

TITLE 17

STATE LEGISLATIVE DEPARTMENT AND LAWS

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1981 REPLACEMENT PART

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GENERAL PROVISIONS (Sessions)

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.

171.015 Emergency legislative sessions; procedure for determining legislators' request for or refusal of emergency sessions; time and manner of convening sessions. (1) When a majority of the members of each house of the Legislative Assembly has cause to believe that an emergency exists and so notifies the presiding officers of each house in the manner described in this section, the presiding officers shall invoke section 10a, Article IV of the Oregon Constitution.

(2) Members of the Legislative Assembly may give notice of intent to invoke the provisions of subsection (1) of this section by filing written notice thereof with the Legislative Administrator. The notice shall be accompanied by a written statement giving justification of the need for a special session. The filing may be signed by more than one member of each house but must be signed by at least one member of each house.

(3) Upon receipt of a properly signed notice and statement described in subsection (2) of this section, the Legislative Administrator shall send to each member of the Legislative Assembly a form to be signed and returned by the member indicating whether the member requests a special session or does not so request. The form shall be as prescribed by the Legislative Administration Committee and shall contain the text of this section, the names of the members who filed the notice, and the text of the accompanying statement. The form shall be dated and shall bear the date 14 days later, computed as provided in subsection (7) of this section, by 5 p.m. on which date the form must be returned to the Secretary of the Senate or the Chief Clerk of the House of Representatives, respectively, or the person designated to serve in that capacity in order to be counted in determining whether the minimum requisite number of signatures requesting a special session has been obtained. The form sent to the members shall be sent by certified mail, addressee only, return receipt requested.

(4) The return of the signed form by a member to the Secretary of the Senate or the

Chief Clerk of the House of Representatives or person designated to serve in that capacity constitutes an irrevocable request for or refusal of the special session requested by the members filing under subsection (2) of this section and described in the form.

(5) The Secretary of the Senate and the Chief Clerk of the House of Representatives, respectively, or the person designated to serve in that capacity shall verify the signatures in the return form and tally the requests and refusals, note the date and time of the receipt of each returned form. When each receives the requisite minimum number of signed forms agreeing to the special session from members of the house of which he is an officer, each immediately shall notify the presiding officer of each house.

(6) Upon receiving notice from the Secretary of the Senate and the Chief Clerk of the House of Representatives or the person designated to serve in that capacity that the minimum requisite number of signed requests for a special session has been received and verified for both houses, the presiding officers jointly shall convene the Legislative Assembly into emergency session by joint proclamation, fixing the date thereof. The date must be within five days after receipt by the presiding officers of the notice from the Secretary of the Senate and Chief Clerk of the House of Representatives. The original of the proclamations shall be filed with the Secretary of State.

(7) The period of time for purposes of subsection (3) of this section shall be computed by excluding the first day and including the last day unless the last day falls on any legal holiday or on Saturday, in which case the last day is also excluded. The period of time for purposes of subsection (6) of this section shall be computed by beginning on the day after which the presiding officers receive the notice described in subsection (6) of this section and ending five days later, regardless of legal holidays or Saturdays. [1977 c 689 §1]

171.020 [Repealed by 1955 c 211 §7]

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

(Resignation)

171.023 When member-elect may resign. Any person who receives a certificate of election as a member of the Legislative Assembly is at liberty to resign the office, though the person may not have entered upon the execution of its duties or taken the requisite oath of office. [1981 c 517 §1]

171.025 [1961 c 482 §1; renumbered 188.210]

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 [1961 c 482 §3; renumbered 188 220]

171.037 [1971 s s c.1 §2; renumbered 188 230]

171.038 [1971 s s c.1 §3; renumbered 188 240]

171.040 [Repealed by 1955 c.211 §7]

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

171.043 [1955 c.211 §4; 1965 c.593 §1; 1967 c.634 §1, repealed by 1979 c.748 §3]

171.046 [1965 c 578 §1; repealed by 1981 c 517 §26]

(Vacancies)

171.050 [Amended by 1955 c 211 §5; 1973 c 773 §1, repealed by 1981 c 517 §2 (171.051 enacted in lieu of 171 050)]

171.051 Filling vacancies in Legislative Assembly. (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by reason of resignation filed in writing with the Secretary of State or a person is declared disqualified by the house to which the person was elected, the vacancy shall be filled by the voters of the affected legislative district at the next general election unless:

(a) The vacancy occurs during any session of the Legislative Assembly;

(b) A general election will not be held within 90 days after the date the vacancy occurs; or

(c) A general election will be so held, but a special session of the Legislative Assembly will be convened before a person is elected at the general election to fill the vacancy and assumes the duties of the office.

(2) If the vacancy occurs at a time described in subsection (1) of this section, the vacancy shall be filled by appointment of a person qualified to hold the office who is an elector of the legislative district by the county courts or boards of county commissioners of the affected counties pursuant to ORS 171.060 to 171.064. The appointment shall be made from a list of five nominees furnished by the Secretary of State pursuant to ORS 171.060 (1). The vacancy must be filled by appoint-

ment within 30 days after its occurrence or not later than the time set for the convening of the special session described in paragraph (c) of subsection (1) of this section when that is the basis for filling the vacancy.

(3) If the appointing authority required by this section to fill the vacancy does not do so within the time allowed, the Governor shall fill the vacancy by appointment. [1981 c.517 §3 (enacted in lieu of 171.050)]

171.060 Procedure for filling vacancy by appointment. (1) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Representative affiliated with a major political party and that vacancy is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the person designated by the party to receive such notice. The precinct committeepersons of the party representing the precincts within the district who were precinct committeepersons of the precinct when the vacancy occurred shall nominate five qualified persons to fill the vacancy. As soon as the nominees have been appointed the party shall notify the Secretary of State of the persons nominated. The Secretary of State shall notify the county courts or boards of county commissioners of the counties constituting the district in which the vacancy exists of the nominees and of the number of votes apportioned to each member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of State shall set a time for the meeting of the county courts or boards of county commissioners in order to fill the vacancy. If the district is composed of more than one county, the Secretary of State shall name a temporary chairman and designate a meeting place within the district where the county courts or boards of county commissioners shall convene for the purpose of filling the vacancy from the list of five nominees.

(2) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Representative not affiliated with a major political party and that vacancy is to be filled by an appointing authority as provided in ORS 171.051, 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 of the vacancy and of the number of votes apportioned to each member of the county courts or boards of county commissioners

under ORS 171.062 and 171.064. The Secretary of State shall set a time for a meeting of the county courts or boards of county commissioners. If the district is composed of more than one county, the Secretary of State shall name a temporary chairman and designate a meeting place within the district where the county courts or boards of county commissioners shall convene for the purpose of appointing a person to fill the vacancy.

(3) A written statement signed by a majority of those qualified to vote upon the filling of any vacancy naming the person selected to fill the vacancy and directed to the Secretary of State is conclusive evidence of the filling of the vacancy by the appointing authority named therein. [Amended by 1955 c.211 §6; 1973 c.773 §2; 1975 c.779 §2, 1977 c.302 §1]

171.062 Filling vacancies in multi-county legislative districts. (1) When a legislative district in which a vacancy occurs encompasses two or more counties, each county shall be entitled to one vote for each 1,000 of its registered voters or major fraction thereof residing within the legislative district at the time the vacancy occurs. However, any county having registered voters in the district shall be entitled to at least one vote.

(2) A major fraction of registered voters shall be a number greater than 500 but less than 1,000. [Formerly 248.175]

171.064 Apportioning votes for filling vacancies in multicounty legislative districts. The number of votes apportioned to each county commissioner in filling a legislative vacancy shall be equal to the total number allotted to his respective county in the manner set forth in ORS 171.062 divided by the total number of county commissioners of his respective county. [Formerly 248.180]

171.070 [Repealed by 1957 c.164 §1 (171.071 enacted in lieu of 171.070)]

171.071 [1957 c.164 §2 (enacted in lieu of 171.070); 1959 c.391 §1; repealed by 1963 c.1 §2]

(Salaries and Expenses)

171.072 Salary and expenses of members and presiding officers; approval of expenses; tax status; telephone allowance.

(1) Except as otherwise provided in subsection (2) of this section, a member of the Legislative Assembly shall receive for services a salary at

the rate of \$700 monthly, payment to be made in the same manner as the salaries of other elected state officers and employees.

(2) The President of the Senate and the Speaker of the House of Representatives each shall receive for services, as additional salary, an amount equal to the sum allowed each of them as a member under subsection (1) of this section.

(3) A member of the Legislative Assembly shall receive, as an allowance for expenses not otherwise provided for, \$44 for each day within the period that the Legislative Assembly is in session, to be paid weekly.

(4) A member of the Legislative Assembly shall receive, as an allowance for expenses incurred in the performance of official duties during periods when the legislature is not in session, \$300 for each calendar month or part thereof during those periods, to be paid monthly, and subject to approval of the President of the Senate or Speaker of the House of Representatives, mileage expenses and \$44 for each day a member is engaged in the business of interim and statutory committees, including advisory committees and subcommittees thereof, and task forces.

(5) In lieu of and not in addition to the mileage and per diem expense payments provided by subsection (4) of this section, a member of the Legislative Assembly may receive reimbursement for actual and necessary expenses, subject to approval by the President of the Senate or Speaker of the House of Representatives, for legislative business outside of the state.

(6) The President of the Senate and Speaker of the House of Representatives may delegate to the chairmen of interim and statutory committees and task forces the approval authority granted to them by subsection (4) of this section, with respect to expenses incurred in attending any meeting of a particular committee or task force.

(7) Amounts received under subsections (3) and (4) of this section are excluded from gross income and expenditures thereof are excluded in computing deductions for purposes of ORS chapter 316. If there is attached to the personal income return a schedule of all ordinary and necessary business expenses paid during the tax year as a member of the Legislative Assembly, a deduction may be claimed on the return for legislative expenses paid in excess of the amounts received under subsections (3) and (4) of this section.

(8) During periods when the Legislative Assembly is not in session, the Legislative Administration Committee shall provide for a telephone allowance for members of the Legislative Assembly that is in addition to the amount allowed under subsection (4) of this section. In determining the amount of allowance for members, the committee shall consider the geographic area of the member's district. [1963 c 1 §1; 1967 c 66 §1; 1967 c.246 §1; 1971 c 465 §1, 1973 c 250 §1; 1975 c.530 §1, 1977 c.896 §1; 1979 c.557 §1, 1979 c.635 §7; 1981 c 517 §13]

171.074 [1969 c.236 §1; 1971 c 465 §2, repealed by 1975 c.530 §9]

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]

(Employment Rights)

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]

(Measure Filing)

171.127 When proposed measure to bear name of person other than member requesting introduction; statement of chief sponsor. (1) Each proposed legislative measure shall at the time of submission for filing bear the name of any state or other public agency or representative thereof, any private organization or representative thereof, or any person other than a member of the Legislative Assembly at whose specific formal request the measure is being introduced. As used in this subsection, "formal request" means the presentation, submission or providing of a drafted measure to a member or committee of the Legislative Assembly.

(2) Each proposed legislative measure shall bear a statement signed by the chief sponsor thereof, stating that all agencies, organizations and persons that have formally requested the measure are named thereon as required by ORS 171.132 and this section. [1975 c 783 §§1, 2, 1981 c 517 §14]

171.130 Pre-session filing of proposed measures; printing and distribution. (1) At any time in advance of any regular or special session of the Legislative Assembly fixed by the Legislative Counsel Committee, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

(a) Members who will serve in the session and members-elect.

(b) Interim and statutory committees of the Legislative Assembly.

(c) The Executive Department, to implement the fiscal recommendations of the Governor contained in the budget report of the Governor.

(d) The person who will serve as Governor during the session.

(e) State agencies.

(2) The Legislative Counsel shall order each measure filed pursuant to subsection (1) of this section prepared for printing and may order the measure printed. If the person filing a measure specifically requests in writing that the measure be made available for distribution, the Legislative Counsel shall order the measure printed and shall make copies of the printed measure available for distribution before the beginning of the session to members and members-elect and to others upon request.

(3) Copies of all measures filed and prepared for printing or printed pursuant to this section shall be forwarded by the Legislative Counsel to the chief clerk of the house designated by the person filing the measure for introduction.

(4) The costs of carrying out this section 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.

(5) The Legislative Counsel Committee shall adopt rules necessary to accomplish the purpose of this section and ORS 171.132.

(6) This section does not affect any law or any rule of the Legislative Assembly or either house thereof relating to the introduction of legislative measures. [1961 c 167 §17; 1969 c 374 §1; 1971 c.638 §1, 1981 c.517 §15]

171.132 State agencies required to file proposed legislation before session; exceptions. (1) Except as otherwise permitted under the rules of the house of the Legislative Assembly in which a bill or measure is proposed for introduction, a state agency shall file each legislative bill or measure which it proposes with the Legislative Assembly on or before December 15 of the year next preceding the legislative session, and pursuant to ORS 171.130.

(2) A state agency headed by a state-wide elected official who initially assumes office in January of an odd-numbered year is not required to comply with subsection (1) of this

section. The agency may submit bills and measures for introduction by members or committees of the Legislative Assembly until the calendar day designated by rules of either house of the Legislative Assembly.

(3) The exemption granted by subsection (2) of this section to a newly elected Governor does not apply to state agencies in the executive branch. [1975 c.783 §3; 1979 c.237 §2]

171.133 Approval of Governor required for measure introduction. (1) A state agency shall not file a legislative bill or measure under ORS 171.132 or cause a bill or measure to be introduced before the Legislative Assembly if the bill or measure has not been approved by the Governor.

(2) "State agency" means every state agency 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, the State Treasurer, the Attorney General, the Commissioner of the Bureau of Labor and Industries and the Superintendent of Public Instruction. [1979 c 237 §3]

(Readability)

171.134 Readability test for legislative digests and summaries. Any measure digest or measure summary prepared by the Legislative Assembly shall be written in a manner that results in a score of at least 60 on the Flesch readability test or meets an equivalent standard of a comparable test. [1979 c.270 §1]

(Supplies)

171.135 [Formerly 171 100, 1969 c.620 §6, repealed by 1981 c 517 §4 (171 136 enacted in lieu of 171 135 and 171 140)]

171.136 Supplies and equipment. (1) The Legislative Administrator, subject to the policies of the Legislative Administration Committee and the rules of each house, shall furnish necessary office supplies, equipment and stationery for the use of all members, officers and employes of the Legislative Assembly, taking their receipt therefor. It is the duty of such members, officers and employes to return to the Legislative Administrator any unused stationery or supplies and all equipment at the close of each session of the Legislative Assembly unless otherwise directed by the Legislative Administrator. The Legisla-

tive Administrator is authorized to charge the cost of any unreturned nonconsumable supplies or equipment against the final payroll check of the member, officer or employe responsible therefor.

(2) Unless otherwise directed by joint resolution, the Legislative Administrator shall cause to be forwarded to each member 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 with the Legislative Administrator to be so forwarded at the close of each regular or special session of the Legislative Assembly. The member shall designate the address to which the materials are to be forwarded.

(3) The expenses incurred in carrying out the provisions of 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 or the supplies provided. [1981 c.517 §5 (enacted in lieu of 171 135 and 171.140)]

171.137 [1969 c 620 §16, repealed by 1981 c 130 §1]

171.140 [1961 c 167 §15, 1969 c 620 §7; repealed by 1981 c.517 §4 (171 136 enacted in lieu of 171 135 and 171.140)]

ELECTION DATES

171.180 State policy governing election dates. The Legislative Assembly finds that to limit the number of days on which elections are held in this state would consolidate separate single purpose elections, reduce the cost of elections and local government, and increase participation in the electoral process. It, therefore, finds that the number of election days in this state is a matter of state-wide concern. [1979 c 316 §1]

171.185 Dates for legislatively prescribed elections; emergency election. (1) Except as provided in subsection (2) of this section, an election called by the Legislative Assembly shall be held only on:

- (a) The last Tuesday in March;
- (b) The third Tuesday in May;
- (c) The last Tuesday in June;
- (d) The second Tuesday in August;
- (e) The third Tuesday in September; or
- (f) The first Tuesday after the first Monday in November.

(2) An election may be held on a date other than that provided in subsection (1) of this section, if the Legislative Assembly by resolution or Act finds that an election sooner than the next available election date is required on a measure to finance repairs to property damaged by fire, vandalism or a natural disaster. [1979 c 316 §2; 1981 c 639 §1]

PUBLICATIONS

171.200 "Publications" defined for ORS 171.206; excludes session laws, journals and Oregon Revised Statutes. As used in ORS 171.206, "publications" does not include materials published under ORS 171.236 or 171.275, 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 [Formerly 171.090; 1965 c.424 §5; 1971 c.638 §2; repealed by 1981 c 517 §6 (171 206 enacted in lieu of 171 205, 171 211, 171.215 and 171.625)]

171.206 Legislative publications, publication and distribution; form and number; charges; disposition of publications (1) Except as provided in ORS 171.236 and 171.275, all publications printed for either house of the Legislative Assembly and their committees, including joint committees created by law, rule or joint resolution, shall be published and distributed by the Legislative Administrator, subject to the rules of each house and under the direction of the Legislative Administration Committee.

(2) Unless otherwise directed by joint resolution and except as otherwise provided by law, the Legislative Administrator shall cause to be distributed without charge the publications of the Legislative Assembly among such state officers, departments and agencies, public officers and state institutions of higher learning as the Legislative Administration Committee determines necessary for their requirements. Each house shall receive from the Legislative Administrator such number of publications as it deems necessary.

(3) Notwithstanding any other provision of law, the Legislative Administrator shall make available to the State Librarian for distribution and exchange purposes 50 copies of each printed measure and daily calendar issued by authority of the Legislative Assembly and 125 copies of each legislative interim committee report, or such lesser number as is desired by the State Librarian.

(4) Unless otherwise directed by joint resolution, the Legislative Administration Committee shall determine the form, number and distribution of and charges for, if any, the materials referred to in subsection (1) of this section. In determining charges, the committee shall take into account the cost of publishing and distributing copies other than those it distributes under subsections (2) and (3) of this section.

(5) All money received under subsection (4) 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 Administration Committee for its actual costs incurred in publishing and distributing the copies for which it charges a fee.

(6) The Legislative Administration Committee may order the disposition of legislative publications which in its judgment are no longer of value to the state. [1981 c 517 §7 (enacted in lieu of 171.205, 171 211, 171.215 and 171.625)]

171.210 [Repealed by 1961 c 150 §9]

171.211 [1961 c 167 §20; 1965 c.424 §6; 1969 c 620 §8; repealed by 1981 c.517 §6 (171 206 enacted in lieu of 171 205, 171.211, 171.215 and 171.625)]

171.215 [Formerly 171 092; repealed by 1981 c.517 §6 (171.206 enacted in lieu of 171.205, 171.211, 171.215 and 171.625)]

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

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

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

171.225 [1965 c.424 §1; repealed by 1981 c 517 §8 (171 236 enacted in lieu of 171.225 and 171 235)]

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

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

171.235 [1965 c 427 §7; 1969 c.174 §1; 1969 c 620 §9; repealed by 1981 c.517 §8 (171.236 enacted in lieu of 171.225 and 171 235)]

171.236 Session laws, publication and distribution; disposition of laws. (1) The Legislative Counsel, under the direction of the Legislative Counsel Committee, shall publish and distribute the laws enacted by the Legislative Assembly.

(2) The Legislative Counsel Committee shall determine the form, number and distribution of and charges for, if any, the publications referred to in subsection (1) of this section and may perform other functions necessary for the publication and distribution thereof.

(3) The Legislative Counsel shall provide sufficient copies of the publications prepared under this section to the Legislative Administrator for distribution in accordance with ORS 171.206 (2).

(4) The Legislative Counsel Committee may order the disposition of any publications referred to in this section which in its judgment are no longer of value to the state. [1981 c.517 §9 (enacted in lieu of 171 225 and 171 235)]

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

171.245 Legislative Publications Account. (1) There is established in the General Fund an account to be known as the Legislative Publications Account. All moneys collected or received under ORS 171.236 shall be paid into the account. All moneys in the account are appropriated continuously for and shall be used for the purposes described in ORS 171.236.

(2) Disbursements of moneys from the Legislative Publications Account shall be approved by either of the presiding officers of the Legislative Assembly; but the presiding officers may jointly designate an individual, who is under bond to the State of Oregon as provided in ORS 293.335, to approve disbursements from the account. A statement designating the individual, together with a sample of the individual's signature, shall be filed as provided in ORS 293.335. [1965 c.424 §3; 1969 c 174 §2; 1981 c 517 §16]

171.250 [Repealed by 1965 c 424 §8]

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 171.236, shall be received in all courts of this state as an authorized publication of the laws of Oregon published therein. [1965 c.424 §2; 1981 c.517 §17]

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

171.270 Legislative materials furnished public officers without charge are public property. Except as otherwise provided by or pursuant to law, the copies of the legislative materials referred to in ORS 171.236 furnished free of charge to the public officers of this state pursuant to law are public property and shall be delivered over by them to their successors in office. [Amended by 1969 c.174 §3, 1981 c 517 §18]

171.272 [1953 c.546 §1; 1961 c.167, §27; renumbered 173.152]

OREGON REVISED STATUTES

171.275 Oregon Revised Statutes; committee policy; charges. (1) The Legislative Counsel, under the direction of the Legislative Counsel Committee, shall publish and distribute the Oregon Revised Statutes, including index, replacement parts, annotations and supplements, and all editions thereof.

(2) The Legislative Counsel Committee shall establish policies for the revision, clarification, classification, arrangement, codification, annotation, indexing, printing, binding, publication, copyrighting, sale and distribution of the publications referred to in subsection (1) of this section.

(3) The Legislative Counsel Committee shall establish such charges as may be necessary to recover the costs of publishing the materials sold and distributed under this section. [1981 c 517 §11 (enacted in lieu of 173 150)]

171.280 [1963 c.418 §2; repealed by 1969 c.174 §5]

171.285 Legislative Counsel certificate. (1) When any edition of the statutes, or part or supplement designed to replace parts of or to supplement a previous edition and to bring such edition up to date, is published by the Legislative Counsel Committee, the Legislative Counsel shall cause to be printed in the edition, part or supplement a certificate that the Legislative Counsel has compared each section in such edition, part or supplement with the original section in the enrolled bill, and that, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law, the sections in the published edition, part or supplement are correctly copied.

(2) Any edition, part or supplement certified as provided in subsection (1) of this sec-

tion shall constitute prima facie evidence of the law in all courts and proceedings, and any section in such edition, part or supplement may be amended or repealed by amending or repealing such section of the edition, part or supplement without reference to the legislative Act from which it was derived. No compilation of the statute laws of Oregon not bearing such certificate, or a similar certificate of the Reviser of Statutes, shall be admissible as evidence of the law in any court or proceeding. [Formerly 173.170]

171.295 Preservation and use of ORS type. (1) In any contract for the printing of any editions of the statutes, provision may be made for preservation or purchase, on behalf of the state, of the type or plates from which the editions were printed, for use in producing future editions or publications.

(2) The Legislative Counsel Committee may permit the use of such type or plates or material printed therewith for the production of pamphlets of particular portions of the statute laws requested by any public agency, under such terms and conditions as the committee considers reasonable. [Formerly 173 180]

171.305 ORS Revolving Account. (1) The proceeds from the sale of any edition or publication made pursuant to ORS 171.275 shall be deposited in the State Treasury to the credit of a revolving account for the use of the Legislative Counsel Committee in publishing and distributing future editions or publications. The account, to be known as the ORS Revolving Account, shall be continuously appropriated for such purpose.

(2) There shall also be deposited to the credit of the ORS Revolving Account any moneys received through the sale of type metal or plates belonging to the Legislative Counsel Committee or any moneys received by the committee in connection with the use of type or plates, or material printed therewith pursuant to ORS 171.295.

(3) The Legislative Counsel Committee, from time to time, may cause to be transferred from the ORS Revolving Account to the General Fund such moneys as the committee may consider unnecessary for use in publishing and distributing future editions or publications.

(4) Any unexpended and unobligated balance in the ORS Revolving Account in excess of \$125,000 as of July 1 of any odd-numbered year, as certified by the Legislative

Counsel, shall be transferred from the account to the General Fund to be available for general governmental expenditures. [Formerly 173.250].

171.315 Free distribution of ORS. (1) The Legislative Counsel, in addition to distribution otherwise authorized of copies of Oregon Revised Statutes, including index and annotations, shall furnish free of charge:

(a) For each member of the Legislative Assembly who did not serve during the session immediately preceding, one set and, throughout the term of the member, the current replacement parts therefor as issued. Such sets shall be furnished, for issuance to the members, to the Legislative Administrator.

(b) For each member of the Legislative Assembly who served during the session immediately preceding, one set for official use during each session. Such sets shall be furnished, for issuance to the members, to the Legislative Administrator, who upon final adjournment of each session shall collect sets issued pursuant to this paragraph for reissue during subsequent sessions. Current replacement parts for these sets shall be furnished as issued.

(c) For each judgeship, the salary of which is paid by the state, one set and current replacement parts therefor as issued, for each county in which the judge regularly holds court. Sets and current replacement parts distributed pursuant to this paragraph shall be delivered by the recipients to their successors in office.

(2) (a) The costs of furnishing sets and replacement parts therefor to members of the Legislative Assembly shall be paid from the appropriations made for the payment of the expenses of the Legislative Assembly.

(b) The costs of furnishing sets and replacement parts therefor pursuant to paragraph (c) of subsection (1) of this section shall be paid from the state appropriations made for the payment of the expenses of the various judgeships. [Formerly 173.152]

RECORDS

171.405 Binding original enrolled laws and joint resolutions. The Legislative Administration Committee 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 substan-

tial manner in the order in which they are approved. The Legislative Administration Committee 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, 1971 c.638 §3]

171.407 Sound recordings of legislative proceedings required; State Archivist to provide public access. (1) Sound recordings, produced on equipment selected by the Legislative Administration Committee for compatibility with equipment for reproduction by the State Archives, shall be made of every meeting of the Legislative Assembly and of every hearing and meeting of every standing, special and interim committee of the Legislative Assembly, or subcommittee thereof.

(2) The sound recordings required under subsection (1) of this section are part of the legislative records of the Legislative Assembly or committee and shall be subject to the provisions of ORS 171.410 to 171.430.

(3) Except as provided in ORS 171.425, the State Archivist shall not loan any sound recording required under subsection (1) of this section, but may arrange to have such recordings copied in an appropriate manner and may make a reasonable charge therefor. [1973 c 555 §1]

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 employe 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, 1981 c 517 §19]

171.415 Delivery to Legislative Administration Committee; exception. (1) Except as provided in subsections (2) and (3) of this section, a committee or employe 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 Administration Committee.

(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 to the Legislative Administration Committee.

(3) This section does not apply to the records of the Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee or the Joint Committee on Ways and Means. [1961 c.150 §2; 1969 c 620 §10, 1973 c.555 §4; 1981 c.517 §20]

171.420 Classification and arrangement; delivery to State Archivist. The Legislative Administrator 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 Administrator 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; 1969 c.620 §11]

171.425 Borrowing by certain legislative personnel. The State Archivist shall allow the Legislative Fiscal Officer, the Legislative Administrator, the Legislative Counsel, or the Legislative Revenue Officer to borrow and temporarily have possession of such legislative records as such officer requests. [1961 c 150 §4, 1969 c 620 §12; 1975 c.789 §6]

171.427 Schedule for retention, destruction or disposition of records. The Legislative Administration Committee and State Archivist shall establish and from time to time may revise a schedule that shall govern the retention and destruction or other disposition of legislative records delivered to and in the custody of the archivist under ORS 171.420 or 171.430 and of sound recordings retained by a committee under ORS 171.430 (2). The schedule agreed upon by the committee and archivist shall be set forth in the rules

and regulations issued by the archivist. [1973 c 555 §3]

171.430 Disposal by certain committees; sound recordings by certain committees. (1) Except for legislative records borrowed under ORS 171.425 and except as provided in subsection (2) of this section, the Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee or the Joint Committee on Ways and Means 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.

(2) The Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee and the Joint Committee on Ways and Means shall cause sound recordings of its hearings or meetings to be retained, or if not retained, to be delivered to the State Archivist. The archivist shall be official custodian of the sound recordings so delivered. [1961 c.150 §6, 1969 c 620 §13; 1973 c 555 §5]

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 or by a person authorized to serve summons and in the manner prescribed for the service of a summons upon a defendant in a civil action in a circuit court. 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 as for summons or that the person cannot be found. 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, 1973 c 827 §21, 1977 c.877 §16; 1979 c.284 §117]

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 Emergency Board, the Joint Committee on Ways and Means 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 if the witness were appearing before a judge pursuant to ORS 44.430. All claims for reimbursement are subject to the approval of the Legislative Fiscal Officer. [1961 c 167 §11, 1981 c 892 §91a]

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]

WAYS AND MEANS COMMITTEE

171.555 Ways and means committees. The President of the Senate, upon election as President, shall appoint a committee of ways and means consisting of eight members. The Speaker of the House of Representatives, upon election as Speaker, shall appoint a committee of ways and means consisting of eight members. At least two of the members appointed from each house shall have had previous experience on the committee of ways and means. If the Speaker of the House of Representatives or the President of the Senate is a member, either may designate from time to time an alternate from among the members of the respective house to exercise powers as a member of the committee except that the alternate shall not preside if the Speaker or President is chairperson. As soon as practicable after their appointment, the committees shall meet jointly, the chairpersons of the respective committees alternating as presiding officers. The chairpersons 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; 1977 c.891 §1; 1981 c.2 §1]

SENATE CONFIRMATION OF EXECUTIVE APPOINTMENTS

171.560 [1961 c.167 §39 (enacted in lieu of 351 030); 1969 c.695 §2; 1971 c.638 §16; 1977 c.891 §2, 1979 c.351 §1; repealed by 1979 c.351 §5; 171 562 enacted in lieu of 171 560]

171.562 Procedures for confirmation. The Senate by rule adopted during a session or at a convening of the Senate to carry out its duties under section 4, Article III of the Oregon Constitution, shall specify its procedures for the confirming of appointments by the Governor that are by law subject to confir-

mation by the Senate. [1981 c 4 §1; enacted in lieu of 171.560]

171.565 Vote required for confirmation; interim Senate meetings. (1) In case of any executive appointment made subject to confirmation of the Senate, the affirmative vote of a majority of the members of the Senate shall be necessary for confirmation. If an appointment is not confirmed by the Senate, the Governor shall make another appointment, subject to confirmation by the Senate.

(2) The name of the individual appointed or to be appointed shall be submitted to the Senate by the Governor. The Senate shall take up the question of confirmation as soon after the convening of a regular or special session as is appropriate or upon a convening of the Senate to carry out its duties under section 4, Article III of the Oregon Constitution. The question of confirmation may be referred to committee or it may be acted upon without such referral.

(3) Members of the Senate convened to carry out duties of the Senate under section 4, Article III of the Oregon Constitution, shall be considered in attendance at a meeting of an interim committee during the period of convening for purposes of ORS 171.072. [1981 c 4 §2; enacted in lieu of 171.570]

171.570 [1969 c.695 §1; 1979 c.351 §2, repealed by 1979 c.351 §5; 171.565 enacted in lieu of 171.570]

ADMINISTRATIVE RULES REVIEW

171.572 Legislative Counsel review of administrative rules. The Legislative Counsel shall review administrative rules adopted or proposed for adoption by state agencies. Such review shall be in accordance with the provisions of ORS 183.710 to 183.725. [1981 c 517 §12]

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 advisory committees or subcommittees who are not members of the Legislative Assembly for their actual and necessary travel and other expenses incurred in the performance of their duties. [1961 c.167 §5; 1975 c.530 §2]

171.625 [1961 c.167 §6; 1969 c.620 §14; 1977 c.121 §1; repealed by 1981 c.517 §6 (171.206 enacted in lieu of 171.205, 171.211, 171.215 and 171.625)]

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]

INTERIM AUTHORITY FOR STAFF AND DISBURSEMENTS

171.650 Interim staff for presiding officers. The President of the Senate and the Speaker of the House of Representatives each may appoint an interim staff to assist him during the period between sessions of the Legislative Assembly. Each presiding officer shall fix the compensation and prescribe the duties of his interim staff. Expenses incurred for each interim staff appointed under this section shall be paid from amounts appropri-

ated by law out of the General Fund for payment of the expenses of the Legislative Assembly. [1969 c.236 §2]

171.660 [1969 c.236 §3; repealed by 1975 c.530 §9]

171.670 Authority for approval of disbursements during interim. Subject to any other grant of or limitation on authority to authorize the incurring of and approve disbursements for indebtedness or expenses of the Legislative Assembly to be paid from amounts appropriated by law out of the General Fund for that purpose, which may be adopted by joint resolution of both houses, such authority is vested as follows:

(1) For general expenses of the Legislative Assembly not specifically attributable to either house, in the Legislative Administration Committee.

(2) For expenses specifically attributable to either house, in the President of the Senate or the Speaker of the House of Representatives, as the case may be. [1975 c.530 §8]

171.705 [1963 s.s. c.1 §1; 1975 c.136 §1; 1979 c.593 §1; renumbered 183.710]

171.707 [1975 c.136 §3 (enacted in lieu of 171.710); 1977 c.344 §1, 1979 c.593 §2; renumbered 183.715]

171.709 [1975 c.136 §4 (enacted in lieu of 171.710); 1977 c.344 §3; 1979 c.593 §3; renumbered 183.720]

171.710 [1963 s.s. c.1 §2; repealed by 1975 c.136 §2 (171.707, 171.709, 171.713 enacted in lieu of 171.710)]

171.713 [1975 c.136 §5 (enacted in lieu of 171.710); 1977 c.344 §4; renumbered 183.725]

171.715 [1977 c.161 §3; repealed by 1979 c.593 §34]

LOBBYING REGULATION

171.725 Definitions for ORS 171.725 to 171.785. As used in ORS 171.725 to 171.785, unless the context requires otherwise:

(1) "Consideration" includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.

(2) "Executive agency" means a commission, board, agency or other body in the executive branch of state government that is not part of the legislative or judicial branch.

(3) "Executive official" means any member or member-elect of an executive agency and any member of the staff or an employe thereof. A member of a state board or commission, other than a member who is employed in full-time public service, shall not be consid-

ered an executive official for purposes of ORS 171.725 to 171.785.

(4) "Legislative action" means introduction, sponsorship, testimony, debate, voting or any other official action on any measure, resolution, amendment, nomination, appointment, or report, or any matter which may be the subject of action by either house of the Legislative Assembly, or any committee thereof or the approval or veto thereof by the Governor.

(5) "Legislative official" means any member or member-elect of the Legislative Assembly, any member of an agency, board or commission established by or responsible to the Legislative Assembly or either house thereof, and any staff person, assistant or employe thereof.

(6) "Lobbying" means influencing, or attempting to influence, legislative action.

(7) "Lobbyist" means:

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

(b) Any person not otherwise subject to paragraph (a) of this subsection who provides his personal services as a representative of a corporation, association, organization or other group, for the purpose of lobbying.

(c) Any public official who lobbies.

(8) "Public agency" means a commission, board, agency or other governmental body.

(9) "Public official" means any member or member-elect of any public agency and any member of the staff or an employe thereof.

[1973 c.802 §2; 1975 c.747 §1; 1977 c.588 §1]

171.730 Lobbying regulation purpose. The Legislative Assembly finds that to preserve and maintain the integrity of the legislative process, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade members of the Legislative Assembly or the executive branch to take specific actions, either by direct communication to such officials or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. [1973 c.802 §1]

171.735 Application of ORS 171.740 and 171.745 to certain persons. Provided such persons are not registered with the Oregon Government Ethics Commission, ORS 171.740 and 171.745 do not apply to the following persons:

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

(2) Any legislative official acting in an official capacity.

(3) Any individual who receives no additional consideration for lobbying and who limits lobbying activities solely to formal appearances to give testimony before public sessions of committees of the Legislative Assembly, or public hearings of state agencies, and who, if the individual testifies, registers an appearance in the records of such committees or agencies.

(4) An individual who spends not more than 16 hours during any calendar quarter lobbying, excluding travel time, and who does not spend an amount in excess of \$50 during any calendar quarter excluding the cost of personal travel, meals and lodging.

(5) The Governor, Executive Assistant to the Governor, Legal Counsel to the Governor, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040, State Treasurer, Chief Deputy State Treasurer appointed pursuant to ORS 178.060, Attorney General, Deputy Attorney General appointed pursuant to ORS 180.130, Superintendent of Public Instruction and Commissioner of the Bureau of Labor and Industries. [1973 c.802 §3; 1974 ss c.72 §27, 1975 c.747 §2, 1977 c.588 §1a; 1979 c.666 §1, 1981 c.528 §1]

171.740 Lobbyists required to register; contents of statement; fee. (1) Within three working days after engaging in lobbying, each lobbyist or public agency shall register with the Oregon Government Ethics Commission by filing with the commission a statement containing the following information:

(a) The name and address of the lobbyist.

(b) The name and address of each person or agency by whom the lobbyist is employed or in whose interest he appears or works, a description of the trade, business, profession or area of endeavor of that person or agency, and a designation by each such person or agency that the lobbyist is officially authorized to lobby for that person or agency.

(c) The name of any member of the Legislative Assembly who is in any way employed by the lobbyist employer designated in para-

graph (b) of this subsection or who is employed by the lobbyist or if the lobbyist is associated with any business, either as an owner, officer, employe or otherwise, which constitutes a business with which the member of the Legislative Assembly is associated, as that term is defined in ORS 244.020.

(d) The general subject or subjects of his legislative interest.

(2) The designation of official authorization to lobby shall be signed by an officer of each such public agency, corporation, association, organization or other group or by each individual by whom the lobbyist is employed or in whose interest he appears or works. [1973 c.802 §4; 1974 s.s. c 72 §28; 1975 c.747 §3]

171.745 Statements of lobbying expenses required; contents; time of filing.

(1) Any lobbyist who engages in any lobbying activities shall file with the Oregon Government Ethics Commission, by the last day of the succeeding month, a statement showing:

(a) The total amount of all moneys expended by the lobbyist for the purpose of lobbying in the preceding calendar quarter, by general category, including but not limited to:

(A) Food, refreshments and entertainment;

(B) Printing, postage and telephone;

(C) Advertising and public relations, education and research; and

(D) Miscellaneous.

(b) Any single expenditure in excess of \$25 shall be listed, including the date, name of payee, purpose and amount;

(c) The name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure in excess of \$25 is made, and the date, name of payee, purpose and amount of that expenditure; and

(d) Any general subject or subjects of legislative interest not included in the statement filed under ORS 171.740.

(e) Beginning on July 1, 1979, the dollar amount specified in paragraphs (b) and (c) of this subsection shall be adjusted annually by the commission based upon the change in the Portland Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this paragraph shall be rounded to the nearest dollar.

(2) Statements required by this section need not include amounts expended by the lobbyist for personal living expenses and office overhead, including salaries and wages paid for staff and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to be included in a statement is not accurately known at the time the statement is required to be filed, an estimate thereof shall be submitted in the statement and designated as such. The exact amount expended for which a previous estimate was made shall be submitted in a subsequent report when the information is available.

(3) When the lobbyist is a public official, the report required by this section shall be submitted by the public agency rather than by the public official. [1973 c 802 §5; 1974 s.s. c 72 §29, 1975 c.747 §4; 1979 c 666 §2]

171.750 Employers of lobbyists required to file expense statements. Any person or public agency which employs a lobbyist who was registered, or who was required to register with the Oregon Government Ethics Commission at any time during the preceding calendar year, shall file with the Oregon Government Ethics Commission, by January 31st of each year, a statement showing, for the preceding calendar year:

(1) The total amount of all moneys expended for lobbying activities in the employer's behalf, excluding living expenses incurred during a session of the Legislative Assembly.

(2) The name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure in excess of \$25 is made by the employer, but not including information previously reported in compliance with ORS 171.745, and the date, name of payee, purpose and amount of that expenditure. [1973 c.802 §6, 1975 c 747 §5; 1979 c.666 §3]

171.755 [1965 c.488 §1; repealed by 1973 c 802 §15]

171.756 Prohibited conduct. (1) No lobbyist shall instigate the introduction of any legislative action for the purpose of obtaining employment to lobby in opposition thereto.

(2) No lobbyist shall attempt to influence the vote of any member of the Legislative Assembly by the promise of financial support of his candidacy, or by threat of financing opposition to his candidacy, at any future election.

(3) No person shall lobby or offer to lobby for consideration any part of which is contingent upon the success of any lobbying activity.

(4) No lobbyist shall knowingly or wilfully make any false statement or misrepresentation to any legislative or executive official, or knowing a document to contain a false statement, cause a copy of such document to be received by a legislative or executive official without notifying such official in writing of the truth.

(5) No legislative or executive official shall receive consideration other than from the State of Oregon for acting as a lobbyist.

(6) No legislative official shall receive or solicit any monetary payment or other contribution for the purpose of meeting election campaign expenditures or deficits from a lobbyist during a session of the Legislative Assembly.

(7) No lobbyist during a session of the Legislative Assembly shall make or promise to make any monetary payment or other contribution for the purpose of meeting campaign expenditures or deficits to a legislative official. [1973 c 802 §7; 1974 s s c.72 §30; 1975 c.747 §6]

171.760 [1965 c 488 §4; repealed by 1973 c 802 §15]

171.762 Verification of reports, registrations and statements. (1) Each report, registration or statement required by ORS 171.725 to 171.785 shall contain or be verified by a written declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.

(2) No person shall wilfully make and subscribe any document which contains or is verified by a written declaration for false swearing which the person does not believe to be true and correct to every matter. [1973 c 802 §8, 1979 c.666 §4]

171.765 [1965 c 488 §2; repealed by 1973 c.802 §15]

171.766 Public nature of reports, registrations and statements. All information submitted to the Government Ethics Division in any report, registration or statement required by ORS 171.725 to 171.785 is a public record. [1973 c 802 §9]

171.770 [1965 c.488 §3; repealed by 1973 c.802 §15]

171.772 Division to prescribe forms, accept voluntary filings and provide public access to filed information. In carrying out the provisions of ORS 171.725 to 171.785, the Government Ethics Division shall:

(1) Prescribe forms for registrations, statements and reports required to be filed by ORS

171.725 to 171.785, and provide such forms to persons required to register and to file such statements and reports;

(2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS 171.725 to 171.785; and

(3) Make registrations, statements and reports filed available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost. [1973 c.802 §10]

171.775 [1965 c.488 §5; repealed by 1973 c 802 §15]

171.776 Division to make investigations, issue advisory opinions; rules. In addition to the duties prescribed in ORS 171.772, the Government Ethics Division may:

(1) Make investigations with respect to registrations, statements and reports filed under ORS 171.725 to 171.785, and with respect to any alleged failure to register or to file any statements or reports required under ORS 171.725 to 171.785, and upon signed complaint by any individual, with respect to apparent violation of any part of ORS 171.725 to 171.785. In making any such investigation, the investigating authority has the power to take and hear evidence, administer oaths, and compel by subpoena the attendance of witnesses and the production of books, papers and documents;

(2) Issue, upon request, and publish advisory opinions on the requirements of ORS 171.725 to 171.785, based on a real or hypothetical set of circumstances; and

(3) Prescribe and publish rules and regulations to carry out ORS 171.725 to 171.785 pursuant to the provisions of ORS 183.310 to 183.550. [1973 c.802 §11]

171.780 [1973 c.802 §14; repealed by 1981 c.522 §2]

171.785 Sanctions to be prescribed by either chamber of Legislative Assembly; uniform application. (1) In addition to such penalties as otherwise may be provided by law, a person is subject to such sanctions as either house of the Legislative Assembly may prescribe if he:

(a) Violates any provision of ORS 171.740 to 171.762; or

(b) Fails to file any report, registration or statement or to furnish any information required by ORS 171.725 to 171.785 and 171.992.

(2) The sanctions referred to in subsection (1) of this section shall be uniformly applied to all persons subject to ORS 171.725 to 171.785 and 171.992. [1973 c.802 §12]

TRADE AND ECONOMIC DEVELOPMENT COMMITTEE

171.800 Definitions for ORS 171.800 to 171.840. As used in ORS 171.800 to 171.840, unless the context requires otherwise, "committee" means the Legislative Committee on Trade and Economic Development. [1973 c 700 §1; 1975 c 225 §7]

171.805 Committee established; membership; term; advisory committees. (1) The Legislative Committee on Trade and Economic Development is established as a joint committee of the Legislative Assembly.

(2) The Legislative Committee on Trade and Economic Development shall consist of the Speaker of the House of Representatives, the President of the Senate, five members of the House appointed by the Speaker of the House of Representatives, at least one of whom shall have served on the committee in the preceding interim between legislative sessions, and four members of the Senate appointed by the President of the Senate, at least one of whom shall have served on the committee in the preceding interim between legislative sessions. The appointing authorities shall appoint members of a new committee within 30 days after the convening of the Legislative Assembly in regular session.

(3) The Speaker of the House of Representatives and the President of the Senate may each designate an alternate from among the members of his respective house from time to time to exercise his powers as a member of the committee when he is not in attendance at a meeting of the committee except that the alternate shall not preside if the Speaker or President is chairperson.

(4) The term of a member of the committee shall expire upon the convening of the Legislative Assembly in regular session next following the member's appointment. Vacancies occurring in the membership of the committee shall be filled by the appointing authority.

(5) The committee has a continuing existence and may meet, act and conduct its business during the sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions.

(6) The committee shall select cochairmen, one from each house, to preside alternately during the regular session of the Legislative Assembly. During the interim between adjournment sine die of a regular session and the convening of the next regular session, the committee shall select a chairman who shall preside during the interim and a vice chairman who shall perform such duties as the chairman or members require. The chairmanship and vice chairmanship shall be alternated between the Senate and the House of Representatives each interim.

(7) The committee may appoint advisory committees or subcommittees, which may include individuals other than members of the Legislative Assembly. A member of such committee or subcommittee who is not a member of the Legislative Assembly shall be compensated and reimbursed in the manner provided in ORS 292.495. [1973 c.700 §2, 1975 c.225 §8; 1975 c 530 §3a; 1977 c.891 §3]

171.810 Executive officer; term; duties; salary and expenses. (1) The committee shall select an executive officer who shall serve at the pleasure of the committee.

(2) The committee shall fix the annual salary of its executive officer and, in addition to the duties and functions described in ORS 171.815 and 171.835, prescribe from time to time duties and functions which the committee considers necessary for the furtherance of the purposes of ORS 171.800 to 171.840.

(3) The executive officer shall receive, upon approval by the committee, allowances for expenses incidental to the performance of his official duties and functions, and shall be reimbursed for actual and necessary expenses incurred or paid by him in the performance of those duties and functions. [1973 c.700 §3, 1975 c.225 §9]

171.815 Employment of assistants; status of employes. Subject to the approval of the committee, the executive officer may:

(1) Employ, prescribe the duties and fix the compensation of such professional assistants and clerical and other employes he considers necessary for the effective conduct of the work under his charge.

(2) Approve disbursements for indebtedness or expenses.

(3) Except as provided in this subsection, an employe of the committee, which includes for the purposes of this subsection the executive officer, shall not be considered an "em-

ploye" as the term is defined in the public employes' retirement laws. However, an employe of the committee may at his option be considered an "employe" as defined in such laws. The option, once exercised by written notification directed to the Public Employes' Retirement Board, may not be revoked subsequently, except as may otherwise be provided by law. Upon receipt of such notification by the board, an employe of the committee who would otherwise, but for the exemption provided in this subsection, be considered an "employe" as the term is defined in the public employes' retirement laws shall be so considered. [1973 c.700 §4; 1975 c.225 §10]

171.820 Effect of expiration of terms of committee members on status of employes; filling vacancy in position of executive officer. (1) The expiration of the terms of members of the committee upon the convening of the Legislative Assembly in regular session next following the commencement of their terms, as provided by ORS 171.805, does not affect the employment of any individual filling a position previously approved by the committee.

(2) After the convening of the Legislative Assembly in regular session and until such time as the newly appointed committee provides otherwise:

(a) The executive officer may employ and fix the compensation of individuals he deems necessary for the effective conduct of the work under his charge.

(b) Notwithstanding ORS 171.810, the President of the Senate and the Speaker of the House of Representatives, in case of a vacancy in the position of the executive officer, may jointly select an executive officer to serve at their pleasure at a salary they jointly fix, not exceeding that last fixed by the committee. The President and Speaker may act in lieu of the committee under ORS 293.335 in designating the executive officer they select to approve voucher claims and in filing the statement of designation, and the provisions of ORS 293.335 shall apply as if the executive officer they select and so designate had been so designated by the committee. [1973 c.700 §5; 1975 c.225 §11]

171.825 Duties of executive officer to prepare studies and reports; assistance for Legislative Assembly. (1) Pursuant to policies established by the committee, the executive officer of the committee:

(a) Shall obtain information and reports relating to international trade and economic development when requested to do so by a member of the Legislative Assembly.

(b) Shall give such consideration to and service concerning any measure or matter before the Legislative Assembly as circumstances will permit, and which is in any way requested by the House of Representatives or Senate, or any committee of the Legislative Assembly having the measure or matter before it for consideration.

(c) In conformity with any applicable rules of the House or Senate, shall perform or cause to be performed, as circumstances will permit, service requested by any committee of the Legislative Assembly in connection with the performance of its functions.

(d) Shall attend, in person or by a representative, meetings of the Economic Development Commission, all regional meetings of port districts and meetings of state agencies having responsibility for international trade or economic development and report to the committee on such meetings.

(2) Assignments made to the committee by joint or concurrent resolution of the Legislative Assembly shall be given priority over other requests received or initiated by the committee. [1973 c.700 §6; 1975 c.225 §12]

171.830 Committee duties. The committee shall:

(1) Maintain access to a current inventory of all international exports from this state, their value and the markets to which they were sent.

(2) Receive and evaluate studies and research concerning the impact of international trade, trade development efforts and economic development activities upon the State of Oregon.

(3) Receive and evaluate studies and research for the purpose of improving legislative knowledge of international trade potentials for Oregon products and the effects of trade development efforts and economic development activities.

(4) Engage in international, national, regional or local cooperative efforts for the study and the development of international trade as it may affect the State of Oregon.

(5) Seek the advice and assistance of political subdivisions of the state, any governmental agencies, representatives of foreign governments, institutions of higher learning,

research and trade organizations, representatives of private industry and agriculture, associations which have an interest in international trade, trade development and economic development and any other party who is interested in such fields.

(6) Recommend to the Legislative Assembly legislative alternatives for the utilization of existing markets, identification and development of new avenues and markets for Oregon products, and the enhancement of favorable impacts of trade upon the economy of the State of Oregon.

(7) Serve as a clearinghouse for information that will assist all public and private agencies with activities in the areas of international trade and economic development so that they may be better able to coordinate their activities. [1973 c.700 §7; 1975 c.225 §13]

171.833 Other duties of committee. (1) In addition to any other duties imposed on the committee by law or joint resolution of the Legislative Assembly, the committee shall study and review international trade, trade development and economic development activities in the State of Oregon in order to assure a strong, coordinated program. The committee shall engage in appropriate legislative activities to extend and strengthen strong interstate programs in international trade from which the people of Oregon will benefit.

(2) The committee shall confer with the Economic Development Department in carrying out its duties at least once annually. [1975 c 225 §6]

171.835 Committee authorized to contract for performance of duties; applicability of federal laws. The committee may enter into any contracts necessary for the performance of its duties and functions. All contracts entered into by the committee shall be made in accordance with the laws of the state governing the making of such contracts. However, contracts entered into with the United States or any agency of the United States shall be made in accordance with applicable laws of the United States or any rule or regulation made thereunder. [1973 c 700 §8]

171.840 Committee authorized to receive funds to carry out functions; conditions on receipt of certain funds. (1) The committee may accept, receive, receipt for, disburse and expend federal moneys and other moneys, public or private, for the accomplish-

ment of the purposes of ORS 171.800 to 171.840.

(2) All federal moneys accepted under this section shall be accepted and transferred or expended by the committee upon such terms and conditions as are prescribed by the United States.

(3) All other moneys accepted under this section shall be accepted and transferred or expended by the committee upon such terms and conditions as are prescribed by law.

(4) All moneys received by the committee pursuant to this section shall be deposited in the State Treasury and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are continuously appropriated to the committee for the purposes for which they were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available. [1973 c.700 §9]

171.850 Agency report on business activities. Every agency that adopts a rule affecting business as described in ORS 183.335 or 183.540 shall submit annually a report of its activities concerning business to the Legislative Committee on Trade and Economic Development. [1981 c 755 §7]

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, wilfully 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]

171.992 Civil penalty for violation of lobby regulation. (1) Any person who violates any provision of ORS 171.740 to 171.762, or any rule promulgated pursuant thereto, shall forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the Oregon Government Ethics Commission. In the case of viola-

tion by an individual, such penalty shall not exceed \$250 for each violation. In the case of violation by any person other than an individual, such penalty shall not exceed \$1,000 for each violation.

(2) The civil penalty referred to in subsection (1) of this section may be recovered in an action brought thereon in the name of the

State of Oregon in any court of appropriate jurisdiction. In any such action, the court may review the penalty as to both liability and reasonableness of amount. [1973 c 802 §13]
