Chapter 193

1983 REPLACEMENT PART

(1987 reprint)

Legal Notices

NEWSPAPER PUBLICATION

193.010 Definitions

193.020 Newspaper in which public notice may be published

193.030 Newspaper in which district legal advertisements and notices may be published

193.040 Publication on weekdays in daily paper

193.050 Notice by telegraph

193.060 Computation of publication time

193.070 Proof of publication

193.080 Filing affidavit of publication; original or copy as evidence

193.090 Compensation for publication

193.100 Payment for newspaper publication of state laws or notices

RADIO AND TELEVISION BROADCASTS

193.310 Definitions for ORS 193.310 to 193.360

193.320 Radio and television broadcasts as supplement to newspaper publication

193.330 Reference to candidate for public office prohibited; transcript available to public

193.340 Proof of broadcast

193.350 Selection of broadcast stations

193.360 Payment for broadcasts authorized by state officer

CROSS REFERENCES

193.020

Selection of newspaper to publish county governing body proceedings and schedule of expenditures, 294 255

193.060

Computation of time generally, 174.120

NEWSPAPER PUBLICATION

193.010 Definitions. (1) As used in the statute laws of this state, unless the context or a specially applicable definition requires otherwise, "public notice" means any legal publication which requires an affidavit of publication as required in ORS 193.070, or is required by law to be published.

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

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

(b) "Newspaper" means a newspaper of general circulation, published in the English language for the dissemination of local or transmitted news or for the dissemination of legal news, made up of at least four pages of at least five columns each, with type matter of a depth of at least 14 inches, or, if smaller pages, then comprising an equivalent amount of type matter, which has bona fide subscribers representing more than half of the total distribution of copies circulated, or distribution verified by an independent circulation auditing firm, and which has been established and regularly and uninterruptedly published at least once a week during a period of at least 12 consecutive months immediately preceding the first publication of the public notice. Interrupted publication because of labor-management disputes, fire, flood or the elements for a period not to exceed 120 days, either before or after a newspaper is qualified for publication of public notices, shall not affect such qualification. [Amended by 1979 c 760 §1]

193.020 Newspaper in which public notice may be published. (1) Any public notice of any description, the publication of which is now or hereafter required by law, shall be published in any newspaper, as defined in ORS 193.010, which is published within the county, city of which any part lies within that county, city, district or other jurisdiction where the action, suit or other proceeding is pending, or is to be commenced or had, or in which the legal publication is required to be given.

(2) If publication in only one newspaper is required by law, and if more than one newspaper fulfills the requirements of subsection (1) of this section, the public notice shall be published in that newspaper which the moving party considers best suited to give actual notice. However, nothing in this subsection prohibits the publication in more than one newspaper if desired by the moving party.

(3) If no newspaper is published within the county, city, district or jurisdiction where the action, suit or other proceeding is pending, or is to be commenced or had, or in which the legal publication is required to be given, public notice shall be published in:

(a) The newspaper published nearest to such county, city, district or jurisdiction; or

(b) Any publication that is published in such county, city, district or jurisdiction and that satisfies all the requirements for being a newspaper except that it is published less than once a week but not less than once a month.

(4) If more than one newspaper or publication fulfills the requirements of subsection (3) of this section, the public notice shall be published in that newspaper or publication which the moving party considers most effective for providing actual notice. [Amended by 1963 c 432 §1, 1979 c.760 §2; 1983 c 831 §1]

193.030 Newspaper in which district legal advertisements and notices may be published. Legal advertisements and notices for irrigation districts and road districts, the publication of which is now required by law, shall be published in a newspaper within the district; and if there is no newspaper in the district, in the newspaper nearest to the district affected. [Amended by 1973 c 57 §3]

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

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

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

193.070 Proof of publication. Proof of publication of a document or notice required by law, or by an order of a court or judge, to be published in a newspaper, may be made by the

affidavit of the owner, editor, publisher, manager or advertising manager of the newspaper or the principal clerk of any of them, or the printer or the foreman of the printer, showing the same. The affidavit may be in substantially the form set forth in ORCP 7 F.(2)(b) and shall have annexed a copy of the document or notice. [Amended by 1979 c 284 §122]

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

193.090 Compensation for publication. (1) The compensation for the publication of all public notices which are now or hereafter required by law to be published shall be at a rate not to exceed that published by a newspaper as its open display advertising rate, that is, the per column inch rate charged local advertisers not under contract to a newspaper for a fixed rate or minimum quantity of advertising. However, a newspaper shall grant its customary discounts or contractual rates to the county, city, district or other jurisdiction which fulfills the requirements necessary to qualify for the discounts or contractual rates.

(2) The published size of all public notices shall be determined by the person authorizing publication of the public notice, but shall be designed to afford the public reasonable ease in reading the information contained therein. Any public notice which must be typeset by the newspaper shall be in a type size no smaller than that used by that newspaper in its regular classified advertising columns, with spacing between lines and copy blocks commensurate with similar type matter. [Amended by 1963 c 576 §36; 1963 c 623 §1; 1971 c.295 §1, 1979 c 760 §3]

193.095 [1967 c.283 §7, repealed by 1979 c 760 §4]

193.100 Payment for newspaper publication of state laws or notices. When any law or notice is published in any newspaper of this state, by virtue of any law authorizing any state officer to direct such publication at the expense of the state, all charges for such publication shall be paid as provided in ORS 293.295 to 293.462. The Executive Department shall draw a warrant upon the State Treasurer therefor, specifying the account upon which the warrant is drawn. The treasurer shall pay the same in like manner as other appropriations are paid. [Amended by 1983 c.740 §47]

193.110 [Repealed by 1957 c.356 §1]

RADIO AND TELEVISION BROADCASTS

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

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

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

(3) "Station" means any radio or television station licensed for commercial operation by the Federal Communications Commission. [1967 c 63 §1; 1979 c 190 §401]

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

(2) Notices by political subdivisions of this state, cities, municipal and quasi-municipal corporations, special districts and other public agencies shall be made only by stations whose primary broadcast coverage encompasses the county or counties in which the notice is required to be given. [1967 c.63 §3]

193.330 Reference to candidate for public office prohibited; transcript available to public. (1) In the broadcast of the notice or material under ORS 193.310 to 193.360 and 251.295, no reference by name to any person who is a candidate for elective public office at the time of the broadcast shall be made.

(2) Each station that broadcasts any notice or material under ORS 193.310 to 193.360 and 251.295 shall retain at its office a copy or transcription of the text of the notice or material as broadcast for a period of six months after the broadcast. The copy or transcript shall be available for public inspection at reasonable times. [1967 c 63 §4]

193.340 Proof of broadcast. Proof of publication of the notice or other material under ORS 193.310 to 193.360 and 251.295 shall be by affidavit of the owner, manager, assistant mana-

ger or program director of the station, in substantially the following form:

AFFIDAVIT OF BROADCAST

State of Oregon,)
) ss.
County of _____)

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

——————————

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

——————————

Notary Public for Oregon

My commission expires: ——————————

[1967 c.63 §5]

193.350 Selection of broadcast stations. All public officials performing functions under ORS 193.310 to 193.360 and 255.510 shall select stations that best assure effective publicity for the notice or material being broadcast, based on the nature of the notice or material being broadcast. [1967 c.63 §6]

193.360 Payment for broadcasts authorized by state officer. When any broadcast is made by order of a state officer where publication of the same notice is made at the expense of the state, all charges for the broadcast shall be paid as provided in ORS 293.295 to 293.462. The Executive Department shall draw a warrant upon the State Treasurer therefor, specifying the account upon which the warrant is drawn. The treasurer shall pay the amount in the same manner as other amounts owed by the state are paid. [1967 c 63 §7; 1983 c.740 §48]