

Chapter 1
LEGISLATIVE STYLE

GRAMMAR; SENTENCE STRUCTURE

Follow the recognized rules of English composition with respect to grammar and sentence structure when drafting legislative measures. Section 21, Article IV of the Oregon Constitution, requires that every Act be “plainly worded, avoiding as far as practicable the use of technical terms.” Short, simple sentences are most effective.

SPELLING

Refer questions about spelling, usage and the compounding or dividing of words to *Merriam-Webster’s Collegiate Dictionary* (Tenth Edition) and *Webster’s Third New International Dictionary, Unabridged*, published by Merriam-Webster, Inc., of Springfield, Massachusetts.

Use the first spelling listed in these dictionaries unless a specific exception is listed in this manual as a preferred spelling. Other exceptions may be listed in the rules of either house of the Legislative Assembly, or may result from legislative or statutory usage.

Preferred Spellings. Extensive usage in existing Oregon statutory law requires certain spellings for the following words:

attorney fees	rescission
boldfaced type	right of way
cross-claim	rights of way
ground water (n, adj)	rulemaking
indorse	up to date (adv)
indorsement	up-to-date (adj)
insanitary	X-ray (n,v and adj)

Plurals. For nouns that have a choice of endings, one English and the other foreign, the English ending is generally preferred. However, some nouns that are used in statutory language require the Latin ending. These nouns include, but are not limited to:

Singular	Latin Plural
biennium	biennia
curriculum	curricula
memorandum	memoranda
referendum	referenda

Use of Hyphens. Do *not* use hyphens after the prefixes *co, de, inter, intra, multi, non, pre, pro, re, semi, sub* or *un* (copayment, decentralize, interagency, intrastate, multistate, nonzoned, preempt, proactive, readmit, semiannual, subparagraph, undocumented). Use a hyphen after any one of these prefixes to join the prefix to a capitalized word or a number (inter-American, pre-1993). Also use a hyphen to prevent misinterpretation (re-mark, meaning to mark again; remark, meaning a comment). Always use a hyphen after the prefixes *ex, post* and *self* (ex-offender, post-conviction, self-propelled). Hyphenate the word “post office” only when it is used as an adjective (post-office address).

Do not hyphenate foreign phrases that are used as adjectives (prima facie evidence).

Compound modifiers are *not* hyphenated (long term facility, first class mail) unless the hyphen is needed to avoid misinterpretation. Hyphenate compound modifiers if a numeral is part of the modifier (three-year plan, 10-year projections). Do not hyphenate adjective forms of compound modifiers composed of the adverb “very” or an adverb that ends in “-ly” (privately owned).

Words With Special Connotations. The word “to” means “to and including” when used in a reference to a series of statute sections, subsections or paragraphs or references to *Oregon Revised Statutes*. The word “person” means individuals, corporations, associations, firms, partnerships and joint stock companies. See ORS 174.100 for these and other definitions generally applicable to the statute laws of this state.

Words With Similar Spellings. The meanings of certain words with similar spellings are frequently confused:

- **Affect** is a verb, importing action against or upon a person or thing. **Effect** is both a noun and a verb and when used as a verb indicates accomplishment or achievement of a result.
- **Biennially** means once every two years, while **biannually** means twice a year.
- **Capitol** means the statehouse, while **capital** means capital city.
- **Ensure** means to guarantee, while **assure** means to offer a guarantee to a person. Use **insure** when referring to insurance.
- **Farther** indicates distance, while **further** indicates time, quantity or degree.
- **Forego** means to precede while **forgo** means to do without.
- **Moneys** means sums of money, while **money** means currency.
- **Practicable** means feasible or possible to practice or perform, while **practical** means can be actively put to use.
- **Therefore** indicates a conclusion, while **therefor** indicates in place of, in return for or because of.

PUNCTUATION

Write legislative measures so their meaning does not depend on punctuation. Follow these rules governing punctuation:

Apostrophes. (1) Do not use apostrophes to form contractions. Legislative drafting requires formal expression. Contractions reflect informal expression that is not used in the body of a law.

(2) Apostrophes indicate the measure of time and space in the genitive case (one year’s time, two years’ time, five days’ grace, 24 hours’ notice). If the word “of” cannot be used in place of the apostrophe, the apostrophe is misplaced. Do not use an apostrophe if there is no genitive relation between the time or quantity and the noun (three-day seminar, 10-month period).

(3)(a) To form the possessive of a common singular word ending in “s,” add apostrophe and “s” unless the next word begins in “s,” in which case add just the apostrophe: witness’s testimony, witness’ story.

(b) To form the possessive of a proper name ending in “s,” add an apostrophe: President Adams’ term, Xerxes’ armies.

(c) To form the possessive of a plural word ending in “s,” add an apostrophe in most cases: families’ homes, departments’ funds, companies’ policies.

(d) **To avoid awkwardness** in some cases, it is best to avoid the apostrophic form and use the “of” form instead: convention of attorneys general; decisions of the courts of appeals.

Colons. Do not use a colon in the body of a law except to introduce a series of subsections or paragraphs.

Commas. It is the general practice to *omit the serial comma* before the conjunction within a series of words, phrases or clauses as in “men, women and children”; *not* “men, women, and children.” However, serial commas may be used for added clarity in a complex sentence that consists of many clauses.

Periods. (1) Use a period at the end of a subsection or paragraph only if it is clear that each subsection or paragraph stands alone in a series of subsections or paragraphs following a colon.

(2) When writing amendments to a measure, end each line-by-line amendment with a period.

Punctuation Within Quotation Marks.

(1) Place periods and commas inside quotation marks. Place other punctuation marks inside the quotation marks only if the punctuation is a part of the material to be quoted.

(2) When writing amendments to a measure, place punctuation inside quotation marks only if the punctuation is part of the text of each amendment.

Semicolons. In a series of subsections or paragraphs following a colon, use a semicolon at the end of each subsection or paragraph if the grammatical structure or the sense of the provision requires the use of either the word “and” or the word “or” preceding the last subsection or paragraph.

CAPITALIZATION

Capitalize:

- (1) Proper names.
- (2) Common nouns or adjectives forming an essential part of a proper name, such as Marion County, Circuit Court for Multnomah County, City of Salem, Columbia River, State of Oregon, State Capitol, Linn and Benton Counties.
- (3) “Governor” in all references to the state’s chief executive.
- (4) The full official title of a state officer or state agency: “Secretary of State,” “Water Resources Director,” “Supreme Court,” “Sixty-ninth Legislative Assembly,” “Legislative Assembly,” “Senate,” “Senator,” “House (of Representatives),” “Representative,” “Senate Committee on Agriculture and Natural Resources,” “Department of Revenue” or “State Fish and Wildlife Commission.” *See* ORS chapter 182 cross-references for the list of establishing ORS sections for official titles of state officers, agencies, boards, commissions, committees and councils.
- (5) “Administrative Law Judge” and “Law Enforcement Data System” in all references.
- (6) Months and days of the week.
- (7) The proper name of a state fund or account in first references, such as “Geology and Mineral Industries Account,” “State Highway Fund” or “General Fund.”
- (8) The words “Miscellaneous Receipts” in appropriation bills.
- (9) The word “Act” when it means a legislative Act.

(10) References to the Constitution, such as “Constitution and laws of Oregon” or “Constitutions of the United States and Oregon” or “the state and federal Constitutions.”

(11) Names of historic events, such as “World War II,” “Korean War” and “Vietnam War.”

(12) References to a particular Act by its popular name, such as “Uniform Commercial Code” or “State Personnel Relations Law.” Do not capitalize a general reference to the law on a particular subject, such as “motor carrier law” or “insurance statutes.”

(13) The word “Class” when used to describe a type of felony or misdemeanor such as “Class B felony” or “Class C misdemeanor.”

(14) The first word in a sentence, the first word following a colon and the first word in an enumeration or a schedule that is paragraphed after a colon.

Do Not Capitalize:

(1) Generic words that are used for second and subsequent references within a body of a law such as “the secretary,” “the director,” “the court,” “the legislature,” “the committee,” “the department” or “the commission.”

(2) The word “federal,” except when it is part of an official name, such as “Federal Land Bank” or “Federal Government.”

(3) The word “state” except when it is part of a proper name, such as “State of Oregon,” “State Apprenticeship and Training Council” or “State Banking Board.” Do not capitalize “state” in such uses as “state Senator,” “state Representative,” “this state,” “state highway” or “the state is not liable.”

(4) Words indicating geographic position, such as “central Oregon.”

(5) The word “chapter” or “section” in a reference to a particular chapter or section within a sentence, for example, “as provided in ORS chapter 12,” or “under section 36 of this Act.”

GENDER

The 1979 Legislative Assembly enacted ORS 174.115:

174.115. It shall be the policy of the State of Oregon that all statutes, rules and orders enacted, adopted or amended after October 3, 1979, be written in sex-neutral terms unless it is necessary for the purpose of the statute, rule or order that it be expressed in terms of a particular gender.

The 1985 Legislative Assembly enacted chapter 578, Oregon Laws 1985:

Sec. 1. (1) For purposes of harmonizing and clarifying statute sections published in Oregon Revised Statutes, the Legislative Counsel may substitute sex neutral nouns or articles for nouns or pronouns that are not sex neutral or delete pronouns that are not sex neutral except in cases where the substitutions or deletions would alter the meaning or substance of the section.

(2) The Legislative Counsel Committee shall cause to have prepared and submitted to the regular session of the Legislative Assembly measures necessary to achieve compliance with ORS 174.115 and this section that cannot be achieved for reasons stated in subsection (1) of this section.

The Legislative Counsel Office will change submitted copy that is not sex neutral unless it is necessary for the purpose of the bill “that it be expressed in terms of a particular gender.”

NUMBERS OR FIGURES

Express numbers in figures, not in words.

EXCEPTIONS:

- Cardinal and ordinal numbers less than 10 are expressed as words (six, sixth), except when listing a series of like objects (grades 9 through 12, position numbers 3, 7, 9, 12 and 15, the 3rd, 4th and 12th judicial districts) if any number in the series, standing alone, would be in figures.
- Generally, words are used to express numbers that begin a sentence.
- Use figures to express *all* numbers used in the text of a table. Figures are also used to express all numbers in a tabular listing of data.
- Spell out fractions for amounts less than one, using a hyphen between the words (one-half, three-fifths, two-thirds).
- Use figures to express precise amounts greater than one, using a hyphen between the whole number and the fraction (2-2/5, 33-1/3).
- Use the word “percent” to express percentages: three percent, 10 percent. Use the symbol “%” only in tables.
- Do not combine words and figures:

Right: \$100

Wrong: \$100 (one hundred dollars)

Monetary Sums should be expressed as:

One cent	\$2,000 (comma)
10 cents	\$160,000
\$3 (no decimal)	\$3 million
\$3.65	\$3,504,282
\$115	\$3.5 million

Age can be expressed either as “18 years of age” or “age of 18 years.” Do not use hyphenated constructions such as “18-year-old offenders.”

Time should be expressed as follows:

4:30 p.m.

10 p.m.

1:00 p.m. (use colon and double 00 only with the hour “1”)

12 noon

12 midnight

Dates should be expressed as follows:

the June 1997 report (no comma)

the months of June and July 1997 when combined (no comma)

June 29, 1997, (*not* June 29th; comma)

June 29 to July 18, 1997, and (comma)

January 15 (not the 15th day of January)

June 6, 1997, and (comma)

sixth day of June, 1997, (commas)

1997 fiscal year (no comma)

1997-1999 biennium (no comma)

21st Century

ABBREVIATIONS

Do not use abbreviations in the text of measures. However, to avoid confusion between the section being amended and the amendatory section, *abbreviate* the word “**SECTION**” to “**Sec.**” preceding the number and text of:

- An amended section of the Oregon Constitution as it is set forth in a joint resolution.
- An amended session law section when an amendment is directed to the session law.

ACRONYMS

Use acronyms in the body of a law only if the acronyms have been previously *defined* in the applicable definitions for an ORS section, series or chapter. Examples of acronyms that are defined and used in the text of existing ORS sections include “DMSO,” meaning dimethyl sulfoxide, and “HIV,” meaning the Human Immunodeficiency Virus.

OFFICIAL TITLES OF PUBLIC OFFICERS AND AGENCIES

Use the official title for a public officer or agency when referring to that officer or agency within the text of a measure.

It is a recommended drafting practice to set out the official title in full in the first reference in each section. This use of the official title not only expedites computer searches but also enables the reader to identify more readily the agency or officer referred to when the section is set forth outside its statutory context.

Official titles ordinarily are set out in the constitutional or statutory section that created the positions or agencies. The cross-references for ORS chapter 182 include a list of state officers, agencies, boards, commissions, committees, councils and task forces with citations to their establishing ORS sections. Refer to this list to confirm an official title.

Note that *in statutory law* members of the Supreme Court are “judges,” not “justices,” except for the “Chief Justice,” who is the presiding judge of the Supreme Court and the administrative head of the state judicial department. Members of the Court of Appeals, Oregon Tax Court and circuit and district courts are judges.

CITATION OF THE OREGON CONSTITUTION

In the body of a section of *statutory* law, cite the Oregon Constitution *either* as “sections 2 and 3, Article III of the Oregon Constitution, provide...” *or* “sections 2 and 3, Article III, Oregon Constitution, provide...”

Use commas to separate the section number from the Article number and to separate the Article number from other text when the words “of the” are omitted. A comma should follow the word “Constitution” if the citation does not end a sentence.

When citing subsections or paragraphs of sections of the Oregon Constitution *in the text of statutory law*, follow the “short” forms used for citing ORS and session laws. For example, “section 3 (1)(d), Article III of the Oregon Constitution, provides...”

CITATION OF OREGON RULES OF CIVIL PROCEDURE (ORCP)

The Oregon Rules of Civil Procedure, promulgated by the Council on Court Procedure and adopted by the Legislative Assembly in 1979, govern procedure and practice in all courts of this state. These rules are referred to as ORCP. *See* ORCP 1 E and ORS 174.580.

Cite Rule 7, section D, subsection (3), paragraph (a), subparagraph (i), as:

ORCP 7 D(3)(a)(i)

NUMBERING AND CITATION OF OREGON REVISED STATUTES

Oregon Revised Statutes, the current set of codified laws of the State of Oregon, are referred to as “ORS.” See ORS 174.510.

Laws codified in ORS are set out in separate sections. Sections relating to the same general topic are grouped into a chapter.

Numbering of sections within ORS follows a decimal system. The number to the left of the decimal point in “ORS 92.090” indicates the number of the chapter in which the section is located. The number to the right of the decimal point indicates the relative position of the section within the chapter.

- Use “ORS chapter 92” to refer to a chapter.
- Cite a section as “ORS 92.090” (the word “section” is unnecessary).

Sections may consist of more than one primary paragraph. These primary paragraphs are referred to within the section as subsections. Each subsection is numbered with an Arabic numeral in parentheses.

- Cite subsections as “ORS 92.090 (3),” “92.090 (3) and (4)” or “ORS 92.090 (3) to (5).”

Secondary paragraphs contained within a primary paragraph are referred to within the section as paragraphs. Each paragraph is designated by a lowercase letter in parentheses. Use a capital letter “(L)” to designate the paragraph between “(k)” and “(m)” to avoid confusion between the number “1” and the lowercase letter “l.”

- Cite paragraphs as “ORS 92.090 (3)(a)” or “ORS 92.090 (3)(a) or (b).”

Further subdivisions of secondary paragraphs within a section are referred to as subparagraphs and sub-subparagraphs. Subparagraphs are designated by capital letters in parentheses. Sub-subparagraphs are designated by small Roman numerals in parentheses.

- Cite subparagraphs as “ORS 92.090 (3)(a)(H).”
- Cite sub-subparagraphs as “ORS 92.090 (3)(a)(H)(iv).”
- Cite a number of ORS sections by listing the sections numerically as: “ORS 92.016, 92.044, 92.046, 92.100 and 92.385.”
- Cite a number of ORS sections that also includes subsections by listing the sections with subsections numerically as: “ORS 92.010 (7), 92.040 and 92.337 (1) to (4).”
- Cite a number of ORS sections and series by listing the sections and series numerically as: “ORS 92.010 to 92.190, 92.225 and 92.305 to 92.405.”
- Cite a number of ORS sections and series when the citation also includes ORS chapters, first by listing the section and series citations numerically and then listing the chapter citations numerically as: “ORS 107.095, 107.105, 108.120, 109.155, 416.400 to 416.470 or 419.513 or ORS chapter 110.”

OREGON LAWS (SESSION LAWS)

Each current session bill that has passed both houses of the Legislative Assembly is first enrolled (specially reprinted) in preparation for the signatures of the President of the Senate and the Speaker of the House. The enrolled bill is then sent to the Governor for approval. A bill becomes law if the Governor chooses to sign it or if the Governor allows the bill to take effect without a signature. Once approved, a bill is filed with the Secretary of State who assigns the bill its session laws chapter number.

Session laws, officially known as *Oregon Laws*, are the compilation of laws enacted by a single session of the Legislative Assembly. Use “Oregon Laws 19__,” or “Oregon Laws 19__, (special session)” when citing session laws that have not been codified. The notation “(special session)” is *not* used in an even-year citation unless there is more than one special session, e.g., “Oregon Laws 1982 (second special session).”

Citing Oregon Laws:

- “... chapter 1076, Oregon Laws 1993, ...” (Entire chapter)
- “... section 1, chapter 1076, Oregon Laws 1993, ...” (Specific section)
- “... section 1 (2), chapter 1076, Oregon Laws 1993, ...” (Specific subsection)
- “... section 1 (2)(a), chapter 1076, Oregon Laws 1993, ...” (Specific paragraph)
- “... section 1 (2)(a)(B), chapter 1076, Oregon Laws 1993, ...” (Specific subparagraph)
- “... section 1 (2)(a)(B)(ii), chapter 1076, Oregon Laws 1993, ...” (Specific sub-subparagraph)

Use commas to separate the elements of a session law citation and to separate the session year from other text, e.g., “chapter 2, Oregon Laws 1987, shall be known as the ‘Crime Victims’ Bill of Rights.”

THIS ACT:

Adding the year. When citing “this Act” in the body of a bill, add the session year (“this 1997 Act”) in *only* three situations:

- (1) In new material inserted into an amended section of ORS or previous session law or into an amended section of a current session bill;
- (2) In a section or sections being “added to and made a part of” an ORS chapter or series; and
- (3) In a section or sections being “enacted in lieu” of a repealed ORS section.

Adding the session year avoids confusion about whether the reference to “this Act” means the original Act that created the section or series or whether “this Act” means the current session bill that is amending it.

Converting the reference. When amending a section of a previous session law or a new section of a current session bill that refers to “this Act” or “this 19__ Act,” convert the reference to the appropriate session law citation. **FOR EXAMPLE:**

- “... sections 18 to 46 of this 1993 Act...” in chapter 5, Oregon Laws 1993, becomes “... sections 18 to 46, **chapter 5, Oregon Laws 1993**, [of *this 1993 Act*]...” within the text of the amended session law section.
- “... sections 80 to 95 of this Act...” in section 96 of current Senate Bill 1893 becomes “... sections 80 to 95, **chapter __, Oregon Laws 1997 (Enrolled Senate Bill 1893)**, [of *this Act*]...” when section 96 of Senate Bill 1893 is amended by another current session bill.

INTERNAL REFERENCES

Also known as “internals,” internal references are those references from one part of a bill to another part of that *same* bill. Internal references must be complete.

Cite internal references from one section to another section as follows:

- “... section 6 of this Act...” (Entire section). If “section 1 of this Act” amends an ORS section or a section of Oregon Laws, cite the ORS section or the section of Oregon Laws being amended *not* “section 1 of this Act.”
- “... section 6 (4) of this Act” or “sections 6 (4) and 8 (1) of this Act” or “section 7 (3) or 9 (2) of this Act...” (Specific subsections)
- “... section 6 (4)(c) of this Act” or “sections 6 (4)(c) and 8 (1)(a) of this Act” or “section 7 (3)(e) or 9 (2)(b) of this Act...” (Specific paragraphs)
- “... sections 6 (4)(c)(A) and 8 (1)(a)(D) of this Act” or “section 7 (3)(e)(F) or 9 (2)(b)(A) of this Act...” (Specific subparagraphs)
- “... sections 6 (4)(c)(A)(iv) and 8 (1)(a)(D)(iii) of this Act” or “section 7 (3)(e)(F)(v) or 9 (2)(b)(A)(vi) of this Act...” (Specific sub-subparagraphs)

Cite internal references within a section as follows:

- “... this section...”
- “... subsection (3) of this section...”
- “... subsection (3)(b) of this section...”
- “... subsection (3)(b)(A) of this section...”
- “... subsections (3)(b) and (4) of this section...” or “subsection (2)(a) or (e) to (i) of this section...”

Cite internal references within a subsection or a paragraph or a subparagraph as follows:

- “... this subsection...”
- “... this paragraph...”
- “... this subparagraph...”
- “... paragraph (c) of this subsection...”
- “... subparagraph (B) of this paragraph...”
- “... paragraph (b)(A) of this subsection...”

Internal references within the text of the Oregon Constitution:

In the body of a section of the Constitution, cite another section of the Oregon Constitution as “section 2, Article III of this Constitution,”

Citations to subsections or paragraphs within the text of *existing* sections of the Oregon Constitution or in the text of proposed constitutional amendments require “long” citation forms. **FOR EXAMPLE:**

- “paragraph (b) of subsection (1) of this section....”
- “paragraph (b) of subsection (1) of section 2 of this Article....”
- “paragraph (d) of subsection (1) of section 3, Article III of this Constitution,”

INDEFINITE REFERENCES

Always refer to a specific paragraph, subsection or section of the measure. Indefinite references are objectionable because they may refer to the section, the chapter or the entire enactment. *Do not use* the following words which may indicate an indefinite reference:

above	foregoing	hereunder
aforesaid	herein	none whatever
below	hereinafter	said
following	hereinbefore	

CITING CURRENT SESSION BILLS

If a bill draft refers to another current session bill that has not been filed for introduction nor assigned its bill number, use the LC draft number to identify the other bill:

- “... section 1, chapter ____, Oregon Laws 1997 (Enrolled ____ Bill ____) (LC 1214),”

After the other bill has been introduced and its bill number assigned, adjust the citation by deleting the LC number parenthetical and inserting the house of origin and the bill number in the appropriate blanks. These adjustments do *not* require brackets and italic type:

- “... section 1, chapter ____, Oregon Laws 1997 (Enrolled Senate Bill 3),”

If the other bill has passed both houses, has been signed by the Governor or allowed to take effect without signature and the Secretary of State has assigned the bill its Oregon Laws chapter number, fill in the blank for the chapter number:

- “... section 1, chapter 47, Oregon Laws 1997 (Enrolled Senate Bill 3),”

If the current session is a special session that takes place in the same year as a regular session, insert a parenthetical containing the words“(special session)” after the words “Oregon Laws 19xx”:

- “... section 10, chapter ____, Oregon Laws 1997 (special session) (Enrolled ____ Bill ____) (LC 3988),”

When more than one special session is held during the same year as a regular session, the parenthetical must designate that bill being cited is an enactment of the “(second special session)”:

- “... section 15, chapter ____, Oregon Laws 1997 (second special session) (Enrolled ____ Bill ____) (LC 4025),”

If the current session is a special session held in an *even-numbered year*, the citation for a current session bill follows the same form as a citation for a regular session bill. Only the even-number of the session year designates the bill as a special session enactment:

- “... section 1, chapter ____, Oregon Laws 1998 (Enrolled ____ Bill ____) (LC 3888),”

But, when there is more than one special session during an even year, the citation requires a parenthetical that designates the bill as a “(second special session)” enactment:

- “... section 12, chapter ____, Oregon Laws 1998 (second special session) (Enrolled ____ Bill ____) (LC 1125),”

CITING RESOLUTIONS AND MEMORIALS OF THE CURRENT LEGISLATIVE SESSION

If referring to a resolution or memorial of the current legislative session, the citation must include the resolution or memorial name (house of origin and type) and the measure number and include a date parenthetical that lists the session year and, when necessary, the session designation:

- Senate Resolution 5 (1997)
- House Concurrent Resolution 14 (1997)
- Senate Joint Resolution 32 (1997)
- House Joint Resolution 4 (1995 special session)
- Senate Concurrent Resolution 16 (1996)
- House Memorial 1 (1997)
- Senate Joint Memorial 10 (1997)