

Chapter 182

1985 REPLACEMENT PART

State Administrative Agencies

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- Accountancy, State Board [Department of Commerce], 673.410
- Accounting and Data Systems Division [Executive Department], 184.305
- Adjutant General, Const. Art. X, §3; 396.150
- Adjutants General, Assistant, 396.165
- Adult and Family Services Division, 411.040
- Assistant Director, 411.040
- Advisory Council on Allocation of State Private Activity Bond Limit, 286.625
- Aeronautics Administrator, 491.120
- Aeronautics Division [Department of Transportation], 491.005
- Affirmative Action, Director, 243.315
- Affirmative action policy, 243.305
- Agricultural Development Advisory Committee, 576.018
- Agricultural Development Division [Department of Agriculture], 576.009
- Agricultural Experiment Station, Oregon, Director, Ch. 567
- Agricultural Experiment Stations, Ch. 567
- Agriculture, Director of, 561.010

STATE EXECUTIVE DEPARTMENT AND ORGANIZATION

- Agriculture, State Board, 561.130
Agriculture, State Department, 561 010
Alcohol and Drug Abuse programs, Governor's Council, 430.255
Alcohol Server Education Advisory Committee, 471.547
Ambulances and emergency medical technicians, advisory council, 823.170
Anatomy, Demonstrator [State Board of Higher Education], 97.170
Apprenticeship and Training Council, State, 660.110, Ch. 98
Architect Examiners, State Board of [Department of Commerce], 671.120
Architectural barriers elimination, advisory committee, 447 230
Archivist, State, 357.815
Arts Commission, Oregon, 359 020
Attorney General, 180.010
Auditor of Public Accounts [Secretary of State], 293.505
Audits, Division of [Secretary of State], 297.010
Banking Board, State [Department of Commerce], 706.900
Banking Section, Financial Institutions Division, 705.130
Supervisor, 705.130
Bar, Oregon State, 9.010
Board of Governors, 9.025
Barbers and Hairdressers, State Board, 690.155
Barbers and Hairdressers, State Board, subject to review, 1983 c 151 §24
Bargaining Unit Benefits Board, [Personnel Division], 243 235
Beef Council, Oregon, 577.210
Bicycle lane and path advisory committee [Highway Division], 366.112
Black Affairs, Commission on, 185.420
Blind, Commission for the, 346 120
Advisory committee, 346.135
Blind, Industries for the, 346.190
Blind, Oregon State School for the, 346.010
Boiler Rules, Board of, 480.535
Budget Division [Executive Department], 184 305
Builders Board, 701 205
Building Authority, Oregon, 276.815
Building Code Administrator, State, 456 790
Building Codes Division [Department of Commerce], 184.520
Capitol Building Police Officers, 276.021
Capitol Planning Commission, 276.030
Career and Vocational Education, State Advisory Council, 344.225
Certificate of Need Appeals Board, 442.360
Charter commission, city-county consolidation, 199.725
Chief Apiary Inspector, 602.020
Chief Justice of the Supreme Court, 2.045
Chief State Steward, 462.250
Child Care, Commission for, 1985 c.753 §1
Child welfare services advisory committee, 418.005
Children's Services Division [Department of Human Resources], 184.805
Chiropractic Examiners, State Board of, 684 130
Christmas Tree Advisory Committee, State, 571.515
Citizen Involvement Advisory Committee, State [land use], 197 160
Citizens' Utility Board, 774.190
Civilian Conservation Corps, Oregon, 1983 c.802 §4
Clinical Social Workers, State Board of, 675.510
Collections Unit [Department of Revenue], 293.250
Columbia River Gorge Commission, 390.420
Commerce, Department of, 184.520
Commerce, Director, 184.530
Advisory committee, architectural barriers, 447.230
Commodity Commissions, agricultural, see cross references under heading "Commodity Commissions Generally" in Ch. 576
Community Corrections Advisory Board, 423.510
Conciliation Service, State [Employment Relations Board], 662.415
Consumer Advisory Council [Department of Justice], 180.520
Corporation Commissioner, 56 012
Corporation Division [Department of Commerce], 56.012
Correctional Institution, Oregon State, 421.705
Superintendent, 179 331, 421 710
Corrections Division, 423 020
Assistant Director for Corrections, 423.040
Corrections Ombudsman, 423.400
Council for Research Policy Recommendations established by State Board of Higher Education, 351.880
Council of State Governments, 190.470
Council on Court Procedures, 1 730
County service districts, advisory committees, 451 555
Court of Appeals, 2.510
Chief Judge, 2.550
Crime detection laboratories [state police], 181.080
Criminal identification, bureau of [state police], 181.066
Dairy Products Commission, Oregon, 576 135
Data Processing, Joint Legislative Committee on, 182.115
Deaf, Oregon State School for the, 346.010
Dentistry, Oregon Board of, 679.230
Denture Technology, State Advisory Council on, 680 555
Detective bureau, state [state police], 181.070
Dredging operations consulting committee, 517.700
Dungeness Crab Commission, Oregon, 576.155
Eastern Oregon Psychiatric Center, 426.010
Superintendent, 426 020
Eastern Oregon State College, 352.290
Economic Analysis, Office of [Executive Department], 184.305
Economic Development Commission, 184.006
Economic Development Department, 184.125
Education, Department of, 326 111
Education, Department of Higher, 351 010

STATE ADMINISTRATIVE AGENCIES

- Education, State Board of, 326.021
Education, State Board of Higher, 351.010
Educational Coordinating Commission, Oregon, 348.715
 Advisory Committee, 348.825
 Executive Director, 348.745
Electrical Board, 479.800
Elevator Safety Board, 460.115
Emergency Board, 291.324
Emergency Fire Cost Committee, 477.440
 Administrator, 477.460
Emergency Management Division [Executive Department],
401.260
 Administrator of, 401.260
Employee Suggestion Awards Board, 182.320
Employees' Benefit Board, State [Personnel Division], 243.115
Employment Agencies Advisory Board, 658.230
Employment Appeals Board [Employment Division], 657.685
Employment Division, 657.010
 Assistant Director, 657.608
Employment Relations Board, 240.060
Employment Service, Oregon State, 657.705
Energy Conservation Board, 456.730 to 456.742
Energy, Department of, 469.030
 Director, 469.040
Energy Facility Siting Council, 469.450
 Advisory groups, 469.480
Energy Policy Review Committee, 469.130
Engineering Examiners, State Board [Department of Commerce], 672.240
Environmental Quality Commission, 468.010
Environmental Quality, Department of, 468.030
 Director, 468.040
Ethics Commission, Oregon Government, 244.250
 Executive director, 244.310
Executive Department, 184.305
 Director, 184.315
Executive residence, advisory committee, 276.104
Fair and Exposition Center, Oregon State, 565.015
Fair Commission, County, 565.410
Fair Dismissal Appeals Board, 342.930
Fair, Oregon State, 565.040
Fairview Hospital and Training Center, 427.010
 Superintendent, 179.331, 427.010
Filbert Commission, Oregon, 576.145
Finance Committee for Economic Development Commission,
280.255
Financial Institutions Division, 705.100
 Administrator, 722.419
Fire Marshal Division [Department of Commerce], 184.520
Fire Marshal, State, 476.020
Fire Standards and Accreditation Board, 476.840
Fish and Wildlife Commission, State, 496.090
Fish and Wildlife, State Department of, 496.080
Fish and Wildlife Director, State, 496.112
Fish Division [Fish and Wildlife, State Department], 496.124
Food Service Advisory Committee, State, 624.045
Forest Conservation, Oregon Board, 272.050
Forest practice committees [State Board of Forestry], 527.650
Forest Research Laboratory, 526.225
 Advisory Committee, 526.225
Forester, State, 526.031
Forestry Department, State, 526.008
Forestry, State Board of, 526.009
Futures Research, Commission on, 1983.c.317
General Services, Department of, 283.030
 Advisory Committee, 273.655
 Director, 283.040
Geologist, State, 516.120
Geologist Examiners, State Board of, 672.615
Geology and Mineral Industries, State Department of,
516.020
 Governing Board, 516.080
Governor, Const. Art. V, §1, Ch. 176
Hair design, schools, advisory committee, 345.420
Handicapped, Commission for, 185.130
Handicapped children, Early Intervention Services, Coordinating Council, 343.357
Health care professions, practices and procedures, advisory board, 431.190
Health Division [Department of Human Resources], 184.830
 Assistant Director for Health, 184.830
Health Officer, Public, 431.045
Health Planning and Development Agency, State, 442.085
Health Sciences University, Oregon, 352.055
Hearing Aids, Advisory Council to the Health Division on,
694.165
Higher Education, State Board, Chancellor, 351.075
Higher Education, Department of, 351.010
Higher Education, Western Interstate Commission for,
351.780
Highway Division [Department of Transportation], 366.105
Highway Engineer, State, 366.145
Hillcrest School of Oregon, 420.320
Hispanic Affairs, Commission on, 185.320
Historic Preservation, State Advisory Committee, 358.622
Historic Preservation Officer, State, 358.565
Historic significance, advisory committee, property, [Department of General Services], 358.655
Historical Museum Section [Tourism Division], 360.095
Historical Society, Oregon, 358.770
Hospital and Training Center, Eastern Oregon, 1983.c.505 §3
 Superintendent, 179.331, 426.020
Hospital, F. H. Dammasch State, 426.010, 426.030
 Superintendent, 179.331, 426.020
Hospital, Oregon State, 426.010
 Superintendent, 179.331, 426.020
Hospital, state tuberculosis, 352.065
Housing Council, State, 456.567

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- Housing Division Administrator, 456.554
Human Resources, Department of, 184.750
 Director, 184.755
Hydroelectric Power, Commissioner of, 543.810
Industrial Accident Advisory Committee, 656.790
Indian Services, Commission, 172.100
Indigent Defense Administrator, State, 151.410
Indigent Defense, State Board, 151.410
Information Agency, State, 110.162
Inheritance Tax Division [Department of Revenue], Ch. 118
Insurance Commissioner, 731.208
Insurance Division [Department of Commerce], 731.204
Insurance Guaranty Association, Oregon, 734.550
Interagency Hazard Communication Council, 453.510
Intergovernmental Coordination Division [Executive Department], 190.320
 Administrator, 190.320
Investment Council, Oregon, 293.706
Joint Corrections Education Planning and Development Team, 421.082
Judge Advocate, State, 398.012
Judicial Branch, Commission on the, 1979 c.611
Judicial Conference of the State of Oregon, 1.810
Judicial Fitness, Commission on, 1.410
Justice, Department of, 180.210
Juvenile Compact Administrator, 417.040
Juvenile Corrections Council, 420.035
Juvenile Services Commission, 417.475
Klamath River Basin Compact Commission, 542.620 (Art. IX)
Labor and Industries, Bureau of, 651.020
 Commissioner, 651.030
Land Board, State, 273.031
Land Conservation and Development Commission, 197.030
 Department of, 197.075
 Director, 197.075, 197.085
Land Management Advisory Committee, 273.655
Land Use, Joint Legislative Board on, 197.125
Land Use Board of Appeals, 197.810
Lands, Division of State, 273.041
 Director, 273.161
Landscape Architect Board, State, 671.459
Landscape Contractors Advisory Board, State, 671.630
Legislative Administration Committee, 173.710
Legislative Administrator, 173.710
Legislative Committee on Trade and Economic Development, 171.800
Legislative Counsel, 173.111
Legislative Counsel Committee, 173.111
Legislative Fiscal Officer, 173.410
Legislative Liaison, Office of [Executive Department], 184.305
Legislative Revenue Officer, 173.800
Librarian, State, 357.015
Library, State, 357.010
 Trustees, 357.010
Life and Health Insurance Guaranty Association, Oregon, 734.800
Liquor Control Commission, Oregon, 471.705
Livestock and Marketing Board, State, 599.440
Lobbyist, regulation, 171.725 to 171.785
Local Budget Advisory Committee [Department of Revenue], 294.413
Local Citizen Review Boards, 1985 c.721 §2
Local Health Officials, Conference of, 431.330
Local Officials Advisory Committee, 197.165
Long Term Care Advisory Committee, 441.137
Long Term Care Ombudsman, 441.103
Lottery Commission, Oregon State, 461.100
 Assistant Director for Security, 461.170
 Lottery Director, State, 461.150
 Lottery, Interim Oversight Committee on the Oregon State, 1985 c.302 §15a
MacLaren School for Boys, 420.120
 Superintendent, 420.120
Management and Organization, Commission on Oregon State, 1979 c.795 §2
Management Systems Division [Executive Department], 184.305
Marine Board, State, 488.825
Marine Director, State, 488.855
Maritime Pilots, Oregon Board [Department of Commerce], 776.105
Marketing Section [Tourism Division], 360.065
Mass Transportation Financing Authority, Oregon, 391.520
Massage Technicians, State Board of, 687.115
Medical care, advisory committee on, 656.794
Medical Examiner Advisory Board, State, 146.015
Medical Examiner, Deputy State, 146.045, 146.065
Medical Examiner, State, 146.035
Medical Examiners for the State of Oregon, Board of, 677.235
 [Medical technicians], advisory committee, 677.620
Mental Health Advisory Board, 430.050
Mental health compact administrator, 428.320
Mental Health Division, 430.021
 Assistant Director, 430.110
Military Council, 396.145
Military Department, State, 396.305
Mobile Home Construction and Safety Standard Advisory Board, 446.280
Motor Vehicles Division [Department of Transportation], 802.010
 Administrator, 802.010
Mortuary and Cemetery Board, State, 692.010
Motorcycle Safety Program Administrator, State, 802.320
Municipal Debt Advisory Commission, Oregon, 287.030
Museum of Anthropology, Oregon State, 352.045
National Guard, Oregon, Ch. 399
Natural Heritage Advisory Council, 273.571

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- Naturopathic Examiners, Board of, 685.160
New Crops Development Board, 561.700 to 561.730
Northwest Interstate Compact on Low-Level Radioactive Waste Management, 469.935
Nursery Advisory Committee, State, 571.025
Nursing, Oregon State Board of, 678.140
Nursing Home Administrators, Board of Examiners of, 678.800
Occupational Disease Research, Center for, 352.073
Occupational Therapy Licensing Board, 675.310
Ocean Charter Vessel Advisory Committee, 1979 c.358 §5
Optometry, Oregon Board of, 683.250
Oregon Criminal Justice Council, 1985 c.558 §2
Oregon Health Council, 442.035
Oregon Health Sciences University, 352.055
 School of Dentistry, 352.100
Oregon Institute of Technology, 352.201
Oregon Resource and Technology Development Corporation, 284.630
Oregon Salmon Commission, 576.165
Oregon State University, 352.230
Outfitters and Guides, State Marine Board, 704.530
Pacific Marine Fisheries Commission, 507.040, 507.050
Pacific NW Electric Power and Conservation Planning Council, 469.815
Parks and Recreation Division, [Department of Transportation], 390.130
 Administrator, 390.130
Parole, State Board of, 144.005
Penitentiary industries, board of directors, 421.310
Penitentiary, Oregon State, 421.605
 Superintendent, 179.331, 421.016
Personnel Division [Executive Department], 240.055
Pesticide Analytical and Response Center, 1979 c.571 §2, 1983 c.742 §2
Pharmacy, State Board of, 689.115
Physical Therapist Licensing Board, 688.160
Physician's Assistant Committee, 677.540
Planning Division [Executive Department], 184.305
Plumbing Board, State, 693.115
Podiatry, Advisory Council on, 677.855
Police, Department of State, 181.020
Police, Oregon State, 181.020
Police Standards and Training, Board on, 181.620
Police, Superintendent of State, 181.200
Port of Portland, Ch.778
 Board of Commissioners, 778.205
Portland State University, 352.195
Ports Division [Economic Development Department], 777.810
Potato Commission, Oregon, 579.030
Practice Review Committee, 673.455
Printer, State, 282.080
Prison Terms and Parole Standards, Advisory Commission, 144.775
Private Activity Bond Committee, 286.615
Private schools, advisory committee, 345.575
Property and Fiscal Officer for Oregon, U. S., 396.175
Protection and Advocacy, State Office of, 436.335
Psychiatric Security Review Board, 161.385
Psychologist Examiners, State Board of, 675.100
Public Broadcasting, Oregon Commission on, 354.115
Public Contracts, Advisory Committee, 1983 c.690 §29
Public Defender, 151.280
Public Defender Committee, 151.270
Public Health Advisory Board, 431.195
Public Instruction, Superintendent of, Const. Art. VIII, §1, 326.310
 Deputy, 326.330
Public Officials Compensation Commission, 292.907
Public Transit Division, 184.680
Public Utility Commissioner of Oregon, 756.020
Public Welfare Review Commission, 411.125
Racing Commission, Oregon, 462.210
Radiation Advisory Committee, 453.645
Radiation Control Agency, State, 453.635
Radiologic Technology, Board of, 688.545
Real Estate Board [Department of Commerce], 696.405
Real Estate Commissioner, 696.375
Real Estate Division [Department of Commerce], 696.375
Recreation Director, State, 390.130
Recreation Trails Advisory Council, Oregon, 390.977
Refugee Child Welfare Advisory Committee, 418.941
Release Assistance Officer, 135.235
Retirement Board, Public Employees', 237.251, 237.952
Revenue, Department of, 305.025
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Rogue River Coordination Board, 517.510
Rural Health Coordinating Council, 442.490
Rural Health, Office of, 442.475
Sanitariums Registration Board, 700.210
Savings and Loan, Credit Union and Consumer Finance Section, Financial Institutions Division, 705.140
 Supervisor, 725.010
Scholarship Commission, State, 348.510
Sea Grant College [Oregon State University], 352.275
Seal of state officer or state agency, 42.125
Search and Rescue Coordinator, 401.550
Secretary of State, Const. Art. VI, §1; Ch. 177
 Assistant, 177.040
Senior Services Division, 410.070
Senior Services, Governor's Commission, 410.320
Sheep Commission, Oregon, 577.710
Short Term Fund Board, Oregon, 294.885
Small Business Assistance Center Advisory Council, 341.803
Small claims division [Oregon Tax Court], 305.515
Soil and Water Conservation Commission, State, 561.395
Soil and Water Conservation Division, 561.400

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- South Slough Estuarine Sanctuary Management Commission, 273.554
- Southern Oregon State College, 352.290
- Special Courts Advisory Committee, 1.850
- Speech Pathology and Audiology, State Board of Examiners [Department of Human Resources], 681.400
- Speed Control Board, State, 802.380
- State Accident Insurance Fund Corporation, 656.752
Manager, 656.754
- State Compensation and Classification Equity, Task Force, 1983 c 814 §2
- State Court Administrator, 8.110
- State Governments, Council of, 190.470
- Structural Code Advisory Board, State, 456.780
- Support Enforcement Division [Department of Justice], 180.340
- Supreme Court, Const. Art. VII (A), §1
- Surplus state lands advisory committee, 273.655
- Synthetic Chemicals in the Environment, Committee on, 634.352
- Tax Court, Oregon, 305.405
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- Tax Service Examiners, State Board of, 673.725
- Tax Supervising and Conservation Commission, 294.605
- Teacher Standards and Practices Commission, 342.350
- Teachers' Retirement System, 239.201
- Television and Radio Service Advisory Board, State, 702.210
- Television programs, advisory committee on planning and preparation in school, 354.440
- Textbook Commission, State, 337.011
- Tourism Council, Oregon, 360.025
- Tourism Division [Economic Development Department], 360.055
Administrator, 360.105
- Transportation Commission, Oregon, 184.612
- Transportation, Department of, 184.615
- Transportation, Director, 184.620
- Trauma Advisory Board, State, 1985 c 191 §3
- Travel Information Council, Ch. 104
- Treasurer, State, Const. Art. VI, §1; Ch. 178
Chief Deputy, 178.060
- Unemployment Compensation, State Advisory Council on, 657.695
- Uniform State Laws, Commission on, 172.010
- University of Oregon, 352.010
- Utility Commissioner of Oregon, Public, 756.020
- Valuation Committee, 295.095
- Veterans' Affairs, Advisory Committee on, 406.210
- Veterans' Affairs, Director, 406.020
- Veterinarian, State, 596.210
- Veterinary Medical Examining Board, Oregon State, 686.210
- Visitor Information Section [Tourism Division], 360.075
- Vital Statistics Unit, 432.010
- Vital Statistics, State Registrar, 432.020
- Vocational Rehabilitation Division, 344.520
- Assistant Director, 344.525
- Vocational schools, advisory committee on, 345.330
- Wage and Hour Commission, 653.505
- Water Management Group, Strategic, 1985 c.666
- Water Policy, Joint Legislative Committee on, 1983 c.796 §§5-9
- Water Resources Commission, 536.022
- Ways and Means Committees, 171.555
- Weed Board, State, 561.650
- Wheat Commission, Oregon, 578.030
- Wine Advisory Board, 576.750
- Winter Recreation Advisory Committee, 802.350
- Women, Commission for, 185.520
- Women's Correctional Center, Oregon, 421.610
- Workers' Compensation Board, 656.712
- Workers' Compensation Department, 656.708
Evaluation Division, 656.708
Hearings Division, 656.708
Director, 656.708
- Youth Corps, Oregon, 418.693
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- Actions by state agencies, 30.312
- Administrative procedure of state agencies, 183.310 to 183.550
- Board or commission members prohibited from accepting certain positions, 236.145
- Collective bargaining for public employees, 243.650 to 243.782
- Compensation and expenses of members of boards and commissions, 292.495
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- Discrimination against optometrists prohibited, 683.035
- Interagency services, 283.110
- Labor conciliation services for state and state employees, 662.435
- Leasing of real property to state for term less than 20 years, Const. Art. XI, §7
- Lobbying by public agency, expense statement, filing required, 171.750
- Losses of public funds or property involving public officers, 297.120
- Media person as witness at agency administrative proceedings, 44.510 to 44.540
- Notary public, functions not constituting lucrative office, 194.010
- Peace Corps volunteers, leave of absence for, 236.040
- Pre-session filing of agency legislation, 171.130
- Private schools, advisory committee, 345.575
- Readability of income tax instructions, 316.364
- Real property, sale by state agency, 273.201 to 273.216
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Unemployment insurance, coverage of state employes, 657.020, 657.065, 657.505	Salary and expenses of members, 171.072
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Removal from office, 236.010	Housing for officers and employes of state institutions, 179.400
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Affirmative action reports by state agencies to include information on award of contracts to minority businesses, 659.027	182.605
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Exemptions from certain county fees in favor of the State of Oregon and its agencies, 21.580, 180.360, 205.400, 273.091	Landscape Architect Board, State, subject to review, 1981 c.821 §16
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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 office unless the member is prevented from attending by the serious illness of a member or the family of the member 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 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 Personnel Relations Law.

182.040 Boards and commissions to pay counties for services; exceptions. (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 and Industries on wage claims assigned to it for collection.

(b) Any of the provisions or requirements of ORS 21.310, 52.410 to 52.440, 156.160, 205.360 and 205.370. [Amended by 1965 c 619 §35; 1967 c 398 §8; 1973 c.381 §7; 1981 s.s. c.3 §97; 1985 c.496 §25]

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 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 to file instruments affecting realty for state boards and commissions. When requested by a state board or commission, the county clerk shall file or record, or both, in the office of the clerk 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.

182.065 [1977 c.739 §1; 1979 c 593 §5; renumbered 183.025]

182.070 Publications of state agencies to be furnished to State Librarian. (1) Unless a greater or lesser number is agreed upon by the State Librarian and the issuer of the publication, the State Printer or, in the event the State Printer is unable to furnish the number of copies 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, 45 copies of all publications so issued in

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multiple form, other than interoffice memoranda or forms. The State Printer may withhold the prescribed number of copies from each printing order and forward them to the State Librarian. Cost of printing for all copies of a publication furnished to the State Librarian in compliance with this subsection shall be borne by the issuing agency.

(2) The term "publication," as used in this section, does not include:

(a) Oregon Revised Statutes or any edition thereof.

(b) Legislative bills, calendars and interim committee reports made available under ORS 171.206.

(c) Reports and publications of the Oregon Supreme Court, Oregon Court of Appeals and the Oregon Tax Court. [1953 c.527 §2; 1961 c.167 §21; 1979 c.215 §1]

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 State agency to pay attorney fees and expenses when court finds for petitioner and that agency acted unreasonably. (1) In any civil judicial proceeding involving as adverse parties a state agency, as defined in ORS 291.002, and a petitioner, the court shall award the petitioner reasonable attorney fees and reasonable expenses if the court finds in favor of the petitioner and also finds that the state agency acted without a reasonable basis in fact or in law.

(2) Amounts allowed under this section for reasonable attorney fees and expenses shall be paid from funds available to the state agency. The court may withhold all or part of the attorney fees from any award to a petitioner if the court finds that the state agency has proved that its action was substantially justified or that special circumstances exist which make the award of all or a portion of the attorney fees unjust.

(3) As used in this section, "civil judicial proceeding" means any proceeding, other than a criminal proceeding as defined in ORS 131.005 (7), conducted before a court of this state. [1981 c.871 §2, 1983 c.763 §61]

182.100 Affirmative action policy implementation on appointments. (1) It is declared to be the policy of Oregon that this state shall be a leader in affirmative action. All appointive authorities for state boards, commissions and advisory bodies shall implement this policy of affirmative action in their appointments, subject to the legal requirements for each appointment.

(2) The Director of Affirmative Action shall assist all persons who have appointing authority at the state level for boards, commissions or advisory bodies in carrying out the state policy stated in subsection (1) of this section.

(3) As used in this section, "affirmative action" means a method of eliminating the effects

of past and present discrimination, intended or unintended, on the basis of race, religion, national origin, age, sex, marital status or physical or mental handicaps, that are evident or indicated by analysis of present appointment patterns, practices and policies. [1981 c.255 §1]

182.105 Information concerning tax benefits of providing day care under employe benefit plan. Any state agency may provide information to employers concerning the tax benefits of providing day care, as defined in ORS 418.805, under an employe benefit plan. [1985 c.753 §5]

182.110 [1959 c.501 §1; repealed by 1959 c.501 §10]

DATA PROCESSING

182.115 Joint Legislative Committee on Data Processing; membership; term; expenses of members. (1) There is hereby created a Joint Legislative Committee on Data Processing consisting of four members appointed by the Speaker of the House of Representatives, at least two of whom shall have served on the Joint Ways and Means Committee, and three members of the Senate appointed by the President of the Senate, at least one of whom shall have served on the Joint Ways and Means Committee.

(2) The committee has a continuing existence and may meet, act and conduct its business during sessions of the Legislative Assembly or any recess thereof, and in the interim between sessions.

(3) The term of a member shall expire upon the convening of the Legislative Assembly in regular session next following the commencement of the member's term. When a vacancy occurs in the membership of the committee in the interim between sessions, until such vacancy is filled, the membership of the committee shall be deemed not to include the vacant position for the purpose of determining whether a quorum is present and a quorum is a majority of the remaining members.

(4) Members of the committee shall receive an amount equal to that authorized under ORS 171.072 (3) for each day spent in the performance of their duties as members of the committee or any subcommittee thereof in lieu of reimbursement for in-state travel expenses. However, when engaged in out-of-state travel, members shall be entitled to receive their actual and necessary expenses therefor in lieu of the amount authorized by this subsection. Payment shall be made from funds appropriated to the Legislative Fiscal Office.

(5) Action of the committee shall be taken only upon the affirmative vote of the majority of members of the committee.

(6) The Legislative Fiscal Office shall furnish to the committee such services of personnel and such other facilities as are necessary to enable the committee to carry out its functions as provided by law. [1973 c.457 §1; 1975 c.731 §1, 1977 c.42 §1; 1983 c.150 §2]

182.120 [1959 c.501 §2, repealed by 1959 c.501 §10]

182.121 Duties of committee. The Joint Legislative Committee on Data Processing shall:

(1) Establish state-wide data processing goals and policy.

(2) Make recommendations regarding established or proposed data processing programs and data processing equipment acquisitions.

(3) Conduct studies of data processing efficiency and security. [1975 c.731 §2]

182.125 [1973 c.457 §4; repealed by 1975 c.731 §3]

182.130 [1959 c.501 §3; repealed by 1959 c.501 §10]

182.135 [1973 c.457 §3; repealed by 1975 c.731 §3]

182.140 [1959 c.501 §4; repealed by 1959 c.501 §10]

182.145 [1973 c.457 §5; repealed by 1975 c.731 §3]

182.150 [1959 c.501 §5; repealed by 1959 c.501 §10]

182.160 [1959 c.501 §6; repealed by 1959 c.501 §10]

182.170 [1959 c.501 §7; repealed by 1959 c.501 §10]

182.180 [1959 c.501 §8; repealed by 1959 c.501 §10]

182.190 [1959 c.501 §9; repealed by 1959 c.501 §10]

182.200 [1959 c.501 §10; repealed by 1959 c.501 §10]

EMPLOYE 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 ORS 182.320 (3).

(3) "Secretary" means the secretary of the employe suggestion program. [1959 c.616 §1]

182.320 Employee Suggestion Awards Board; authority. (1) There hereby is established the Employee Suggestion Awards Board consisting of five members appointed by the Governor. Three members shall be state officers or employes who shall serve at the pleasure of the Governor. Two members shall serve for a term of one year and shall be executive or administrative officers, or board or commission members, required by law to be appointed by the Governor.

Before the expiration of the one year term of a member, the Governor shall appoint a successor to assume the duties of the member on July 1 next following. In case of a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(2) The members of the board shall annually elect one member as chairman. The Governor shall appoint a state officer or employe to serve as secretary of the employe suggestion program. The board members and the secretary shall serve without compensation.

(3) 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.

(4) The secretary, with the approval of the Employe 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; 1965 c 9 §1]

182.330 Board's determination 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 ORS 182.320 (4), the board shall determine the nature and extent of the award. [1957 c.616 §3]

182.340 [1957 c.616 §5; repealed by 1965 c.9 §2]

182.350 [1957 c 616 §4; 1961 c.197 §3, repealed by 1967 c.73 §5]

182.360 Costs and payment of cash awards and administrative expenses. (1) The costs arising out of the awards under ORS 182.310 to 182.360 shall be paid in the following manner:

(a) For awards to employes not eligible for cash awards, the cost shall be added to and collected with the expenses and costs of operating the Personnel Division collected under ORS 240.165.

(b) For any cash award for a suggestion having multiagency effect, as determined by the board, and for which the board cannot identify the cost savings realized or to be realized by the agencies as a result of implementation of the suggestion, the cost shall be added to and collected with the expenses and costs of operating the Personnel Division collected under ORS 240.165.

(c) If the board is able to identify the agency or agencies which have realized or will realize cash savings as a result of implementation of a suggestion, the cost of any cash award shall be paid by the affected agency or agencies from savings realized or to be realized by implementation of the suggestion. For suggestions with multi-agency effect, the board shall determine the portion of the award total to be contributed by each agency.

(d) For administrative expenses of the Personnel Division incurred in administering ORS 182.310 to 182.360, the expenses shall be added to and collected with the expenses and costs of operating the Personnel Division collected under ORS 240.165.

(2) Vouchers for awards described in paragraphs (a) and (b) of subsection (1) of this section and administrative expenses described in paragraph (d) of subsection (1) of this section shall be prepared by the Administrator of the Personnel Division payable from the Personnel Account. Vouchers for awards described in paragraph (c) of subsection (1) of this section shall be drawn by the appropriate agency. All vouchers shall be drawn upon certification of the chairman or secretary of the Employe Suggestion Awards Board of the amount or cost of the award and the person to whom the award has been made or the amount of the administrative expenses. [1957 c 616 §6; 1981 c.233 §1]

182.410 [Amended by 1955 c.707 §56, renumbered 184 410]

**RULES GOVERNING AGENCY-
PROVIDED HOUSING**

182.415 Definitions for ORS 182.415 to 182.435. As used in ORS 182.415 to 182.435 and 240.086 unless the context requires otherwise:

(1) "Furnishings" includes furniture usually used in connection with occupancy of a household but does not include rugs, draperies, range, refrigerator, washer, dryer or any item of furnishings received by the state or one of its agencies as a gift, nor does it include any furniture purchased for the state-owned residence required in relation to the official duties of an institutional executive or the Chancellor of the Department of Higher Education prior to September 9, 1971.

(2) "Housing" includes single and multiple family dwellings, apartments, and mobile homes and mobile home pads, available on a monthly tenancy but does not include guard stations maintained by the State Forestry Department or

dormitory facilities at any state institution or at any state institution of higher education.

(3) "Dormitory" includes any facility which houses students and those facilities used primarily for sleeping purposes by the employes of the Mental Health Division.

(4) "State agency" has the same meaning as in ORS 291.002.

(5) "Department" means the Department of General Services. [1971 c.575 §1; 1977 c.583 §3]

182.420 [Renumbered 184.420]

182.425 State agency required to collect rental for housing provided employes; furnishing prohibited; determination of fair rental value. (1) Every state agency that provides housing for its officers or employes shall collect a rental for such housing based on the fair rental value as determined by a qualified appraiser approved by the Department of General Services, subject to any reductions therefrom authorized under ORS 182.435. Rentals collected under this section shall be credited to the agency's account.

(2) No state agency shall provide furnishings as part of any housing provided by the agency.

(3) Determinations of fair rental value shall be reexamined periodically but not less frequently than once every five years and the rental shall be adjusted annually unless such adjustment is determined by the department to be unnecessary.

(4) Determination of the net rental of any employe-occupied state-owned housing unit under subsections (1), (2) and (3) of this section shall be considered a personnel action for purposes of ORS 240.086. [1971 c.575 §2, 4; 1977 c.583 §4]

182.430 [Renumbered 184.430]

182.435 Uniform schedule of reduction from fair rental value; management policies. (1) The Department of General Services shall by rule establish a uniform schedule of reductions from the fair rental value of any housing described in ORS 182.425 (1). The schedule shall be examined periodically but not less frequently than once every three years and may be changed as the department considers necessary.

(2) In determining reductions, the Department of General Services shall consider factors such as isolation, invasion of the officer or employe's privacy, the agency's justifiable need in having its officers or employes occupying housing in a specific location and inequities between the fair rental value as determined under ORS 182.425 (1) and the salary of the officer or employe occupying the housing.

(3) The department shall by rule establish policies for the management of state-provided housing and shall be responsible for the monitoring of agency programs to assure appropriate application of ORS 182.415 to 182.435. [1971 c.575 §3; 1977 c.583 §5]

182.440 [Renumbered 184.440]

182.450 [Renumbered 184.450]

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]

DETERMINATION OF PUBLIC NEED FOR CERTAIN STATE AGENCIES

182.605 "Agency" defined for ORS 182.605 to 182.635. As used in ORS 182.605 to 182.635, "agency" means:

(1) The State Board of Accountancy created under ORS chapter 673.

(2) The State Department of Agriculture relating to duties under ORS chapters 576, 618, 621 and 634.

(3) The State Board of Architect Examiners created under ORS chapter 671.

(4) The Oregon State Bar created under ORS 9.010 to 9.665, 9.705 to 9.850 and 9.990.

(5) The Director of Commerce relating to duties regulating debt consolidating agencies under ORS 697.602 to 697.842.

(6) The Board of Boiler Rules created under ORS chapter 480, and the Department of Commerce relating to duties under ORS chapter 480.

(7) The Builders Board created under ORS chapter 701.

(8) The State Board of Chiropractic Examiners created under ORS chapter 684.

(9) The Oregon Board of Dentistry created under ORS chapter 679.

(10) The Electrical Board created under ORS 479.010 to 479.220, 479.510 to 479.850 and 479.990, and the Director of Commerce relating to duties under ORS 479.010 to 479.220, 479.510 to 479.855 and 479.990.

(11) The State Board of Engineering Examiners created under ORS chapter 672.

(12) The State Mortuary and Cemetery Board created under ORS chapter 692.

(13) The Advisory Council to the Health Division on Hearing Aids created under ORS chapter 694, and the Health Division of the

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Department of Human Resources relating to duties under ORS chapter 694.

(14) The Insurance Commissioner relating to duties under ORS chapter 744.

(15) The State Landscape Contractors Advisory Board created under ORS chapter 671, and the Director of Commerce relating to duties under ORS chapter 671.

(16) The Oregon Liquor Control Commission created under ORS chapter 471.

(17) The State Marine Board relating to duties under ORS 488.400 to 488.430 (1979 Replacement Part).

(18) The State Board of Massage Technicians created under ORS chapter 687.

(19) The Board of Medical Examiners for the State of Oregon created under ORS chapter 677.

(20) The Naturopathic Board of Examiners created under ORS chapter 685.

(21) The Oregon State Board of Nursing created under ORS chapter 678.

(22) The Board of Examiners of Nursing Home Administrators created under ORS chapter 678, and the Health Division of the Department of Human Resources relating to duties under ORS chapter 678.

(23) The Oregon Board of Optometry created under ORS chapter 683.

(24) The State Board of Pharmacy created under ORS chapter 689.

(25) The Physical Therapist Licensing Board created under ORS chapter 688.

(26) The Oregon Board of Maritime Pilots created under ORS chapter 776.

(27) The State Plumbing Board created under ORS chapter 693.

(28) The State Board of Podiatry Examiners created under chapter 682 (1979 Replacement Part).

(29) The Board on Police Standards and Training created under ORS chapter 181.

(30) The State Board of Psychologist Examiners created under ORS 675.010 to 675.150.

(31) The Oregon Racing Commission created under ORS chapter 462.

(32) The Real Estate Commissioner, Real Estate Division of the Department of Commerce and Real Estate Board created under ORS chapter 696.

(33) The Sanitarians Registration Board created under ORS chapter 700.

(34) The State Board of Examiners for Speech Pathology and Audiology created under ORS chapter 681.

(35) The State Board of Tax Service Examiners created under ORS chapter 673.

(36) The Teacher Standards and Practices Commission created under ORS 342.120 to 342.175, 342.177 to 342.445 and 342.505 to 342.982.

(37) The State Television and Radio Service Advisory Board created under ORS chapter 702, and the Director of Commerce relating to duties under ORS chapter 702.

(38) The Oregon State Veterinary Medical Examining Board created under ORS chapter 686.

(39) The Water Resources Department relating to duties under ORS 537.747 to 537.762.

(40) The State Landscape Architect Board created under ORS 671.310 to 671.459. [1977 c.842 §1; 1981 c 85 §10, 1981 c.438 §45; 1981 c 821 §1a; 1983 c 17 §28]

Note: The amendment to 182.605 by section 1, chapter 685, Oregon Laws 1983, is repealed June 30, 1989. See section 13, chapter 685, Oregon Laws 1983 182.605 as amended by section 1, chapter 685, Oregon Laws 1983, and section 3, chapter 52, Oregon Laws 1985, is set forth for the user's convenience.

182.605. As used in ORS 182.605 to 182.635, "agency" means:

(1) The State Board of Accountancy created under ORS chapter 673

(2) The State Department of Agriculture relating to duties under ORS chapters 576, 618, 621 and 634

(3) The State Board of Architect Examiners created under ORS chapter 671.

(4) The Oregon State Bar created under ORS 9.010 to 9.665, 9.705 to 9.850 and 9.990.

(5) The Director of Commerce relating to duties regulating debt consolidating agencies under ORS 697.602 to 697.842.

(6) The Board of Boiler Rules created under ORS chapter 480, and the Department of Commerce relating to duties under ORS chapter 480.

(7) The Builders Board created under ORS chapter 701.

(8) The State Board of Chiropractic Examiners created under ORS chapter 684

(9) The Oregon Board of Dentistry created under ORS chapter 679 and duties under ORS chapter 680.

(10) The Electrical Board created under ORS 479.010 to 479.220, 479.510 to 479.850 and 479.990, and the Director of Commerce relating to duties under ORS 479.010 to 479.220, 479.510 to 479.855 and 479.990.

(11) The State Board of Engineering Examiners created under ORS chapter 672

- (12) The State Mortuary and Cemetery Board created under ORS chapter 692.
- (13) The Advisory Council to the Health Division on Hearing Aids created under ORS chapter 694, and the Health Division of the Department of Human Resources relating to duties under ORS chapter 694.
- (14) The Insurance Commissioner relating to duties under ORS chapter 744.
- (15) The State Landscape Contractors Advisory Board created under ORS chapter 671, and the Director of Commerce relating to duties under ORS chapter 671.
- (16) The Oregon Liquor Control Commission created under ORS chapter 471.
- (17) The State Marine Board relating to duties under ORS 488 400 to 488 430 (1979 Replacement Part).
- (18) The State Board of Massage Technicians created under ORS chapter 687.
- (19) The Board of Medical Examiners for the State of Oregon created under ORS chapter 677.
- (20) The Naturopathic Board of Examiners created under ORS chapter 685.
- (21) The Oregon State Board of Nursing created under ORS chapter 678.
- (22) The Board of Examiners of Nursing Home Administrators created under ORS chapter 678, and the Health Division of the Department of Human Resources relating to duties under ORS chapter 678.
- (23) The Oregon Board of Optometry created under ORS chapter 683.
- (24) The State Board of Pharmacy created under ORS chapter 689.
- (25) The Physical Therapist Licensing Board created under ORS chapter 688.
- (26) The Oregon Board of Maritime Pilots created under ORS chapter 776.
- (27) The State Plumbing Board created under ORS chapter 693.
- (28) The State Board of Podiatry Examiners created under chapter 682 (1979 Replacement Part).
- (29) The Board on Police Standards and Training created under ORS chapter 181.
- (30) The State Board of Psychologist Examiners created under ORS 675.010 to 675.150.
- (31) The Oregon Racing Commission created under ORS chapter 462.
- (32) The Real Estate Commissioner, Real Estate Division of the Department of Commerce and Real Estate Board created under ORS chapter 696.
- (33) The Sanitarians Registration Board created under ORS chapter 700.
- (34) The State Board of Examiners for Speech Pathology and Audiology created under ORS chapter 681.
- (35) The State Board of Tax Service Examiners created under ORS chapter 673.
- (36) The Teacher Standards and Practices Commission created under ORS 342 120 to 342.175, 342.177 to 342.445 and 342.505 to 342.982.
- (37) The State Television and Radio Service Advisory Board created under ORS chapter 702, and the Director of Commerce relating to duties under ORS chapter 702.
- (38) The Oregon State Veterinary Medical Examining Board created under ORS chapter 686.
- (39) The Water Resources Department relating to duties under ORS 537 747 to 537.762.
- (40) The State Landscape Architect Board created under ORS 671 310 to 671.459.
- (41) The State Board of Barbers and Hairdressers created under ORS 690.155.
- (42) The State Board of Radiologic Technology created under ORS 688.545.
- (43) The State Board of Geologist Examiners created under ORS 672.615.
- (44) The Occupational Therapy Licensing Board created under ORS 675.310.
- (45) The State Advisory Council on Denture Technology created under ORS 680 555.
- (46) The Employment Agencies Advisory Board created under ORS 658.230.
- (47) The State Board of Clinical Social Workers created under ORS 675 590.
- (48) Any other board, commission or program created or proposed to be created by the Legislative Assembly after October 15, 1983, to regulate any profession or occupation.

Note: Section 2, chapter 685, Oregon Laws 1983, is repealed June 30, 1989. See section 13, chapter 685, Oregon Laws 1983. Section 2 is set forth for the user's convenience.

Sec. 2. (1) The Joint Legislative Committee on Sunset Review is created as a joint standing committee of the Legislative Assembly. The Speaker of the House of Representatives, upon election, shall appoint four members of the House of Representatives as members of the joint committee. The President of the Senate, upon election, shall appoint three members of the Senate as members of the joint committee. The joint committee shall meet only during regular sessions of the Legislative Assembly and shall have as its duty the agency review described in ORS 182.605 to 182.635 and for agencies proposed to come into existence after the effective date of this Act [October 15, 1983] and the reports of the Joint Interim Task Force on Sunset Review on agencies reviewed in the preceding interim report.

(2) The joint committee decision on the review must be completed by July 1 of the odd-numbered year.

(3) The chairperson shall be appointed by the presiding officer, alternating between the bodies. The first chairperson shall be a Senator.

182.608 Review of regulation of debt consolidating agencies. This section subjects the regulation of debt consolidating agencies by the Director of Commerce to automatic review by the Legislative Assembly under ORS 182.605 to 182.635. For the purposes of ORS 182.605 to

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182.635, the functions of the Director of Commerce relating to regulation of debt consolidating agencies constitute an agency. [Derived from 1983 c 17 §1]

Note: 182.608 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

182.609 Review of regulation of hair design, cosmetology and manicure. This section subjects the regulation of practitioners of hair design, cosmetology or manicure by the State Board of Barbers and Hairdressers to automatic review by the Legislative Assembly under ORS 182.605 to 182.635. For the purposes of ORS 182.605 to 182.635, the functions of the State Board of Barbers and Hairdressers relating to regulation of practitioners of hair design, cosmetology or manicure, constitute an agency. [Derived from 1983 c.151 §24]

Note: 182.609 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation

182.610 Review of regulation of outfitters and guides. This section subjects the regulation of outfitters and guides by the State Marine Board to automatic review by the Legislative Assembly under ORS 182.605 to 182.635. For purposes of ORS 182.605 to 182.635, the functions of the State Marine Board related to regulation of outfitters and guides constitute an agency. [Derived from 1983 c.655 §11]

Note: 182.610 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

182.615 Legislative review of public need for certain state agencies. The President of the Senate and the Speaker of the House of Representatives acting jointly shall refer review of an agency to an appropriate interim committee. The committee shall review the agency, hold a public hearing and determine whether an agency has demonstrated a public need for its continued existence in accordance with ORS 182.625. The committee shall submit its recommendations or proposed legislation to the President and the Speaker for distribution to the Legislative Assembly so as to allow a thorough review of the recommendations or proposed legislation not later than 18 months before the repeal date of the agency. [1977 c.842 §47]

Note: The amendment to 182.615 by section 3, chapter 685, Oregon Laws 1983, is repealed June 30, 1989. See section 13, chapter 685, Oregon Laws 1983. 182.615 as amended by section 3, chapter 685, Oregon Laws 1983, and section 1,

chapter 27, Oregon Laws 1985, is set forth for the user's convenience.

182.615. (1) The President of the Senate shall appoint three Senators and the Speaker of the House of Representatives shall appoint four Representatives to the Joint Interim Task Force on Sunset Review. Not sooner than 30 months before the repeal or review date of an existing agency, the task force shall review the agency in accordance with ORS 182.605 to 182.635. The task force shall also review any agency that comes into existence after October 15, 1983. The task force shall review each agency, hold public hearings and determine whether the agency has demonstrated a public need for its continued existence in accordance with ORS 182.625. The task force shall submit its recommendations to the President and the Speaker for distribution to the Legislative Assembly so as to allow a thorough review of the recommendations by the Joint Legislative Committee on Sunset Review not later than 12 months before the repeal date of the agency.

(2) The chairperson shall be appointed by the presiding officer, alternating between the bodies. The first chairperson shall be a Senator.

182.625 Evidence and factors to be used to determine public need; hearing. (1) Before submitting its recommendations or proposed legislation to the President of the Senate and the Speaker of the House of Representatives, the interim committee reviewing the agency shall hold a public hearing, receiving testimony from the public and the agency. At the hearing the agency shall have the burden of demonstrating a public need for its continued existence. The agency, before the hearing, shall furnish the committee with:

(a) A statement of why the exercise of its power is necessary to protect the public health, safety or welfare;

(b) A statement of specific and detailed objectives of the agency scheduled for repeal;

(c) A statement of conclusions as to the effectiveness of the agency's program or programs in meeting the stated objectives;

(d) Recommendations with respect to any changes or additional legislative action considered necessary or desirable in carrying out the agency's program or programs; and

(e) A listing of principal models, analyses or studies supporting the conclusions and recommendations provided pursuant to paragraphs (b) and (c) of this subsection.

(2) The interim committee, in determining whether an agency has demonstrated a public need for its continued existence, shall consider the following factors:

(a) Whether the absence of regulation would significantly harm or endanger the public health, safety or welfare;

(b) Whether there is a reasonable relationship between the exercise of the state's official power and the protection of the public health, safety or welfare;

(c) Whether there is another less restrictive method of regulation available which could adequately protect the public;

(d) Whether the regulation has the effect of directly or indirectly increasing the cost of any goods or services involved, and if so, to what degree;

(e) Whether the increase in cost is more harmful to the public than the harm which could result from the absence of regulation;

(f) The extent to which the agency has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, rules, procedures and practices of the agency;

(g) The extent to which the agency has permitted qualified applicants for an occupational or professional license, certificate or registration to serve the public;

(h) The extent to which the agency has recommended statutory changes to the Legislative Assembly to benefit the public;

(i) The extent to which the agency has required the persons it regulates to report to it concerning the impact on the public of rules and decisions of the agency regarding improved service, and economy and availability of service;

(j) The extent to which persons regulated by the agency have been required to assess problems in their industry which affect the public;

(k) The extent to which the agency has encouraged participation by the public in making its rules and decisions;

(L) The efficiency with which formal public complaints filed with the agency concerning persons subject to regulation have been processed to completion by the agency;

(m) The extent to which affirmative action requirements of state and federal statutes and constitutions have been complied with by the agency or the industry it regulates;

(n) The extent to which changes are necessary in the enabling laws of the agency to adequately comply with the factors listed in this subsection; and

(o) The condition of the financial affairs of the agency as indicated by the most recent audit report prepared by the Secretary of State under ORS 297.210. [1977 c.842 §48]

Note: The amendment to 182.625 by section 4, chapter 685, Oregon Laws 1983, is repealed June 30, 1989. See section 13, chapter 685, Oregon Laws 1983. 182.625 as amended is set forth for the user's convenience.

182.625. (1) Before submitting its recommendations to the President of the Senate and the Speaker of the House of Representatives, the Joint Interim Task Force on Sunset Review shall hold public hearings, receiving testimony from the public including persons or organizations proposing or opposing establishment, continuation or reestablishment of the agencies. At the hearing the agency or its proponents shall have the burden of demonstrating a public need for its existence. The agency, or proponents of a proposed agency, before the hearing, shall furnish the task force with.

(a) A statement of how the agency protects or proposes to protect the public health, safety or welfare;

(b) A statement of specific and detailed objectives of the agency or proposed agency;

(c) A statement of conclusions as to the effectiveness of an existing agency's program or programs in meeting the stated objectives;

(d) Recommendations with respect to any changes or additional legislative action considered necessary or desirable to help the agency comply with the criteria established pursuant to subsection (2) of this section, and

(e) A listing of principal models, analyses or studies supporting the conclusions and recommendations provided pursuant to paragraphs (b) and (c) of this subsection.

(2) The task force and joint committee shall apply the following criteria as appropriate but are not limited to the criteria and may adopt others for determining whether an agency should be established, continued or reestablished:

(a) The purpose of regulation shall be the protection of the public health, safety and welfare and not the enhancement of the status of the regulated profession or occupation;

(b) The regulation and licensing of a profession or occupation by the state shall be undertaken only where reasonably necessary to protect the health, safety or welfare of consumers of the services, where those who use the services of the occupation or profession are unable to judge practitioners' qualifications for themselves; and where there is documented evidence of widespread abuses by providers of the service, which abuses would be or have been eliminated or greatly reduced by regulation;

(c) Professional and occupational regulation shall be avoided or eliminated where its benefits to consumers are outweighed by its costs to taxpayers;

(d) Regulation shall not unreasonably restrict entry into professions and occupations. The committee shall give preference to the registration and certification forms of regulation for agencies that meet the requirements of this subsection. Full licensure, prohibiting entry into the occupation or profession to those who are not qualified by experience and examination, shall be the regulation of last resort except for trades or occupations traditionally entered by means of apprenticeship culminating in state licensing; and

(e) Professional and occupational regulation that artificially increases the costs of goods and services to the consumer shall be avoided

(3) A public need must be demonstrated to the task force and joint committee according to applicable criteria established pursuant to subsection (2) of this section before an agency can be established, continued or reestablished.

182.635 Duration of continuation of agency; subsequent review; requirement for separate legislative action to continue any agency. (1) An agency may be continued or reestablished by the Legislative Assembly for a period not to exceed eight years, at the end of which period the agency shall be reviewed again pursuant to ORS 182.605 to 182.635.

(2) No more than one agency shall be continued or reestablished in any Act. [1977 c 842 §49]

Note: The amendment to 182.635 by section 5, chapter 685, Oregon Laws 1983, is repealed June 30, 1989. See section 13, chapter 685, Oregon Laws 1983. 182.635 as amended is set forth for the user's convenience.

182.635. (1) An agency may be established, continued or reestablished by the Legislative Assembly for a period not to exceed eight years, at the end of which period the agency shall be reviewed again pursuant to ORS 182.605 to 182.635.

(2) No more than one agency shall be established, continued or reestablished in any Act

PERMITS

182.815 Issuance of permits by state agencies; rules; time limitations. (1) It is the policy of the State of Oregon that every state agency authorized or required to approve or to issue permits shall accomplish its review and make its decision expeditiously and without undue delay.

(2) Every state agency authorized or required to approve or to issue permits shall adopt rules establishing the timetable to be followed by the agency when issuing permits. Whenever possible, the period of time between receipt of the properly completed application and completion of the agency's review shall not exceed 60 days unless other law specifies a longer period of time.

(3) Whenever any person proposes a project and submits a properly completed application to the appropriate state agency for the necessary permit, the state agency shall promptly acknowledge receipt of the application. If the state agency contemplates it will be unable to complete action to approve or disapprove the application within 60 days of receipt of the application, the state agency shall submit to the applicant a procedural timetable for completion of the agency's review at the time it acknowledges receipt of the application.

(4) As used in this section:

(a) "Permit" means any approval required from a state agency prior to construction or operation of a project.

(b) "Project" means any public or private construction or expansion or addition that requires as a prerequisite to such construction, expansion or addition the approval of a state agency, excluding activities subject to ORS 469.570, 469.590 to 469.621 and 469.930.

(c) "State agency" means "agency" as that term is defined in ORS 183.310. [1982 s.s.1 c.3 §1]