed and shall designate the names of such places as accurately as he can.

(2) No claim of a county commissioner for pay for his services as such shall be audited and paid by a county clerk, unless such claim conforms to subsection (1) of this section.

204.401 [1953 c.306 §8; repealed by 1979 c. 492 §1]
 204.405 [Repealed by 1953 c.306 §18]
 204.410 [Amended by 1965 c.221 §23; 1973 c 417 §1; repealed by 1977 c. 127 §1]
 204.412 [Repealed by 1977 c.127 §1]
 204.415 [Repealed by 1977 c.127 §1]
 204.420 [Repealed by 1957 c.78 §1 (204.421 enacted in lieu of 204 420)]
 204.421 [1957 c.78 §2 (enacted in lieu of 204.420); renumbered 206.315]
 204.425 [Renumbered 206.325]
 204.430 [Repealed by 1953 c.306 §18]
 204.435 [Repealed by 1953 c.306 §18]
 204.440 [Repealed by 1953 c.306 §18]
 204.445 [Repealed by 1979 c. 492 §1]
 204.450 [Repealed by 1953 c.306 §18]
 204.455 [Repealed by 1953 c.306 §18]

204.460 [Repealed by 1953 c.306 §18]
 204.465 [Repealed by 1953 c.306 §18]
 204.470 [Repealed by 1953 c.306 §18]
 204.475 [Repealed by 1953 c.306 §18]
 204.480 [Repealed by 1953 c.306 §18]
 204.485 [Repealed by 1953 c.306 §18]
 204.490 [Repealed by 1953 c.306 §18]
 204.495 [Repealed by 1953 c.306 §18]
 204.500 [Repealed by 1953 c.306 §18]
 204.505 [Repealed by 1953 c.306 §18]
 204.510 [Repealed by 1953 c.306 §18]
 204.515 [Repealed by 1953 c.306 §18]
 204.520 [Repealed by 1953 c.306 §18]
 204.525 [Repealed by 1979 c. 492 §1]
 204.530 [Repealed by 1953 c.306 §18]
 204.535 [Repealed by 1953 c.306 §18]
 204.540 [Repealed by 1953 c.306 §18]
 204.545 [Repealed by 1953 c.306 §18]
 204.550 [Repealed by 1953 c.306 §18]
 204.555 [Repealed by 1953 c.306 §18]

DEPUTIES AND OTHER EMPLOYES (NUMBER, APPOINTMENT AND AUTHORITY)

204.601 Number and appointment of deputies and other employes. (1) The county court or board of county commissioners of each county shall fix the number of deputies and employes of county officers whose compensation is to be paid from county funds.

(2) All such deputies and employes shall be appointed by such county officer, and shall hold office during the pleasure of the appointing officer. [1953 c.306 §9]

204.605 [Repealed by 1953 c.306 §18]
 204.610 [Repealed by 1953 c.306 §18]
 204.615 [Repealed by 1953 c.306 §18]
 204.620 [Repealed by 1953 c.306 §18]
 204.625 [Repealed by 1977 c.168 §6]

204.630 Deputies of clerk. (1) Subject to ORS 204.601, the county clerk may appoint one or more deputies, who shall hold office during the pleasure of the county clerk. Such appointments shall be in writing, filed and recorded in the office of the county clerk. The

county clerk so appointing and his sureties shall be responsible for the faithful performance of duties by the deputies.

(2) In the absence or inability of the county clerk to perform the duties of his office, a deputy shall perform such duties during the continuance of such absence or inability.

[Amended by 1977 c.168 §1]

204.635 Deputies of sheriff; special appointments; authority of deputy; liability of sheriff for certain deputies. (1) A sheriff's deputies shall be appointed by him in writing and continue during his pleasure. The sheriff of any county may appoint deputies in his county for the purpose only, and with authority only, to receive and serve summons and civil process in any suit or action. A certified copy of the appointment of a deputy sheriff shall be filed with the county clerk, and the person appointed shall, before entering upon the duties of the office, take and file with the county clerk the oath of office.

(2) A sheriff may also, by special written appointment, authorize any other person to do any particular act. A certified copy of such appointment shall be filed with the county clerk, unless indorsed upon the process, order or other paper so authorized to be served or executed.

(3) A deputy has the power to perform any act or duty that his principal has, and a person specially appointed to do a particular act has the same power in relation to the particular act authorized. The principal is responsible for the conduct of such deputy or person specially appointed except as provided in subsection (4) of this section.

(4) In counties having a civil service system covering deputy sheriffs, the sheriff shall not be responsible for the conduct of deputy sheriffs or persons specially appointed as provided in subsection (2) of this section.

[Amended by 1963 c.331 §12]

204.640 Deputies of treasurer. County treasurers may appoint one or more deputies, may take from them bond with sureties and may remove them at pleasure. The treasurer and his sureties shall be liable for all official acts of such deputies.

204.645 [Amended by 1953 c.306 §17; repealed by 1965 c.221 §27]

204.650 Deputies of surveyor. Deputies may be appointed by any surveyor, who, before they proceed to discharge their

duties, shall take an oath, well, truly and faithfully to discharge the duties of deputy surveyors.

204.655 [Repealed by 1953 c.306 §18]

204.660 [Repealed by 1953 c.306 §18]

204.665 [Repealed by 1953 c.306 §18]

204.670 [Repealed by 1953 c.306 §18]

204.675 [Repealed by 1953 c.306 §18]

204.680 [Repealed by 1953 c.306 §18]

204.685 [Amended by 1961 c.559 §1; repealed by 1979 c. 492 §1]

204.690 [Repealed by 1953 c.306 §18]

204.695 [Repealed by 1953 c.306 §18]

204.700 [Amended by 1963 c.519 §26; repealed by 1979 c.492 §1]

DISPOSITION OF FEES BY COUNTY OFFICERS AND EMPLOYEES

204.801 Disposition of fees received by county officers and employees. All fees or commissions received by any county officer, deputy or employe whose compensation is fixed under ORS 204.101, by virtue of his office or employment, except for the performance of marriage ceremonies and surveys for private persons by county surveyors, shall promptly be paid into the county treasury. [1953 c.306 §6]

204.805 Deposit with treasurer of fees collected by officers in counties over 100,000. In every county having a population of 100,000 or more, the sheriff, county clerk, superintendent of schools, constables, clerk of the district court and all other county officers who receive fees or other public money, or money in trust for litigants or other persons, shall each business day turn over and deposit with the county treasurer all such money. This section shall not apply to tax moneys which shall be turned over by the tax collector to the treasurer at the times and in the manner provided by law.

204.810 [Repealed by 1953 c.306 §18]

204.815 [Repealed by 1953 c.306 §18]

204.820 [Repealed by 1979 c.492 §1]

204.825 [Repealed by 1953 c.306 §18]

204.830 [Repealed by 1953 c.306 §18]

204.835 [Repealed by 1953 c.306 §18]

204.840 [Repealed by 1953 c.306 §18]

204.845 [Repealed by 1979 c.492 §1]

204.850 [Repealed by 1979 c.492 §1]

204.855 [Amended by 1957 c.359 §2; 1963 c.519 §27; 1965 c.619 §36; repealed by 1979 c.492 §1]

204.860 [Repealed by 1953 c.306 §18]

204.865 [Repealed by 1953 c.306 §18]

204.870 Naturalization fees in counties other than Multnomah. No fees collected by the United States in naturalization proceedings shall be paid to any county hav-

ing a population of less than 400,000, according to the latest federal decennial census. [Amended by 1963 c.519 §28]

204.905 [Amended by 1963 c.519 §29; repealed by 1979 c.492 §1]

204.910 [Amended by 1959 c.53 §1; 1963 c.519 §30; repealed by 1979 c.492 §1]

204.915 [Repealed by 1959 c.53 §3]

204.920 [1955 c.441 §1; 1959 c.53 §2; 1963 c.519 §31; 1965 c.344 §28; 1979 c.190 §405; repealed by 1979 c.492 §1]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel

