

Chapter 184

1971 REPLACEMENT PART

Executive Department; Departments of Commerce, Transportation and Human Resources

DEVELOPMENT PROGRAM (Generally)

- 184.010 State development program; consulting and coordinating with other agencies
- 184.020 Biennial report by Governor
- 184.030 Advisory and technical committees
- 184.040 Acceptance and use of federal aid and other money and property
- 184.050 Federal Planning Revolving Fund

(Economic Development Division)

- 184.105 Definitions for ORS 184.105 to 184.210
- 184.120 Policy
- 184.125 Economic Development Division established; authority
- 184.135 Administrator; appointment; bond
- 184.137 Authority of administrator
- 184.140 Advisory committees
- 184.160 Industrial or business locations
- 184.170 Research and recommendations concerning state development
- 184.180 New-business development
- 184.190 Execution of development program
- 184.196 Acceptance and use of federal aid and other money and property
- 184.198 Federal Economic Development Research Fund
- 184.210 Promotion of formation of state development credit corporations

EXECUTIVE DEPARTMENT

- 184.305 Executive Department; transfer of authority from other agencies; divisions
- 184.315 Director of Executive Department; appointment; compensation; bond
- 184.325 Duties of director; administrative divisions; appointive power; exception
- 184.335 Deputy director; subordinate officers
- 184.340 Rules
- 184.345 Executive Department to provide services to certain divisions on reimbursable basis
- 184.355 Institutional Services Division

DEPARTMENT OF COMMERCE (Generally)

- 184.510 Definitions for ORS 184.520 to 184.570
- 184.520 Department of Commerce established
- 184.530 Director of Commerce; appointment; confirmation
- 184.540 Authority of director
- 184.545 Director as ex officio member of certain boards
- 184.550 Preparation and reporting of plans; administrative organization of department; deputy
- 184.560 Salary and expenses of director; bond
- 184.570 Commerce Administration Account

(Licensing Boards)

- 184.575 Policy statement
- 184.580 Professional activities subject to authority of department

(Consumer Services)

- 184.590 Consumer Services Division; administrator
- 184.595 Duties of Consumer Services Division

DEPARTMENT OF TRANSPORTATION (Generally)

- 184.610 Definitions for ORS 184.610 to 184.640
- 184.615 Department of Transportation; divisions
- 184.620 Director of Transportation; appointment; confirmation
- 184.625 Compensation and expenses of director; bond
- 184.630 Duties of director; appointive powers
- 184.635 Reports to Governor; delegation of director's powers
- 184.640 Transportation Administration Account; budget and payment for administrative expenses of department

(Mass Transit Division)

- 184.675 Definitions for ORS 184.680 to 184.700
- 184.680 Mass Transit Division; commissioners; appointment; term; vacancy; compensation and expenses
- 184.685 Purpose of division
- 184.690 Chairman; quorum; meetings
- 184.695 Officers and employees; bonds; organization of division
- 184.700 Contracts with persons and public or private agencies

DEPARTMENT OF HUMAN RESOURCES (Generally)

- 184.750 Department of Human Resources; function; recipient of federal funds
- 184.755 Director; appointment; term; confirmation; salary and expenses
- 184.760 Deputy director; division administrators; other employees; allocation of functions
- 184.765 Administrators in unclassified service; salary; expenses
- 184.770 Authority of director
- 184.775 Information from divisions
- 184.780 Federal law supersedes state law

(Children's Services Division)

- 184.805 Children's Services Division; functions
- 184.810 Revolving fund
- 184.815 Children's Services Account

(Health Division)

- 184.830 Health Division; functions; administrator
- 184.835 Administrator as ex officio member of certain boards
- 184.840 Functions of administrator

CROSS REFERENCES

- Administrative procedures governing state agencies, 183.310 to 183.500
 City planning, Ch. 227
 County planning, Ch. 215
 Industrial facilities, acquisition and disposition by counties and cities, 271.510 to 271.540
 Intergovernmental studies, state to pay share of cost, 190.220
 Planning assistance by Board of Higher Education, 351.260
 Space Age Industrial Park, 273.382 to 273.386
 184.010
 Cooperation of governmental units, Ch. 190
 184.040
 Federal laws and rules govern where federal granted funds involved, 291.003
 184.120
 Cooperation of governmental units, Ch. 190
 184.140
 Subsistence and mileage allowances of state officers, 292.210 to 292.298
 184.160
 City tax for publicity, 221.490
 184.305
 Budget duties, 291.015 to 291.226
 Data processing, coordination, 291.034, 291.038
 Drawing of warrants, processing receipts and transfers, charging state agencies for expenses, 293.348
 Emergency Services Division, 401.040
 Intergovernmental Coordination Division, 190.330
 Intergovernmental Coordinator, functions transferred to Intergovernmental Coordination Division, 190.320
 Personnel Division, 240.055
 184.315
 Director, Executive Department, salary, 292.602
 184.520
 "For hire" landscapers laws; administration, 671.510 to 671.680
 Licensing of occupations and professions, generally, 670.300 to 670.350
 Television and radio servicemen, regulation, 702.210
 Transitional provisions, 1971 changes, 1971 c.753 §§63 to 69
 184.530
 Salary of director, 292.551
 184.540
 Elevators and amusement rides, duties and powers, 460.005 to 460.175, 460.310 to 460.380
 184.590
 Coordination of consumer services with Public Utility Commissioner and Departments of Justice and Agriculture during 1971-73 biennium, 1971 c.753 §2
 184.615
 Aeronautics Division, 491.005
 Highway Division, 366.105
 Motor Vehicles Division, 481.910
 Ports Division, 777.810
 184.620
 Director of Transportation, salary, 292.772
 184.755
 Salary of director, 292.642
 184.805
 Human Resources Department to coordinate programs and services of division, 184.750
 184.830
 Adoption proceedings, authority in connection with, 109.316, 109.390
 Hearing aids:
 Advisory Council to Health Division on Hearing Aids, 694.165
 Powers and duties of Health Division, 694.155

**DEVELOPMENT PROGRAM
(Generally)**

184.010 State development program; consulting and coordinating with other agencies. The Governor 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 purposes, 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, through the Executive Department of the state, a center of coordination and a clearinghouse for research, planning, programming, basic data, public information, progress control, and reports regarding 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 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.

[Formerly 184.150; 1969 c.80 §13]

184.020 Biennial report by Governor. The Governor shall submit to each biennial regular session of the Legislative Assembly a report 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, organ-

ization and procedure in the state development program.
[1967 c.397 §14]

184.030 Advisory and technical committees. To aid and advise the Governor in the performance of his duties under ORS 184.010 to 184.050, the Governor may establish such advisory and technical committees as he considers necessary. Such committees may be continuing or temporary. The Governor shall determine the representation, membership, terms and organization of the committees and shall appoint their members. The Governor shall be an ex officio member of each committee. Members of the committees appointed pursuant to this section shall receive no compensation, but in the discretion of the Governor may receive payment for their actual and necessary travel and other expenses while engaged in the performance of their official duties.

[1967 c.397 §15]

184.040 Acceptance and use of federal aid and other money and property. (1) The Governor 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 184.010, 184.020 and 184.030. The Governor may also disburse or supervise the disbursement of funds provided by the State of Oregon for expenditure as a condition of receiving the federal aid.

(2) The Governor may take by gift, devise or bequest or in any other lawful manner, money or property for planning and development as authorized by ORS 184.010, 184.020 and 184.030.

(3) The Governor 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 Governor for the purposes for which it is received.

[Formerly 184.195]

184.050 Federal Planning Revolving Fund. There is continued in the General Fund of the State Treasury a revolving fund known as the Federal Planning Revolving Fund. All moneys in the Federal Planning Revolving Fund are appropriated continuously and, pending receipt by the State Treasurer of federal funds for the payment of federally financed planning projects administered by the Governor, shall be used

by the Governor to pay the costs of completing such planning projects. Upon notice that such federal funds have been received by the State Treasurer, the Governor 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 shall issue a warrant in payment of such claim, for credit to and reimbursement of the Federal Planning Revolving Fund.

[Formerly 184.220]

(Economic Development Division)

184.105 Definitions for ORS 184.105 to 184.210. As used in ORS 184.105 to 184.210, unless the context requires otherwise:

(1) "Administrator" means the administrative head of the Economic Development Division in the Office of the Governor.

(2) "Division" means the Economic Development Division in the Office of the Governor. [1963 c.580 §17; 1967 c.397 §2; 1969 c.80 §14; 1971 c.57 §2]

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

184.120 Policy. 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 184.105 to 184.210 to provide for such unified and coordinated management in the state.

[1957 c.624 §1; 1967 c.397 §3; 1969 c.80 §15]

184.125 Economic Development Division established; authority. (1) The division shall formulate and direct a program of economic development for the state. Through research, 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.

(2) The division shall have no regulatory power over the activities of private persons.

Its functions shall be solely advisory, coordinative and promotional.

[1963 c.580 §18; 1967 c.397 §4; 1969 c.80 §16; 1971 c.57 §3]

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

184.135 Administrator; appointment; bond. The division shall be under the supervision and control of an administrator who shall be appointed by the Governor. The administrator shall hold his office at the pleasure of the Governor and shall be responsible for the performance of the functions of the division.

[1963 c.580 §19; 1969 c.80 §17; 1971 c.57 §4]

184.137 Authority of administrator. The administrator may:

(1) For purposes of administration, and with the approval of the Governor, organize and reorganize the division in whatever manner he deems necessary to conduct the work of the division properly.

(2) Appoint all subordinate officers and employes of the division, prescribe their duties and fix their compensation, subject to applicable provisions of the State Merit System 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.

[1963 c.580 §20; 1969 c.80 §18; 1971 c.57 §5]

184.140 Advisory committees. To aid and advise the administrator in the performance of the functions of the division, the administrator, with the consent of the Governor may establish such advisory and technical committees as he considers necessary. The committees may be continuing or temporary. The administrator shall, with the consent of the Governor, determine the representation, membership, terms, and organization of the committees. The administrator 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 administrator, receive payment for their actual and necessary expenditures while engaged in the performance of their official duties.

[1957 c.624 §4; 1969 c.80 §19; 1971 c.57 §6]

184.150 [1957 c.624 §5; 1967 c.397 §11; renumbered 184.010]

184.160 Industrial or business locations.

The 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, coordinate activities of, and give technical assistance to, state and local organizations, including local development corporations, county, city, and 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, maintaining the confidential nature of the negotiations it conducts as requested by persons contemplating location in the state.

[1957 c.624 §6; 1969 c.80 §20]

184.170 Research and recommendations concerning state development. The division shall:

(1) Conduct research and make recommendations to the Governor for guiding and accomplishing a coordinated and economically efficient development of the state.

(2) Encourage and coordinate research on such subjects as labor, transportation, markets, power, state regulations affecting business, taxes and other factors influencing economic development, utilize and coordinate the research facilities of state agencies and encourage cooperation on the part of research agencies outside of state government.

(3) Provide advice and technical assistance to Oregon business and labor.

(4) Bring to the attention of the Governor those significant problems which may be relieved by state action.

[1957 c.624 §7; 1969 c.80 §21; 1971 c.57 §7]

184.180 New-business development. The 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; 1969 c.80 §22]

184.190 Execution of development program. The division shall:

(1) Generally assist the Governor in putting developmental programs, procedures and actions into effect.

(2) Perform such other functions as the Governor may direct to aid in the development of the state.

[1957 c.624 §9; 1967 c.397 §5; 1969 c.80 §23; 1971 c.57 §8]

184.195 [1961 c.315 §§1, 2, 3; 1967 c.397 §12; renumbered 184.040]

184.196 Acceptance and use of federal aid and other money and property. (1) The division may apply for, receive from the United States or any of its agencies, and disburse or supervise the disbursement of, federal aid for economic development research as authorized by ORS 184.105 to 184.210. The division also may disburse or supervise the disbursement of funds provided by the State of Oregon for expenditure as a condition of receiving the federal aid.

(2) The division may take by gift, devise or bequest or in any other lawful manner, money or property for economic development research as authorized by ORS 184.105 to 184.210.

(3) The administrator 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.

[1967 c.397 §8; 1969 c.80 §24]

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

[1967 c.397 §9]

184.200 [1957 c.624 §10; 1967 c.397 §6; 1969 c.80 §25; repealed by 1971 c.57 §11]

184.210 Promotion of formation of state development credit corporations. The 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 division may consult with, advise and give technical assistance to persons interested in organizing a state development credit corporation.

[1959 c.660 §17; 1969 c.80 §26]

184.220 [1965 c.597 §3; 1967 c.397 §13; renumbered 184.050]

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

EXECUTIVE DEPARTMENT

184.305 Executive Department; transfer of authority from other agencies; divisions.

(1) By transformation of the Department of Finance that has operated under ORS chapter 291, chapter 80, Oregon Laws 1969, establishes in the executive-administrative branch of the government of the state a coordinative, directive department to be known as the Executive Department.

(2) Chapter 80, Oregon Laws 1969, transfers to the department:

(a) The functions of the Department of Emergency Services that has operated under ORS chapter 401;

(b) The functions of the Intergovernmental Coordinator who has operated under ORS 190.310 to 190.340; and

(c) The functions of personnel program development and other nonappellate personnel functions of the Civil Service Commission that has operated under ORS chapter 240.

(3) Initially, the department shall include the following divisions and offices:

(a) Budget Division.

(b) Management Systems Division.

(c) Accounting and Data Systems Division.

(d) Personnel Division.

(e) Emergency Services Division.

(f) Planning Division.

(g) Intergovernmental Coordination Division.

(h) Office of Legislative Liaison.

(i) Office of Economic Analysis.

(j) Office of Committee Coordination.

[1969 c.80 §1 (1), (2), (3); 1971 c.57 §9]

184.310 [1965 c.299 §1; renumbered 390.010]

184.315 Director of Executive Department; appointment; compensation; bond. (1) The department shall be under the supervision and control of a director, who shall be responsible for the functions of the department. The Governor may, however, assume the office of director of the department whenever and for whatever time he deems advisable, but shall receive no increased compensation for doing so.

(2) The Governor shall appoint the director, who shall hold his office at the pleasure of the Governor. The person appointed as director shall be well qualified by training and experience to perform the functions of the office.

(3) An appointed director of the department shall receive such salary as is provided by law or, if not so provided, as is fixed by the Governor.

(4) Before entering upon the functions 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 penal sum fixed by the Governor. [Formerly 291.007]

184.325 Duties of director; administrative divisions; appointive power; exception.

(1) The Director of the Executive Department, with the approval of the Governor, shall organize and reorganize the department in the manner he considers necessary to conduct the work of the department properly.

(2) The functions of the department may be divided into administrative divisions or staff offices. Each division or office shall be under the supervision of a person appointed by the director, with the approval of the Governor. The appointee shall serve at the pleasure of the director, not be subject to the State Merit System Law, and be well qualified by technical training and experience in the functions he is to perform.

(3) Notwithstanding subsection (2) of this section, the administrator of the Personnel Division shall be appointed and removed in the manner set forth in ORS 240.125 and 240.130.

[Formerly 291.005]

184.335 Deputy director; subordinate officers. (1) With the approval of the Governor, the director may appoint a deputy director who shall serve at the pleasure of the director, not be subject to the State Merit System Law, and have full authority to act for the director, subject to his control. The appointment of the

deputy director shall be by written order, filed with the Secretary of State.

(2) Except as provided in ORS 291.005 and subsection (1) of this section, the director, subject to applicable provisions of the State Merit System Law, shall appoint all subordinate officers and employes of the department, prescribe their functions and fix their compensation.
[Formerly 291.009]

184.340 Rules. The department, with the approval of the Governor, may make reasonable rules and regulations that are necessary or proper for the administration of the laws that the department is charged with administering.
[Formerly 291.013]

184.345 Executive Department to provide services to certain divisions on reimbursable basis. The Executive Department shall provide such administrative and other services to the Corrections Division, the Mental Health Division and the State Board of Education as such divisions and the department may agree on a reimbursable basis.
[1969 c.597 §268]

184.355 Institutional Services Division. (1) The Institutional Services Division is established in the Executive Department. The division shall be under the supervision of a person appointed in the manner provided in ORS 184.325.

(2) The Institutional Services Division may provide administrative facilities and services for the divisions listed in ORS 176.610. However, the discretionary duties, advisory functions or review powers vested by law in such divisions shall be performed solely by the respective divisions.
[1969 c.597 §5]

184.410 [Formerly 182.410; amended by 1965 c.416 §1; 1969 c.593 §33; repealed by 1969 c.653 §1]

184.420 [Formerly 182.420; repealed by 1969 c.653 §1]

184.430 [Formerly 182.430; amended by 1965 c.416 §2; repealed by 1969 c.653 §1]

184.440 [Formerly 182.440; repealed by 1969 c.653 §1]

184.450 [Formerly 182.450; repealed by 1969 c.653 §1]

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

(Generally)

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]

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

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

(a) Banking Division.

(b) Corporation Division.

(c) Insurance Division.

(d) Real Estate Division.

(e) Housing Division.

(f) Consumer Services Division.

(g) Fire Marshal Division.

(h) Such professional licensing and advisory boards as are established by law within the Department of Commerce.

[1963 c.580 §2; 1971 c.57 §10; 1971 c.505 §8; 1971 c.740 §2; 1971 c.753 §3]

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 in the manner provided in ORS 171.570.

(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; 1969 c.695 §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 Merit System Law. [1963 c.580 §5; 1965 c.597 §5]

184.545 Director as ex officio member of certain boards. The Director of Commerce, or his designated representative, shall serve as an ex officio member of all professional licensing boards and advisory boards in the Department of Commerce but without the right to vote. [1971 c.753 §7]

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 §8]

(Licensing Boards)

184.575 Policy statement. In enacting chapter 753, Oregon Laws 1971, it is the intention of the Legislative Assembly to provide for the more effective coordination of the administrative functions of boards charged with responsibility for protecting the public through the licensing and regulating of certain professions practiced in this state. Further, it is the intention of the Legislative Assembly to retain responsibility for decisions on qualifications, standards of practice, licensing, discipline and other discretionary functions relating to professional activities in the professional licensing boards, members of which are qualified by education, training and experience to make the necessary judgments. [1971 c.753 §1]

Note: The Legislative Counsel has not, pursuant to ORS 173.160, undertaken to substitute specific ORS references for the words "this Act" in ORS 184.575. Chapter 753, Oregon Laws 1971, enacted into law and amended ORS sections which may be found by referring to the 1971 Comparative Section Table located following the Index in volume 6 of Oregon Revised Statutes (1971 Replacement Parts).

184.580 Professional activities subject to authority of department. The following professional activities are subject to the authority of the Department of Commerce, acting through the appropriate professional licensing or advisory board:

- (1) Accountants, certified public and public.
- (2) Architects.
- (3) Auctioneers.
- (4) Barbers.
- (5) Collection agencies.
- (6) Cosmetic therapists.
- (7) Debt consolidating agencies.
- (8) Electricians.
- (9) Engineers, professional.
- (10) Land surveyors, professional.
- (11) Landscape architects.
- (12) Plumbers.
- (13) Watchmakers.
- (14) River and bar pilots.
- (15) Banking board.
- (16) Real estate board.
- (17) Amusement rides.

[1971 c.753 §6]

(Consumer Services)

184.590 Consumer Services Division; administrator. (1) The Consumer Services Division shall be under the supervision and control of an administrator, 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 his division.

(2) The administrator of the Consumer Services Division shall have the authority in his division to:

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

(b) 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 Merit System Law.

[1971 c.753 §4]

184.595 Duties of Consumer Services Division. (1) It shall be the duty of the Consumer Services Division to:

(a) Coordinate consumer services carried on by state departments and agencies;

(b) Further consumer education;

(c) Conduct studies and research concerned with consumer services; receive, process, investigate and take action on complaints from consumers; and refer such complaints as require further action to appropriate agencies for enforcement;

(d) Inform the Governor and the Attorney General and other law enforcement agencies of violations of laws or regulations affecting consumers as its investigations or studies may reveal;

(e) Advise the executive and legislative branches in matters affecting consumer interests;

(f) Study and report all matters referred to it by the legislature or the Governor; and

(g) Inform the public through appearances at federal and state committee, commission or department hearings of the policies, decisions or legislation beneficial or detrimental to consumers.

(2) Every state agency shall cooperate with the Consumer Services Division in carrying out its functions under this section.

(3) To assist in carrying out chapter 753, Oregon Laws 1971, there is hereby created in the division a Consumer Advisory Council.

(a) The Consumer Council shall consist of seven members appointed by the director, two of whom shall represent business, two of whom shall represent labor, and three of whom shall represent voluntary consumer agencies.

(b) Except as provided in paragraph (a) of this subsection the director shall appoint members of the Consumer Advisory Council as set forth in ORS 670.340.

(c) The members of the council shall serve without compensation but shall be reimbursed for expenses actually and necessarily incurred by them in performance of their duties. All meetings of the council shall be open and public and all persons shall be permitted to attend any meeting of the council.

[1971 c.753 §5]

Note: See note under 184.575.

**DEPARTMENT OF TRANSPORTATION
(Generally)**

184.610 Definitions for ORS 184.610 to 184.640. As used in ORS 184.610 to 184.640, unless the context requires otherwise:

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

(2) "Director" means the Director of the Department of Transportation.
[1969 c.599 §1]

184.615 Department of Transportation; divisions. (1) The Department of Transportation is established.

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

- (a) Aeronautics Division.
- (b) Highway Division.
- (c) Motor Vehicles Division.
- (d) Ports Division.
- (e) Mass Transit Division.

[1969 c.599 §2]

184.620 Director of Transportation; appointment; confirmation. (1) The Department of Transportation shall be under the supervision of a Director of Transportation who shall be appointed by and shall hold his office at the pleasure of the Governor.

(2) The appointment of the Director of Transportation shall be subject to confirmation by the Senate in the manner provided by ORS 171.570.

(3) If an appointment to the office of Director of Transportation 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 is subject to the confirmation of the Senate when it next convenes.
[1969 c.599 §3; amended by 1969 c.599 §3a]

184.625 Compensation and expenses of director; bond. The Director of Transportation shall receive such salary as may be provided by law. In addition to his salary, the director, subject to the limitations otherwise provided by law, shall 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.

[1969 c.599 §4]

184.630 Duties of director; appointive powers. (1) Except as otherwise provided by law, the Director of Transportation shall provide a research program with divisions within the department, using the staffs of such divisions for development of solutions to such needs as might arise.

(2) The director may provide administrative facilities and services for the agencies within the department, but the discretionary duties, advisory functions or review powers vested by law in such agencies shall be performed solely by the respective agencies.

(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 any applicable provisions of the State Merit System Law.

[1969 c.599 §5]

184.635 Reports to Governor; delegation of director's powers. (1) The Director of Transportation 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.

[1969 c.599 §6]

184.640 Transportation Administration Account; budget and payment for administrative expenses of department. (1) There is established in the General Fund of the State Treasury the Transportation Administration Account. Notwithstanding any other law, such amounts as may be necessary to pay the administrative expenses of the Department of Transportation shall be continuously credited to the Transportation Administration Account from the biennial appropriations, or transferred to such administration account from the accounts or funds of the divisions and other agencies within the department.

Such amounts as may be requested quarterly by the director, with the approval of the Executive Department, shall be credited or transferred to the Transportation Administration Account from the biennial appropriations, accounts or funds of the divisions and other agencies within the department. The Department of Transportation is subject to the allotment system provided for in ORS 291.234 to 291.260.

(2) The amounts credited and transferred to the Transportation Administration Account shall not be greater than the total of any budget approved for the department by the Legislative Assembly and shall be determined by the costs of the administrative, supervisory and review services provided the respective divisions and agencies within the department. All moneys appropriated, credited or transferred to the Transportation Administration Account are appropriated continuously to pay the administrative expenses of the department.

[1969 c.599 §7]

(Mass Transit Division)

184.675 Definitions for ORS 184.680 to 184.700. As used in ORS 184.680 to 184.700, unless the context requires otherwise:

(1) "Commissioners" means the commissioners of the Mass Transit Division.

(2) "Mass Transit Division" or "division" means the Mass Transit Division of the Department of Transportation.

[1969 c.599 §50]

184.680 Mass Transit Division; commissioners; appointment; term; vacancy; compensation and expenses. (1) The Mass Transit Division is established within the Department of Transportation. The division shall be under the supervision and control of three commissioners appointed by the Governor.

(2) The term of office of a commissioner is four years, but the commissioners serve at the pleasure of the Governor. Before the expiration of the term of a commissioner, the Governor shall appoint a successor to assume his duties on July 1 next following. A commissioner is eligible for reappointment. In case of a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) A commissioner is entitled to compensation and expenses as provided in ORS 292.495.

[1969 c.599 §§51, 53; subsection (3) amended by 1969 c.599 §53a]

184.685 Purpose of division. The Mass Transit Division shall be the state-wide coordinating, planning and research agency for systems involving mass transportation of human beings in this state to insure the most orderly, efficient and economical development of such systems.

[1969 c.599 §57]

184.690 Chairman; quorum; meetings.

(1) The commissioners shall select from among their number a chairman and such other officers as they deem necessary, for such terms and with such duties and powers as the commissioners determine.

(2) A majority of the commissioners constitutes a quorum for the transaction of business.

(3) The commissioners shall meet at least once every month at a time and place determined by the commissioners. The commissioners shall also meet at such other times and places as are specified by the call of the chairman or of a majority of the commissioners.

[1969 c.599 §§54, 55]

184.695 Officers and employes; bonds; organization of division. (1) Subject to any applicable provisions of the State Merit System Law, the commissioners may appoint such subordinate officers and employes as are necessary to the accomplishment of the duties and powers assigned to the Mass Transit Division and prescribe their duties and fix their compensation.

(2) The commissioners may require a fidelity bond with one or more corporate sureties authorized to do business in this state of any officer or employe appointed pursuant to subsection (1) of this section. The commissioners shall fix the amount of the bond.

(3) For the purpose of administration, the commissioners, with the approval of the Director of Transportation, may organize and reorganize the division in the manner they deem necessary to conduct properly the work of the division.

[1969 c.599 §56]

184.700 Contracts with persons and public or private agencies. The Mass Transit Division is authorized to enter into contracts with and disburse funds to any person or agency, public or private, for the purpose of conducting field research, experimentation in transportation systems, planning and other activities in furtherance of the purposes of the division.

[1971 c.559 §2]

DEPARTMENT OF HUMAN RESOURCES
(Generally)

184.750 Department of Human Resources; functions; recipient of federal funds.

(1) The Department of Human Resources is created.

(2) The Department of Human Resources shall coordinate and provide for programs for the delivery to the public of services relating to public assistance, children and families, mental health, corrections, employment, vocational rehabilitation, economic opportunity, aging, and relating to such other services as may be assigned by other provisions of law to the Department of Human Resources.

(3) The Department of Human Resources shall provide the programs and services enumerated in subsection (2) of this section including:

(a) Public assistance programs and services through the Public Welfare Division;

(b) Child and family programs and services, through the Children's Services Division created under ORS 184.805;

(c) Mental health programs and services, through the Mental Health Division;

(d) Corrections programs and services, through the Corrections Division;

(e) Employment programs and services, through the Employment Division;

(f) Vocational rehabilitation programs and services, through the Vocational Rehabilitation Division;

(g) Economic opportunity programs and services, through the program of the Office of Economic Opportunity;

(h) Programs and services for the aged, through the program on aging; and

(i) Such other programs and services as may be assigned by other provisions of law to the Department of Human Resources, through a division or office prescribed by law.

(4) The Department of Human Resources shall be the recipient of all federal funds paid or to be paid to the state to enable the state to provide the programs and services assigned by this section or by other provisions of law to the Department of Human Resources.

[1971 c.319 §1]

184.755 Director; appointment; term; confirmation; salary and expenses. (1) The Department of Human Resources shall be under the supervision and control of a director who is responsible for coordinating and providing for programs for the delivery to the

public of the services assigned to the department by ORS 184.750 or by other provisions of law and for undertaking long-range planning necessary for the effective and efficient delivery of these services.

(2) The Governor shall appoint the director for a term of four years, but he may be removed at any time during such term at the pleasure of the Governor. The appointment of the director is subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(3) The director shall receive such salary as may be provided by law or, if not so provided, as may be fixed by the Governor, and shall be reimbursed for all expenses actually and necessarily incurred by him in the performance of his official duties.

[1971 c.319 §2]

184.760 Deputy director; division administrators; other employes; allocation of functions.

(1) With the approval of the Governor, the director may appoint a deputy director who shall serve at the pleasure of the director. The deputy director shall have full authority to act for the director, subject to directions of the director. The appointment of the deputy director shall be by written order, filed with the Secretary of State.

(2) Each division within the Department of Human Resources shall be under the supervision of an administrator appointed by the director, with the approval of the Governor, to serve at the pleasure of the director.

(3) Except as provided in subsection (1) of this section and subject to any applicable provisions of the State Merit System Law, the director may appoint employes within the office of the director of the department, prescribe their functions and fix their compensation.

(4) The functions of the department may be allocated among or delegated to administrative divisions and staff officers within the department, pursuant to the directions of the director.

[1971 c.319 §3]

184.765 Administrators in unclassified service; salary; expenses.

Administrators appointed under ORS 184.760 shall be in the unclassified service of the state and shall receive such salary as may be provided by law. In addition to his salary, each administrator shall, subject to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily incurred by

him in the performance of his official duties.
[Formerly 176.630]

184.770 Authority of director. The Director of Human Resources may, consistent with any federal requirements and with the prior consent of the Governor and of the Emergency Board:

(1) Make transfers between the amounts appropriated and expenditure limitations established by legislative action for individual institutions and programs within a division of the department.

(2) Make transfers between the budgets of divisions, programs and offices within the department.

(3) Cause the divisions, programs and offices within the department to make joint use of the personnel resources, information and facilities available to the divisions, programs and offices within the department.
[1971 c.319 §5]

184.775 Information from divisions. (1) The Director of Human Resources shall require from the administrators of the divisions enumerated in ORS 184.750, such information, reports and documentation, as he, in his discretion, determines will be necessary to enable him to:

(a) Execute his responsibilities pursuant to chapter 319, Oregon Laws 1971.

(b) Develop and report to the Governor from time to time 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.

(c) File with the Executive Department, for purposes of ORS 291.208, a separate budget report for each division, program or office enumerated in ORS 184.750.

(2) Where such information, reports or documentation is confidential in the hands of the administrator, it shall be confidential in the hands of the director.
[1971 c.319 §6]

Note: The Legislative Counsel has not, pursuant to ORS 173.160, undertaken to substitute specific ORS references for the words "this Act" in ORS 184.775. Chapter 319, Oregon Laws 1971, enacted into law and amended ORS sections which may be found by referring to the 1971 Comparative Section Table located following the Index in volume 6 of Oregon Revised Statutes (1971 Replacement Parts).

184.780 Federal law supersedes state law. To the extent that there is any conflict between chapter 319, Oregon Laws 1971, and any federal law referred to or to be adminis-

tered under chapter 319, Oregon Laws 1971, the federal law in effect on June 8, 1971, is controlling.

[1971 c.319 §9]

Note: See note under ORS 184.775.

(Children's Services Division)

184.805 Children's Services Division; functions. The Children's Services Division is created in the Department of Human Resources. The division shall administer laws and programs relating to protective services to children, foster care, adoptions, Interstate Compact on Juveniles, restorative services to families with children, licensing of child care facilities and day care centers, the mental health program for children and youth employment programs.
[1971 c.401 §1]

184.810 Revolving fund. (1) On written request of the Children's Services Division, the Executive Department shall draw warrants on amounts appropriated to the Children's Services Division for operating expenses for use by the division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$25,000 including unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special account against which the division may draw checks.

(2) The revolving fund may be used by the division to pay for travel expenses for employees of the division and for any consultants or advisers for whom payment of travel expenses is authorized by law, or advances therefor, or for purchases required from time to time or for receipt or disbursement of federal funds available under federal law.

(3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the division and by the Executive Department. When such claims have been approved, a warrant covering them shall be drawn in favor of the division and charged against the appropriate fund or account, and shall be used to reimburse the revolving fund.
[1971 c.774 §15]

184.815 Children's Services Account. (1) There hereby is established in the General Fund of the State Treasury an account to be known as the Children's Services Account. All moneys in the Children's Services Account hereby are appropriated for and shall be used by the Children's Services Division for the

respective purposes authorized by law. The moneys in the Children's Services Account and all appropriations for the Children's Services Division shall be subject to allotment made by the Executive Department.

(2) The Children's Services Division shall keep a record of all moneys credited to and deposited in the Children's Services Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

(3) The unobligated balance in the Children's Services Account on June 30 of each odd numbered year shall be determined by the Children's Services Division as of September 30 following the close of each biennium and certified to the Executive Department. The amount certified pursuant to this subsection shall revert to the General Fund and become available for general governmental purposes.

[1971 c.774 §14]

(Health Division)

184.830 Health Division; functions; administrator. (1) The Health Division is created in the Department of Human Resources. The Health Division shall be responsible for the administration of health and health-related affairs in this state as provided by law, including but not limited to public health services, migrant health services, professional and occupational licensing boards, licensing of health facilities, and comprehensive health planning.

(2) The Director of Human Resources, after consulting with the State Board of Health, shall appoint an Administrator of the Health Division, who shall be in the unclassified service, and whose salary shall be set by the director unless otherwise provided by law.

(3) The Health Division, shall provide necessary staff assistance and services to, and shall have full authority and responsibility for all administrative matters in connection with the functioning of the State Board of Health and the Comprehensive Health Planning Authority.

(4) In enacting chapter 650, Oregon Laws 1971, it is the intention of the Legislative Assembly to provide for the more effective coordination of the administrative functions of boards charged with responsibility for protecting the public through the licensing and

regulating of health-related professions practiced in this state. Further, it is the intention of the Legislative Assembly to retain responsibility and authority in the professional licensing boards, members of which are qualified by education, training and experience to make the necessary judgments, for decisions on qualifications, standards of practice, licensing, enforcement, discipline and other discretionary functions relating to professional activities. The professional licensing boards shall have authority to employ such personnel as they consider necessary to carry out their respective functions.

[1971 c.650 §1]

Note: The Legislative Counsel has not, pursuant to ORS 173.160, undertaken to substitute specific ORS references for the words "this Act" in ORS 184.830. Chapter 650, Oregon Laws 1971, enacted into law and amended ORS sections which may be found by referring to the 1971 Comparative Section Table located following the Index in volume 6 of Oregon Revised Statutes (1971 Replacement Parts).

184.835 Administrator as ex officio member of certain boards. The Administrator of the Health Division, or his designee, shall serve as an ex officio member of all health-related licensing boards, but without the right to vote.

[1971 c.650 §3]

184.840 Functions of administrator. The Administrator of the Health Division shall:

(1) Prescribe by rule the records of proceedings and other materials to be maintained by every licensing board in the Health Division and shall also prescribe the content and frequency of reports to be made by such boards to the division.

(2) Require each licensing board in the Health Division to maintain a register of the names and current addresses of all persons holding valid licenses, certificates of registration or other evidence of authority required to practice the occupation or profession, or operate the facility within the jurisdiction of such board and periodically, as the administrator may require, to file a copy of the register at the office of the division. Any board that is authorized or required to distribute a register described in this section may collect a fee to cover the costs of publication, such fee to be handled as other receipts of the board are handled.

[1971 c.650 §4]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 1, 1971.

Robert W. Lundy
Legislative Counsel

CHAPTER 185

[Reserved for expansion]

