

## Chapter 179

### 1957 REPLACEMENT PART

## State Board of Control; Supervision of State Institutions

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**OREGON STATE BOARD OF CONTROL.**

**179.010 Definitions.** (1) As used in this chapter, unless the context requires otherwise:

(a) "Board" means the Oregon State Board of Control.

(b) "Secretary" means the Secretary of the Oregon State Board of Control.

(2) As used in ORS 179.020 to 179.150, unless the context requires otherwise, "institutions" means the institutions governed by the provisions of this chapter and includes the capitol buildings and grounds as defined in ORS 276.010.

**179.020 Oregon State Board of Control; members; compensation.** There is established the Oregon State Board of Control. The board shall consist of the Governor, who is ex officio chairman, the Secretary of State and the State Treasurer. No member of the board shall receive any salary, fee or other compensation for services rendered as a member of the board; but each member shall receive all necessary traveling expenses when traveling on tours of inspection of the institutions.

**179.030 Meetings of board.** The board shall hold regular meetings at the State Capitol on the third working day of each month, and shall hold such other meetings as, in the judgment of its members, are necessary. A majority of the members of the board constitutes a quorum. All meetings of the board shall be open to the public. The board shall cause to be kept a full and correct record of all proceedings. The record of the proceedings shall always be open to public inspection.

**179.040 General powers and duties of board.** (1) The board shall:

(a) Have an official seal which shall bear the name of the board.

(b) Govern, manage and administer the affairs of the public institutions, buildings and works that may, from time to time, be created by law and come within the jurisdiction of the board.

(c) Enter into contracts for the erection, completion and furnishings of all new buildings or additions at the institutions.

(d) Subject to any applicable provisions of ORS 279.710 to 279.746 and 291.652 to 291.726, enter into contracts for the purchase of supplies for the institutions, as well as for fuel, heat, light, water, telephone,

equipment, repairs, improvements and betterments.

(e) Make and adopt bylaws, not inconsistent with law, for the guidance of the board and for the government of the institutions.

(2) The board may:

(a) Condemn land and rights of way for water pipes, sewers, telegraph, telephone and transmission lines.

(b) Sue and plead in all courts of law and equity.

(c) Perform all legal and peaceful acts requisite and necessary for the successful management and maintenance of the institutions.

**179.050 Board may take, assign and convey property.** (1) Subject to subsection

(2) of this section, the board may receive, take and hold property, both real and personal, in trust for the state or for any institution within the jurisdiction of the board, and may sell, transfer, assign, allot, set over or convey the property pursuant to legislative authority.

(2) When the board has assigned or allotted land for the use of a state department and the department has taken possession thereof and made lasting and valuable improvements thereon, the land shall not be re-assigned or reallocated to another state department or sold without specific legislative authority, and then only upon payment for the value of the improvements. If the cost of the improvements has been paid for from funds derived from any source other than a direct property tax, the consideration paid shall be returned to the funds of the department from which the cost was paid; otherwise, it shall be returned to the General Fund.

**179.060 Assignment of property for use of institutions.** All real and personal property owned by the state and devoted to the uses of any of the institutions located at or near the state capital shall be treated by the board as if held in common for the use and benefit of all institutions. In the apportionment and assignment of lands for the future use of the institutions the needs of each, the proximity of the lands and ability to cultivate shall be given due consideration.

**179.070 Members of board to visit institutions.** The members of the board shall:

(1) Visit each institution, except the Eastern Oregon State Hospital and the East-

ern Oregon Tuberculosis Hospital, at least once every three months.

(2) Visit the Eastern Oregon State Hospital at least once every year.

(3) Keep themselves constantly advised as to the condition of all the institutions.

**179.080 Secretary of Oregon State Board of Control; appointment; oath; bond; compensation; clerical assistance.** (1) The Secretary of the Oregon State Board of Control shall be selected and may be removed at the pleasure of the board. Before assuming the duties of his position he shall take and subscribe to an oath that he will support the Constitution and laws of the United States and the State of Oregon and shall furnish to the State of Oregon, subject to the approval of the board, a bond in such reasonable amount as the board may designate, conditioned upon the faithful performance of his duties.

(2) Unless otherwise provided in ORS 292.317, the annual salary of the secretary shall be fixed and determined by the board within the respective appropriations therefor and the limitations otherwise fixed by law.

(3) The secretary shall receive no fees, emoluments or compensation, other than his salary as fixed under subsection (2) of this section, but he shall receive his actual traveling expenses when traveling in the service of the state.

(4) The secretary shall be allowed such clerical assistance as in the judgment of the board may be necessary.

**179.090 Duties of secretary.** (1) The secretary shall:

(a) Maintain an office at the State Capitol.

(b) Keep an accurate record of all the transactions of the board.

(c) Visit all the institutions at stated intervals or when directed to do so by the board.

(d) Keep the seal of the board and affix the seal to all contracts and instruments executed by the authority and in the name of the board.

(e) Prepare all estimates and reports.

(f) Attend to all correspondence of the board.

(g) Preserve the records of the several boards that existed before June 3, 1913, for the government of the institutions and were abolished by section 2, chapter 78, Laws of Oregon 1913.

(h) Do and perform such other duties

as naturally attach themselves to this position, or as may be prescribed by law, or as the board may direct.

(2) Subject to any applicable provisions of ORS 279.710 to 279.746 and 291.652 to 291.726, the secretary shall:

(a) Advertise for and receive bids for furnishings, repairs, improvements or betterments.

(b) Assist the board in contracts.

(c) Approve all claims.

**179.100 Secretary to furnish and certify copies of records and files.** The secretary shall furnish to anyone upon application therefor copies of the records and files of his office, upon the payment of the fee therefor, and shall certify the copies under the seal of his office. The fee for making and furnishing the copies shall be 25 cents per folio, including the certificate of the secretary. All fees shall be paid by the secretary to the State Treasurer and become a part of the General Fund.

**179.110 Acceptance of federal grant of funds; cooperation with federal agencies; disposition of balances of appropriations.** The board may accept and receive grants of funds from the United States or any of its agencies for the construction, equipment and betterment of any of the state institutions under the control of the board and may cooperate with the United States or its agencies in such construction, equipment and betterment. Any balances of appropriations for capital outlay for any institution under the control of the board resulting from the use of funds so received shall be placed in a common fund. The board is authorized and empowered in its discretion to expend such common fund or any portion thereof in the construction, equipment or betterment of any state institution under its control. This section applies only to state institutions under the control of the board on March 10, 1937.

**179.115 Acceptance of federal assistance in preparing for construction of public buildings and works.** The Oregon State Board of Control may, in its discretion, accept financial assistance and grants and (to the extent that moneys have been appropriated for the repayment thereof) advances, from the United States or any of its agencies, subject to the terms and conditions thereof, regardless of any laws of this state in conflict with the regulations of the Federal Government with respect thereto, to aid in

financing the cost of engineering and architectural surveys, designs, plans, working drawings, specifications or other action preliminary to and in preparation for the construction of public buildings and works. [1957 c.602 §2]

**179.120 Deposit and disbursement of funds received for aid of institutions.** All funds received by the state from the Federal Government or other sources for the aid and support of any of the institutions shall be paid into the State Treasury and disbursed by the board in the usual manner for the uses intended.

**179.130 Institutional petty cash fund; creation; reimbursement from appropriation for institution.** (1) The executive head of each state institution under the supervision of the board may execute a claim voucher against the Institutional Betterment Fund to the credit of his institution, in favor of himself, in such amount as shall be approved by the board, for use by the institution as a cash revolving fund in paying the petty claims and incidental expenses arising in the proper conduct of the institution. The Secretary of State shall issue a warrant upon the State Treasurer for such amount, to be paid from such fund.

(2) The executive head shall present his claims on the first of each month, with proper vouchers attached, showing the expenditures from the revolving fund during the preceding month. The claims, when approved by the board, shall be paid by warrant upon the State Treasurer against the appropriation for that institution, and when so paid shall be used to reimburse the revolving fund of such institution created under subsection (1) of this section.

**179.140 Auditing and paying claims; approval of vouchers.** Subject to any applicable provision of ORS 279.710 to 279.746, 291.232 to 291.260 and 291.652 to 291.726, the Secretary of State shall audit and pay all claims for supplies or materials furnished or services rendered to institutions upon the presentation of duly verified vouchers therefor, approved in writing by the executive head of the institution affected and the secretary and at least two members of the board.

**179.150 Interest in contracts by board or officers, employes or other persons connected with institution prohibited.** No member or officer of the board or officer, em-

ploye or other person connected with an institution shall be pecuniarily interested in any contract for supplies or services furnished or rendered to an institution, other than the services of his regular employment.

**179.160 Board of Control revolving fund.** There hereby is appropriated to the Oregon State Board of Control out of the General Fund in the State Treasury the sum of \$10,000, which sum shall be credited to the revolving fund. Such funds hereby are continuously appropriated for the payment of the film service for state institutions and of other purchases or advances as required from time to time. [1955 c.242 §1]

**179.170 to 179.300** [Reserved for expansion]

## SUPERVISION OF STATE INSTITUTIONS

**179.310 "Superintendent" defined.** When used in ORS 179.010 to 179.500, unless the context otherwise requires, "superintendents" means the executive heads of the institutions listed in ORS 179.320.

**179.320 Board of Control to direct and supervise state institutions.** The Oregon State Board of Control shall govern, manage and administer the affairs of the following state institutions:

- (1) Oregon State Hospital.
- (2) Eastern Oregon State Hospital.
- (3) Oregon State Penitentiary.
- (4) Oregon Fairview Home.
- (5) MacLaren School for Boys.
- (6) Oregon State Tuberculosis Hospital.
- (7) Eastern Oregon Tuberculosis Hospital.
- (8) Oregon State School for the Blind.
- (9) Oregon State School for the Deaf.
- (10) Hillcrest School of Oregon.
- (11) F. H. Dammasch State Hospital
- (12) Oregon State Correctional Institution. [Amended by 1955 c.651 §2; 1955 c.660 §25]

**179.330 Appointment, suspension and removal of superintendents.** The board shall appoint the superintendents of the institutions listed in ORS 179.320. The board may remove the superintendents at its pleasure. The board shall suspend or discharge a superintendent whenever the public service requires such action.

**179.340 Salaries of superintendents.** Unless otherwise provided in ORS 292.317, the board shall fix and determine the annual

salaries of the superintendents within the respective appropriations therefor and the limitations otherwise fixed by law. The superintendents shall receive no fees, emoluments or compensation other than salaries fixed by the board but shall receive their actual traveling expenses when traveling in the service of the state.

**179.350 Oath and bond of superintendents.** (1) Before assuming the duties of his position, each superintendent shall take and subscribe to an oath that he will support the Constitution and laws of the United States and the State of Oregon.

(2) Each superintendent shall give an official bond running to the State of Oregon, for the faithful performance of his duties as superintendent and the accounting of all property coming into his hands in that capacity, in the amount fixed in each instance by the board, with a surety company authorized to do business in this state, as surety. The premium on the bond shall be paid by the state from the appropriation for the maintenance of each institution, respectively.

**179.360 Powers and duties of superintendents.** (1) Each superintendent shall:

(a) Have control of the wards of the state at the institution under his jurisdiction.

(b) Prescribe or direct the treatment, care, custody and discipline of such wards unless otherwise directed by law or by rule of the board.

(c) Adopt sanitary measures for the health and comfort of such wards.

(d) Promote the mental, moral and physical welfare and development of such wards.

(e) Enjoy the other powers and privileges and perform the other duties that are prescribed by law or by rule of the board or that naturally attach themselves to his position.

(2) The board shall prescribe:

(a) The duties of the superintendents where the duties are not prescribed by law.

(b) The additional duties, beyond those prescribed by law, that the board considers necessary for the good of the public service.

**179.370 Superintendents to reside at institutions.** Each superintendent shall reside at the institution under his jurisdiction. Each superintendent shall be furnished, at such rates of payment therefor as the board from time to time may prescribe, a residence or housekeeping room or rooms for himself and his immediate family and household

furniture, provisions, heat and light from the supplies of the institution.

**179.380 Board to authorize employment of officers and employes; oaths and bonds.**

(1) The board shall authorize the employment of all necessary physicians, matrons, attendants, nurses, engineers, watchmen, messengers, clerks, guards, cooks, waiters and other officers and employes not specifically authorized by law and necessary to the successful maintenance of the institutions, excluding the capitol buildings and grounds. The amounts expended for the services of such officers and employes shall not exceed the amounts provided therefor in the biennial appropriations for the institution.

(2) The board shall designate in its by-laws which employes shall be officers, and shall require all officers to take and subscribe to an oath of office and, if the circumstances require it, to furnish bonds.

**179.390 Appointment, suspension, removal and salaries of assistants, officers and employes.** The superintendent shall, subject to the approval of the board, appoint in the manner provided by law all assistants, officers and other employes at the institution under his jurisdiction. The superintendent may suspend or remove an assistant, officer or other employe in the manner provided by law, reporting all acts of suspension or removal to the board for approval or disapproval. The board shall fix the salaries of assistants, officers and employes where their salary is not fixed by law. The board shall, subject to any applicable provisions of the State Civil Service Law, suspend or discharge any subordinate of a superintendent when public service requires such action.

**179.400 Officers and employes may be furnished board and lodging at institution.** Unless the superintendent of the institution permits the officer or employe to maintain his own establishment or to reside elsewhere, a regular officer or employe of an institution may be furnished board, lodging, heat and light at the institution to which he is attached at the rate of payment therefor that the board from time to time prescribes.

**179.410 Monthly reports of superintendents to the board.** The board shall require the superintendent of each institution to file monthly reports that:

(1) Show fully the financial and other

transactions of the institution and its existing population, conditions and other information.

(2) Contain recommendations or suggestions that, in the opinion of the superintendent, will tend to promote the best interests of the institution.

**179.420 Biennial report of superintendents to the board.** (1) Each superintendent shall submit a biennial report to the board showing:

(a) An itemized statement of all receipts and disbursements.

(b) The general condition of the institution.

(c) A list of all improvements and needed improvements.

(d) The number of patients, inmates or wards.

(e) The number of officers and employes and the salaries thereof.

(f) Other information that may be of use to the board.

(2) The report shall:

(a) Represent the condition of the institution on June 30 preceding the biennial session of the Legislative Assembly.

(b) Be typewritten and submitted in triplicate.

(c) Not be printed unless the Legislative Assembly, by resolution, so decrees.

**179.430 Comprehensive report of board to the legislature.** (1) Based on the reports required by ORS 179.420, the board shall forthwith prepare and cause to be printed a comprehensive report showing the condition of each institution, including the capitol buildings and grounds, together with:

(a) A complete list of receipts and disbursements.

(b) An estimate or budget showing the financial needs for the following biennial period.

(c) Other information and recommendations that, in the opinion of the board, will be of value to the members of the Legislative Assembly.

(2) In the preparation of this report, plain and intelligible language should be used and technical terms avoided, as far as possible. Every institution shall be treated separately.

(3) The board shall cause a copy of the report to be mailed to every member of the incoming Legislative Assembly not less than 30 days before it convenes.

**179.440 Work in production of articles and performance of labor for state.** In order to minimize the cost of maintaining the institutions, all wards of the state who are capable of a reasonable amount of work without physical or mental injury to themselves shall be used as fully as possible in the production and manufacture of articles for the use of the state and in the performance of labor for the state.

**179.450 Work on state-owned land.** The board may, as it considers proper, direct and require the employment of able-bodied persons who are confined in the state penitentiary or the Oregon State Correctional Institution, or who are inmates of state institutions for the insane or feeble-minded in the performance of useful work upon land owned by the state if it does not compete with free labor. No work shall be performed upon any such land except by consent and approval of the agency of the state having management of the land. [Amended by 1955 c.660 §26]

**179.460 Rules and regulations for sale and exchange of surplus products of institutions; State Institutional Betterment Fund.** (1) In order to encourage industry and thereby increase productiveness in the institutions, the board shall prescribe rules and regulations for the sale and exchange of surplus products of each.

(2) The funds derived from the sale of the surplus products shall be paid into the State Treasury and become a part of a fund to be known as the State Institutional Betterment Fund, which fund shall be expended by the board for the benefit of the institutions in proportion to the amount earned by each.

**179.470 Compensation for service or product from other institutions.** The board shall require that any state institution receiving any service or product from any other state institution shall pay a reasonable compensation therefor to the institution that furnishes it.

**179.474 Transfer of inmates from institution to institution.** The Board of Control may, subject to the provisions of ORS 179.476, make a permanent or nonpermanent transfer of an inmate of any institution listed in ORS 179.320 to any other such institution or to the University of Oregon Medical School whenever, in the judgment

of the board, the welfare of the inmate and the efficient administration of the state institutions require the transfer. [1957 c.160 §1]

**179.476 Duration of transfers; limitations on transfers to or between certain institutions; rules of board.** (1) A transfer may be made for such period as is necessary in each case. No nonpermanent transfer may be made for a period of longer than one year, but the board may renew a nonpermanent transfer for additional one year period or periods whenever, in its judgment, renewal is in the best interest of the inmate and the state.

(2) No inmate of an institution mentioned in ORS 179.320, unless he has been committed to an institution for the mentally ill or mentally deficient, may be permanently transferred to an institution for the mentally ill or mentally deficient except in the manner provided in this subsection.

(a) The inmate whose transfer is proposed shall be examined by one or more physicians of the institution to which transfer is proposed. If the examining physician finds the inmate mentally ill or mentally deficient, as the case may be, he shall so certify on oath and in writing.

(b) The physician's certificate shall be transmitted to the circuit court of the district in which is located the institution to which transfer is sought. The inmate may have legal counsel as provided in ORS 426.100 and the court may require examination of the inmate as provided in ORS 426.110.

(c) If upon the certificate provided in paragraph (a) of this subsection and such other evidence as may be submitted to the court, the court finds the inmate mentally ill or mentally deficient, as the case may be, it shall order the transfer made permanent. The court's decision shall be appealable as in other proceedings for the commitment of the mentally ill or mentally deficient.

(3) The board may make transfers between penal and correctional institutions only on the basis of the recommendations of the Correctional Classification Board and subject to the limitations of ORS 421.265.

(4) An inmate who has been transferred from one of the institutions listed in ORS 179.320 may be retransferred to that institution or to any other institution listed in ORS 179.320.

(5) The board may prescribe rules and regulations governing the manner and basis of making transfers as provided in this section. [1957 c.160 §2]

**179.479 Conveyance of inmates from institution to physician or hospital for treatment; rules of board.** (1) The superintendent, warden or other chief executive officer of an institution listed in ORS 179.320 may, when authorized by regulation or direction of the board, convey an inmate to a physician, clinic or hospital, including the University of Oregon Medical and Dental Schools, for medical, surgical or dental treatment when such treatment cannot satisfactorily be provided at the institution. An inmate conveyed for treatment pursuant to this section shall be kept in the custody of the institution from which he is conveyed.

(2) The board shall prescribe rules and regulations governing conveyances authorized by this section. [1957 c.160 §3]

**179.480** [Amended by 1955 c.86 §1; repealed by 1957 c.160 §6]

**179.483 Time spent pursuant to transfer or conveyance counted as part of sentence.** Any time spent by an inmate of a penal or correctional institution pursuant to a transfer or conveyance shall be counted as part of the sentence being served by him. [1957 c.160 §4]

**179.486 Payment of costs in connection with transfers and conveyances; medical reports to accompany certain inmates.** (1) The institution from which a transfer or conveyance is made shall pay from its appropriation the cost of such of the following items as may be incurred in a particular case:

(a) Transportation and other expenses incidental to the transfer or conveyance, including the expenses of attendants where an attendant is directed to accompany the inmate.

(b) Hospital expenses incurred at the University of Oregon Medical or Dental Schools.

(c) Examination, treatment and hospital expenses incurred in favor of a physician, clinic or hospital, other than the University of Oregon Medical or Dental Schools.

(2) An inmate transferred or conveyed to the University of Oregon Medical or Dental Schools shall be accompanied by a report made by the physician in charge of the institution from which the transfer or convey-

ance is made, or by another physician designated by him. The report shall contain the history of the case and the information required by blanks prepared by the medical or dental school, as the case may be. [1957 c.160 §5]

**179.490 Authorization and payment of cost of emergency and necessary operations.** In the case of a necessary or emergency operation, requiring the services of a specialist, and where the relatives or guardians, in the judgment of the board, are unable to pay a part or the whole cost of the operation, the board, in its discretion, may have the operation performed, the cost of the operation to be payable from the funds of the institution concerned.

**179.495 Inspection of medical records.** Medical case histories, clinical records, treatment charts, progress reports and other similar written accounts of the inmates or patients of any state institution governed and managed by the Oregon State Board of Control, made and maintained in such institution by the officers or employes thereof, shall not be subject to inspection except upon permission given by the board, within its discretion and for good cause, or upon order of a court of competent jurisdiction. The foregoing limitation shall not apply to inspection of records made with the consent of the individual concerned, or in case of his incompetence, by his legal guardian. [1955 c.452 §1]

**179.500 Transfer of funds to credit of institution to which inmates are transferred.** Whenever five or more patients or other inmates of any state, eleemosynary, or corrective institution are transferred to another state institution for care or treatment, the board may make an order for the transfer of funds appropriated or available for the payment of the expenses of the institution from which the inmates are transferred to the credit of the account of the institution to which they are transferred, in an amount proportioned to the number of inmates so transferred. A copy of the order shall be filed with the Secretary of State and State Treasurer, who shall make the transfer of

credit on their books of account in accordance therewith.

**179.510 to 179.700** [Reserved for expansion]

**179.710 Definitions; deposit of funds of wards of institutions with State Treasurer.** The superintendent of each state hospital, home, penal or corrective institution, or institution for the deaf or the blind, hereinafter designated "institution," that has in his possession or under his control in a bank account or otherwise, funds that are the property of the wards of such institutions or that have been deposited for their use or for expenditure in their behalf shall deposit such funds, as they are received, together with any such funds as heretofore have accumulated, with the State Treasurer as a trust account. The word "funds" as used in ORS 179.710 to 179.730 shall include, but shall not be limited to, moneys deposited with the said superintendents for medical care or assistance of wards, moneys derived from athletic activities, contributions for athletic, health, or recreation projects, and any other moneys received by the said superintendents that are not required by law to be credited to other state funds or accounts. [1955 c.5 §1]

**179.720 Superintendents authorized to receive funds of wards; separate accounts.** The said superintendents are authorized to receive any of the funds referred to in ORS 179.710 to 179.730. The State Treasurer shall carry such funds in separate accounts for such institutions, but he shall not credit such funds or any part thereof to any state fund for governmental purposes. [1955 c.5 §2]

**179.730 Disbursements from accounts; superintendents accountable.** Disbursements from the said accounts for the purposes for which the contributions or payments were made, and for payment to persons lawfully entitled thereto, may be made by the superintendent of the institution by which the funds were deposited, by checks or orders drawn upon the State Treasurer. The said superintendents shall be accountable for the proper handling of said accounts. [1955 c.5 §3]

**STATE EXECUTIVE DEPARTMENT AND ORGANIZATION**

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**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on December 2, 1957.

Sam R. Haley  
Legislative Counsel