

Chapter 182

1959 REPLACEMENT PART

State Administrative Agencies

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 Scholarship Commission, State, 351.635
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 Secretary to the Governor, 176.510
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 Speed Control Board, State, 483.108
 Supreme Court, administrative assistant for, 2.350
 Supreme Court, Oregon, Const. Art. VII (A), § 1
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 Traffic Court Rules Committee, 484.420
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**STATE ADMINISTRATIVE AGENCIES
GENERALLY**

182.010 Nonattendance of member of board or commission at meetings as forfeiting office; appointment of successor. Any member of a state board or commission appointed by the Governor who fails to attend two consecutive meetings of the board or commission, whether regular, adjourned or special, shall forfeit his office unless he is prevented from attending by the serious illness of himself or his family or for any other cause that in the judgment of the Governor constitutes a valid reason for failing to attend. The Governor shall immediately appoint a successor.

182.020 Notice of meetings of boards and commissions; reporting of absences. The secretary or clerk of every state board and commission shall:

(1) Give the members of the board or commission at least 10 days' notice, in writing, of the date and place of each regular, adjourned or special meeting.

(2) Report to the Governor the names of all members who fail to attend any meeting of the board or commission.

182.030 Employment of persons advocating violent overthrow of the Government of the United States or Oregon prohibited.

(1) No state department, board or commission shall knowingly employ any person who either directly or indirectly carries on, advocates, teaches, justifies, aids or abets a program of sabotage, force and violence, sedition or treason against the Government of the United States or of the State of Oregon.

(2) Any person employed by any state department, board or commission shall immediately be discharged from employment when it becomes known to the appointing employer that such person has, during the period of his employment, committed any offense set forth in subsection (1) of this section.

(3) Any person denied employment or discharged pursuant to this section shall have a right of appeal in accordance with the provisions of the State Civil Service Law.

182.040 Boards and commissions to pay counties for services. (1) All state boards and commissions which are supported by fees, fines, licenses or taxes or other forms of income not derived from a direct tax on

tangible property shall pay the various counties of the State of Oregon the same fees required of others for services rendered.

(2) ORS 182.040 to 182.060 do not apply to:

(a) Services rendered for the Bureau of Labor on wage claims assigned to it for collection.

(b) Any of the provisions or requirements of ORS 21.030, 21.110, 21.140, 21.150, 21.230, 21.260, 21.270, 21.310, 21.330, 21.340, 21.370, 21.380, 21.560, 21.570, 21.590, 21.600, 46.240, 52.410 to 52.440, 156.150, 156.160, 205.360 and 205.370.

182.050 Time and manner of payment to counties. No state board or commission affected by the provisions of ORS 182.040 and 182.060 shall be required at the time of ordering the performance of any services for which a fee or charge may be collected by the county to pay the collectible fee or charge in advance or at the time the services are rendered. The county clerk or recorder or other officer performing the service, upon request made by the board or commission, shall charge to the board or commission the amount of the fee or charge, and thereafter on the first days of January, April, July and October of each calendar year supply to the board or commission an itemized statement of all services performed upon order of the board or commission for the three months preceding, together with the legal charge collectible therefor. The board or commission, upon receipt of the statement, promptly shall pay the amount due the county.

182.060 County clerk or recorder to file instruments affecting realty for state boards and commissions. When requested by a state board or commission, the county clerk or recorder, as the case may be, shall file or record, or both, in his office any instrument affecting real property and immediately shall return to the board or commission a receipt for the instrument, aptly describing it and showing the legal charge for the filing or recording of the instrument.

182.070 Publications of state agencies to be furnished to State Librarian. Unless a greater or lesser number is agreed upon by the State Librarian and the issuer of the publication, the person responsible for distribution of a publication issued by, or by authority of a state officer, agency or institution not under the control of the State

Board of Higher Education shall make available to the State Librarian for distribution and exchange purposes, 25 copies of each technical publication so issued and 75 copies of all other publications so issued in multiple form, other than interoffice memoranda or forms. The term "publication" as used in this section, does not include the Oregon Revised Statutes or any edition thereof. [1953 c.527 §2]

182.080 Effect of repeal of statute authorizing state agency to collect, receive and expend money. (1) In the event of repeal of a statute or a part thereof which granted or conferred power to any state officer, board, commission, corporation, institution, department, agency or other state organization to collect, receive and expend money for or on behalf of the state or for any purpose authorized by law, such repeal shall not affect or impair any act done, or right accruing, accrued or acquired, or liability, or obligation to pay the state a license or other fee, or payment exacted or required by law to be made or authorized by said repealed statute and the rules, regulations and orders, if any, promulgated thereunder and in effect at the time of such repeal, unless otherwise specifically provided by law. In the event of such repeal of a statute, the Secretary of State shall have the authority to determine, collect and disburse any moneys due the state, or payable by or through the state, representing such license or other fee, or payment exacted or required by law in accordance with the provisions of such repealed statute and such rules, regulations and orders promulgated thereunder, and as otherwise provided by law, in order to secure the full force, effect and operation of such statute up to the time of its repeal, but not thereafter.

(2) Upon repeal of a statute or a part thereof as described in subsection (1) of this section, there hereby is appropriated for the payment of all expenses incurred by the Secretary of State in winding up and concluding administration of such repealed statute, as authorized in subsection (1) of this section, so much as may be necessary, and no more, of the balance in the General Fund theretofore appropriated for the use, operation and function of such state officer, board, commission, corporation, institution, department or other state organization or agency. Should the balance of such unexpended appropriation be insufficient to cover

said costs and expenses of the Secretary of State in administering and concluding the operation of such repealed statute, then, in addition thereto, such amount as may be necessary, and no more, hereby is appropriated out of any funds, accounts and receipts belonging to the state in the custody or control of such state officer, board, commission, corporation, institution, department or other state organization, to cover in full the costs of winding up and concluding the administration of such statute. [1955 c.73 §1]

182.090 and 182.100 [Reserved for expansion]

REORGANIZATION OF AGENCIES

182.110 Definitions for ORS 182.110 to 182.200. As used in ORS 182.110 to 182.200:

(1) "Agency" means any executive or administrative agency, authority, board, bureau, commission, committee, council, department, division, institution, office, officer, service or other establishment in the executive and administrative branch of the state government.

(2) "Head" of an agency includes an individual head and a head consisting of two or more members.

(3) "Reorganization" means:

(a) The transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency;

(b) The abolition of all or any part of the functions of any agency;

(c) The consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof;

(d) The consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof;

(e) The authorization of any officer to delegate any of his functions to a subordinate officer or employe; or

(f) The abolition of the whole or any part of any agency if such agency or part thereof does not have or upon the taking effect of a reorganization plan will not have any functions. [1959 c.501 §1]

182.120 Governor's duty to examine agency organization; legislative declaration of public interest. (1) The Governor, from

time to time, shall examine the organization of all agencies and shall determine what changes therein are necessary to accomplish one or more of the following purposes:

(a) To promote the better execution of the laws, the more effective management of the executive and administrative branch of the state government and of its agencies and functions and the expeditious administration of the public business.

(b) To reduce expenditures and promote economy to the fullest extent practicable consistent with the efficient operation of the state government.

(c) To increase the efficiency of the operation of the state government to the fullest extent practicable.

(d) To group, consolidate and coordinate agencies and functions thereof as nearly as possible according to major purposes.

(e) To reduce the number of agencies by consolidating those having similar functions under a single head and to abolish such agencies or functions thereof as may not be necessary for the efficient operation of the state government.

(f) To eliminate overlapping and duplication of effort.

(2) The Legislative Assembly declares that the public interest requires the carrying out of the purposes set forth in subsection (1) of this section, and that such purposes may be accomplished more speedily and effectively under ORS 182.110 to 182.200 than by the enactment of specific legislation. [1959 c.501 §2]

182.130 Preparation of reorganization plans and delivery to legislature. When the Governor, after examination, determines that one or more reorganizations are necessary to accomplish one or more of the purposes set forth in subsection (1) of ORS 182.120, he shall prepare one or more reorganization plans for the making of the reorganizations. The Governor shall deliver each reorganization plan to the House of Representatives while the House is in session. Each reorganization plan shall be accompanied by a message prepared by the Governor. The message shall contain a declaration by the Governor that he has determined that each reorganization included in the plan is necessary to accomplish one or more of the purposes set forth in subsection (1) of ORS 182.120, and shall explain fully the advantages which it is probable will be brought about by the

taking effect of the reorganizations included in the plan. [1959 c.501 §3]

182.140 Required or permitted provisions of reorganization plans; effect of omissions on plan's validity. (1) Each reorganization plan delivered by the Governor under ORS 182.130:

(a) Shall have an identifying number.

(b) May change the name of any agency affected by a reorganization and the titles of the head and other officers of such agency.

(c) Shall designate the name of any agency resulting from a reorganization and the title of the head of such agency, and may designate the titles of other officers of such agency.

(d) May provide for the appointment, term of office and compensation of the head and other officers of any agency, including an agency resulting from a reorganization, if the Governor determines, and in his message accompanying the plan declares, that by reason of a reorganization made by the plan such provisions are necessary. Such provisions shall not be contrary to any applicable provision of the State Civil Service Law. The term of office of an appointee shall not be more than four years. The compensation of an appointee shall not be at a rate in excess of that prevailing with respect to comparable officers in the executive and administrative branch of the state government.

(e) Shall provide for the transfer or other disposition of the records, property and personnel affected by any reorganization.

(f) Shall provide for the transfer of unexpended balances of moneys dedicated, continuously appropriated, appropriated or otherwise made available for use in connection with any agency or function affected by a reorganization, if such transfer is necessary by reason of the reorganization for use in connection with the functions affected by the reorganization or for the use of the agency which has such functions after the plan takes effect. Unexpended balances so transferred shall be used only for the purposes for which such moneys were originally authorized to be expended. Names of funds or accounts in which such moneys are deposited may be changed if necessary.

(g) Shall provide for the effect after the taking effect of the plan of any lawful authorization, designation, determination, directive, license, order, permit, policy, privilege, regulation, rule or other action in so far as affected by a reorganization and which,

except for the taking effect of the plan, would continue to be effective after the taking effect of the plan; but shall not continue any such action beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made.

(h) Shall provide whether any proceeding, court action, prosecution or other business or matter commenced before the taking effect of the plan, still pending at the time the plan takes effect and in so far as affected by a reorganization, shall be conducted and completed after the plan takes effect, and if so, the manner, terms, conditions and effect thereof.

(i) Shall provide whether any right, power, duty or obligation lawfully incurred under a contract or otherwise before the taking effect of the plan, in so far as affected by a reorganization and which, except for the taking effect of the plan, would continue to exist after the taking effect of the plan shall continue to exist, and if so, the manner and effect of the exercise thereof; but shall not continue any such right, power, duty or obligation beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made.

(j) Shall provide whether any person is relieved of any obligation with respect to any tax, fee, fine or other charge, interest, penalty, forfeiture or any other liability, duty or obligation under law in so far as affected by a reorganization, and if not, the manner of the collection or enforcement thereof; but shall not increase or decrease such liability, duty or obligation or continue it beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made.

(k) Shall provide for terminating the affairs of any agency abolished.

(L) Shall provide such other arrangements as are necessary for the operation of the state government to proceed with the least possible interruption by reason of a reorganization.

(m) Shall specify the constitutional or statutory authority for each function transferred, abolished, consolidated or coordinated.

(n) Shall enumerate all statutes and Acts or parts thereof which may be suspended if the plan takes effect.

(2) Failure of a reorganization plan to contain any appropriate provision set forth in subsection (1) of this section does not invalidate the plan, any reorganization made by the plan or any part of the plan or reorganization unless such failure makes the plan, reorganization or part thereof incapable of being executed in accordance with the intent of the Governor. [1959 c.501 §4]

182.150 Provisions not permitted by reorganization plans. No reorganization plan shall provide for and no reorganization shall have the effect of:

(1) Continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made.

(2) Continuing any function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made.

(3) Authorizing any agency to exercise any function which is not expressly authorized by law to be exercised by an agency at the time the plan is delivered to the legislature.

(4) Increasing the term of any office beyond that provided by law for the office.

(5) Abolishing any office created by the Oregon Constitution or filled by election.

(6) Transferring to the jurisdiction and control of any other agency or consolidating or coordinating with any other agency any office created by the Oregon Constitution or filled by election so that such office is subordinate to the head of such agency.

(7) Abolishing, transferring to the jurisdiction and control of any other agency or consolidating or coordinating with any other agency any function expressly authorized by the Oregon Constitution to be exercised by any agency.

(8) Consolidating or coordinating with any other part of the same agency any function expressly authorized by the Oregon Constitution to be exercised by any agency, unless the head of such agency agrees in writing and files such writing with the Governor.

(9) Affecting any function expressly authorized by statute to be exercised by any agency the head of which or a member of the head of which is an officer whose office is created by the Oregon Constitution or is filled by election, unless such officer agrees

in writing and files such writing with the Governor. [1959 c.501 §5]

182.160 Approval and taking effect of reorganization plans. (1) A reorganization plan and the reorganizations made thereby shall take effect on the date the plan is approved by the Legislative Assembly; but any provision of a reorganization plan or any reorganization made thereby may, under provisions contained in the plan, be made operative on a date later than the date on which the plan takes effect.

(2) The approval of each reorganization plan delivered by the Governor under ORS 182.130 shall be proposed by a joint resolution. The resolution shall be introduced in the House of Representatives on the legislative day following the day on which the plan to which it relates is received by the House from the Governor. The resolution shall be in substantially the following form:

HOUSE JOINT RESOLUTION

Be It Resolved by the House of Representatives of the State of Oregon, the Senate jointly concurring:

That the Legislative Assembly hereby approves Reorganization Plan No. — of 19—, delivered to the House of Representatives and the Senate by the Governor on——, 19—.

Not more than 45 calendar days of continuous session after the resolution is introduced in the House, the House shall vote on the adoption of the resolution. If the resolution is adopted by the House, it shall be sent immediately to the Senate. Not more than 45 calendar days of continuous session after the Senate receives the resolution from the House, the Senate shall vote on the adoption of the resolution. If the resolution is adopted by the Senate, the plan is considered approved by the Legislative Assembly.

(3) Continuity of session under subsection (2) of this section is considered as broken only by an adjournment of the Legislative Assembly sine die, but in the computation of the 45-day periods there shall be excluded the days on which the House or Senate, as the case may be, is not in session because of an adjournment of more than three days to a day certain. [1959 c.501 §6]

182.170 Suspension of laws not consistent with effective reorganization plans. From the time a reorganization plan or any provi-

sion thereof takes effect and as long as it is in effect the operation of any statute or Act or any part thereof inconsistent therewith is suspended in so far as it is inconsistent with the plan or provision thereof. [1959 c.501 §7]

182.180 Severability of valid from invalid provisions of reorganization plans. If any part of a reorganization plan which takes effect or any reorganization made thereby is held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

(1) The plan provides otherwise;

(2) The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or otherwise invalid part that it is apparent that the remaining parts would not have been intended to be effective without the unconstitutional or otherwise invalid part; or

(3) The remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of the Governor. [1959 c.501 §8]

182.190 Publication of effective reorganization plans with session laws. Each reorganization plan which takes effect shall be printed in the same volume as the session laws passed at the session at which the plan takes effect. [1959 c.501 §9]

182.200 Reorganization plans not affected by repeal of ORS 182.110 to 182.200. ORS 182.110 to 182.200 as compiled in ORS chapter 182 (1959 Replacement Part), and all subsequent amendments thereto, shall expire and stand repealed on June 30, 1963; but such expiration and repeal shall not affect any reorganization plan which takes effect before such date. [1959 c.501 §10]

182.210 to 182.300 [Reserved for expansion]

EMPLOYEE SUGGESTION PROGRAM

182.310 Definitions for ORS 182.310 to 182.360. As used in ORS 182.310 to 182.360:

(1) "Board" means the Employee Suggestion Awards Board.

(2) "Employee suggestion program" means the program developed by the board under subsection (2) of ORS 182.320.

(3) "Secretary" means the secretary of the employee suggestion program. [1957 c.616 §1]

182.320 Employee Suggestion Awards Board; duty of board; rules authorized. (1) There hereby is established the Employee Suggestion Awards Board. The board shall consist of three state officers or employes appointed by the Governor, to serve at his pleasure. The members of the board shall elect one member as chairman. The Governor shall appoint a state officer or employe to serve as secretary of the employe suggestion program.

(2) The board shall formulate, establish and maintain an employe suggestion program to encourage and reward meritorious suggestions by state employes that will promote efficiency and economy in the performance of any function of state government.

(3) The secretary, with the approval of the Employee Suggestion Awards Board, shall prepare rules and regulations necessary or appropriate for the proper administration of ORS 182.310 to 182.360 and for the accomplishment of the purposes of ORS 182.310 to 182.360. [1957 c.616 §2]

182.330 Board's determinations concerning employe suggestion awards to be final. The board shall make the final determination as to whether an employe suggestion award will be made; and, subject to the rules and regulations adopted pursuant to subsection (3) of ORS 182.320, the board shall determine the nature and extent of the award. [1957 c.616 §3]

182.340 Cash awards. Cash awards, not to exceed a total of more than \$10,000 during any fiscal year, may be paid from the Civil Service Department Account in the General Fund, and an amount sufficient to pay such cash awards hereby is appropriated out of the Civil Service Department Account for such purpose. [1957 c.616 §5]

182.350 Administrative expenses of board. Administrative expenses of the board in administering ORS 182.310 to 182.360, not to exceed \$5,000 during any fiscal year, may be paid from the Civil Service Department Account in the General Fund, and an amount sufficient to pay such administrative

expenses hereby is appropriated out of the Civil Service Department Account for such purpose. [1957 c.616 §4]

182.360 Collection and payment of cash awards and administrative expenses. (1) The amount of the cash awards and administrative expenses under ORS 182.310 to 182.360 which are paid from the Civil Service Department Account shall be in addition to the administrative expenses and costs of operating the Department of Civil Service and shall be added to and collected with the administrative expenses and costs of operating the Department of Civil Service collected under ORS 240.165.

(2) Vouchers for the payment of cash awards and administrative expenses under ORS 182.310 to 182.360 shall be prepared by the Director of the Department of Civil Service payable from the Civil Service Department Account upon certification of the chairman or secretary of the Employee Suggestion Awards Board of the amount of the cash award and the person to whom the award has been made or the amount of the administrative expenses. [1957 c.616 §6]

182.370 to 182.400 [Reserved for expansion]

182.410 [Amended by 1955 c.707 §56; renumbered 184.410]

182.420 [Renumbered 184.420]

182.430 [Renumbered 184.430]

182.440 [Renumbered 184.440]

182.450 [Renumbered 184.450]

182.460 to 182.500 [Reserved for expansion]

182.510 [1953 c.588 §1; repealed by 1957 c.624 §14]

182.520 [1953 c.588 §2; repealed by 1957 c.624 §14]

182.530 [1953 c.588 §3; repealed by 1957 c.624 §14]

182.540 [1953 c.588 §4; 1955 c.152 §1; repealed by 1957 c.624 §14]

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 November 1, 1959.

Sam R. Haley
Legislative Counsel

