

House Bill 2216

Sponsored by Representative WILDE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes that certain statements and assertions set forth in legislative subpoena or other process used by Senate President, Speaker of House of Representatives or chair or vice chair of legislative committee are binding on court for purposes of enforcement of process.

Authorizes expedited appeal to Supreme Court of court order or other determination regarding legislative subpoena or other process used to compel attendance or production of records.

A BILL FOR AN ACT

1
2 Relating to enforcement of legislative process to compel attendance; amending ORS 171.522.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 171.522 is amended to read:

5 171.522. (1) Whenever a person summoned as provided in ORS 171.510 fails to appear to testify
6 or fails to produce any books, papers, records or documents as required, or whenever any person
7 so summoned refuses to answer any question pertinent to the subject under inquiry before either
8 house, any statutory committee, any standing committee of either house, or any special or interim
9 committee created by both houses, the house or committee, in lieu of proceeding under ORS 171.520,
10 may apply to the circuit court for the county in which the failure occurred for an order to the
11 person to attend and testify, or otherwise to comply with the demand or request of the house or
12 committee.

13 (2) The application to the court shall be by *ex parte* motion upon which the court shall make
14 an order requiring the person against whom it is directed to comply with the demand or request of
15 the house or committee within three days after service of the order[, *or within such further time as*
16 *the court may grant,*] or to justify the failure within that time.

17 **(3) If process issued under ORS 171.510 sets forth statements of intent, assertions re-**
18 **garding the availability of the matters being requested, the scope of the request or the bur-**
19 **den on any party responding to the process, or any statement of fact, those statements or**
20 **assertions shall be binding on the court for purposes of enforcing the process.**

21 [(3)] (4) The order shall be served upon the person to whom it is directed in the manner required
22 by this state for service of process, which service is required to confer jurisdiction upon the court.
23 Failure to obey an order issued by the court under this section is contempt of court.

24 **(5)(a) A party to the proceeding may appeal an order or other determination of the cir-**
25 **cuit court directly to the Supreme Court, which shall hear the appeal as expeditiously as**
26 **possible.**

27 **(b) A notice of appeal that meets the requirements of ORS 19.250 shall be filed with the**
28 **Supreme Court and served on all parties and the trial court administrator within one day**
29 **following the order or other determination that is the subject of the appeal being served upon**
30 **the person to whom it is directed.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(c) A party to the appeal may request that the Supreme Court affirm, reverse or modify**
2 **the circuit court order that is the subject of the appeal:**

3 **(A) If the Legislative Assembly is in a regular session in an odd-numbered year, within**
4 **15 days of the filing of the notice of appeal;**

5 **(B) If the Legislative Assembly is in a regular session in an even-numbered year, within**
6 **five days of the filing of the notice of appeal; or**

7 **(C) If the Legislative Assembly is not in session, within 30 days of the filing of the notice**
8 **of appeal.**

9 **(6) Any deadline established in a rule of proceeding of a chamber of the Legislative As-**
10 **sembly shall be suspended during the pendency of the appeal and for five days thereafter.**

11 [(4)] (7) This section does not affect the exercise of the powers of either house under section
12 16, Article IV, Oregon Constitution.

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