

House Bill 2676

Sponsored by Representative BEYER

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**.

Increases amount certain witness is entitled to receive for each day's attendance and for mileage reimbursement.

A BILL FOR AN ACT

1
2 Relating to amounts payable to witnesses; creating new provisions; and amending ORS 44.240,
3 44.415, 59.315, 59.915, 97.947, 144.347, 147.115, 161.395, 171.515, 181.330, 183.440, 238.655, 241.145,
4 242.730, 243.706, 305.200, 305.492, 342.177, 398.224, 416.427, 426.297, 462.272, 468.120, 477.009,
5 536.026, 539.110, 543.055, 645.210, 646.275, 646.831, 651.060, 663.285, 706.775, 717.300, 722.442,
6 726.255, 731.232 and 756.543.

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

8 **SECTION 1.** ORS 44.415 is amended to read:

9 44.415. *[(1) Except as provided in subsection (2) of this section,] A person is entitled to receive*
10 \$30 for each day's attendance as a witness and mileage reimbursement at the rate of 25 cents a mile
11 if the person is required to travel from a place within or outside this state in order to perform duties
12 as a witness. Total mileage reimbursement shall not exceed the necessary cost of transportation on
13 reasonably available common carriers.

14 *[(2) In any criminal proceeding, any proceeding prosecuted by a public body or any proceeding*
15 *where a public body is a party, a person is entitled to receive \$5 for each day's attendance as a witness*
16 *and mileage reimbursement at the rate of eight cents a mile if the person is required to travel from a*
17 *place within or outside this state in order to perform duties as a witness. Total mileage reimbursement*
18 *shall not exceed the necessary cost of transportation on reasonably available common carriers.]*

19 *[(3) As used in this section, "public body" means any state, city, county, school district, other pol-*
20 *itical subdivision, municipal corporation, public corporation and any instrumentality thereof.]*

21 **SECTION 2.** ORS 44.240 is amended to read:

22 44.240. (1) Whenever a court or judge makes an order for the temporary removal and production
23 of a witness who is confined in a Department of Corrections institution within this state before a
24 court or officer for the purpose of being orally examined this section applies. The superintendent
25 of the institution shall, at the institution, deliver the witness to the sheriff of the county in which
26 the court or judge making the order is located.

27 (2) The sheriff shall give the superintendent a signed receipt when taking custody of the witness
28 under subsection (1) of this section. The sheriff shall be responsible for the custody of the witness
29 until the sheriff returns the witness to the institution. Upon the return of the witness to the insti-
30 tution by the sheriff, the superintendent shall give a signed receipt therefor to the sheriff.

31 (3) When a witness is delivered to a sheriff under subsection (1) of this section, or at any time

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 while the witness is in the custody of the sheriff as provided in subsection (2) of this section, the
 2 superintendent may give the sheriff a list of persons who may communicate with the witness or with
 3 whom the witness may communicate. Except as otherwise required by law, upon receipt of the list
 4 and while the witness is in the custody of the sheriff, the sheriff shall permit communication only
 5 between the witness and those persons designated by the list.

6 (4) The sheriff and neither the institution nor the Department of Corrections shall be liable for
 7 any expense incurred in connection with the witness while the witness is in the custody of the
 8 sheriff as provided in subsection (2) of this section. If the witness is a party plaintiff, the sheriff shall
 9 recover costs of the care of the witness from the plaintiff, and shall have a lien upon any judgment
 10 for the plaintiff. In all other cases, the sheriff and not the witness shall be entitled to the witness
 11 fees and mileage to which the witness would otherwise be entitled under ORS 44.415 [(2)], or other
 12 applicable law.

13 **SECTION 3.** ORS 59.315 is amended to read:

14 59.315. (1) For the purpose of an investigation or proceeding under the Oregon Securities Law,
 15 the Director of the Department of Consumer and Business Services may administer oaths and affir-
 16 mations, subpoena witnesses, compel their attendance, take evidence and require the production of
 17 books, papers, correspondence, memoranda, agreements or other documents or records which the
 18 director deems relevant or material to the inquiry. Each witness who appears before the director
 19 under a subpoena shall receive the fees and mileage provided for witnesses in ORS 44.415 [(2)].

20 (2) If a person fails to comply with a subpoena so issued or a party or witness refuses to testify
 21 on any matters, the judge of the circuit court or of any county, on the application of the director,
 22 shall compel obedience by proceedings for contempt as in the case of disobedience of the require-
 23 ments of a subpoena issued from such court or a refusal to testify therein.

24 **SECTION 4.** ORS 59.915 is amended to read:

25 59.915. (1) For the purpose of an investigation or proceeding under ORS 59.840 to 59.980, the
 26 Director of the Department of Consumer and Business Services may administer oaths and affirma-
 27 tions, subpoena witnesses, compel their attendance, take evidence and require the production of
 28 books, papers, correspondence, memoranda, agreements or other documents or records that the di-
 29 rector deems relevant or material to the inquiry. Each witness who appears before the director un-
 30 der a subpoena shall receive the fees and mileage provided for witnesses in ORS 44.415 [(2)].

31 (2) If a person fails to comply with a subpoena so issued or a party or witness refuses to testify
 32 on any matters, the judge of the circuit court or of any county, on the application of the director,
 33 shall compel obedience by proceedings for contempt as in the case of disobedience of the require-
 34 ments of a subpoena issued from such court or a refusal to testify therein.

35 **SECTION 5.** ORS 97.947 is amended to read:

36 97.947. (1) Each certified provider or master trustee is subject to the examination of the Director
 37 of the Department of Consumer and Business Services. The director may conduct examinations of
 38 the conditions and resources of each certified provider or master trustee, including a review of sales
 39 contracts used by the certified provider or master trustee, to determine whether the certified pro-
 40 vider or master trustee is complying with the requirements of ORS 97.923 to 97.949, the laws of this
 41 state and the rules of the director. The director may require certified providers or master trustees
 42 to pay the actual and reasonable costs of the examination.

43 (2) For the purpose of an examination under this section, the director may administer oaths and
 44 affirmations, subpoena witnesses and compel their attendance, take evidence and require the pro-
 45 duction of books, papers, correspondence, memoranda, agreements or other documents or records

1 that the director considers relevant or material to the examination.

2 (3) If a certified provider or master trustee fails to comply with a subpoena issued under this
 3 section or a party or witness refuses to testify on any matter, the judge of the circuit court for any
 4 county, on the application of the director, shall compel obedience by proceedings for contempt as
 5 in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to
 6 testify on a matter before the court.

7 (4) Each witness who appears before the director under a subpoena issued under this section
 8 shall receive the fees and mileage provided for witnesses in ORS 44.415 [(2)], except that a witness
 9 subpoenaed at the instance of parties other than the director or an examiner may not be compen-
 10 sated for attendance or travel unless the director certifies that the testimony of the witness was
 11 material to the matter investigated.

12 (5) During the course of any examination, the director may cause the depositions of witnesses
 13 to be taken in the manner prescribed by law for like depositions in civil suits in the circuit court.

14 **SECTION 6.** ORS 144.347 is amended to read:

15 144.347. (1) Upon request of any party to the hearing provided in ORS 144.343 and upon a proper
 16 showing of the general relevance and reasonable scope of the testimony to be offered, the board or
 17 its designated representatives shall issue subpoenas requiring the attendance and testimony of wit-
 18 nesses. In any case, the board, on its own motion, may issue subpoenas requiring the attendance and
 19 testimony of witnesses.

20 (2) Upon request of any party to the hearing provided in ORS 144.343 and upon a proper show-
 21 ing of the general relevance and reasonable scope of the documentary or physical evidence sought,
 22 the board or its designated representative shall issue subpoenas duces tecum. In any case, the board,
 23 on its own motion, may issue subpoenas duces tecum.

24 (3) Witnesses appearing under subpoena, other than the parties or state officers or employees,
 25 shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 [(2)]. If the board
 26 or its designated representative certifies that the testimony of a witness was relevant and material,
 27 any person who has paid fees and mileage to that witness shall be reimbursed by the board.

28 (4) If any person fails to comply with a subpoena issued under subsection (1) or (2) of this sec-
 29 tion or any party or witness refuses to testify regarding any matter on which the party or witness
 30 may be lawfully interrogated, the judge of the circuit court of any county, on the application of the
 31 board or its designated representative or of the party requesting the issuance of the subpoena, shall
 32 compel obedience by proceedings for contempt as in the case of disobedience of the requirements
 33 of a subpoena issued by the court.

34 **SECTION 7.** ORS 147.115 is amended to read:

35 147.115. (1) All information submitted to the Department of Justice by an applicant and all
 36 hearings of the Workers' Compensation Board under ORS 135.905 and 147.005 to 147.367 shall be
 37 open to the public unless the department or board determines that the information shall be kept
 38 confidential or that a closed hearing shall be held because:

39 (a) The alleged assailant has not been brought to trial and disclosure of the information or a
 40 public hearing would adversely affect either the apprehension or the trial of the alleged assailant;

41 (b) The offense allegedly perpetrated against the victim is rape, sodomy or sexual abuse and the
 42 interests of the victim or of the victim's dependents require that the information be kept confidential
 43 or that the public be excluded from the hearing;

44 (c) The victim or alleged assailant is a minor; or

45 (d) The interests of justice would be frustrated rather than furthered, if the information were

1 disclosed or if the hearing were open to the public.

2 (2)(a) A record shall be kept of the proceedings held before the board and shall include the
 3 board's findings of fact and conclusions concerning the amount of compensation, if any, to which the
 4 applicant and the dependents of a deceased victim are entitled.

5 (b) No part of the record of any proceedings before the board may be used for any purpose in
 6 a criminal proceeding except in the prosecution of a person alleged to have committed perjury in
 7 testimony before the board.

8 (c) Where the interests of justice require, the board may refuse to disclose to the public the
 9 names of victims or other material in the record by which the identity of the victim could be dis-
 10 covered.

11 (3) Notwithstanding subsection (2)(b) and (c) of this section, the record of the proceedings held
 12 before the board is a public record. However, any record or report obtained by the board, the
 13 confidentiality of which is protected by any other law, shall remain confidential subject to such law.

14 (4) Witnesses required to appear at any proceeding before the board shall receive such fees and
 15 mileage allowance as are provided for witnesses in ORS 44.415 [(2)].

16 **SECTION 8.** ORS 161.395 is amended to read:

17 161.395. (1) Upon request of any party to a hearing before the board, the board or its designated
 18 representatives shall issue, or the board on its own motion may issue, subpoenas requiring the at-
 19 tendance and testimony of witnesses.

20 (2) Upon request of any party to the hearing before the board and upon a proper showing of the
 21 general relevance and reasonable scope of the documentary or physical evidence sought, the board
 22 or its designated representative shall issue, or the board on its own motion may issue, subpoenas
 23 duces tecum.

24 (3) Witnesses appearing under subpoenas, other than the parties or state officers or employees,
 25 shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 [(2)]. If the board
 26 or its designated representative certifies that the testimony of a witness was relevant and material,
 27 any person who has paid fees and mileage to that witness shall be reimbursed by the board.

28 (4) If any person fails to comply with a subpoena issued under subsections (1) or (2) of this
 29 section or any party or witness refuses to testify regarding any matter on which the party or wit-
 30 ness may be lawfully interrogated, the judge of the circuit court of any county, on the application
 31 of the board or its designated representative or of the party requesting the issuance of the subpoena,
 32 shall compel obedience by proceedings for contempt as in the case of disobedience of the require-
 33 ments of a subpoena issued by the court.

34 (5) If any person, agency or facility fails to comply with an order of the board issued pursuant
 35 to subsection (2) of this section, the judge of a circuit court of any county, on application of the
 36 board or its designated representative, shall compel obedience by proceedings for contempt as in the
 37 case of disobedience of the requirements of an order issued by the court. Contempt for disobedience
 38 of an order of the board shall be punishable by a fine of \$100.

39 **SECTION 9.** ORS 171.515 is amended to read:

40 171.515. (1) Witnesses appearing under process issued pursuant to ORS 171.510:

41 (a) Before the Senate or House of Representatives, or a standing, special or statutory committee
 42 of either or both, or a subcommittee thereof, except as provided in paragraph (b) of this subsection,
 43 shall be reimbursed from funds appropriated for the expenses of that session of the Legislative As-
 44 sembly during which the witnesses appear.

45 (b) Before the Legislative Counsel Committee, the Emergency Board, the Joint Committee on

1 Ways and Means or an interim committee, or a subcommittee thereof, shall be reimbursed from
 2 funds appropriated for the expenses of the committee or subcommittee before which the witnesses
 3 appear.

4 (2) The amount of reimbursement payable to a witness under subsection (1) of this section shall
 5 not exceed the fees and mileage provided for witnesses in ORS 44.415 [(2)]. All claims for re-
 6 imbursement are subject to the approval of the Legislative Fiscal Officer.

7 **SECTION 10.** ORS 181.330 is amended to read:

8 181.330. The presiding officer of the trial board shall make all necessary rulings during the
 9 course of the hearing which may be held at any place designated by the Superintendent of State
 10 Police. The superintendent or the officer acting in the stead of the superintendent as presiding of-
 11 ficer of the trial board is empowered to issue subpoenas to compel the attendance of witnesses and
 12 the production of evidence and to administer all necessary oaths. Persons summoned as witnesses
 13 before the trial board shall be entitled to fees and mileage provided for witnesses in ORS 44.415
 14 [(2)]. Failure or refusal to obey any subpoena shall be brought to the attention of the circuit court
 15 for the county in which the hearing is held and shall be punished by that court as a contempt.

16 **SECTION 11.** ORS 183.440 is amended to read:

17 183.440. (1) An agency may issue subpoenas on its own motion in a contested case. In addition,
 18 an agency or hearing officer in a contested case may issue subpoenas upon the request of a party
 19 to a contested case upon a showing of general relevance and reasonable scope of the evidence
 20 sought. A party entitled to have witnesses on behalf of the party may have subpoenas issued by an
 21 attorney of record of the party, subscribed by the signature of the attorney. Witnesses appearing
 22 pursuant to subpoena, other than the parties or officers or employees of the agency, shall receive
 23 fees and mileage as prescribed by law for witnesses in ORS 44.415 [(2)].

24 (2) If any person fails to comply with any subpoena so issued or any party or witness refuses
 25 to testify on any matters on which the party or witness may be lawfully interrogated, the judge of
 26 the circuit court of any county, on the application of the hearing officer, the agency or the party
 27 requesting the issuance of or issuing the subpoena, shall compel obedience by proceedings for con-
 28 tempt as in the case of disobedience of the requirements of a subpoena issued from such court or
 29 a refusal to testify therein.

30 **SECTION 12.** ORS 238.655 is amended to read:

31 238.655. In order to determine any facts necessary to the administration of the retirement sys-
 32 tem, the board may conduct hearings, subpoena and examine witnesses and require any person
 33 having custody thereof to bring before the board any book, record, document, certificate, writing,
 34 article or thing necessary to a determination of facts. The chairperson or member of the board
 35 acting in such capacity shall have authority to administer oaths. The procedure in such hearings
 36 shall be informal. Fees shall not be paid to witnesses who are public officers or employees, whether
 37 or not their employer is participating in the system. No public employer shall make deduction from
 38 the compensation of public officers or employees because of absence from their respective positions
 39 in order to be examined as witnesses before the board. The fees of other witnesses and mileage of
 40 any witness shall be as allowed by law to witnesses in ORS 44.415 [(2)]. Fees and mileage and all
 41 other necessary disbursements in connection with a hearing shall be paid by the public employer
 42 whose failure or refusal to supply any facts requested of it by the board made necessary such
 43 hearing.

44 **SECTION 13.** ORS 241.145 is amended to read:

45 241.145. Any person served with a subpoena requiring attendance before the commission, or any

1 commissioner, shall be entitled to the fees and mileage as are allowed by law to witnesses in ORS
 2 44.415 [(2)], except that no person shall be entitled to any fees or mileage for such attendance who
 3 is employed in the public service of the county in which the person is called as such witness. The
 4 fees and mileage allowed by this section need not be prepaid, but the county clerk shall draw a
 5 warrant for the payment thereof when it is certified by the commission.

6 **SECTION 14.** ORS 242.730 is amended to read:

7 242.730. Every person served with a subpoena requiring attendance before the commission shall
 8 be entitled to the fees and mileage as are allowed by law to witnesses in ORS 44.415 [(2)], except
 9 that no person shall be entitled to any fees or mileage who is employed in the public service of the
 10 political subdivision in which the person is called as a witness. The fees and mileage allowed by this
 11 section need not be prepaid, but the governing body of the political subdivision shall provide for
 12 payment thereof when certified by the commission.

13 **SECTION 15.** ORS 243.706 is amended to read:

14 243.706. (1) A public employer may enter into a written agreement with the exclusive represen-
 15 tative of an appropriate bargaining unit setting forth a grievance procedure culminating in binding
 16 arbitration or any other dispute resolution process agreed to by the parties. As a condition of
 17 enforceability, any arbitration award that orders the reinstatement of a public employee or other-
 18 wise relieves the public employee of responsibility for misconduct shall comply with public policy
 19 requirements as clearly defined in statutes or judicial decisions including but not limited to policies
 20 respecting sexual harassment or sexual misconduct, unjustified and egregious use of physical or
 21 deadly force and serious criminal misconduct, related to work. In addition, with respect to claims
 22 that a grievant should be reinstated or otherwise relieved of responsibility for misconduct based
 23 upon the public employer's alleged previous differential treatment of employees for the same or
 24 similar conduct, the arbitration award must conform to the following principles:

25 (a) Some misconduct is so egregious that no employee can reasonably rely on past treatment for
 26 similar offenses as a justification or defense to discharge or other discipline.

27 (b) Public managers have a right to change disciplinary policies at any time, notwithstanding
 28 prior practices, if such managers give reasonable advance notice to affected employees and the
 29 change does not otherwise violate a collective bargaining agreement.

30 (2) In addition to subsection (1) of this section, a public employer may enter into a written
 31 agreement with the exclusive representative of its employees providing that a labor dispute over
 32 conditions and terms of a contract may be resolved through binding arbitration.

33 (3) In an arbitration proceeding under this section, the arbitrators, or a majority of the
 34 arbitrators, may:

35 (a) Issue subpoenas on their own motion or at the request of a party to the proceeding to:

36 (A) Compel the attendance of a witness properly served by either party; and

37 (B) Require from either party the production of books, papers and documents the arbitrators find
 38 are relevant to the proceeding;

39 (b) Administer oaths or affirmations to witnesses; and

40 (c) Adjourn a hearing from day to day, or for a longer time, and from place to place.

41 (4) The arbitrators shall promptly provide a copy of a subpoena issued under this section to each
 42 party to the arbitration proceeding.

43 (5) The arbitrators issuing a subpoena under this section may rule on objections to the issuance
 44 of the subpoena.

45 (6) If a person fails to comply with a subpoena issued under this section or if a witness refuses

1 to testify on a matter on which the witness may be lawfully questioned, the party who requested the
 2 subpoena or seeks the testimony may apply to the arbitrators for an order authorizing the party to
 3 apply to the circuit court of any county to enforce the subpoena or compel the testimony. On the
 4 application of the attorney of record for the party or on the application of the arbitrators, or a
 5 majority of the arbitrators, the court may require the person or witness to show cause why the
 6 person or witness should not be punished for contempt of court to the same extent and purpose as
 7 if the proceedings were pending before the court.

8 (7) Witnesses appearing pursuant to subpoena, other than parties or officers or employees of the
 9 public employer, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415
 10 [(2)].

11 **SECTION 16.** ORS 305.200 is amended to read:

12 305.200. Witnesses testifying before the Department of Revenue at its request and on its behalf
 13 shall be allowed the fees and mileage provided for witnesses in ORS 44.415 [(2)]. The fees and mile-
 14 age shall be paid by warrant upon the State Treasurer upon the certificate of the Director of the
 15 Department of Revenue. However, any county or state officer shall receive the actual necessary
 16 traveling expenses of the county or state officer only. No tender of witness fees or mileage in ad-
 17 vance shall be necessary.

18 **SECTION 17.** ORS 305.492 is amended to read:

19 305.492. Any witness subpoenaed or whose deposition is taken shall receive the fees and mileage
 20 provided for witnesses in ORS 44.415 [(2)]. Witnesses for the state or its political subdivisions shall
 21 be paid from moneys appropriated therefor. Payment of fees and mileage to other witnesses shall
 22 be made by the party at whose instance the witness appears or the deposition is taken.

23 **SECTION 18.** ORS 342.177 is amended to read:

24 342.177. (1) Hearings under ORS 342.176 shall be conducted by an administrative law judge as-
 25 signed from the Office of Administrative Hearings established under ORS 183.605. The hearing shall
 26 be private unless the person against whom the charge is made requests a public hearing. Students
 27 attending school in the district which employs the person shall not be permitted to attend any
 28 hearing except as witnesses duly subpoenaed to testify with respect to the charges made. The person
 29 against whom the charge is made shall have the right to be represented by counsel and to present
 30 evidence and argument. The evidence must be confined to the charges.

31 (2) The Teacher Standards and Practices Commission or the person charged may have subpoenas
 32 issued to compel attendance at the hearing. The person charged may have subpoenas issued by an
 33 attorney of record subscribed by the signature of the attorney or by the executive director. Wit-
 34 nesses appearing pursuant to subpoena, other than the parties or officers or employees of the com-
 35 mission, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 [(2)]. The
 36 commission or the person charged shall have the right to compel the attendance and obedience of
 37 witnesses in the same manner as provided under ORS 183.440 (2).

38 (3) The commission shall render its decision at its next regular meeting following the hearing.
 39 If the decision of the commission is that the charge described in ORS 342.175 (1) has been proven,
 40 the commission may take any or all of the following disciplinary action against the person charged:

- 41 (a) Issue a public reprimand.
- 42 (b) Place the person on probation for a period not to exceed four years and subject to such
- 43 conditions as the commission considers necessary.
- 44 (c) Suspend the license of the teacher or administrator for a period not to exceed one year.
- 45 (d) Revoke the license of the teacher or administrator.

1 (e) Revoke the privilege to apply for a license.

2 (4) If the decision of the commission is that the charge is not proven, the commission shall order
3 the charges dismissed.

4 (5) The commission shall notify in writing the person charged, the school district by which the
5 person is employed and the Superintendent of Public Instruction of the decision.

6 **SECTION 19.** ORS 398.224 is amended to read:

7 398.224. (1) Any person not subject to this chapter is guilty of an offense against the state when
8 the person:

9 (a) Has been duly subpoenaed to appear as a witness before a court-martial, court of inquiry or
10 any other military court or board, or before any military or civil officer designated to take a depo-
11 sition to be read in evidence before such a court, commission or board;

12 (b) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to
13 witnesses attending the circuit court of the state in ORS 44.415 [(2)]; and

14 (c) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to
15 produce any evidence which that person may have been legally subpoenaed to produce.

16 (2) Any person who commits an offense described in subsection (1) of this section shall be tried
17 before the circuit court or judge thereof of the county where the offense occurred, and exclusive
18 jurisdiction is conferred upon those courts for such purpose. Upon conviction, such a person shall
19 be punished by a fine of not more than \$500, or imprisonment for not more than six months, or both.

20 (3) The district attorney of the county in which the offense occurred, upon certification of the
21 facts by the military court, court of inquiry or board, shall prosecute any person who commits the
22 offense described in subsection (1) of this section. The fine shall be deposited in the General Fund
23 of the State Treasury, to be available for general governmental expenses.

24 **SECTION 20.** ORS 416.427 is amended to read:

25 416.427. (1) When a party requests a hearing pursuant to ORS 416.415, 416.425 (1) or 416.429, the
26 contested case provisions of ORS chapter 183 apply except when the issue of paternity is to be re-
27 solved pursuant to ORS 416.430.

28 (2) Except as provided in ORS 416.430, hearings shall be conducted by an administrative law
29 judge assigned from the Office of Administrative Hearings established under ORS 183.605.

30 (3) The administrative law judge has the power to issue subpoenas for witnesses necessary to
31 develop a full record. The attorney of record for the office of the Division of Child Support or the
32 office of the district attorney may issue subpoenas. Witnesses appearing pursuant to subpoena,
33 other than parties or officers or employees of the administrator, shall receive fees and mileage as
34 prescribed by law for witnesses in ORS 44.415 [(2)]. Obedience to the subpoena may be compelled
35 in the same manner as set out in ORS 183.440 (2).

36 (4) Upon issuance of an order, action by the administrator to enforce and collect upon the order,
37 including arrearages, may be taken. Such action shall not be stayed or partially stayed pending ap-
38 peal or by any court unless there is substantial evidence showing that the obligor would be
39 irreparably harmed and that the obligee would not be irreparably harmed.

40 (5) An order issued by the administrative law judge or the administrator is final. The order shall
41 be in full force and effect while any appeal is pending unless the order is stayed by a court. No stay
42 shall be granted unless there is substantial evidence showing the obligor would be irreparably
43 harmed and that the obligee would not be irreparably harmed.

44 (6) Appeal of the order of the administrative law judge or any default or consent order entered
45 by the administrator pursuant to ORS 416.400 to 416.470 may be taken to the circuit court of the

1 county in which the order has been entered pursuant to ORS 416.440 for a hearing de novo. The
 2 appeal shall be by petition for review filed within 60 days after the order has been entered pursuant
 3 to ORS 416.440. Unless otherwise specifically provided by law, the appeal shall be conducted pur-
 4 suant to the Oregon Rules of Civil Procedure.

5 (7) The obligor, the obligee and the state are parties to any proceedings, including appeals, un-
 6 der this section.

7 **SECTION 21.** ORS 426.297 is amended to read:

8 426.297. (1) The expenses of a proceeding under ORS 426.295 (2) shall be paid by the person,
 9 unless it appears from the affidavit of the person or other evidence that the person is unable to pay
 10 the expenses. If the person is unable to pay, the expenses of the proceedings shall be paid by the
 11 county of which the mentally ill person was a resident at the time of admission. If the county of
 12 residence cannot be established, the county from which the person was admitted shall pay the ex-
 13 penses.

14 (2) The expenses of the proceeding under ORS 426.295 (3) shall be paid by the petitioner.

15 (3) Any physician employed by the court to make an examination as to the mental condition of
 16 a person subject to a competency proceeding under ORS 426.295 or 426.380 to 426.390 shall be al-
 17 lowed a reasonable professional fee by order of the court. Witnesses summoned and giving testimony
 18 shall receive the same fees as are paid in ORS 44.415 [(2)].

19 **SECTION 22.** ORS 462.272 is amended to read:

20 462.272. (1) In administering the provisions of this chapter, any member of the Oregon Racing
 21 Commission, or an agent authorized by the commission, has power on behalf of the commission to:

22 (a) Issue subpoenas for the attendance of witnesses and the production of books, records and
 23 documents relating to matters before the commission.

24 (b) Administer oaths.

25 (c) Take or cause to be taken depositions within or without this state, as provided by law.

26 (2) The commission, upon request of any person interested in a matter before the commission,
 27 may issue subpoenas for the attendance of witnesses or the production of books, records or docu-
 28 ments on behalf of such person.

29 (3) The commission's subpoenas may be served by any person appointed by the commission. They
 30 shall be served, and witness fees and mileage shall be paid, as provided in ORS 44.415 [(2)].

31 (4) If a person refuses to attend to give testimony or to produce books, records or documents,
 32 pursuant to a subpoena issued by the commission, the circuit court of the county where attendance
 33 is required, upon application of the commission, shall compel obedience to the subpoena and shall
 34 punish refusal to obey or to testify in the same manner as is punished a refusal to obey a subpoena
 35 or to testify pursuant to a subpoena issued from the circuit court.

36 **SECTION 23.** ORS 468.120 is amended to read:

37 468.120. (1) The Environmental Quality Commission, its members or a person designated by and
 38 acting for the commission may:

39 (a) Conduct public hearings.

40 (b) Issue subpoenas for the attendance of witnesses and the production of books, records and
 41 documents relating to matters before the commission.

42 (c) Administer oaths.

43 (d) Take or cause to be taken depositions and receive such pertinent and relevant proof as may
 44 be considered necessary or proper to carry out duties of the commission and Department of Envi-
 45 ronmental Quality pursuant to ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535,

1 454.605 to 454.755 and ORS chapters 468, 468A and 468B.

2 (2) Subpoenas authorized by this section may be served by any person authorized by the person
 3 issuing the subpoena. Witnesses who are subpoenaed shall receive the fees and mileage provided in
 4 ORS 44.415 [(2)].

5 **SECTION 24.** ORS 477.009 is amended to read:

6 477.009. (1) For the purpose of an investigation as to liability for cost of hazard abatement, fire
 7 abatement or damages under this chapter, the Attorney General, at the request of the State
 8 Forester, may administer oaths and affirmations, take testimony or depositions and by subpoena
 9 compel the:

10 (a) Attendance of witnesses;

11 (b) Production of documents, including but not limited to writings, drawings, graphs, charts,
 12 photographs, and other data compilations from which information can be obtained and translated;
 13 and

14 (c) Production of any other tangible thing that the Attorney General deems relevant or material
 15 to the investigation.

16 (2) Each witness subpoenaed under subsection (1) of this section shall receive the fees and
 17 mileage provided in ORS 44.415 [(2)].

18 (3) If a person fails to comply with a subpoena issued or a party or witness refuses to testify
 19 on any matters, the judge of the circuit court of any county, on the application of the State Forester,
 20 shall compel obedience by proceedings for contempt as in the case of disobedience of the require-
 21 ments of a subpoena issued from such court or a refusal to testify therein.

22 **SECTION 25.** ORS 536.026 is amended to read:

23 536.026. (1) The Water Resources Commission, its members or a person designated by and acting
 24 for the commission may:

25 (a) Conduct public hearings.

26 (b) Issue subpoenas for the attendance of witnesses and the production of books, records and
 27 documents relating to matters before the commission.

28 (c) Administer oaths.

29 (d) Take or cause to be taken depositions and receive such pertinent and relevant proof as may
 30 be considered necessary or proper to carry out duties of the commission and Water Resources De-
 31 partment under ORS 196.600 to 196.905, 541.010 to 541.320, 541.430 to 541.545, 541.700 to 541.990 and
 32 ORS chapters 536 to 540, 542 and 543.

33 (2) Subpoenas authorized by this section may be served by any person authorized by the person
 34 issuing the subpoena. Witnesses who are subpoenaed shall receive the fees and mileage provided in
 35 ORS 44.415 [(2)].

36 **SECTION 26.** ORS 539.110 is amended to read:

37 539.110. The Water Resources Director shall fix the time and a convenient place for hearing the
 38 contest, and shall notify the contestant and the person whose rights are contested to appear before
 39 the director or the authorized assistant of the director at the designated time and place. The date
 40 of hearing shall not be less than 30 nor more than 60 days from the date the notice is served on the
 41 parties. The notice may be served personally or by registered or certified mail, return receipt re-
 42 quested, addressed to the parties at their post-office addresses as stated in the statement and proof
 43 of claimant. The director may adjourn the hearing from time to time upon reasonable notice to all
 44 the parties interested; may issue subpoenas and compel the attendance of witnesses to testify, which
 45 subpoenas shall be served in the same manner as subpoenas issued out of the circuit court; may

1 compel the witnesses so subpoenaed to testify and give evidence in the matter; and may order the
 2 taking of depositions and issue commissions therefor in the same manner as depositions are taken
 3 in the circuit court. The witnesses shall receive fees as provided in ORS 44.415 [(2)], the costs to
 4 be taxed in the same manner as are costs in suits in equity. The evidence in the proceedings shall
 5 be confined to the subjects enumerated in the notice of contest. The burden of establishing the claim
 6 shall be upon the claimant whose claim is contested. The evidence may be taken by a duly appointed
 7 reporter.

8 **SECTION 27.** ORS 543.055 is amended to read:

9 543.055. (1) The Water Resources Commission may hold hearings and take testimony orally, by
 10 deposition or in such other form as the commission considers satisfactory, either within or without
 11 this state. The Water Resources Commission may require, by subpoena, the attendance of witnesses
 12 and the production of documentary evidence.

13 (2) An administrative law judge assigned from the Office of Administrative Hearings established
 14 under ORS 183.605, shall conduct any contested case hearing that the commission is required or
 15 permitted by law to hold. The administrative law judge has the same powers with respect to the
 16 conduct of the hearing as are granted by law to the commission, including the taking of testimony,
 17 the signing and issuance of subpoenas and the administering of oaths and affirmations to witnesses.
 18 The administrative law judge shall keep a record of the proceedings on the hearing and shall
 19 transmit such record to the commission.

20 (3) The commission may designate any person to take the testimony, affidavit or deposition of
 21 a witness. The person so designated may administer an oath or affirmation to any such witness and
 22 take the testimony thereof in accordance with such rules as the commission may prescribe.

23 (4) Witnesses appearing before the commission or any person designated by the commission to
 24 take testimony shall be paid the fees and mileage provided for witnesses in ORS 44.415 [(2)].

25 **SECTION 28.** ORS 645.210 is amended to read:

26 645.210. (1) For the purpose of an investigation or proceeding under this chapter, the director
 27 may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence
 28 and require the production of books, papers, correspondence, memoranda, agreements or other doc-
 29 uments or records which the director deems relevant or material to the inquiry. Each witness who
 30 appears before the director under a subpoena shall receive the fees and mileage provided for wit-
 31 nesses in ORS 44.415 [(2)].

32 (2) If a person fails to comply with a subpoena so issued or a party or witness refuses to testify
 33 on any matters, the judge of the circuit court of any county, on the application of the director, shall
 34 compel obedience by proceedings for contempt as in the case of disobedience of the requirements
 35 of a subpoena issued from such court or a refusal to testify therein.

36 **SECTION 29.** ORS 646.275 is amended to read:

37 646.275. (1) The Director of the Department of Consumer and Business Services may, upon a
 38 reasonable belief that a violation of ORS 646.267, 646.269 or 646.271 has occurred, make necessary
 39 public and private investigations within or without this state to determine whether any person has
 40 violated those provisions.

41 (2) In connection with any investigation conducted pursuant to subsection (1) of this section, a
 42 service contract seller or obligor, upon written request of the director, shall make available to the
 43 director its service contract records for inspection and copying. The records that must be made
 44 available in accordance with this section shall be only those records necessary to enable the direc-
 45 tor to reasonably determine compliance with ORS 646.267, 646.269 and 646.271.

1 (3) For the purpose of an investigation or proceeding under subsection (1) of this section, the
 2 director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take
 3 evidence and require the production of books, papers, correspondence, memoranda, agreements or
 4 other documents or records that are relevant or material to the inquiry. Each witness who appears
 5 before the director under a subpoena shall receive the fees and mileage provided for witnesses in
 6 ORS 44.415 [(2)].

7 (4) If a person fails to comply with a subpoena issued under subsection (3) of this section, or a
 8 party or witness refuses to testify on any matters, the judge of the circuit court for any county, on
 9 the application of the director, shall compel obedience by proceedings for contempt as in the case
 10 of disobedience of the requirements of a subpoena issued from such court or a refusal to testify
 11 therein.

12 (5) The director may, upon a reasonable belief that a person is or is about to be in violation of
 13 ORS 646.267, 646.269 or 646.271, issue an order, directed to the person, to discontinue or desist from
 14 the violation or threatened violation. The copy of the order forwarded to the person involved shall
 15 set forth a statement of the specific charges and the fact that the person may request a hearing
 16 within 20 days of the date of mailing. Where a hearing is requested, the director shall set a date for
 17 the hearing to be held within 30 days after receipt of the request, and shall give the person involved
 18 written notice of the hearing date at least seven days prior thereto. The person requesting the
 19 hearing must establish to the satisfaction of the director that the order should not be complied with.
 20 The order shall become final 20 days after the date of mailing unless within the 20-day period the
 21 person to whom it is directed files with the director a written request for a hearing. To the extent
 22 applicable and not inconsistent with the foregoing, the provisions of ORS chapter 183 shall govern
 23 the hearing procedure and any judicial review thereof. Where the hearing has been requested, the
 24 director's order shall become final at such time as the right to further hearing or review has expired
 25 or been exhausted.

26 (6) A person who is found to have violated ORS 646.267, 646.269 or 646.271 may be ordered to
 27 pay to the General Fund a civil penalty in an amount determined by the director of not more than:

- 28 (a) \$2,000 for the first violation.
- 29 (b) \$5,000 for the second violation.
- 30 (c) \$10,000 for any subsequent violation.

31 (7) For purposes of this section, a violation consists of a single course of conduct which is de-
 32 termined by the director to be untrue or misleading.

33 **SECTION 30.** ORS 646.831 is amended to read:

34 646.831. Any person appearing for oral examination pursuant to a demand served under ORS
 35 646.750 shall be entitled to the fees and mileage provided for witnesses in ORS 44.415 [(2)].

36 **SECTION 31.** ORS 651.060 is amended to read:

37 651.060. (1) The Commissioner of the Bureau of Labor and Industries may issue subpoenas,
 38 subpoenas duces tecum, administer oaths, obtain evidence and take testimony in all matters relating
 39 to the duties required under ORS 279.348 to 279.380, 651.030, 651.050, 651.120, 651.170, 652.330,
 40 653.055, 658.405 to 658.503 and 658.705 to 658.850 and wage claims arising under ORS 653.305 to
 41 653.350 and in all contested cases scheduled for hearing by the Bureau of Labor and Industries
 42 pursuant to ORS chapter 183. Such testimony shall be taken in some suitable place in the vicinity
 43 to which testimony is applicable.

44 (2) Witnesses subpoenaed and testifying before any officer of the bureau shall be paid the fees
 45 and mileage provided for witnesses in ORS 44.415 [(2)], which payment shall be made from the fund

1 appropriated for the use of the bureau, and in the manner provided in ORS 651.170 for the payment
 2 of other expenses of the bureau.

3 (3) The Commissioner of the Bureau of Labor and Industries shall employ a deputy commissioner
 4 and such other assistants or personnel as may be necessary to carry into effect the powers and
 5 duties of the commissioner or of the Bureau of Labor and Industries and may prescribe the duties
 6 and responsibilities of such employees. The commissioner may delegate any of the powers of the
 7 commissioner or of the bureau to the deputy commissioner and to the other assistants employed
 8 under this subsection for the purpose of transacting the business of the commissioner's office or of
 9 the bureau. In the absence of the commissioner, the deputy commissioner and the other assistants
 10 whom the commissioner employs shall have full authority, under the commissioner's direction, to do
 11 and perform any duty which the law requires the commissioner to perform. However, the commis-
 12 sioner shall be responsible for all acts of the deputy commissioner and of the assistants employed
 13 under this subsection.

14 (4) In accordance with any applicable provisions of ORS chapter 183, the Commissioner of the
 15 Bureau of Labor and Industries may adopt such reasonable rules as may be necessary to administer
 16 and enforce any statutes over which the commissioner or the Bureau of Labor and Industries has
 17 jurisdiction.

18 (5) The Commissioner of the Bureau of Labor and Industries may conduct and charge and collect
 19 fees for public information programs pertaining to any of the statutes over which the commissioner
 20 or the Bureau of Labor and Industries has jurisdiction.

21 **SECTION 32.** ORS 651.060, as amended by section 305, chapter 794, Oregon Laws 2003, is
 22 amended to read:

23 651.060. (1) The Commissioner of the Bureau of Labor and Industries may issue subpoenas,
 24 subpoenas duces tecum, administer oaths, obtain evidence and take testimony in all matters relating
 25 to the duties required under ORS 279C.800 to 279C.870, 651.030, 651.050, 651.120, 651.170, 652.330,
 26 653.055, 658.405 to 658.503 and 658.705 to 658.850 and wage claims arising under ORS 653.305 to
 27 653.350 and in all contested cases scheduled for hearing by the Bureau of Labor and Industries
 28 pursuant to ORS chapter 183. Such testimony shall be taken in some suitable place in the vicinity
 29 to which testimony is applicable.

30 (2) Witnesses subpoenaed and testifying before any officer of the bureau shall be paid the fees
 31 and mileage provided for witnesses in ORS 44.415 [(2)], which payment shall be made from the fund
 32 appropriated for the use of the bureau, and in the manner provided in ORS 651.170 for the payment
 33 of other expenses of the bureau.

34 (3) The Commissioner of the Bureau of Labor and Industries shall employ a deputy commissioner
 35 and such other assistants or personnel as may be necessary to carry into effect the powers and
 36 duties of the commissioner or of the Bureau of Labor and Industries and may prescribe the duties
 37 and responsibilities of such employees. The commissioner may delegate any of the powers of the
 38 commissioner or of the bureau to the deputy commissioner and to the other assistants employed
 39 under this subsection for the purpose of transacting the business of the commissioner's office or of
 40 the bureau. In the absence of the commissioner, the deputy commissioner and the other assistants
 41 whom the commissioner employs shall have full authority, under the commissioner's direction, to do
 42 and perform any duty which the law requires the commissioner to perform. However, the commis-
 43 sioner shall be responsible for all acts of the deputy commissioner and of the assistants employed
 44 under this subsection.

45 (4) In accordance with any applicable provisions of ORS chapter 183, the Commissioner of the

1 Bureau of Labor and Industries may adopt such reasonable rules as may be necessary to administer
 2 and enforce any statutes over which the commissioner or the Bureau of Labor and Industries has
 3 jurisdiction.

4 (5) The Commissioner of the Bureau of Labor and Industries may conduct and charge and collect
 5 fees for public information programs pertaining to any of the statutes over which the commissioner
 6 or the Bureau of Labor and Industries has jurisdiction.

7 **SECTION 33.** ORS 663.285 is amended to read:

8 663.285. (1) Complaints, orders, and other process and papers of the Employment Relations Board
 9 or its designated agent issued under this chapter may be served personally, by registered or certified
 10 mail, by telegraph or by leaving a copy thereof at the principal office or place of business of the
 11 person required to be served. The verified return by the individual so serving setting forth the
 12 manner of service is proof of service. The return post-office receipt or telegraph receipt therefor,
 13 when registered and mailed or telegraphed, is proof of service.

14 (2) Witnesses summoned before the board or its designated agent under this chapter shall be
 15 paid the fees and mileage provided for witnesses in ORS 44.415 [(2)]. Witnesses whose depositions
 16 are taken and the persons taking the same are severally entitled to the same fees as are paid for
 17 like services in the courts of this state.

18 **SECTION 34.** ORS 706.775 is amended to read:

19 706.775. (1) For the purpose of an investigation or proceeding under the Bank Act, the Director
 20 of the Department of Consumer and Business Services may administer oaths and affirmations,
 21 subpoena witnesses, compel their attendance, take evidence and require the production of books,
 22 papers, correspondence, memoranda, agreements or other documents or records that the director
 23 considers relevant or material to the inquiry.

24 (2) If a person fails to comply with a subpoena so issued or a party or witness refuses to testify
 25 on any matter, the judge of the circuit court for any county, on the application of the director, shall
 26 compel obedience by proceedings for contempt as in the case of disobedience of the requirements
 27 of subpoena issued from the court or a refusal to testify therein.

28 (3) Each witness who appears before the director under a subpoena shall receive the fees and
 29 mileage provided for witnesses in ORS 44.415 [(2)], except that a witness subpoenaed at the instance
 30 of parties other than the director or an examiner shall not be compensated for attendance or travel
 31 unless the director certifies that the testimony of the witness was material to the matter investi-
 32 gated.

33 (4) The director in any investigation may cause the depositions of witnesses to be taken in the
 34 manner prescribed by law for like depositions in civil suits in the circuit court.

35 **SECTION 35.** ORS 717.300 is amended to read:

36 717.300. (1) For purposes of an investigation or proceeding under ORS 717.200 to 717.320, 717.900
 37 and 717.905, the Director of the Department of Consumer and Business Services may administer
 38 oaths and affirmations, subpoena witnesses and compel their attendance, take evidence and require
 39 the production of books, papers, correspondence, memoranda, agreements or other documents or
 40 records that the director considers relevant or material to the inquiry. Each witness who appears
 41 before the director under a subpoena shall receive the fees and mileage provided for witnesses in
 42 ORS 44.415 [(2)].

43 (2) If a person fails to comply with a subpoena issued pursuant to this section or a party or
 44 witness refuses to testify on any matter, the judge of the circuit court of any county, on the appli-
 45 cation of the director, shall compel obedience by proceedings for contempt as in the case of diso-

1 bedience of the requirements of a subpoena issued from the court or a refusal to testify.

2 **SECTION 36.** ORS 722.442 is amended to read:

3 722.442. (1) Except as provided by ORS 40.225 to 40.295, the Director of the Department of
4 Consumer and Business Services and any of the examiners, auditors and appraisers of the Depart-
5 ment of Consumer and Business Services:

6 (a) Shall have free access to all books and records of an association, its subsidiaries and affil-
7 iates, that relate to its business, and the books and records kept by any officer, agent or employee,
8 relating to or upon which any record of its business is kept;

9 (b) May subpoena witnesses and administer oaths or affirmations in the examination of any di-
10 rector, officer, agent or employee of an association, its subsidiaries or affiliates or of any other
11 person in relation to its affairs, transactions and conditions; and

12 (c) May require the production of records, books, papers, contracts and other documents.

13 (2) Each witness who appears before the director under a subpoena shall receive the fees and
14 mileage provided for witnesses in ORS 44.415 [(2)].

15 (3) If a person fails to comply with a subpoena so issued or a party or witness refuses to testify
16 on any matters, the judge of the circuit court for any county, on the application of the director, shall
17 compel obedience by proceedings for contempt as in the case of disobedience of the requirements
18 of a subpoena issued from such court or a refusal to testify in such court.

19 **SECTION 37.** ORS 726.255 is amended to read:

20 726.255. (1) For the purpose of an investigation or proceeding under the Pawnbrokers Act, the
21 Director of the Department of Consumer and Business Services may administer oaths and affirma-
22 tions, subpoena witnesses, compel their attendance, take evidence and require the production of
23 books, papers, correspondence, memoranda, agreements or other documents or records that the di-
24 rector considers relevant or material to the inquiry.

25 (2) If a person fails to comply with a subpoena issued under subsection (1) of this section or a
26 party or witness refuses to testify on any matter, the judge of the circuit court for any county, on
27 the application of the director, shall compel obedience in the manner provided by law in the case
28 of disobedience to a subpoena issued in a civil action in the circuit court.

29 (3) Each witness who appears before the director under a subpoena shall receive the fees and
30 mileage provided for witnesses in ORS 44.415 [(2)], except a witness subpoenaed at the instance of
31 parties other than the director or an examiner shall not be compensated for attendance or travel
32 unless the director certifies that the testimony of the witness was material to the matter investi-
33 gated.

34 (4) The director in any investigation may cause the depositions of witnesses to be taken in the
35 manner prescribed by law for like depositions in civil suits in the circuit court.

36 **SECTION 38.** ORS 731.232 is amended to read:

37 731.232. (1) For the purpose of an investigation or proceeding under the Insurance Code, the
38 Director of the Department of Consumer and Business Services may administer oaths and affirma-
39 tions, subpoena witnesses, compel their attendance, take evidence and require the production of
40 books, papers, correspondence, memoranda, agreements or other documents or records which the
41 director considers relevant or material to the inquiry. Each witness who appears before the director
42 under a subpoena shall receive the fees and mileage provided for witnesses in ORS 44.415 [(2)].

43 (2) If a person fails to comply with a subpoena so issued or a party or witness refuses to testify
44 on any matters, the judge of the circuit court for any county, on the application of the director, shall
45 compel obedience by proceedings for contempt as in the case of disobedience of the requirements

1 of a subpoena issued from such court or a refusal to testify therein.

2 **SECTION 39.** ORS 756.543 is amended to read:

3 756.543. (1) The Public Utility Commission shall issue subpoenas to any party to a proceeding
4 before the commission upon request and proper showing of the general relevance and reasonable
5 scope of the evidence sought. Witnesses appearing pursuant to subpoena, other than the parties or
6 their officers or employees, or employees of the commission, shall receive fees and mileage as pre-
7 scribed by law for witnesses in ORS 44.415 [(2)]. If the commission certifies that the testimony of a
8 witness was relevant and material, any person who paid fees and mileage to that witness shall be
9 reimbursed by the commission and from moneys referred to in ORS 756.360, subject to the limitations
10 provided in ORS 756.360.

11 (2) If any person fails to comply with any subpoena so issued or any party or witness refuses
12 to testify on any matters on which the person may be lawfully interrogated, the judge of the circuit
13 court of any county, on the application of the commission, or of the party requesting the issuance
14 of the subpoena, shall compel obedience by proceedings for contempt as in the case of disobedience
15 of the requirements of a subpoena issued from such court or a refusal to testify therein.

16 **SECTION 40. The amendments to ORS 44.240, 44.415, 59.315, 59.915, 97.947, 144.347, 147.115,**
17 **161.395, 171.515, 181.330, 183.440, 238.655, 241.145, 242.730, 243.706, 305.200, 305.492, 342.177,**
18 **398.224, 416.427, 426.297, 462.272, 468.120, 477.009, 536.026, 539.110, 543.055, 645.210, 646.275,**
19 **646.831, 651.060, 663.285, 706.775, 717.300, 722.442, 726.255, 731.232 and 756.543 by sections 1 to**
20 **39 of this 2005 Act apply to days of attendance or miles traveled on or after the effective date**
21 **of this 2005 Act.**

22 _____