

Chapter 184

1965 REPLACEMENT PART

State Planning and Development; Department of Commerce

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**PLANNING AND DEVELOPMENT
DIVISION**

184.105 Definitions for ORS 184.105 to 184.210. As used in ORS 184.105 to 184.210:

(1) "Administrator" means the Administrator of the Planning and Development Division.

(2) "Division" means the Planning and Development Division of the Department of Commerce.

[1963 c.580 §17]

Note: Chapter 580, Oregon Laws 1963, establishing the Department of Commerce, stands repealed July 1, 1967.

Section 15, chapter 580, Oregon Laws 1963, is set forth below for the convenience of the user:

Sec. 15. (1) The Planning and Development Division of the Department of Commerce succeeds to and is vested with all the duties, functions and powers vested in the Department of Planning and Development; and, except as otherwise provided by law, there hereby are transferred to, imposed upon and vested in the Planning and Development Division all the duties, functions and powers of the Department of Planning and Development and the Director of the Department of Planning and Development. After the operative date of this Act the Planning and Development Division shall exercise such duties, functions and powers.

(2) The Legislative Counsel, for the purpose of harmonizing and clarifying the provisions of statute sections published in the Oregon Revised Statutes, may substitute for words designating the Department of Planning and Development and the Director of the Department of Planning and Development, wherever such words occur in the statute sections to be published in the Oregon Revised Statutes, words designating the Planning and Development Division of the Department of Commerce.

184.110 [1957 c.624 §2; repealed by 1963 c.580 §103]

184.120 Purpose of Planning and Development Division. The Legislative Assembly recognizes that the welfare of the state and its people and its institutions depends upon a unified and coordinated program for the wise conservation, development and management of its interrelated and interdependent resources and for its efficient economic development, and that the full cooperation of state, local and national agencies is necessary to those ends. It is the purpose of ORS 184.120 and 184.140 to 184.200 to provide for such unified and coordinated management in the state through the creation of the Planning and Development Division.

[1957 c.624 §1]

184.125 Planning and Development Division established; authority. (1) The Planning and Development Division is established within the Department of Commerce.

(2) The division shall formulate and direct a program of planning and economic development for the state. Through research, planning and programming, promotion and coordination of activities in the state, the division shall foster the most desirable growth and diversification of resources, agriculture, industry and commerce in the state. The division shall serve as a central coordinating agency and clearinghouse for activities and information concerning the resources and economy of the state.

(3) The division has no regulatory power over the activities of private persons, but its functions are solely of an advisory, coordinative and promotional nature.

[1963 c.580 §18]

184.130 [1957 c.624 §3; repealed by 1963 c.580 §103]

184.135 Administrator; appointment; bond. (1) The Planning and Development Division shall be under the supervision and control of an administrator who shall be appointed by the Director of Commerce with the approval of the Governor. The administrator shall hold his office at the pleasure of the Director of Commerce and shall be responsible for the performance of the duties imposed upon the division. The administrator shall receive such salary as may be provided by law.

(2) Before entering upon the duties of his office the administrator shall give to the state a fidelity bond with one or more corporate sureties authorized to do business in this state in the sum fixed by the Director of Commerce. The premium for the bond shall be paid by the division.

[1963 c.580 §19]

184.137 Authority of administrator. The Administrator of the Planning and Development Division shall have the power to:

(1) For the purpose of administration, with the approval of the Director of Commerce, organize and reorganize, as necessary, the division in the manner that he deems necessary to properly conduct the work of the division.

(2) Appoint all subordinate officers and employes of the division and prescribe their duties and fix their compensation, subject to the applicable provisions of the State Civil Service Law. Subject to any other applicable law regulating travel expenses, the officers and employes of the division shall be allowed such reasonable and necessary travel and

other expenses as may be incurred in the performance of their duties.

(3) Require a fidelity bond of any officer or employe of the division who has charge of, handles or has access to any state money or property, and who is not otherwise required by law to give a bond. The amount of the bond shall be fixed by the administrator, except as otherwise provided by law, and the sureties shall be approved by him. The division shall pay the premium on the bond.

[1963 c.580 §20]

184.140 Advisory committees. To aid and advise the director in the performance of the functions of the division, the Director of Commerce may establish such advisory and technical committees as he considers necessary. Such committees may be continuing or temporary. The Director of Commerce shall determine the representation, membership, terms and organization of the committees and shall appoint their members. The director shall be an ex officio member of each committee. Members of the committees established pursuant to this section shall receive no compensation, but may, in the discretion of the Director of Commerce, receive payment for their actual and necessary expenditures while engaged in the performance of their official duties.

[1957 c.624 §4]

Note: Pursuant to section 8 of chapter 580, Oregon Laws 1963, the Legislative Counsel has substituted "Director of Commerce" for "Governor" in ORS 184.140, 184.150, 184.170, 184.190 and 184.200.

The word "director" standing alone refers to the former Director of the Department of Planning and Development. However, the Legislative Counsel has not substituted in ORS chapter 184 for words designating the former Director of the Department of Planning and Development, words designating the Administrator of the Planning and Development Division, for lack of statutory authority.

Section 15 of chapter 580, Oregon Laws 1963, authorized the Legislative Counsel to substitute for words designating the former director, words designating the Planning and Development Division; such substitutions were not made in ORS chapter 184 because they did not appear to be consistent with the legislative intent of chapter 580, Oregon Laws 1963.

184.150 State development program; consulting and coordinating with other agencies. The Planning and Development Division shall:

(1) Prepare a comprehensive and general state development plan and program, in guide form, with recognition of needs and resources and of major geographic areas and economic segments and with delineation of significant program elements and of pur-

poses, objectives and goals for development of the state.

(2) Consult and advise with, and bring together and review pertinent data, plans and programs and budgetary proposals of, state agencies, as pertinent to the comprehensive plan and to a coordinated program of action in carrying it out.

(3) Provide a center of coordination and clearing house for research, planning and programming, basic data, public information, progress control and reporting in the field of state development and for stimulation and guidance in the use of the planning and programming processes.

(4) Conduct conservation and development research, and coordinate research by state agencies in the field of state development, using when feasible the resources and potentials of the state institutions of higher learning, and encouraging the cooperation of other research and developmental organizations.

(5) Consult and advise with and assist the localities and subdivisions of the state in their developmental planning, using when feasible the resources and potentials of the state institutions of higher learning.

(6) Provide, and assist the Director of Commerce in providing, contact and liaison with state agencies, municipalities and other public entities, other states and interstate bodies, industrial, commercial, educational, research and civic groups and others, in connection with state, local, regional and national planning and development.

[1957 c.624 §5]

Note: See first paragraph of note for ORS 184.140.

184.160 Industrial or business locations. The Planning and Development Division shall:

(1) Gather and maintain information on available plant locations throughout the state.

(2) Process requests received by state agencies for information pertaining to industrial locations.

(3) Consult and advise with, and coordinate activities of and give technical assistance to, state and local organizations, including local development corporations, county, city or metropolitan-area committees, chambers of commerce, labor organizations and similar agencies interested in obtaining new industrial plants or commercial enterprises.

(4) Act as the state's official liaison

agency between persons interested in locating industrial or business firms in the state and state and local groups seeking new industry or business. In such capacity, the division shall maintain the confidential nature of the negotiations it conducts as requested by persons contemplating location in the state.

[1957 c.624 §6]

184.170 Research and recommendations concerning state development. The Planning and Development Division shall:

(1) Conduct research and make recommendations to the Director of Commerce for the purpose of guiding and accomplishing a coordinated and economically efficient development of the state. The division shall encourage and coordinate research on such subjects as labor, transportation, markets, power, state regulations affecting business, taxes and other factors influencing economic development. In respect to this activity the division shall, at the direction of the Director of Commerce, utilize and coordinate the research facilities of state agencies and encourage cooperation on the part of research agencies outside of state government.

(2) To the extent that its facilities permit, provide advice and technical assistance to Oregon business and labor.

(3) Bring to the attention of the Director of Commerce those significant problems which may be relieved by state action.

[1957 c.624 §7]

Note: See first paragraph of note for ORS 184.140.

184.180 New-business development. The Planning and Development Division shall:

(1) Collect and disseminate information regarding the advantages of developing new business in the state.

(2) Aid local communities in planning for and obtaining new business to locate therein.

[1957 c.624 §8]

184.190 Execution of development program. The Planning and Development Division shall generally assist the Director of Commerce, as he may require, in putting developmental programs, procedures and actions into effect and perform such other functions as the Director of Commerce may direct to aid in the development of the state.

[1957 c.624 §9]

Note: See first paragraph of note for ORS 184.140.

184.195 Acceptance and use of federal aid and matching funds; acceptance of other money and property. (1) The Planning and

Development Division may apply for, receive from the United States or any of its agencies, and disburse or supervise the disbursement of, federal aid for planning and development in this state as authorized by ORS 184.120 and 184.140 to 184.200. The division may also disburse or supervise the disbursement of funds provided it by the State of Oregon for expenditure as a condition of receiving the federal aid.

(2) The Planning and Development Division may take by gift, devise or bequest or in any other lawful manner, money or property for planning and development as authorized by ORS 184.120 and 184.140 to 184.200.

(3) The director of the division shall deposit money received pursuant to this section in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275. The money shall be expended by the division for the purposes for which it is received.

[1961 c.315 §§1, 2, 3]

Note: See first paragraph of note for ORS 184.140.

184.200 Reports required. The Planning and Development Division shall submit to the Director of Commerce:

(1) An annual report for the Director of Commerce and the legislature on the activities, growth, progress, problems and costs of the various programs of the division.

(2) Periodic reports on the situation and trends in the economy of the state, with appropriate indicators of conditions and directions.

(3) Special reports and recommendations with respect to executive and legislative requirements for the improvement of economic, financial and administrative conditions for state development and for improvement of content, organization and procedure in the state development program.

[1957 c.624 §10]

Note: See first paragraph of note for ORS 184.140.

184.210 Promotion of formation of state development credit corporations. The Planning and Development Division shall encourage and promote the formation of state development credit corporations, as defined in ORS 63.210, where it determines that their formation is in the public interest. The Planning and Development Division may consult with, advise and give technical assistance to persons interested in organizing a state development credit corporation.

[1959 c.660 §17]

184.220 Federal Planning Revolving Fund. There hereby is created in the General Fund of the State Treasury a revolving fund to be known as the Federal Planning Revolving Fund. All moneys in the Federal Planning Revolving Fund hereby are appropriated continuously and, pending receipt by the State Treasurer of federal funds for the payment of federally financed planning projects administered by the Planning and Development Division, shall be used by the Planning and Development Division to pay the costs of completing such planning projects. Upon notice that such federal funds have been received by the State Treasurer, the Planning and Development Division shall prepare a claim against such funds for the amount advanced from the Federal Planning Revolving Fund for the purposes of this section, and the Secretary of State is authorized to issue a warrant in payment of such claim, for credit to and reimbursement of the Federal Planning Revolving Fund.

[1965 c.597 §3]

184.230 to 184.250 [Reserved for expansion]

184.260 [1961 c. 137 §§1, 2, 3, 4, 5; 1961 c.716 §1; 1963 c.589 §1; renumbered 273.380]

184.270 to 184.300 [Reserved for expansion]

OUTDOOR RECREATION RESOURCES

184.310 Policy of state toward outdoor recreation resources. The Legislative Assembly recognizes and declares:

(1) It is desirable that all Oregonians of present and future generations and visitors who are lawfully present within the boundaries of this state be assured adequate outdoor recreation resources. It is desirable that all levels of government and private interests take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of all the people.

(2) The economy and well-being of the people are in large part dependent upon proper utilization of the state's outdoor recreation resources for the physical, spiritual, cultural, scientific and other benefits which such resources afford.

(3) It is in the public interest to increase outdoor recreation opportunities commensurate with the growth in need through necessary and appropriate actions, including, but not limited to, the following:

(a) Protection of existing and needed

open spaces for appreciation, use and enjoyment of Oregon's scenic landscape.

(b) Provision of adequate land for outdoor recreation.

(c) Preservation and restoration for public enjoyment and education of structures, objects, facilities and resources which are examples of Oregon history, archeology and natural science.

(d) Development of a system of scenic roads to enhance recreational travel and sightseeing.

(e) Encouragement of outdoor activities such as festivals, fairs, and events relating to music, dance, drama, art and sports.

(f) Expansion of facilities for camping, picnicking and lodging in or near recreational areas and along routes of travel.

(g) Provision of tourist hospitality centers, which may include informational services, sanitary facilities, camping and picnicking areas at points near major highway entrances into the state.

(h) Provision of trails for horseback riding, hiking, bicycling and motorized trail vehicle riding.

(i) Development of waterways, land and water facilities for recreational boating, hunting and fishing.

(j) Development of all recreation potentials of the several river basins, compatible with programs of water use enunciated by the State Water Resources Board.

(k) Provision for access to public lands and waters having recreational values.

(L) Encouragement of the development of winter sports facilities.

(m) Encouragement of programs for recreational enjoyment of mineral resources.

(4) It is in the public interest that all efforts be made through research, education and enforcement to the end that Oregon's outdoor recreation resources will be used under the highest standards of conduct.

(5) It shall be the policy of the State of Oregon to supply those outdoor recreation areas, facilities and opportunities which are clearly the responsibility of the state in meeting growing needs; and to encourage all agencies of government, voluntary and commercial organizations, citizen recreation groups and others to work cooperatively and in a coordinated manner to assist in meeting total recreation needs through exercise of their appropriate responsibilities.

[1965 c.299 §1]

184.320 to 184.400 [Reserved for expansion]

COMMITTEE ON NATURAL RESOURCES

184.410 Committee on Natural Resources; members. (1) There is created an advisory committee to be known as the Committee on Natural Resources.

(2) The committee shall be composed of the Governor, as chairman, Superintendent of Public Instruction, State Fisheries Director, State Forester, State Game Director, Secretary of State Sanitary Authority, State Engineer, Administrative Officer of the State Soil and Water Conservation Committee, Superintendent of State Parks, Director of Agriculture, the Dean of the School of Agriculture, Oregon State University, the State Geologist, the Secretary of the State Water Resources Board, the Director of the State Marine Board, and the Director of the Department of Commerce.

(3) All members of the Committee on Natural Resources shall represent their respective departments, boards or commissions. [Formerly 182.410; 1965 c.416 §1]

184.420 Duties of committee. The committee shall:

(1) Study and discuss problems of conservation, utilization and development of the natural resources of the State of Oregon.

(2) Submit in writing to the administrative body or bodies affected, its findings and recommendations.

(3) Cause to be prepared, printed and published a biennial report of its activities for the preceding biennium, and such other reports, pamphlets, charts and maps, concerning the natural resources of this state, that may, in the opinion of the committee, be of interest to the public. [Formerly 182.420]

184.430 Meetings of committee. The committee shall meet at least once every two months.

[Formerly 182.430; 1965 c.416 §2]

184.440 Executive secretary of committee. The Governor shall appoint a capable and qualified person to serve as executive secretary for the committee, who shall serve at the pleasure of the Governor and shall receive such compensation for his services as the Governor determines. The secretary shall keep a complete record of all meetings and shall transact all business of the committee.

[Formerly 182.440]

184.450 Governor authorized to incur expenses. The Governor is authorized to incur the expenses he deems necessary to carry out the provisions of ORS 184.410 to 184.440.

[Formerly 182.450]

184.460 [1957 c.664 §1; 1959 c.465 §1; renumbered 542.710]

184.470 [1957 c.664 §2; 1959 c.465 §2; renumbered 542.720]

DEPARTMENT OF COMMERCE

184.510 Definitions for ORS 184.520 to 184.570. As used in ORS 184.520 to 184.570:

(1) "Department" means the Department of Commerce.

(2) "Director" means the Director of Commerce. [1963 c.580 §1]

Note: The provisions of chapter 580, Oregon Laws 1963, establishing the Department of Commerce, stand repealed on July 1, 1967.

184.520 Department of Commerce established. (1) The Department of Commerce hereby is established.

(2) The Department of Commerce shall consist of the following administrative divisions:

- (a) Banking Division.
- (b) Corporation Division.
- (c) Insurance Division.
- (d) Planning and Development Division.
- (e) Real Estate Division.

(3) The professional licensing, advisory and administrative review agencies established within the Department of Commerce are as follows:

- (a) Collection Agencies Board.
- (b) Oregon Board of Examiners in Watchmaking and Clockmaking.
- (c) Oregon Board of Pilot Commissioners.
- (d) Real Estate Board.
- (e) State Banking Board.
- (f) State Board of Accountancy.
- (g) State Board of Architect Examiners.
- (h) State Board of Auctioneers.
- (i) State Board of Engineering Examiners.

(j) State Board of Landscape Architect Examiners.

[1963 c.580 §2]

184.530 Director of Commerce; appointment; confirmation. (1) The Department of Commerce shall be under the supervision

of a Director of Commerce who shall be appointed by and shall hold his office at the pleasure of the Governor.

(2) The appointment of the Director of Commerce shall be subject to confirmation by the Senate by the affirmative vote of a majority of the Senators voting on the confirmation, a quorum being present. In case the Governor's choice of a director is not confirmed, the Governor shall make another appointment subject to the confirmation by the Senate as provided in this subsection.

(3) When an appointment to the office of Director of Commerce is made in the interim between legislative sessions, the Senate shall act through the Committee on Executive Appointments provided by ORS 171.560 in the manner provided in that section, and the director so appointed shall be subject to the confirmation of the Senate when it next convenes.

[1963 c.580 §3]

184.540 Authority of director. (1) Except as otherwise provided by law, the Director of Commerce shall coordinate all of the activities of the department, and shall have the power of general supervision over the administration of each division and professional licensing, advisory and administrative review agency within the department, and shall be directly responsible to the Governor therefor.

(2) The director may provide administrative facilities and services for the professional licensing, advisory and administrative review agencies established within the department, provided that the discretionary duties, advisory functions or review powers vested by law in such agencies shall be performed solely by the respective agencies. Such agencies shall use the administrative facilities and services so provided and shall pay to the director the cost thereof, as determined by the director. Moneys received by the director under this subsection shall be paid into the State Treasury and credited to the Commerce Administration Account.

(3) Except as otherwise provided by law, the director may appoint subordinate officers and employes to assist him in carrying out the duties and responsibilities imposed upon the director. He may prescribe the duties and fix the compensation of such officers and employes, subject to the applicable provisions of the State Civil Service Law.

[1963 c.580 §5; 1965 c.597 §5]

184.550 Preparation and reporting of plans; administrative organization of department; deputy. (1) The Director of Commerce shall develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, coordinated planning and policy formulation in the matters of public interest related to the department. To accomplish this end, the director may hold public hearings, consult with and use the services and cooperation of other state agencies, employ consultants and appoint advisory and technical committees to assist in the work.

(2) For the purpose of administration, the director shall review the organization of the department and report to the Governor on such changes as he deems necessary properly to segregate and conduct the work of the department.

(3) Whenever a power is granted to the director the power may be exercised by such officer or employe within the department as designated in writing by the director. Any such designation shall be filed in the office of the Secretary of State.

[1963 c.580 §6]

184.560 Salary and expenses of director; bond. The Director of Commerce shall receive such salary as may be provided by law. In addition to his salary, the director shall, subject to the limitations otherwise provided by law, be reimbursed for all reasonable expenses necessarily incurred by him in the performance of his official duties. Before entering upon the duties of his office the director shall give to the state a fidelity bond with one or more corporate sureties authorized to do business in this state in the sum fixed by the Governor.

[1963 c.580 §4]

184.570 Commerce Administration Account. (1) There hereby is established in the General Fund of the State Treasury the Commerce Administration Account. Except as otherwise provided by law, all moneys appropriated or credited to the Commerce Administration Account hereby are appropriated continuously for and shall be used by the director for the purpose of carrying out the duties and responsibilities imposed upon him.

(2) The Department of Commerce shall be subject to the allotment system provided for in ORS 291.234 to 291.260.

[1963 c.580 §7; 1965 c.597 §6]

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 15, 1965.

Sam R. Haley
Legislative Counsel

CHAPTER 185
[Reserved for expansion]