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Chapter 176

2011 EDITION

Governor

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GENERAL PROVISIONS

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

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

176.030 [Renumbered 176.510]

176.040 [1959 c.672 §1; 1969 c.391 §13; repealed by 2009 c.77 §6]

176.050 [1959 c.672 §2; 2005 c.22 §123; 2007 c.70 §40; repealed by 2009 c.77 §6]

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

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

(3) All expenses of the Governor-elect incurred in carrying out the provisions of this section are open to inspection and audit by the Secretary of State and must be paid from any funds appropriated for this purpose in the same manner as other claims against the state are paid. [1965 c.80 §1; 1969 c.464 §1; 1995 c.746 §73; 2011 c.222 §1]

176.250 Service of subpoena upon Governor. Notwithstanding any provision of the Oregon Rules of Civil Procedure or other laws of this state, service of subpoena upon the Governor shall be made by delivering a copy to the legal counsel to the Governor or, in the legal counsel's absence, an assistant to the Governor. [1983 c.82 §3]

LAW ENFORCEMENT MEDALS

176.260 Medal of Honor. (1) The Law Enforcement Medal of Honor is established. Upon nomination by the Governor's Commission on the Law Enforcement Medal of Honor established under ORS 176.262, the Governor or the Governor's designee may award the medal in the name of the state to a law enforcement officer who has been distinguished by exceptionally honorable and meritorious conduct. The medal may be awarded posthumously to a representative of the deceased law enforcement officer.

(2) The medal shall be bronze and consist of a police shield overlaid by a sheriff's star with the seal of the State of Oregon in the center and the words "Law Enforcement Medal of Honor" within the design. The medal shall be suspended from a ring that is attached to a navy blue ribbon with a gold edge. The recipient of the medal may choose the color of the ribbon. The reverse side of the medal shall be inscribed with the words "For exceptionally honorable and meritorious conduct in performing services as a law enforcement officer." [2005 c.284 §1; 2011 c.434 §2]

176.262 Governor's Commission on the Law Enforcement Medal of Honor; rules. (1) The Governor's Commission on the Law Enforcement Medal of Honor is established consisting of seven members appointed by the Governor as follows:

(a) One member shall be a representative of the Governor's office;

(b) One member shall be a representative of the Department of Public Safety Standards and Training;

(c) One member shall be a representative of the Oregon Association Chiefs of Police;

(d) One member shall be a representative of the Oregon State Sheriffs' Association;

(e) One member shall be a representative of a statewide organization of police officers;

(f) One member shall be a representative of a statewide organization of peace officers; and

(g) One member shall be a surviving family member of a law enforcement officer killed in the line of duty.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) The commission shall:

(a) Adopt rules establishing qualifications for nomination as a recipient of the Law Enforcement Medal of Honor and the Law Enforcement Medal of Ultimate Sacrifice;

(b) Meet at least once every six months to consider candidates for nomination for the Law Enforcement Medal of Honor and the

Law Enforcement Medal of Ultimate Sacrifice; and

(c) Nominate candidates for the Law Enforcement Medal of Honor and the Law Enforcement Medal of Ultimate Sacrifice.

(4) The Department of Public Safety Standards and Training shall provide staff for the commission.

(5) The commission may seek and accept contributions of funds and assistance from any source for the purpose of carrying out the provisions of ORS 176.260. All funds received by the commission under this subsection shall be paid into the State Treasury and deposited into the Law Enforcement Medal of Honor Account established in ORS 176.264.

(6) A member of the commission is not entitled to compensation nor to reimbursement for travel and other expenses incurred in the performance of duties as a member of the commission. [2005 c.284 §2; 2007 c.329 §1; 2011 c.434 §3]

176.264 Law Enforcement Medal of Honor Account. The Law Enforcement Medal of Honor Account is established separate and distinct from the General Fund. Interest earned by the account shall be credited to the account. The account consists of moneys deposited in the account under ORS 176.262. Moneys in the account are continuously appropriated to the Governor for the purpose of paying costs incurred in purchasing and awarding the Law Enforcement Medal of Honor under ORS 176.260 and the Law Enforcement Medal of Ultimate Sacrifice under ORS 176.267. [2005 c.284 §3; 2011 c.434 §4]

176.267 Medal of Ultimate Sacrifice. (1) The Law Enforcement Medal of Ultimate Sacrifice is established. Upon nomination by the Governor's Commission on the Law Enforcement Medal of Honor established under ORS 176.262, the Governor or the Governor's designee may award the medal in the name of the state to the family of a law enforcement officer who has died while performing his or her duties as a law enforcement officer or who was killed because of his or her employment as a law enforcement officer.

(2) The medal shall be bronze and consist of a police shield overlaid by a sheriff's star with the seal of the State of Oregon in the center and the words "Law Enforcement Medal of Ultimate Sacrifice" within the design. The medal shall be suspended from a ring that is attached to a gold ribbon with a blue edge. The reverse side of the medal shall be inscribed with the words "Awarded by a grateful state for the ultimate sacrifice by a law enforcement family." [2011 c.434 §1]

DISABILITY OF GOVERNOR

176.300 Temporary transfer of power. The Governor may at any time declare that the Governor expects to be temporarily disabled for a period of time and will not be able to discharge the duties of the office during that period of time. The Governor shall indicate the date and time that the period of disability will commence, and an estimate of the length of time during which the Governor will be disabled. Upon the date and time specified by the Governor, the person charged with assuming the duties of the office under Article V, section 8a of the Oregon Constitution, shall commence serving as Acting Governor. Upon the Governor declaring that the period of disability has ended, the Acting Governor shall immediately cease to perform those duties and the Governor shall resume performance of the duties of the office of Governor. [2009 c.77 §1]

176.303 Disability evaluation panel. (1) A disability evaluation panel consists of the following five members:

(a) The Chief Justice of the Oregon Supreme Court. If the Chief Justice is unable or unwilling to serve on the panel when the panel is convoked, the Chief Judge of the Court of Appeals shall serve as a member instead of the Chief Justice.

(b) A judge serving on the Oregon Supreme Court, or the Court of Appeals, designated by the Governor in the manner provided by subsection (2) of this section.

(c) A person who is licensed as a physician under ORS chapter 677, designated by the Governor in the manner provided by subsection (3) of this section.

(d) A person who is licensed as a physician under ORS chapter 677, designated by the dean of the Oregon Health and Science University School of Medicine in the manner provided by subsection (4) of this section. To the extent possible, the designee shall have the appropriate expertise to determine whether the Governor is suffering from a physical or mental disability that prevents the Governor from discharging the duties of the office.

(e) A person who is licensed as a physician under ORS chapter 677, designated by the Director of Human Services in the manner provided by subsection (5) of this section. To the extent possible, the designee shall have the appropriate expertise to determine whether the Governor is suffering from a physical or mental disability that prevents the Governor from discharging the duties of the office.

(2) As soon as possible after taking the oath of office, the Governor shall designate a person to serve as a member on the disa-

bility evaluation panel under subsection (1)(b) of this section. The Governor shall also designate at that time a first and second alternate for the position with the qualifications specified in subsection (1)(b) of this section to serve in the event that the person designated by the Governor is unable or unwilling to serve on the panel when the panel meets. The Governor shall file the names of the member and alternates designated under this section with the Secretary of State.

(3) As soon as possible after taking the oath of office, the Governor shall designate a person to serve as a member on the disability evaluation panel under subsection (1)(c) of this section. The Governor shall also designate at that time a first and second alternate for the position with the qualifications specified in subsection (1)(c) of this section to serve in the event that the person designated by the Governor is unable or unwilling to serve on the panel when the panel meets. The Governor shall file the names of the member and alternates designated under this section with the Secretary of State.

(4) As soon as possible after the disability evaluation panel is convoked, the dean of the Oregon Health and Science University School of Medicine shall designate a person to serve as a member on the disability evaluation panel under subsection (1)(d) of this section. The dean shall also designate at that time a first, second and third alternate for the position with the qualifications specified in subsection (1)(d) of this section to serve in the event that the person designated by the dean is unable or unwilling to serve on the panel when the panel is convoked. The dean shall file the names of the member and alternates designated under this section with the Secretary of State.

(5) As soon as possible after the disability evaluation panel is convoked, the Director of Human Services shall designate a person to serve as a member on the disability evaluation panel under subsection (1)(e) of this section. The director shall also designate at that time a first, second and third alternate for the position with the qualifications specified in subsection (1)(e) of this section to serve in the event that the person designated by the director is unable or unwilling to serve on the panel when the panel meets. The director shall file the names of the member and alternates designated under this section with the Secretary of State.

(6) The Governor may change any designation made by the Governor under subsections (2) and (3) of this section at any time before the disability evaluation panel is convoked by filing a new designation with the Secretary of State. [2009 c.77 §2]

176.306 Convocation of disability evaluation panel. (1) A convocation of the disability evaluation panel shall be convoked if requested by at least two of the following persons:

(a) The Secretary of State;

(b) The State Treasurer;

(c) The President of the Senate;

(d) The Speaker of the House of Representatives; or

(e) The chief of staff for the Governor.

(2) A request for convocation of the disability evaluation panel must be in writing and filed with the Secretary of State. The request is effective upon filing. The request must indicate that the persons making the request believe that the Governor is suffering from a physical or mental disability that prevents the Governor from discharging the duties of the office. [2009 c.77 §3]

176.309 Disability evaluation panel procedures. (1) As soon as possible after a disability evaluation panel is convoked, the panel shall meet and examine whether the Governor is unable to discharge the duties of the office by reason of a physical or mental disability. The members of the panel who are physicians, or other physicians appointed by the panel, shall conduct a medical examination of the Governor if possible.

(2) Meetings of the disability evaluation panel are not subject to ORS 192.610 to 192.690. Except for the panel's determination, records of the panel are not subject to disclosure under ORS 192.410 to 192.505. [2009 c.77 §4]

176.312 Finding of disability; finding that disability has ceased. (1) A disability evaluation panel shall find that the Governor is unable to discharge the duties of the office if four or more members of the panel vote in the affirmative for that finding.

(2) If a disability evaluation panel finds that the Governor is unable to discharge the duties of the office, the panel shall give written notice to the person next in line of succession to the office of Governor. After receiving the notification the person shall assume the duties of the office as Acting Governor under the provisions of section 8a, Article V of the Oregon Constitution.

(3) If a disability evaluation panel finds that the Governor is unable to discharge the duties of the office, the Governor may request at any time while the Acting Governor is performing the duties of the office that a disability evaluation panel be convoked for the purpose of determining whether the Governor is able again to discharge the duties of the office. As soon as possible after the request is received, the panel shall meet

and reexamine whether the Governor is unable to discharge the duties of the office. The examination shall be conducted in the manner provided by ORS 176.309, except that the panel shall find that the Governor is able again to discharge the duties of the office if three or more members of the panel vote in the affirmative for that finding. [2009 c.77 §5]

176.510 [Formerly 176.030; repealed by 1983 c.82 §4]

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

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

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

176.650 [1971 c.686 §1; repealed by 1973 c.1 §1]

176.660 [1971 c.686 §10; repealed by 1973 c.1 §1]

176.670 [1971 c.686 §8; repealed by 1973 c.1 §1]

176.680 [1971 c.686 §2; repealed by 1973 c.1 §1]

176.690 [1971 c.686 §3; repealed by 1973 c.1 §1]

176.700 [1971 c.686 §4; repealed by 1973 c.1 §1]

176.710 [1971 c.686 §5; repealed by 1973 c.1 §1]

176.720 [1971 c.686 §6; repealed by 1973 c.1 §1]

176.730 [1971 c.686 §7; repealed by 1973 c.1 §1]

PROCLAMATIONS

(Death of Unknown Persons)

176.740 Governor's proclamation; presumption for missing person; death certificate. (1) The Governor may proclaim that a natural disaster or an act of war, terrorism or sabotage has caused the death of unknown persons on a specific date at a specific place.

(2) For the purposes of any civil or administrative proceeding, there is a presumption that a missing person is dead if it is shown that:

(a) The person was at or near the place described in a proclamation under this section on the date specified in the proclamation; and

(b) The person's absence cannot be satisfactorily explained after diligent search.

(3) In administering the estate of an absentee under ORS chapter 117, the court may enter an order directing the State Medical Examiner to deposit a death certificate with the county registrar for a decedent presumed to be dead under this section. The county registrar may not charge a fee for depositing a death certificate under this subsection or for issuing a copy of a death certificate deposited under this subsection. The State Medical Examiner shall indicate on the death certificate that the death certificate was issued pursuant to an order entered under this section.

(4) This section does not establish, limit or abrogate the special peril doctrine. [2003 c.560 §1]

(Energy Resources Emergency Powers)

176.750 "Energy resources" defined. As used in ORS 176.750 to 176.815, unless the context requires otherwise, "energy resources" includes electricity, natural gas, petroleum, coal, wood fuels, geothermal sources, radioactive materials and any other resource yielding energy. [1974 c.5 §2]

176.755 Policy. (1) The Legislative Assembly finds that the lack of energy resources and other energy resource emergencies may threaten the availability of essential services and transportation, and the operation of the economy, jeopardizing the peace, health, safety and welfare of the people of Oregon.

(2) The Legislative Assembly finds it necessary to provide an orderly procedure for anticipating and responding to energy resource shortages and to grant, under conditions prescribed in ORS 176.750 to 176.815, emergency powers to order involuntary curtailments in the use of energy resources to the Governor and other state and local officers.

(3) The Legislative Assembly declares it the policy of Oregon to assist the President of the United States in effective management and control of such factors and situations as contribute to an emergency affecting or likely to affect Oregon; to cooperate with other states in matters related to an emergency affecting or likely to affect Oregon; to meet extraordinary conditions in Oregon arising out of the crisis, by taking such steps as are necessary and appropriate; and generally to protect the peace, health, safety and welfare of the people of Oregon. [1974 c.5 §1]

176.760 Information to be available to Governor. (1) On a continuing basis the Governor may obtain all necessary information from energy resource producers, suppliers and consumers, doing business within Oregon, and from political subdivisions in this state, as necessary for the Governor to determine whether shortages or an emergency will require energy resource conservation measures. Such information may include, but is not limited to:

(a) Sales volumes.

(b) Forecasts of energy resource requirements.

(c) Inventory of energy resources.

(d) Local distribution patterns of information under paragraphs (a) to (c) of this subsection.

(2) In obtaining information at any time from energy resource producers or suppliers under subsection (1)(c) of this section, and in obtaining any other information under subsection (1) of this section during a state of

emergency proclaimed under ORS 176.775 to 176.785, the Governor may subpoena witnesses, material and relevant books, papers, accounts, records and memoranda, administer oaths, and may cause the depositions of persons residing within or without Oregon to be taken in the manner prescribed for depositions in civil actions in circuit courts, to obtain information relevant to energy resources that are the subject of the proclaimed emergency.

(3) In obtaining information under this section the Governor:

(a) Shall seek to avoid eliciting information already furnished by a person or political subdivision in this state to a federal, state or local regulatory authority that is available for the study of the Governor; and

(b) Shall cause reporting procedures, including forms, to conform to existing requirements of federal, state and local regulatory authorities. [1974 c.5 §3; 1975 c.601 §1]

176.765 Confidentiality of information; use; liability. (1) Notwithstanding any other law, information furnished under ORS 176.760 and designated by that person as confidential, shall be maintained as confidential by the Governor and any person who obtains information which the person knows to be confidential under ORS 176.750 to 176.815. The Governor shall not make known in any manner any particulars of such information to persons other than those specified in subsection (4) of this section. No subpoena or judicial order may be issued compelling the Governor or any other person to divulge or make known such confidential information, except when relevant to a prosecution for violation of subsection (5) of this section.

(2) Nothing in this section prohibits use of confidential information to prepare statistics or other general data for publication, so presented as to prevent identification of particular persons.

(3) Any person who is served with a subpoena to give testimony orally or in writing or to produce books, papers, correspondence, memoranda, agreements or other documents or records as provided in ORS 176.750 to 176.815 may apply to any circuit court in Oregon for protection against abuse or hardship in the manner provided in ORCP 36 C.

(4) References to the Governor in this section include only individuals designated for this purpose in writing by the Governor.

(5) In addition to any penalties under ORS 176.990, a person who discloses confidential information in violation of this section willfully or with criminal negligence, as defined by ORS 161.085, may be subject, notwithstanding any other law, to removal from office or immediate dismissal from public employment. [1974 c.5 §4; 1977 c.358 §8; 1979 c.284 §119]

176.770 Curtailment priorities. In consultation with appropriate federal, state officials and officials of political subdivisions in this state the Governor, unless otherwise provided by law, shall cause to be established, and revised as appropriate, standby priorities for curtailment in the use of energy resources. However, involuntary curtailments may be ordered only by means of executive orders issued under ORS 176.750 to 176.815. [1974 c.5 §5]

176.775 Content of Governor's proclamation of lack of energy resource or resource emergency. Whenever the Governor declares by proclamation that lack of an energy resource or any energy resource emergency threatens or is likely to threaten the availability of essential services, transportation or the operation of the economy, the Governor shall state the nature of the energy resource shortage or emergency. [1974 c.5 §6]

176.780 Action authorized by proclamation under ORS 176.775. Whenever the Governor has issued a proclamation under ORS 176.775, the Governor may by executive order direct actions:

(1) Reducing energy resource usage by state agencies and political subdivisions in this state.

(2) Promoting conservation, prevention of waste and salvage of energy resources and the materials, services and facilities derived therefrom or dependent thereon, by state agencies and political subdivisions in this state.

(3) Directing the establishment by state agencies and political subdivisions in this state of programs necessary to implement and comply with federal energy conservation programs, including but not limited to allocation or rationing of energy resources and the distribution of the state's discretionary allotments. [1974 c.5 §7; 2003 c.14 §71]

176.785 Proclamation of state of emergency. Whenever the Governor determines that an existing or imminent severe disruption in the supply of one or more energy resources, in Oregon or elsewhere, threatens the availability of essential services, transportation or the operation of the economy, jeopardizing the peace, health, safety and welfare of the people of Oregon, after consultation with the President and majority and minority leaders of the Senate and the Speaker and majority and minority leaders of the House of Representatives, the Governor may by proclamation declare that a state of emergency exists with regard to such resources. In the proclamation, the Governor shall recite with specificity the

nature of the severe disruption in the supply of one or more energy resources. [1974 c.5 §8]

176.790 Duration of emergency under proclamation; renewal or extension of proclamation. (1) A proclamation of emergency and all orders and rules issued as a result of the proclamation under ORS 176.750 to 176.815 shall continue in effect for 30 days unless the Governor rescinds it and declares the emergency ended before the expiration of the 30-day period.

(2) A proclamation may be renewed or extended only by joint resolution of the Legislative Assembly unless 60 days have elapsed from the date of the original proclamation. [1974 c.5 §8a]

176.795 Actions authorized by proclamation under ORS 176.785. (1) During any emergency proclaimed under ORS 176.785, the Governor by executive order may order involuntary curtailments, adjustments or allocations in the supply and consumption of energy resources applicable to all suppliers and consumers. However, the Governor may not order such curtailments, adjustments or allocations which discriminate within any class of consumers. It is the intent of the Legislative Assembly that any such curtailments, adjustments and allocations be ordered and continue only so long as demonstrably necessary for the maintenance of essential services or transportation, or the continued operation of the economy; and that all such curtailments, adjustments and allocations be applied as uniformly as practicable within each class of suppliers and consumers.

(2) Any involuntary curtailments of electrical or natural gas load, pursuant to subsection (1) of this section, shall be made by executive order to the Public Utility Commission of Oregon requiring the commission to implement plans for curtailment adopted pursuant to ORS 757.710 to 757.730.

(3) In addition to orders issued pursuant to subsection (1) of this section, the Governor by executive order may:

(a) Modify transportation routes and schedules as necessary to conserve energy resources to the extent permissible under federal law and regulations.

(b) Specify the times and manner in which energy resources are supplied or consumed, consistent with the restrictions imposed by subsection (1) of this section.

(4) Any restrictions or involuntary curtailments, adjustments or allocations ordered, except those ordered under ORS 176.775 and 176.780, shall give due consideration to the needs of commercial, retail, professional and service establishments whose normal function is to supply goods or services or both of an essential nature including but not limited to food, lodging, fuel, medical care facilities, during times of the day other than conventional daytime working hours.

(5) During an emergency proclaimed under ORS 176.785, the Governor by executive order may prescribe and direct activities promoting the conservation, prevention of waste and salvage of energy resources and the materials, services and facilities derived therefrom or dependent thereon. [1974 c.5 §§9,11]

176.800 Construction of ORS 176.750 to 176.815. (1) Nothing in ORS 176.750 to 176.815 is intended as a delegation of legislative responsibility for the appropriation or authorization of expenditure of public funds, as provided in the Constitution and laws of this state.

(2) The powers vested in the Governor under ORS 176.750 to 176.815 are in addition to, and not in lieu of, emergency powers vested in the Governor under ORS chapter 401 or any other law of Oregon.

(3) It is the intent of the Legislative Assembly that if ORS 176.750 to 176.815 and 176.990 are held unconstitutional as applied to contracts executed before February 26, 1974, ORS 176.750 to 176.815 and 176.990 nevertheless are effective with respect to contracts executed on or after February 26, 1974, and with respect to renewals or extensions of existing contracts on or after February 26, 1974. [1974 c.5 §§10,14,15; 2009 c.718 §38]

176.805 Status of proclamation, order or directive as rule; judicial review. (1) Any proclamation, executive order or directive issued pursuant to ORS 176.750 to 176.815 shall be deemed to be a rule subject to ORS chapter 183, except that jurisdiction for judicial determination of the validity thereof pursuant to ORS 183.400 is conferred upon the Court of Appeals.

(2) Any such proceeding in the Court of Appeals shall be given precedence on the docket over all other cases, except prior cases arising under ORS 176.750 to 176.815 and 176.990. The court may appoint a master to take evidence and make proposed findings of fact and conclusions of law in such case. [1974 c.5 §12]

176.809 Governor's energy emergency contingency plan. (1) The Governor, in consultation with the State Department of Energy and the Oregon Business Development Department, shall compile existing data and prepare an extensive statewide contingency plan to maintain emergency services, continue productivity and reduce hardship during an energy emergency.

(2) As used in this section, "energy emergency" means a severe fuel oil shortage

caused by international market conditions or hostilities, or any other emergency threatening the availability of any energy resource necessary to maintain essential services and transportation, the shortage of which jeopardizes the health, safety and welfare of the people of the State of Oregon. [1981 c.597 §2]

176.810 [1974 c.59 §2; 1975 c.606 §14; renumbered 176.820]

176.815 Cooperation with local governments. (1) The Governor shall solicit suggestions and recommendations from local governments in preparing the statewide contingency plan under ORS 176.809.

(2) The contingency plan developed by the Governor under ORS 176.809 shall utilize, with the approval of the local governments, the services and facilities of local governments to implement the plan. [1981 c.597 §3]

176.820 State Department of Energy Account. There is continuously appropriated from the Motor Vehicle Division Account to the State Department of Energy, for deposit in the State Department of Energy Account, sufficient moneys for the payment of expenses incurred under chapter 606, Oregon Laws 1975, subject to limitations on payment of expenses as approved under legislative authority. [Formerly 176.810; 2003 c.186 §9]

Note: Legislative Counsel has substituted "chapter 606, Oregon Laws 1975" for the words "this 1975 Act" in section 14, chapter 606, Oregon Laws 1975, compiled as 176.820. Specific ORS references have not been substituted, pursuant to 173.160. These sections may be determined by referring to the 1975 Comparative Section Table located in Volume 20 of ORS.

PENALTIES

176.990 Penalties. (1) Violation of ORS 176.765 (5) is a Class A violation.

(2) Any person who willfully fails or neglects to comply with an executive order issued under ORS 176.750 to 176.815, or a directive of the Governor implementing such an executive order, shall forfeit and pay into the State Treasury a civil penalty not to exceed $1,000 for each such failure for each day such failure persists.

(3) In addition to or in lieu of the civil penalty available under subsection (2) of this section, the Governor may direct the reduction or termination of supply of any or all energy resources being supplied to the noncomplying party by any person or political subdivisions in this state whose activities in furnishing energy resources are subject to allocation, rationing, regulation or other control under ORS 176.750 to 176.815 or any other law of Oregon. A noncomplying party is entitled to restoration of supply as soon as the party has achieved compliance.

(4) The Governor may apply to any circuit court for appropriate equitable relief against any person who violates or fails to carry out an executive order or directive under ORS 176.750 to 176.815. [1974 c.5 §13; 1999 c.1051 §164]