

Chapter 184

1985 REPLACEMENT PART

Executive and Economic Development Departments; Departments of Commerce, Transportation and Human Resources

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ECONOMIC DEVELOPMENT DEPARTMENT

Note: Section 1, chapter 15, Oregon Laws 1982 (first special session), provides:

Sec. 1. Based on study of relevant data, including but not limited to employment, sales of goods and services, financial activity in the private sector and governmental revenues, the Legislative Assembly finds and declares that an economic downturn exists throughout Oregon, that economic recovery is a matter of state-wide concern and that there exists a public need for enhancement of job-producing enterprises in Oregon. All state agencies and local governments are directed to take the existence of this problem into consideration in the exercise of all their duties, functions and powers.

Note: Section 1, chapter 15, Oregon Laws 1982 (first special session), is repealed on July 1, 1989. See section 2, chapter 15, Oregon Laws 1982 (first special session), as amended by section 1, chapter 56, Oregon Laws 1983 and section 1, chapter 535, Oregon Laws 1985.

184.001 Definitions for ORS 184.001 to 184.198. As used in ORS 184.001 to 184.198, unless the context requires otherwise:

(1) "Commission" means the Economic Development Commission.

(2) "Department" means the Economic Development Department.

(3) "Director" means the Director of the Economic Development Department. [Formerly 184.105]

184.003 Policy for economic and community development. (1) The Legislative Assembly recognizes that:

(a) There exists in the state a great and growing need for balanced economic and community development to provide and maintain orderly economic growth and the preservation and enhancement of all facets of Oregon's environment;

(b) Only properly planned and coordinated growth and development can maintain and improve the total environment which strengthens all of our communities in the marketplace, can meet the challenge of creating a positive economic climate and can insure the efficient provision of public and community facilities and services essential to development;

(c) An imbalance presently exists in the degree of economic health among Oregon communities and balanced development opportunities must be made available to bring about the geographical distribution of business and industry necessary to a healthy economy and environment for all Oregonians;

(d) Oregon cannot offer an attractive future to its citizens, unless new jobs are made available; and without new payrolls and the expansion of existing payrolls the state will suffer a loss of its families and young people, a decline of its communities and damage to our quality of life;

(e) Assistance and encouragement of balanced industrial, commercial and community development and of enhanced world trade opportunities are important functions of the state and that the welfare of the state, its people and its institutions depends upon a coordinated program to achieve this development and enhancement on an orderly basis;

(f) The availability of this assistance and encouragement is an important inducement to industrial and commercial enterprises to locate and expand in those portions of the state which will contribute most to the environment and economy of Oregon and that the full cooperation of state, local and federal agencies is necessary to this end; and

(g) Development of new and expanded overseas markets for world trade is an area of great potential for furthering economic growth and can be especially significant in the field of increased processing of Oregon agricultural commodities and manufactured products thereby contributing to economic diversification.

(2) It is the purpose of ORS 184.001 to 184.198 to:

(a) Assist in the maintenance and improvement of the existing economic base of the state;

(b) Diversify the economic base of the state;

(c) Expand international trade;

(d) Assist the economically lagging areas in the state; and

(e) Accomplish the purposes of this subsection in a way that complies with all local, state and federal regulations relating to environmental quality.

(3) In order to accomplish the purposes of ORS 184.001 to 184.198, the department may expend moneys duly budgeted to pay the travel and various other expenses of industrial or commercial site location agents, film or video production location agents, business journal writers, elected state officials or other state personnel whom the director determines may promote the purposes of this subsection. [Formerly 184.120; 1975 c.225 §1; 1979 c.182 §4; 1983 c.217 §1; 1985 c.812 §5]

184.005 [1973 c.691 §§2, 3; 1975 c.225 §2; 1981 c 545 §2; repealed by 1983 c.197 §1 (184.006 enacted in lieu of 184 005)]

184.006 Economic Development Commission; appointment; terms; compensation and expenses; officers. (1) There is established an Economic Development Commission consisting of nine members appointed by the Governor subject to confirmation by the Senate under ORS 171.562 and 171.565. The members shall be appointed with due consideration given to geographical representation, and to representation of the economic interests of Oregon. In addition, the Governor or the designee of the Governor shall be a nonvoting ex officio member of the commission.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) A member of the commission shall be entitled to compensation and expenses as provided in ORS 292.495.

(4) The Governor shall select one of the commission members as chairman and another as vice-chairman, for such terms with duties and powers necessary for the performance of the functions of such offices as the Governor determines.

(5) Five members of the commission constitute a quorum for the transaction of business.

(6) At least once in each calendar quarter, the commission shall meet with the chairman of each committee appointed under ORS 184.030 and with the office of the Governor. [1983 c.197 §2 (enacted in lieu of 184.005); 1985 c.70 §1]

184.008 Duties of commission. The Economic Development Commission shall advise the Governor and the Director of the Economic Development Department on matters pertaining to the economic development of Oregon, including but not limited to:

(1) Identification of opportunities for economic development.

(2) Identification of barriers to economic development.

(3) Appropriate policies for promoting economic development.

(4) Specific proposals and recommendations with respect to action promoting economic development.

(5) Means of improving liaison with economic development efforts of communities within Oregon. [1983 c.197 §4]

184.010 State development policy and program; department duties. (1) The Economic Development Department, considering advice of the Economic Development Commission, shall establish a comprehensive policy for balanced economic and community development, including the enhancement of world trade opportunities, of the State of Oregon and shall:

(a) Identify major constraints upon and opportunities for economic development;

(b) For the major constraints and opportunities identified, create a program proposing the roles for public and private entities throughout this state to best take advantage of those major opportunities and overcome those major constraints and which will give particular recognition to the needs, problems and resources of the rural, economically lagging or underdeveloped areas of the state;

(c) Encourage public and private entities to voluntarily participate in that program; and

(d) Implement the state-level functions required by that program.

(2) In establishing this policy and creating this program and directing its implementation, the department shall:

(a) Consult and advise with, and bring together and review pertinent data, plans and programs and budgetary proposals of, state agencies, municipalities and other public bodies, as pertinent to this comprehensive policy and program and their implementation.

(b) Provide a center of coordination and a clearinghouse for research, planning, programming, basic data, public information, and reports regarding balanced economic and community development, and for stimulation and guidance in pursuit of the planning and programming processes and the implementation.

(c) Conduct conservation and development research, and coordinate research by state agencies, municipalities and other public bodies in the field of balanced economic and community development, using when feasible the resources and potentials of the state institutions of higher learning and other state agencies and encouraging the cooperation of other research and developmental organizations.

(d) 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.

(e) 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.

(f) Consult and advise with and assist each interested party within the state in utilizing existing foreign markets and identifying new avenues of international trade for Oregon products.

(g) Recommend biennially to the Legislative Assembly and annually to the appropriate committees of the Legislative Assembly, corrective legislation needed to overcome the major constraints upon economic development including, but not limited to, conflicting regulatory programs of state agencies. [Formerly 184 150, 1969 c.80 §13; 1973 c.691 §4, 1975 c.225 §3; 1979 c.182 §5; 1983 c.197 §6]

184.015 Directory of Oregon Manufacturers; other publications; Economic Development Publication Account. (1) The Economic Development Department may cause to be published a Directory of Oregon Manufacturers and such other publications relating to the economic development of the state. The cost of such publications shall be fully recovered through the sales thereof.

(2) All revenues derived from the sale of publications of the department shall be deposited in the Economic Development Publication Account, which is hereby established as an account in the General Fund.

(3) The moneys credited to the Economic Development Publication Account under subsection (2) of this section, shall be continuously appropriated exclusively to pay for publication costs of the Economic Development Department. [1973 c.691 §22; 1983 c.197 §7]

184.020 [1967 c.397 §14; 1973 c.691 §5; 1975 c.225 §4; repealed by 1975 c.605 §33]

184.025 Prerequisites for certain commission actions. Prior to the approval of bond financing of economic development projects under ORS 280.310 to 280.397, the making of a loan under ORS 777.850 to 777.910 or the making of any loan or the granting of any moneys from any source except for those allocated under chapter 777, Oregon Laws 1985, the Economic Development Commission shall:

(1) Determine that the action is cost effective, considering both major public expenses and major public benefits;

(2) Find that the project will produce goods or services which are sold in markets for which national or international competition exists or, if the project is to be constructed and operated by a nonprofit organization, that the project will not compete with local for-profit businesses;

(3) Determine that the action is the best use of the moneys involved, considering other pending applications for those moneys;

(4) Find that the project involved is consistent with the department's comprehensive policy and programs;

(5) Find that the project involved is consistent with all applicable adopted local economic development plans; and

(6) Provide for public notice of, and public comment on, the action. [1979 c.182 §3; 1983 c.197 §8; 1985 c.806 §14]

184.030 Advisory and technical committees. (1) To aid and advise the Economic Development Commission in the performance of its duties, the commission may establish, with the approval of the Governor, such advisory and technical committees as it considers necessary. Such committees may be continuing or temporary. The chairman of the commission shall determine the representation, membership, terms and organization of the committees and, with the approval of the Governor, shall appoint their members. The Director of the Economic Development Department, or designee, shall be an ex officio member of each committee.

(2) Members of the committees appointed pursuant to this section shall receive no compensation, but 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, 1973 c.691 §6; 1983 c.197 §5; 1985 c.70 §2]

Note: Chapter 815, Oregon Laws 1985, provides:

Sec. 1. (1) A task force shall be created for the purpose of studying options for promoting Oregon's wine industry and encouraging reciprocal agreements, allowing the interstate transfer of wine, with other states.

(2) The task force shall be a task force of the Economic Development Department which shall provide staff and expenses.

(3) The task force shall consist of eight persons. One person shall represent the Economic Development Department. Two persons shall represent the Wine Advisory Board, one person shall represent an Oregon based organization engaged in mail order involving interstate shipment of goods and one person shall be a representative of the wholesale wine industry. Two persons shall be legislators and one person shall represent the Oregon Liquor Control Commission.

(4) Members of the task force shall be appointed by the Director of the Economic Development Department not later than 30 days after the effective date of this Act [July 15, 1985]. Vacancies shall be filled by the appointing authority.

Sec. 2. The task force shall study and make recommendations to the Sixty-fourth Legislative Assembly on the following:

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(1) The effect of laws prohibiting the shipment of wine via common carriers into Oregon.

(2) The possibility of entering into reciprocal agreements with other states to allow interstate shipment of wine to individuals via common carrier.

(3) Applicable federal regulations.

Sec. 3. The Economic Development Department may accept gifts and grants from private sources to fund the work of the task force created under section 1 of this Act. The proceeds of gifts and grants may be used for the purposes given and are continuously appropriated therefor.

184.040 Acceptance and use of federal aid and other money and property. (1) The Economic Development Department 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 planning and development in this state as authorized by ORS 184.001 to 184.198. The department 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 department may take by gift, devise or bequest or in any other lawful manner, money or property for planning and development as authorized by ORS 184.001 to 184.198.

(3) The department shall deposit money received pursuant to this section in a special account in the General Fund with the State Treasurer as provided in ORS 293.265 to 293.275. The money shall be expended by the department for the purposes for which it is received. [Formerly 184.195; 1973 c.691 §7, 1983 c.197 §9]

184.050 Federal Planning Revolving Account. (1) There is continued in the General Fund of the State Treasury a revolving account known as the Federal Planning Revolving Account. All moneys in the Federal Planning Revolving Account are appropriated continuously and, pending receipt by the State Treasurer of federal funds for the payment of federally financed planning projects administered by the Economic Development Department, shall be used by the department to pay the cost of completing such planning projects.

(2) Upon notice that such federal funds have been received by the State Treasurer, the director shall prepare a claim against such funds for the amount advanced from the Federal Planning Revolving Account for the purposes of this section, and the Executive Department shall issue a warrant in payment of such claim, for credit to and reimbursement of the Federal Planning Revolving Account. [Formerly 184.220; 1973 c.691 §8; 1983 c.197 §10]

184.105 [1963 c.580 §17; 1967 c.397 §2; 1969 c.80 §14; 1971 c.57 §2, 1973 c.691 §10; renumbered 184.001]

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

184.120 [1957 c.624 §1; 1967 c.397 §3; 1969 c.80 §15; 1973 c.691 §1; renumbered 184.003]

184.125 Economic Development Department; authority. (1) The Economic Development Department is created. Pursuant to advice of the Economic Development Commission, the department shall formulate and recommend to the Governor, for approval and subsequent implementation by the department, a program of economic development for the state. Through research, promotion and coordination of activities in the state, the department shall foster the most desirable growth and geographical distribution of agriculture, industry and commerce in the state. The department shall serve as a central coordinating agency and clearinghouse for activities and information concerning the resources and economy of the state.

(2) The department shall have no regulatory power over the activities of private persons. Its functions shall be solely advisory, coordinative and promotional.

(3) With the approval of the Governor, the department may adopt rules necessary for the administration of laws that the department is charged with administering. [1963 c.580 §18, 1967 c.397 §4, 1969 c.80 §16; 1971 c.57 §3; 1973 c.691 §11; 1979 c.182 §6; 1983 c.197 §11; 1985 c.70 §5]

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

184.135 Director; confirmation; deputy director. (1) The Economic Development Department shall be under the supervision and control of a director appointed by the Governor, subject to confirmation by the Senate under ORS 171.562 and 171.565. The Economic Development Commission may submit a list of not fewer than three names to the Governor of individuals whom the commission considers suitable for appointment as director. The list shall be submitted not earlier than the 30th day prior to the expiration of the term of the director, nor later than the 30th day after a vacancy for any cause other than expiration of the director's term. In making the appointment, the Governor shall give consideration to the list submitted by the commission. The director shall hold office at the pleasure of the Governor and shall be responsible for the performance of the functions of the department.

(2) The director may appoint a deputy director who serves at the pleasure of the director. The deputy director shall be in the unclassified service

and shall receive such salary as may be set by the director, unless otherwise provided by law. [1963 c.580 §19; 1969 c.80 §17; 1971 c.57 §4; 1973 c.691 §12; 1977 c.700 §5; 1983 c.197 §12; 1985 c.70 §4]

184.137 Authority of director. The Director of the Economic Development Department may:

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

(2) Appoint all subordinate officers and employes of the department, prescribe their duties and fix their compensation, subject to applicable provisions of the State Personnel Relations Law. Subject to any other applicable law regulating travel expenses, the officers and employes of the department 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; 1973 c.691 §13; 1983 c.197 §13]

Note: Chapter 777, Oregon Laws 1985, provides:

Sec. 1. The Legislative Assembly declares that the purpose of this Act is to:

(1) Create an industrial marketing program that will provide accurate information on the advantages and opportunities for conducting business in the state.

(2) Reaffirm the commitment of the executive and legislative branches of government to foster a positive climate for business to expand or locate in the state.

(3) Adequately research the most effective methods for Oregon to improve its business attraction and retention strategies.

(4) Create additional jobs for Oregonians by increasing the number of firms which choose to locate or expand in the state.

(5) Enhance cooperation between state and local economic development efforts.

(6) Provide greater opportunities for economically lagging areas of the state, particularly in nonmetropolitan regions, to benefit from the state's industrial attraction efforts.

(7) Promote the sale of Oregon products and services in national and international markets.

Sec. 2. The Director of the Economic Development Department shall prepare and update an industrial marketing plan which shall contain all of the following:

(1) Identification of the industries, industry segments, geographic regions or other groups and factors to be targeted by the marketing program.

(2) A listing of the themes or advertising messages to be presented to the target audiences.

(3) Identification of the means to be used to communicate information to the target groups.

(4) Summary of the market research upon which the development of the marketing plan was based.

(5) Methods to be used to test the effectiveness of the program.

(6) An expenditure and implementation plan which specifies the costs and timetable for carrying out the proposed marketing program.

Sec. 3. (1) The Director of the Economic Development Department shall prepare and submit a biennial report, including recommendations for legislative action, as appropriate, to the Legislative Assembly on the industrial marketing program. The first report shall be submitted on September 1, 1986, and every second year thereafter on that date. The first report shall contain all of the following:

(a) The types of information and data to be available and used by the Economic Development Department in responding to corporations inquiring about available industrial properties in Oregon.

(b) The methods which the department will use to collect, update and disseminate that information and data.

(c) The methods that the department will use to insure that all regions of the state, particularly economically lagging and nonmetropolitan areas, have reasonable access to referrals of corporate inquiries for which those regions may be well suited.

(2) Subsequent reports shall contain all of the following:

(a) The updated industrial marketing and inquiry response plans.

(b) Information on the impact of the marketing program on:

(A) Corporate inquiries.

(B) Plant locations and expansions, including data on their geographic distribution by county and resulting direct employment.

(C) State and local tax receipts.

(D) Other factors as determined by the director.

(c) A record of the geographic distribution of inquiry referrals the department makes to local entities

Sec. 4. The Oregon Promotion and Marketing Fund is established separate and distinct from the General Fund of the State Treasury. The fund shall consist of all moneys credited thereto, including money from the Executive Department Economic Development Fund.

Sec. 4a. Notwithstanding any other law, the amount of \$3,375,000 is established for the biennium beginning July 1, 1985, as the maximum limit for payment of expenses by the Economic Development Commission from the Oregon Promotion and Marketing Fund.

Sec. 5. (1) The Oregon Promotion and Marketing Fund shall be administered by the Economic Development Commission for the purpose of financing promotion and marketing projects that:

(a) Encourage new businesses to locate in Oregon.

(b) Promote Oregon as a destination for tourists.

(c) Promote the sale of Oregon agricultural, fishery, forest and manufactured products to persons in other states.

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(2) In allocating moneys from the Oregon Promotion and Marketing Fund, the Economic Development Commission shall consider such criteria and facts as are necessary to evaluate the economic benefits of applications, which shall include, but are not limited to, the following criteria:

(a) Support projects that will increase the number of family wage jobs in this state.

(b) Promote economic recovery in small cities heavily dependent on a single industry.

(c) Emphasize development in underdeveloped rural areas of this state.

(d) Utilize the educational resources available at institutions of higher education.

(e) Support the development of the state's small businesses, especially businesses owned by women and members of minority groups

(f) Encourage the use of Oregon's human and natural resources in endeavors which harness Oregon's economic comparative advantages.

(g) Limit assistance to projects that assist businesses selling goods and services in markets for which national or international competition exists.

Sec. 6. (1) Expenditures from the Oregon Promotion and Marketing Fund may be made to finance any promotion and marketing project described in section 5 of this Act if:

(a) The Economic Development Commission has reviewed and adopted a marketing plan containing all the information listed in subsections (1) to (6) of section 2 of this Act for the product, service or activity for which the project is undertaken;

(b) In making grants under this section, the commission seeks to assure that applicants have attempted to provide the maximum feasible amount of private financial contributions to match expenditures from the Oregon Promotion and Marketing Fund; and

(c) The expenditure of moneys from the Oregon Promotion and Marketing Fund is approved by the Emergency Board.

(2) The commission shall provide that for any project receiving moneys from this fund there shall be prepared:

(a) A full accounting of funds expended for the project; and

(b) An estimate of the economic development and job creation benefits of the project.

Sec. 7. The Economic Development Commission shall achieve the purposes of sections 4 to 8 of this Act by investigating the potential for economic development through marketing Oregon investment opportunities, tourist attractions, products and services, which shall include, at a minimum:

(1) Funding for feasibility studies of projects which would make a significant contribution to the economic development of the state

(2) Construction of facilities for the exposition of Oregon products, services, resources and investment opportunities, including exhibit, meeting and office space.

(3) Marketing activities to increase foreign consumption of Oregon products including agricultural products and processed forest products.

(4) Support for and promotion of convention, trade, spectator or other special events, fairs, festivals and attractions in Oregon which offer opportunities to diversify the state's attractiveness to tourists.

(5) Cooperative marketing, advertising and retail sales promotions designed to encourage the consumption of Oregon products in domestic markets outside the state.

(6) Attendance by and representation for the state at world's fairs and exhibitions with demonstrated potential to improve the state's image to identified important audiences.

(7) Promotion of Oregon products for sale within the State of Oregon.

Sec. 8. Prior to the approval of any proposed project under this Act, the Economic Development Commission shall determine that the project supports the promotion and marketing of Oregon products and services, making such findings as appropriate to each project, which shall include, but not be limited to the following:

(1) Determine that the project is cost effective and that the project results in significant returns to Oregon;

(2) Find that the project has a state-wide impact or benefits economically distressed areas or industries of the state;

(3) Find that the project will result in on-going, long term benefits to the state;

(4) Find that the project will implement an innovative idea or build on existing and tested programs;

(5) Determine that the project does not duplicate similar efforts underway and available elsewhere or supplant private investment;

(6) Find that the project will not require continuing subsidies; and

(7) Consider the advice of the commission's advisory committees and the Oregon Tourism Council.

Sec. 9. This Act is repealed on July 1, 1987

184.140 [1957 c.624 §4, 1969 c.80 §19; 1971 c.57 §6; repealed by 1973 c.691 §21]

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

184.160 Duties of department; field representatives. The Economic Development Department shall:

(1) Implement programs of the department as advised by the commission and as directed by the Governor.

(2) Provide field representatives in the various geographical regions of the state. The field representatives shall be in the unclassified service and shall receive such salary as may be set by the director, unless otherwise provided by law. The field representatives shall:

(a) Work with local units of government and the private sector to encourage and to assist them

as they establish and carry out economic development plans and programs under ORS 280.500;

(b) Promote local awareness of department policy and department programs and services and of assistance and economic incentives available from government at all levels; and

(c) Deliver to local units of government and the private sector the assistance and services available from the department, including publications, research and technical and financial assistance programs.

(3) Process requests received by state agencies and interested parties for information pertaining to industrial and commercial locations and relocations throughout the state.

(4) Consult and advise with, coordinate activities of, and give technical assistance and encouragement 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.

(5) 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.

(6) Coordinate state and federal economic development programs.

(7) Consult and advise with, coordinate activities of, and give technical assistance and encouragement to all parties including, but not limited to, port districts within the state working in the field of international trade or interested in promoting their own trading activity.

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

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

(10) Aid local communities in planning for and obtaining new business to locate therein and provide assistance in local applications for federal development grants.

(11) Work actively to recruit domestic and international business firms to the state whose location will assist in carrying out the provisions of ORS 184.003. [1957 c.624 §6; 1969 c.80 §20; 1973 c.691 §14; 1979 c.182 §7; 1981 c.316 §1; 1983 c.197 §14; 1985 c.70 §3]

184.165 Designation of department as agency to obtain financial assistance

involving federal port programs. For purposes of the Merchant Marine Act (46 U.S.C. 861 et seq.), the Economic Development Department shall be the state agency to apply to the Secretary of Commerce for financial assistance to assist ports in achieving compliance with federal law or regulations relating to environmental protection, public health and safety, or port or cargo security. [1975 c.288 §2]

184.170 [1957 c.624 §7; 1969 c.80 §21, 1971 c.57 §7, 1973 c.691 §15; repealed by 1979 c.182 §12]

184.180 [1957 c.624 §8; 1969 c.80 §22, 1973 c.691 §16; repealed by 1979 c.182 §12]

184.190 [1957 c.624 §9; 1967 c.397 §5; 1969 c.80 §23; 1971 c.57 §8; 1973 c.691 §17; repealed by 1979 c.182 §12]

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

184.196 [1967 c.397 §8; 1969 c.80 §24; repealed by 1973 c.691 §21]

184.198 Federal Economic Development Research Account. (1) There is created in the General Fund of the State Treasury a revolving account known as the Federal Economic Development Research Account. All moneys in such account 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 Economic Development Department, shall be used by the department to pay the costs of completing such research projects.

(2) Upon notice that such federal funds have been received by the State Treasurer, the director shall prepare a claim against such funds for the amount advanced from the Federal Economic Development Research Account for the purposes of this section, and the Executive Department shall issue a warrant in payment of such claim, for credit to and reimbursement of such account. [1967 c.397 §9; 1973 c.691 §9; 1975 c.371 §6; 1983 c.197 §15]

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

184.210 [1959 c.660 §17; 1969 c.80 §26, 1973 c.691 §18; repealed 1981 c.68 §1]

184.215 Financial Programs Account. There is created a cash account within the General Fund known as the Financial Programs Account. Revenues shall be derived from fees for service related to administration of the financial programs. Moneys in this account are continuously appropriated to provide for the administrative expenses of the Financial Programs Division of the Economic Development Department. [1981 c.653 §7]

184.225 STATE EXECUTIVE DEPARTMENT AND ORGANIZATION

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

184.225 Economic Stabilization and Conversion Fund. (1) The Economic Stabilization and Conversion Fund is created separate and distinct from the General Fund. The fund shall be administered by the Economic Development Commission. The fund may be credited with contributions of moneys from public and private sources and with payments on loans made from the fund. Interest earned by the fund shall be credited to the fund.

(2) The commission shall prepare a request for proposals to solicit the participation of qualified nonprofit corporations to implement the provisions of ORS 184.225 to 184.235.

(3) The commission at any time may receive a grant proposal that is not based on a request.

(4) The commission may make a grant from the Economic Stabilization and Conversion Fund to a qualified nonprofit corporation whose articles of incorporation and bylaws authorize it to accomplish the purposes set forth in this section. The commission shall not approve any grant unless the qualified nonprofit corporation provides commitments of private financial contributions to the corporation that will at least equal the amount of grant funds to be provided by the commission.

(5) The commission shall negotiate the grant restrictions requiring the recipient corporation to carry out the purposes of this section. The grant shall be repayable upon dissolution of the corporation.

(6) Final distribution of the grant shall be subject to the approval of the appropriate legislative review agency.

(7) In addition to the grants authorized by this section, the commission may expend moneys from the Economic Stabilization and Conversion Fund, not to exceed 15 percent of moneys allocated to the fund, for the purposes of conducting feasibility studies of closed mills and other industrial facilities. [1985 c.778 §1]

184.230 Eligibility for grants from fund. In order to receive the grant specified in ORS 184.225, the corporation must be an Oregon corporation. The corporation's bylaws organized under ORS chapter 61 must include all of the following:

(1) A statement that the purpose of the corporation is to provide for financing of feasibility studies and partial financing of buy-outs of closed mills and other industrial facilities.

(2) A requirement that the corporate board of directors have substantial experience in business and industry and that the board be broadly representative of a cross section of Oregon's population and that it include persons with backgrounds in business, finance and labor.

(3) A requirement for an annual audit by a disinterested third party with publication of a final audit report.

(4) A provision prohibiting members of the board of directors from being currently active in firms that are eligible to receive financing through the corporation and a provision prohibiting self-dealing by the directors.

(5) A provision prohibiting directors from receiving any compensation, other than for reimbursement of actual and necessary expenses.

(6) A requirement that all meetings of the board be held in Oregon.

(7) Authority for the board to hire a staff and make contracts.

(8) A provision precluding the board from expending more than five percent of the current asset value of the fund and its investments for staff services in any one year.

(9) A provision directing the board to give priority to Oregon's depressed areas, and its traditional farming, forestry and fisheries industries in its allocation of funds for feasibility studies and investments.

(10) A provision directing the board to give special preference to financing community and worker owned enterprises interested in purchasing closed down manufacturing facilities.

(11) The authority for the board to use any form of financing it deems appropriate and reasonable, including loans, equity, stock purchases and royalty agreements.

(12) A directive to the board to exercise whatever degree of management supervision and control it feels is required to assure the long-term success of the enterprises it finances.

(13) A provision prohibiting financing more than 50 percent of any buy-out of an industrial facility.

(14) A directive to seek returns for the fund that are commensurate with the risks that it undertakes in the investment. [1985 c.778 §2]

184.235 Rules. In accordance with any applicable provisions of ORS 183.310 to 183.550, the Economic Development Commission may adopt such rules as it considers necessary to carry out the duties, functions and powers under ORS 184.225 to 184.235. [1985 c.778 §4]

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

COMMISSION ON FUTURES RESEARCH

Note: Chapter 317, Oregon Laws 1983, is set forth for the user's convenience:

Sec. 1. As used in this Act "commission" means the Commission on Futures Research.

Sec. 2. It is the purpose of this Act to strengthen and improve long-term economic planning and identify long-term goals and policy options for the State of Oregon.

Sec. 3. (1) There is established a Commission on Futures Research consisting of 15 members and one ex officio member

(2) The Governor shall appoint nine members who shall be citizens of this state who have demonstrated an interest in futures research and long-range planning and are well informed on one or more policy issues involving education, energy, public funding and taxation, human resources, infrastructure, land use planning and transportation. A member of the Governor's staff shall serve ex officio as a member of the commission.

(3) The President of the Senate shall appoint three Senators as members, including one from Joint Committee on Ways and Means.

(4) The Speaker of the House of Representatives shall appoint three Representatives as members, including one from Joint Committee on Ways and Means.

(5) Each member shall serve for a period of two years and shall be eligible for reappointment. The appointing authority shall fill vacancies that occur for any cause in the course of a member's term

Sec. 4. (1) The Commission on Futures Research shall study long-term economic development with focus on developing an integrated state policy, including long-term planning to forecast and influence what is required to produce a vigorous economy in the first decade of the twenty-first century, including but not limited to education, energy, public funding and taxation, human resources, infrastructure, land use planning, transportation and other needs of and goals for the state.

(2) The commission shall report to the Legislative Assembly and to the Governor the conclusions it draws from its studies and its recommendations for political and structural changes which, in its judgment will enable the State of Oregon to enter the twenty-first century equipped with the awareness and the resources the state needs. In addition to its substantive reports, the commission shall report annually its receipts and disbursements and a summary of its activities in the preceding year. The report shall include any recommendations requiring legislative action in the form of proposed legislation.

Sec. 5. (1) The Commission on Futures Research shall select one of its members as chairperson and another as vice-chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the commission determines.

(2) The chairperson shall be the chief executive officer of the commission, shall be responsible for the expenditure of all funds and shall sign and approve all vouchers and agreements into which the commission may enter.

(3) A majority of the members of the commission constitutes a quorum for the transaction of business.

Sec. 6. The Commission on Futures Research shall meet at least once every three months at a place, day and hour determined by the commission. The commission also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the commission.

Sec. 7. (1) The Commission on Futures Research may receive funds as grants and gifts to assist and support its activities.

(2) The commission may employ and fix the salary of an executive director, secretarial assistance and such expert and technical consulting services as may be necessary to carry out its functions within the limits of the funds which become available to it.

(3) Members of the commission shall receive no compensation for service as members. All members shall be entitled to reasonable and actual travel and other expenses incurred in the performance of their official duties subject to ORS 292.495.

(4) The commission shall have available to it the assistance of the office of the Executive Department to provide reasonable support services, subject to the approval of the director of the department. The commission may also have available to it the advice and assistance of the Legislative Fiscal Officer and Legislative Counsel office of the state government.

Sec. 8. The Governor shall call the first meeting of the Commission on Futures Research on or before January 1, 1984.

Sec. 9. All moneys collected or received by the Commission on Futures Research pursuant to this Act shall be paid into the General Fund of the State Treasury and such moneys are appropriated continuously for and shall be used by the commission in carrying out the purposes for which the funds were received.

Sec. 10. Unless renewed by the Legislative Assembly, the Commission on Futures Research shall terminate its activities and cease to exist on July 1, 1989.

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 401.010 to 401.660 and 401.990;

(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 Management 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; confirmation; 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 the Governor deems advisable, but shall receive no increased compensation for doing so.

(2) Subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565, the Governor shall appoint the director, who shall hold 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 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; 1973 c 792 §4]

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 the director 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 Personnel Relations Law, and be well qualified by technical training and experience in the functions the appointee is to perform. [Formerly 291 005; 1979 c.468 §27]

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 Personnel Relations Law, and have full authority to act for the director, subject to the control of the director. The appointment of the deputy director shall be by written order, filed with the Secretary of State.

(2) Except as provided in ORS 184.325 and subsection (1) of this section, the director, subject to applicable provisions of the State Personnel Relations 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 [1969 c 597 §5; repealed by 1983 c.740 §45]

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; 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

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) Financial Institutions Division.
- (b) Corporation Division.
- (c) Insurance Division.
- (d) Real Estate Division.
- (e) Housing Division.
- (f) Fire Marshal Division.
- (g) Building Codes 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.753 §3; 1975 c.429 §1; 1981 c.320 §1; 1985 c.762 §1]

184.530 Director of Commerce; confirmation. (1) The Department of Commerce shall be under the supervision of a Director of Commerce who shall be appointed by and shall hold 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 171.562 and 171.565. [1963 c.580 §3; 1969 c.695 §3; 1985 c.565 §21]

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 in carrying out the duties and responsibilities imposed upon the director. The director may prescribe the duties and fix the compensation of such officers and employes, subject to the applicable provisions of the State Personnel Relations Law. [1963 c.580 §5; 1965 c.597 §5]

184.545 Director as ex officio member of certain boards. The Director of Commerce, or a 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 the director 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 salary, the director shall, subject to the limitations otherwise provided by law, be reimbursed for all reasonable expenses necessarily incurred by the director in the performance of official duties. Before entering upon the duties of 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]

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

(2) The director is authorized to expend the moneys in the Central Purchasing Revolving Fund to purchase supplies and materials for resale to the boards, divisions and programs of the department. A handling charge may be added to the cost of the supplies and materials to provide a method of repayment of funds advanced under the provisions of subsection (3) of this section.

(3) To facilitate financing the costs incurred in establishing a supply inventory, the department is authorized to transfer funds from the various boards, divisions and programs of the Department of Commerce to the Central Purchasing Revolving Fund. The amounts transferred shall not exceed \$50,000 in the aggregate. The amounts transferred shall be retransferred from the Central Purchasing Revolving Fund to the account or appropriation from which the original transfer was made when the director determines that sufficient funds are available to accomplish the purpose of the original transfers. The department accounting records shall reflect status of the transfers at all times.

(4) Section 2, chapter 383, Oregon Laws 1985, does not limit, affect or apply to this section. [1985 c.383 §7]

Note: 184.565 was added to and made a part of ORS 184.510 to 184.570 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

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 the director.

(2) The Department of Commerce shall be subject to the allotment system provided for in ORS 291.234 to 291.260. [1963 c.580 §7, 1965 c.597 §6]

184.575 [1971 c.753 §1; renumbered 670.275]

184.577 Petty cash fund. (1) When requested in writing by the Director of Commerce, the Executive Department shall draw a warrant on the Commerce Administration Account in favor of the Department of Commerce for use as a petty cash fund, subject to the provisions of ORS 293.180. Warrants drawn to establish or increase the petty cash fund, rather than to reimburse it, may not exceed the aggregate sum of \$10,000. The State Treasurer shall hold the petty cash fund in a special account against which the Department of Commerce may draw checks.

(2) The Department of Commerce for the benefit of any division thereof may use the petty cash fund for any purpose where it is necessary or desirable to make immediate payment.

(3) All claims for reimbursement of advances paid from the petty cash fund are subject to approval by the Director of Commerce. When such claims have been approved, a warrant covering them shall be drawn in favor of the Department of Commerce charged against the appropriate division's funds and accounts, and used to reimburse the petty cash fund.

(4) For the purpose of establishing the Special Purpose Revolving Fund described in subsection (1) of this section, the department is authorized to transfer funds from the various boards, divisions and programs of the Department of Commerce to the Commerce Administration Account. The amounts transferred shall be retransferred from the Commerce Administration Account to the account from which the original transfer was made when the director determines that sufficient funds are available to accomplish the purpose of the original transfers. [1985 c.383 §9]

184.580 [1971 c.753 §6; 1973 c.387 §26; repealed by 1975 c.429 §2]

184.590 [1971 c.753 §4; repealed 1981 c.320 §5]

184.595 [1971 c.753 §5; 1973 c.832 §1; repealed 1981 c.320 §5]

DEPARTMENT OF TRANSPORTATION (Generally)

184.610 Definitions for ORS 184.610 to 184.647. As used in ORS 184.610 to 184.647, unless the context requires otherwise:

(1) "Commission" means the Oregon Transportation Commission.

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

(3) "Director" means the Director of Transportation. [1969 c.599 §1; 1973 c.249 §1]

184.612 Oregon Transportation Commission; confirmation; qualifications; term; compensation and expenses. (1) There is established the Oregon Transportation Commission consisting of five members appointed by the Governor, subject to confirmation by the Senate pursuant to section 4, Article III, Oregon Constitution. The Governor shall appoint members of the commission in compliance with all of the following:

(a) Members shall be appointed with consideration of the different geographic regions of the state with one member being a resident of the area east of the Cascade Range.

(b) Not more than three members shall belong to one political party. Party affiliation shall be determined by the appropriate entry on official election registration cards.

(2) The term of office of each member is four years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. In case of a vacancy for any cause, the Governor shall appoint a person to fill the office for the unexpired term.

(3) A member of the commission is entitled to compensation and expenses as provided by ORS 292.495. [1973 c.249 §3, 1981 c.545 §3, 1983 c.428 §1]

184.613 Officers; quorum; meetings; effect of vacancy; seal. (1) The Governor shall appoint one of the commissioners as chairman, and another as vice-chairman. The chairman and vice chairman shall have such terms, duties and powers as the commission determines are necessary for the performance of such offices.

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

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

(4) No vacancy shall impair the right of the remaining commissioners to exercise all the powers of the commission, except that three members of the commission must agree in the selection, vacation or abandonment of state highways, and in case the commissioners are unable to agree the Governor shall have the right to vote as a member of the commission.

(5) The commission may provide an official seal. [1973 c.249 §§4, 9; 1979 c.293 §1]

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

(2) The Department of Transportation shall consist of the director, deputy directors and assistant directors of the department and all personnel employed in the department. The department shall consist of the following administrative divisions:

(a) Aeronautics Division.

(b) Highway Division.

(c) Motor Vehicles Division.

(d) Public Transit Division.

(e) Parks and Recreation Division.

(3) Each division shall be under the supervision and control of a chief administrative officer appointed by the director with the approval of the commission. A division administrator shall be in the unclassified service for purposes of the State Personnel Relations Law. A division administrator, with the approval of the director, may organize and reorganize the division to improve the administration of the work of the division. [1969 c.599 §2; 1973 c.249 §15; 1975 c.371 §5; 1979 c.186 §4; subsection (4) enacted as 1981 c.700 §2; 1983 c.324 §13]

184.616 Department powers given commission; service of summons. (1) Notwithstanding any other provisions of law, the Oregon Transportation Commission has the power to adopt any rules, establish any policy or exercise any other duty, function or power where a statute gives such power to the Department of Transportation.

(2) Where service of summons or other process is required by statute to be served on the Director of the Department of Transportation, the Department of Transportation or the Oregon Transportation Commission, such service shall be made upon the office of the director. [1979 c.186 §§2, 3]

184.617 Functions of commission and department. (1) It is the function of the commission to establish the policies for the operation of the department in a manner consistent with the policies and purposes of ORS 184.610 to 184.647. In addition, the commission shall perform any other duty vested in it by law.

(2) The commission shall keep complete and accurate records of all the meetings, transactions and business of the commission at the office of the department.

(3) The commission shall have general power to coordinate and administer programs relating to aeronautics, highways, motor vehicles, parks and recreation areas, public transit and such other programs related to transportation as may be assigned by law to the department.

(4) The department shall be the recipient of all federal funds paid to or to be paid to the state to enable the state to provide the programs and services assigned to the department. [1973 c.249 §10; 1979 c.186 §5]

184.618 Duties of commission and divisions in preparing and implementing state transportation policy. (1) As its primary duty, the Oregon Transportation Commission shall develop and maintain a state transportation policy and a comprehensive, long-range plan for a multimodal transportation system for the state which encompasses economic efficiency, orderly economic development, safety and environmental quality. The plan shall include, but not be limited to, aviation, highways, mass transit, pipelines, ports, rails and waterways. The plan shall be used by all agencies and officers to guide and coordinate transportation activities and to insure transportation planning utilizes the potential of all existing and developing modes of transportation.

(2) Each division shall prepare plans to carry out its responsibility and collect, summarize and analyze information concerning the condition and usage of the service provided. Each division shall compile such information in a form suitable for use by the director in the planning activities of the department.

(3) As the plan is developed by the commission, the director shall prepare and submit to the commission for approval, implementation programs. Work approved by the commission to carry out the plan shall be assigned to the appropriate division for design, construction, maintenance and operation of the facility.

(4) The director and members of the commission shall give economic development and the provisions of industrial site services priority in fund allocation decisions. [1973 c.249 §12, 1983 c.362 §1, 1983 c.553 §1]

184.619 Rulemaking authority; orders.

In accordance with the applicable provisions of ORS 183.310 to 183.550, the commission shall adopt such rules and orders as it considers necessary and proper in performing the functions vested by law in the commission. [1973 c.249 §11; 1981 c 418 §1]

184.620 Director of Transportation; confirmation; subordinates. (1) The depart-

ment shall be under the supervision of a Director of Transportation who shall be appointed by and shall hold office at the pleasure of the commission.

(2) The appointment of the director shall be subject to confirmation by the Senate in the manner provided by ORS 171.562 and 171.565.

(3) The director may appoint:

(a) Deputy directors with full authority to act for the director, but subject to the director's control. The appointment of a deputy director shall be by written order filed with the Secretary of State. A deputy director shall be in the unclassified services for purposes of the State Personnel Relations Law.

(b) Assistant directors as the director determines necessary to carry out the responsibilities of the department. The director may delegate to and assign to an assistant director any powers and responsibilities the director determines to be necessary. Assistant directors are in the unclassified services for purposes of the State Personnel Relations Law.

(c) All subordinate officers and employees of the department and may prescribe their duties, assignments and reassignments and fix their compensation, subject to any applicable provisions of the State Personnel Relations Law. [1969 c.599 §3; 1969 c 599 §3a; 1973 c.249 §16; 1979 c.186 §6]

184.625 Compensation and expenses of director and subordinates. The director and any deputy directors shall receive such salary as may be provided by law or as fixed by the commission. In addition to salaries, the director, deputy directors or assistant directors, subject to the limitations otherwise provided by law, shall be reimbursed for all reasonable expenses necessarily incurred in the performance of official duties. [1969 c.599 §4; 1973 c.249 §17; 1979 c.168 §7]

184.630 Departmental assistance to divisions. (1) Except as otherwise provided by law, the department shall provide a research program for 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 divisions within the department. [1969 c.599 §5; 1973 c.249 §19]

184.633 Duties of director; delegation; bonds for employes. (1) Subject to policy direction by the commission, the director shall:

(a) Be the administrative head of the department;

(b) Have power, within applicable budgetary limitations, and in accordance with ORS chapter

240, to hire, assign, reassign and coordinate personnel of the department and prescribe their duties and fix their compensation, subject to the State Personnel Relations Law;

(c) Administer the laws of the state concerning transportation; and

(d) Intervene, as authorized by the commission, pursuant to the rules of practice and procedure, in the proceedings of state and federal agencies which may substantially affect the interest of the consumers and providers of transportation within Oregon.

(2) In addition to duties otherwise required by law, the director shall prescribe regulations for the government of the department, the conduct of its employes, the assignment and performance of its business and the custody, use and preservation of its records, papers and property in a manner consistent with applicable law.

(3) The director may delegate to any of the employes of the department the exercise or discharge in the director's name of any power, duty or function of whatever character, vested in or imposed by law upon the director. The official act of any such person so acting in the director's name and by the authority of the director shall be considered to be an official act of the director.

(4) The director shall have authority to require a fidelity bond of any officer or employe of the department who has charge of, handles or has access to any state money or property, and who is not otherwise required by law to give a bond. The amounts of the bond shall be fixed by the director, except as otherwise provided by law, and the sureties shall be approved by the director. The department shall pay the premiums on the bonds. [1973 c.249 §18]

184.635 Reports to Governor; delegation of powers. (1) The commission 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 transportation. To accomplish this end, the commission may hold public hearings, consult with and use the services and cooperation of other state and federal agencies, employ consultants and appoint advisory and technical committees to assist in the work.

(2) Whenever a power is granted to the commission the power may be exercised by such officer or employe within the department as is designated in writing by the commission. Any such designation shall be filed in the office of the Secretary of State. [1969 c.599 §6, 1973 c.249 §14]

184.637 Departmental fiscal officer.

The director shall designate a fiscal officer for the department who shall:

(1) Provide for sound financial management systems, including all accounting, budgetary and financial control functions for the department.

(2) Perform the financial internal audit of all divisions of the department and reporting discrepancies to the director.

(3) Prepare financial reports as required by statute or as required by the director.

(4) Act in an advisory capacity to the director in all financial matters and perform such other duties and responsibilities with respect to audits, accounting procedures and other like duties and responsibilities as the director considers advisable. [1973 c.249 §20; 1979 c.293 §2]

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.

(2) Notwithstanding any other law, such amounts as may be necessary to pay the administrative expenses of the department 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 so credited or transferred to the Transportation Administration Account. The department is subject to the allotment system provided for in ORS 291.234 to 291.260.

(3) 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 prorating the costs of the office of the director among 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; 1973 c 249 §21]

184.645 Department of Transportation Working Capital Account; data processing and photocopy equipment and services. (1) There is hereby established an account in the General Fund to be known as the Department of Transportation Working Capital Account, which

account is appropriated continuously for, and shall be used for, the purpose of acquiring data processing, word processing and photocopy equipment and services.

(2) The cost to the department of providing data processing, word processing and photocopy services, including labor, facilities, materials, overhead, administrative cost, the lease or purchase cost of the equipment and depreciation, to any state agency, including itself, which is to be charged, in part or whole to the agency or unit served may be advanced out of the Department of Transportation Working Capital Account. The costs advanced from the account shall be reimbursed to the account from the charges paid to the department by the agency or unit served. [1979 c.380 §§2, 3; 1981 c.306 §1]

184.647 Transfer of funds to working capital account; retransfer; use of remainder. In order to facilitate financing the costs advanced under ORS 184.645 (2), the department may at any time during the biennium transfer to the Department of Transportation Working Capital Account such amounts as it considers necessary from funds available to the department for a biennial period. Funds transferred shall be retransferred from the Department of Transportation Working Capital Account by the department to the fund from which the original transfer was made prior to the last day of each biennial period. All or part of the funds remaining in the working capital account at the end of any biennium may remain in the account beyond the end of the biennium for the acquisition of data processing, word processing and photocopy equipment and services. [1979 c.380 §4; 1981 c.306 §2]

184.648 Revolving Fund. The Central Services Division of the Department of Transportation may establish a revolving fund not to exceed the aggregate amount of \$5,000. [1983 c.136 §4]

Note: 184.648 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 184 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

184.650 [1981 c.700 §1; repealed by 1983 c.324 §59]

184.655 [1981 c.700 §3; repealed by 1983 c.324 §59]

(Public Transit Division)

184.670 Purpose of ORS 184.670, 184.675 and 184.685 to 184.733. It is the purpose of ORS 184.675, 184.685 to 184.733 and this section:

(1) To provide a means of state financial assistance and coordination to meet the state's

most pressing mobility needs and to make transportation an effective and responsive force in achieving goals for social, economic and environmental development, and conservation of critical resources.

(2) To foster the development of an integrated transportation system in which each component or mode, such as air, bus, rail or paratransit is encouraged to perform in a coordinated and complementary manner with other components or modes, and in balance with the public need and economic and social constraints.

(3) To encourage more effective participation by the private sector in providing coordinated public transportation.

(4) To provide for optimum and broader uses of federal funds as they become available.

(5) To promote the continuation and development of privately owned intercity common carriers of passengers. [1977 c.230 §1]

184.675 Definitions for ORS 184.670 to 184.733. As used in ORS 184.670 to 184.733, unless the context requires otherwise:

(1) "Commission" means the Oregon Transportation Commission.

(2) "Director" means Director of Transportation.

(3) "Public Transit Division" or "division" means the Public Transit Division of the Department of Transportation.

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

(5) "Commissioner" means the Public Utility Commissioner of Oregon.

(6) "Operating agreement" means an agreement for the operation or maintenance on behalf of the department of all or part of a public transportation system, but does not include agreements by which the department provides only financial or technical assistance or transportation facilities or equipment and which do not control routes, rates or levels of service, or agreements under which such control is exercised by the Federal Government through the department.

(7) "Public transportation system" means any form of passenger transportation system, whether or not for hire, including but not limited to air, rail, other fixed guideway, bus, jitney, taxi and dial-a-ride passenger transportation systems within, between and outside of urban and urbanized areas, and including related passenger terminal facilities and motor vehicle parking facilities.

(8) "Person" means the United States or any state or any department or agency of any of the above, or any nonprofit corporation or entity or any other individual, corporation or entity, either public or private.

(9) "Bus" means a motor vehicle designed for carrying 15 or more passengers, exclusive of the driver, and used for the transportation of persons.

(10) "Public transportation entity" includes a city, county, transportation district, mass transit district, metropolitan service district or private nonprofit corporation operating a public transportation system. [1969 c.599 §50; 1973 c.249 §23; 1977 c.230 §2; 1981 c.224 §1]

184.680 Public Transit Division. Subject to ORS 184.615 (2), the Public Transit Division is continued within the Department of Transportation. The division shall be under the supervision and control of an administrator appointed by the director with the approval of the commission. [1969 c.599 §§51, 53; subsection (3) enacted by 1969 c.599 §53a; 1973 c.249 §24]

184.685 Purpose of department. The department may conduct state-wide coordinating, financing, planning, research and development of public transportation systems in this state to insure the most orderly, efficient and economical development of such systems. [1969 c.599 §57; 1973 c.249 §25; 1977 c.230 §7]

184.689 Powers and duties of department. In order to carry out the purposes set forth in ORS 184.685, the department may:

(1) Sue and be sued;

(2) Acquire by purchase, lease, devise, gift or voluntary grant real and personal property or any interest therein, including access rights, and take, hold, possess and dispose of any such property or interest;

(3) Conduct or carry out, subject to any other provision of law, field research, planning, financing, design, construction, acquisition, lease, preservation, or improvement of any public transportation system or any portion thereof, or provide for such activity by entering into agreements with any person or persons principally responsible for the operations of such public transportation system and possessing authority to enter into such agreement;

(4) Enter into any other necessary agreements; employ agents, engineers, consultants and other persons as necessary and fix their compensation;

(5) Construct, acquire, plan, design, maintain and operate passenger terminal facilities and

motor vehicle parking facilities in connection with any public transportation system;

(6) Advise and assist in the formulation of overall public transportation policies and plans;

(7) Make necessary studies and render technical assistance to local governments;

(8) Participate in regulatory proceedings affecting public transportation;

(9) Assist local government, private and nonprofit operators of passenger transportation systems in the planning, experimentation, financing, design, construction, acquisition, lease, preservation, improvement, operation and maintenance of public transportation systems. The assistance may include loans, grants, or the provision of equipment or facilities or any rights therein by sale, lease or grant, or special grants to the users of said systems;

(10) Subject to the provisions of ORS 184.705, enter into operating agreements with any person;

(11) Receive and disburse funds from or to any person under contractual terms or according to other authorized state or federal procedures. When more than one carrier provides similar services in the same or related areas or corridors pursuant to a certificate of public convenience and necessity, the department may select a provider of service on the basis of written proposals evaluated under criteria established by the commission;

(12) Perform any necessary planning, administration, review or other functions required to be performed by the state or any agency thereof in connection with the allocation and distribution to any person of federal funds pursuant to the Urban Mass Transportation Act of 1964, as amended, or any other federal funding program for public transportation systems; and

(13) Negotiate with existing passenger carriers to preserve or coordinate transportation schedules to upgrade the existing system of intercity transportation. [1977 c.230 §9 (enacted in lieu of 184.700)]

184.690 [1969 c.599 §§54, 55, repealed by 1973 c.249 §91]

184.691 Public Transit Division Account; use of moneys. The Public Transit Division Account is established in the General Fund of the State Treasury. Except as otherwise provided by law, all moneys received by the division, from whatever source, shall be paid into the State Treasury and credited to the account. All moneys in the account are appropriated continuously to the division and shall be used by the

184.705 STATE EXECUTIVE DEPARTMENT AND ORGANIZATION

division for the purposes authorized by law. [1975 c.522 §6; 1977 c.230 §5]

184.695 [1969 c.599 §56; repealed by 1973 c.249 §91]

184.700 [1971 c.559 §2; 1973 c.249 §26; repealed by 1977 c.230 §8 (184.689 enacted in lieu of 184.700)]

184.705 Operating agreements. (1) The department, in a manner determined by the commission, may enter into operating agreements with any person. The agreements may include, but are not limited to, provisions with respect to:

- (a) Services to be rendered;
- (b) Routes to be served;
- (c) Schedules to be provided;
- (d) Compensation to be paid;
- (e) Equipment to be used;
- (f) Points to be served;
- (g) Terminals to be used;
- (h) Qualifications of operating employees;
- (i) Accounting and reporting procedures; and
- (j) Termination dates.

(2) To the extent practicable the department shall enter into operating agreements with carriers authorized by the commissioner to perform passenger transportation services pursuant to ORS chapter 760, 767 or 773.

(3) Operating agreements, as defined in ORS 184.675 (6), as well as agreements providing for financial assistance or provision of transportation facilities or equipment or proposals by which the Federal Government would itself or through the department exercise control of intrastate routes, rates or levels of service, entered into by the department with persons providing public transportation services under an authorized certificate of public convenience and necessity issued by the commissioner, shall be submitted to the commissioner for approval. The commissioner shall have 120 days from the date of receipt of the agreement to approve or disapprove the agreement. Notice shall be made and a hearing shall be held pursuant to the provisions of ORS chapter 767 to determine whether the execution of the agreement will result in a diminution in the total quantity and quality of passenger transportation service available to the public or impairment of the ability of existing certificated carriers to adequately serve the public. These shall be the sole criteria for approval or disapproval of the agreement.

(4) In connection with the institution of an operating agreement or other agreement to provide a transportation service for which no carrier

presently holds a certificate of public convenience and necessity, the department shall select a provider of service on the basis of written proposals, giving preference to existing private carriers who presently provide transportation service in the general area for which the agreement will apply, as provided in paragraph (a) of subsection (1) of this section. The department shall then notify the commissioner of such agreement prior to the institution of such service. The notice shall contain the terms of the agreement and the commissioner shall thereupon issue a permit for the operations described in the agreement. Such a permit shall be restricted to the terms of the agreement and shall automatically be revoked upon termination of the operating agreement. Operating agreements with persons not certificated by the commissioner which result in a new service shall be submitted to the commissioner for approval in the same manner and subject to same conditions as set forth in subsection (3) of this section. Operations conducted pursuant to a temporary operating arrangement may be considered by the commissioner in determining public convenience and necessity on subsequent application for permanent authority under ORS chapter 767 or 773, but shall not be given greater weight than the service criteria provided in subsection (3) of this section as this relates to existing certificated carriers.

(5) Persons or vehicles operating under a permit issued pursuant to subsection (4) of this section are exempt from ORS chapters 760, 761, 763, 764, 767 and 773 except for ORS 767.005 to 767.640 as such sections relate specifically to public or employe safety, insurance and bonding and except for ORS 767.700 to 767.905 as such sections may be applicable to persons or vehicles.

(6) Operating agreements with persons otherwise subject to the commissioner's jurisdiction shall include a provision that the revenues and expenses of the person operating under a permit issued pursuant to subsection (4) of this section shall be separated from the revenues and expenses properly attributable to other intrastate operations of such person.

(7) Except as provided in ORS 184.675 to 184.691, persons providing public transportation services otherwise subject to the commissioner's jurisdiction shall remain subject to his jurisdiction, notwithstanding assistance or approval of the department. ORS 184.610 to 184.691 is not intended to extend the jurisdiction of the commissioner beyond that otherwise granted. [1977 c.230 §13]

184.710 When operating agreements prohibited. The department shall not enter

into operating agreements with any person for service in competition with service being provided by a mass transit district or transportation district formed under ORS chapter 267 without the consent of such district. [1977 c.230 §15]

184.715 Delegation to divisions in department. At the discretion of the director, any of the activities carried out by the department pursuant to ORS 184.670, 184.675 and 184.685 to 184.733 shall be performed all or in part by any division of the department. [1977 c.230 §14]

184.720 Criteria and standards for evaluation of projects. For the purpose of aiding the development of public transportation systems, the department shall establish criteria and standards for the evaluation of transportation projects considered for assistance under ORS 184.670, 184.675 and 184.685 to 184.733. [1977 c.230 §11]

184.725 Rulemaking. The department shall adopt such rules as are necessary to carry out the provisions of ORS 184.670, 184.675 and 184.685 to 184.733. [1977 c 230 §12]

(Bus Acquisition)

184.727 Policy on bus acquisition. It is declared to be the policy of the State of Oregon to encourage increased utilization of public transportation services by bus. Because of the limited manufacture of new and replacement busses for use by public transportation entities within the state, the availability of adequate transportation service is threatened. The establishment of a transit equipment acquisition fund and necessary related legislation is necessary in order to acquire necessary busses to meet future needs. [1981 c 224 §3]

184.730 Authority of division on bus acquisition. (1) The division is authorized to institute a pooled bus acquisition program which may be financed by state, federal, local or other funds and may be operated in conjunction and cooperation with the Federal Government and public transportation entities.

(2) The division may apply to the Urban Mass Transportation Administration of the United States Department of Transportation and Federal Highway Administration for the federal participation in any pooled bus acquisition project.

(3) The division may, with the assistance of the Department of General Services or in cooperation with public transportation entities, or both, write specifications for and order busses on behalf

of any number of public transportation entities to acquire busses under this program.

(4) If federal funds are being used to purchase busses, before any order for busses is placed by the division with a manufacturer, the division shall secure assurance from the Federal Government of the availability and amount of federal financial assistance. The division may also secure obligations by the participating public transportation entities that they will accept delivery of such busses at the appropriate time and will supply local funding if such is being utilized.

(5) Funding for the acquisition of busses under ORS 184.675 and 184.727 to 184.733 may be with whatever percentage of federal, state or local funds that the commission deems proper. In the event that the federal percentage is changed by legislation, the state and local percentage may be changed by action of the commission. [1981 c.224 §4]

184.733 Department of Transportation Transit Equipment Acquisition Fund; use of fund; sources. (1) There is hereby established an account in the General Fund to be known as the Department of Transportation Transit Equipment Acquisition Fund, which account is appropriated continuously for, and shall be used for, the purposes of acquiring busses by the division under ORS 184.675 and 184.727 to 184.733. In order to facilitate financing of the costs of acquisition, the division may at any time, with commission approval, draw on funds in this account for authorized purposes. All or part of the funds remaining in the account at the end of any biennium may remain in the account beyond the end of the biennium for the acquisition of busses.

(2) The division may utilize moneys in the fund to purchase or lease new or rebuilt busses to stockpile for future sale to public transportation entities either for cash or by instalment contract, but no instalment contract shall be for more than five years and the balance shall bear interest at a rate indicated by the monthly earnings of the Oregon Short Term Investment Fund.

(3) The division may take title to and delivery of busses acquired pursuant to this program for eventual transfer to public transportation entities.

(4) The division may from the amount appropriated to the Department of Transportation Transit Equipment Acquisition Fund deduct its costs of administering the program authorized by ORS 184.675 and 184.727 to 184.733.

(5) All moneys received by the division from the sale of busses to public transportation entities

shall be placed in the Department of Transportation Transit Equipment Acquisition Fund and subject to budgetary limitations and may be used for the acquisition of additional busses. [1981 c.224 §§5, 6, 7]

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 provide programs for the delivery to the public of services relating to public assistance, children and families, health and health-related affairs, mental health, corrections, employment, vocational rehabilitation, elderly persons, alcohol and drug abuse and such other services as may be assigned 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 through the divisions and other organizational units, including but not limited to the following:

- (a) The Adult and Family Services Division;
- (b) The Children's Services Division;
- (c) The Mental Health Division;
- (d) The Corrections Division;
- (e) The Employment Division;
- (f) The Vocational Rehabilitation Division;
- (g) The Health Division;
- (h) The Senior Services Division; and
- (i) Alcohol and Drug Abuse Programs.

(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 to the Department of Human Resources. [1971 c.319 §1; 1977 c.267 §1, 1977 c.661 §3; 1981 c.784 §19, 1985 c.740 §11]

Note: Sections 2, 3 and 19, chapter 740, Oregon Laws 1985, provide.

Sec. 2. (1) The Director of Human Resources shall appoint an Assistant Director for Alcohol and Drug Abuse Programs. During the 1985-1987 biennium, the Assistant Director for Alcohol and Drug Abuse Programs shall have full responsibility to administer all alcohol and drug abuse programs, including the funds appropriated therefor, that would otherwise be the responsibility of the Mental Health Division, including but not limited to programs or components of programs described in ORS 426 450 to 426 470, ORS chapter 430, 475.225, 482.477, 484.445 to 484.480, 487 530 to 487.560

(1983 Replacement Parts), the Motor Vehicle Code (ORS chapters 801 to 822), 743 557 and 743.558.

(2) The Assistant Director for Alcohol and Drug Abuse Programs shall:

(a) Report to the Legislative Assembly on accomplishments and issues occurring during the 1985-1987 biennium, and report on a new biennial plan describing resources, needs and priorities for all alcohol and drug abuse programs

(b) Develop within the Department of Human Resources priorities for alcohol and drug abuse programs and activities.

(c) Monitor the priorities of approved alcohol and drug abuse related programs in all other state agencies.

(d) Conduct state-wide and special planning processes which provide for participation from state and local agencies, groups and individuals.

(e) Identify the needs of special populations including minorities, elderly, youth, women and the handicapped.

(f) As appropriate, apply for, receive and administer funds for study or prevention and treatment of alcohol and drug abuse and dependence.

(g) Subject to ORS 183.310 to 183.550, adopt such rules as are necessary for the performance of the duties and functions specified by this Act or otherwise lawfully delegated.

Sec. 3. In addition to the responsibilities in section 2 of this Act, the Assistant Director for Alcohol and Drug Abuse Programs shall place special emphasis on all of the following:

(1) Establishing standards for both public and private alcohol and drug abuse prevention, intervention and treatment programs. It is the policy of the Legislative Assembly that all programs providing alcohol and drug abuse related prevention, intervention and treatment services in this state, with public funds, meet the standards established under this subsection.

(2) Providing training for state employees dealing directly with appropriate client groups to insure better recognition and understanding of alcohol and drug abuse problems. Training is also to be directed at increasing knowledge of appropriate and available resources for assisting clients with alcohol and drug abuse problems.

(3) Conducting continuing long-term evaluation of clients and other recipients of services from all Department of Human Resources funded programs, for periods of up to 24 months following completion of service, to assess service effectiveness and enable appropriate corrective actions.

(4) Assuring financial audits and program reviews of alcohol and drug abuse related programs and services which receive funds, including beer and wine tax revenues distributed under ORS 430.380 and 471.810, from any state agency.

Sec. 19. (1) The position of Assistant Director for Alcohol and Drug Abuse Programs shall terminate on June 30, 1987.

(2) Prior to June 30, 1987, the Governor's Council on Alcohol and Drug Abuse Programs shall prepare recommendations for the administrative structure of alcohol and drug abuse programs on and after July 1, 1987

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 providing for programs for the delivery to the public of the services assigned to the department by ORS 184.750 or otherwise, 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 the director 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 171.562 and 171.565.

(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 the director in the performance of official duties. [1971 c.319 §2; 1977 c.267 §2]

184.760 Deputy director; assistant directors; other employes. (1) The director may appoint a deputy director, whose appointment is subject to approval by the Governor and 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 assistant director appointed by the director, whose appointment is subject to approval by the Governor and who shall 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 Personnel Relations Law, the director may appoint employes within the office of the director of the department, prescribe their functions and fix their compensation.

(4) In addition to the assistant directors specified in subsection (2) of this section, the director may appoint one assistant director to carry out such other responsibilities as the director may assign. [1971 c 319 §3; 1977 c.267 §8]

184.765 Assistant directors in unclassified service; other employes; salary; expenses. Assistant directors appointed under ORS 184.760 shall be in the unclassified service of the state and shall receive such salaries as may be provided by law. With the approval of the director, each assistant director supervising a

division may appoint one deputy and one secretary who shall be in the unclassified service and receive such salaries as may be provided by law. In addition to their salaries, they shall, subject to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily incurred in the performance of official duties. [Formerly 176.630, 1977 c.267 §10]

184.767 Assistant director as appointing authority; assignment of employes by director. (1) For purposes of the State Personnel Relations Law, each assistant director appointed under ORS 184.760, and any other officer specifically designated by law, is considered to be the appointing authority with respect to officers and employes under the supervision of the assistant director or other officer, and ORS 240.400 applies to each such appointing authority.

(2) Notwithstanding subsection (1) of this section, the director at any time may assign an employe from one position to another position in the same class or rank within the department or between its divisions. Upon making such an assignment or transfer, the director forthwith shall give written notice of the action to the Administrator of the Personnel Division. ORS 240.400 applies to the power vested in the director under this subsection. [1977 c.267 §9; 1979 c 468 §28]

184.770 Authority of director; legislative approval required for certain actions by director. (1) The Director of Human Resources, consistent with any federal requirements and with the prior consent of the Governor:

(a) May cause the programs, divisions, other organizational units and offices within the department to make joint use of the personnel, resources, information and facilities available within the department.

(b) May combine or transfer components of existing programs, divisions, other organizational units and offices within the department.

(2) Where the action taken under subsection (1) of this section requires any transfer between appropriations or expenditure limitations or between the budgets of programs, divisions, other organizational units and offices within the department, established by legislative action, the transfer first must be approved by the Legislative Assembly or, if it is not in session, the Emergency Board.

(3) Any organizational changes within the department that are not described in subsection

(1) of this section shall be made only after approval thereof by joint resolution of the Legislative Assembly. [1971 c.319 §5; 1977 c.267 §12]

184.773 Delegation of authority of director. (1) The Director of Human Resources may delegate to any of the officers and employees of the department the exercise or discharge in the director's name of any power, duty or function of whatever character vested in or imposed upon the director by law. However, all such delegations of a continuing nature involving provision for services performed by the department may be exercised by an officer or employee of the department only when specifically designated in writing by the director to do so.

(2) The official act of any person acting in the director's name and by the director's authority pursuant to subsection (1) of this section shall be considered an official act of the director. [1977 c.267 §7]

184.775 Information from personnel within department. (1) The Director of Human Resources shall require from the personnel within the department such information, reports and documentation, as the director, in the discretion of the director, determines will be necessary to enable the director to:

(a) Execute responsibilities pursuant to law.

(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 budget report for each program, division, other organizational unit or office within the department.

(2) Where such information, reports or documentation is confidential in the hands of departmental personnel, it shall be confidential in the hands of the director. [1971 c.319 §6; 1977 c.267 §13]

184.780 Federal law supersedes state law. (1) To the extent that there is any conflict between chapter 319, Oregon Laws 1971, and any federal law referred to or to be administered under chapter 319, Oregon Laws 1971, the federal law in effect on June 8, 1971, is controlling.

(2) In all cases where federally granted funds are involved, the federal laws, rules and regulations applicable thereto shall govern notwithstanding any provision to the contrary in ORS 184.750 to 184.775, 184.795, 184.800, 184.830, 411.060, 431.045 and this subsection. [1971 c.319 §9; subsection (2) enacted as 1977 c.267 §22]

Note: The Legislative Counsel has not, pursuant to 173.160, undertaken to substitute specific ORS references for the words "this Act" in 184.780. 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 in volume 6A of Oregon Revised Statutes (1971 Replacement Parts)

184.785 Authority of department for performance of support services. (1) The Department of Human Resources may enter into agreements with district attorneys or the Support Enforcement Division for performance of support enforcement services pursuant to federal laws or regulations.

(2) The Department of Human Resources may, if required by federal law or regulation relating to child support programs:

(a) Enter into agreements with the Support Enforcement Division or a district attorney for providing child support services;

(b) Promulgate rules for operation of child support programs under ORS 25.080; or

(c) Provide other services not specified by ORS 23.185, 25.010 to 25.030, 25.050, 25.070, 25.080, 25.350, 108.110, 109.100, 109.125, 180.165, 418.042 and this section. [1975 c.458 §§7, 16]

184.787 Rulemaking. (1) Pursuant to ORS 183.310 to 183.550, the director may adopt such administrative rules as the director considers necessary to carry out the functions of the department.

(2) Notwithstanding any other provision of law, the director by order may delegate authority under subsection (1) of this section to such extent as the director considers proper to assistant directors of the department. [1977 c.267 §4]

184.790 [1975 c.768 §1, 2; 1977 c.661 §4; renumbered 184.865]

184.795 Department of Human Resources Account. (1) There is established in the General Fund of the State Treasury an account to be known as the Department of Human Resources Account. All moneys in this account are appropriated for and shall be used by the department for the respective purposes authorized by law. The moneys in the account and all appropriations for the account are subject to allotment control by the Executive Department.

(2) The Department of Human Resources shall keep a record of all moneys credited to and deposited in the account. The records shall indicate by separate cumulative accounts the source from which the moneys were derived and the individual activity or program against which each withdrawal is charged.

(3) The unobligated balance in the account on June 30 of each odd-numbered year shall be determined by the department as of September 30 next following, and certified to the Executive Department. Unless otherwise provided by law or action of the Emergency Board, the amount certified pursuant to this subsection shall revert to the General Fund and become available for general governmental purposes. [1977 c.267 §14]

184.800 Department of Human Resources Special Checking Account. (1) There is established a Department of Human Resources Special Checking Account in the State Treasury. Upon the written request of the Director of Human Resources, the Executive Department shall draw warrants in favor of the Department of Human Resources to be charged against appropriations and other moneys available to the Department of Human Resources in the same manner as other claims against the state, as provided in ORS chapter 293. All such warrants shall be deposited in the special checking account and may be disbursed by check.

(2) The special checking account may be used for the purpose of paying the administrative expenses of programs and services as assigned to the Department of Human Resources by law, including the payment of expenses to be reimbursed by the Federal Government. [1977 c.267 §15]

184.802 Community action agency network as delivery system for federal anti-poverty programs; other systems; Oregon Human Development Corporation to receive certain federal funds. (1) The community action agency network, established initially under the federal Economic Opportunity Act of 1964, shall be the delivery system for federal anti-poverty programs in Oregon, including the Community Services Block Grant, Low-income Energy Assistance Program, Department of Energy Weatherization Program and such others as may become available.

(2) Funds for such programs shall be distributed to the community action agencies by the Department of Human Resources with the advice of the Oregon Community Action Agency Directors Association.

(3) In areas not served by a community action agency, funds other than federal community services funds may be distributed to and administered by organizations that are found by the Department of Human Resources to serve the anti-poverty purpose of the community action agency network.

(4) In addition to complying with all applicable requirements of federal law, a community action agency shall:

(a) Be an office, division or agency of the designating political subdivision or a not for profit organization in compliance with ORS chapter 61.

(b) Have a community action board of at least nine but no more than 33 members, constituted so that:

(A) One-third of the members of the board are elected public officials currently serving or their designees. If the number of elected officials reasonably available and willing to serve is less than one-third of the membership, membership of appointed public officials may be counted as meeting the one-third requirement;

(B) At least one-third of the members are persons chosen through democratic selection procedures adequate to assure that they are representatives of the poor in the area served; and

(C) The remainder of the members are officials or members of business, industry, labor, religious, welfare, education or other major groups and interests in the community.

(c) If the agency is a private not for profit organization, be governed by the Community Action Board. The board shall have all duties, responsibilities and powers normally associated with such boards, including, but not limited to:

(A) Selection, appointment and dismissal of the executive director of the agency;

(B) Approval of all contracts, grant applications and budgets and operational policies of the agency;

(C) Evaluation of programs; and

(D) Securing an annual audit of the agency.

(d) If the organization is an office, division or agency of a political subdivision, be administered by the board which shall provide for the operation of the agency and be directly responsible to the governing board of the political subdivision. The administering board at a minimum, shall:

(A) Review and approve program policy;

(B) Be involved in and consulted on the hiring and firing of the agency director;

(C) Monitor and evaluate program effectiveness;

(D) Insure the effectiveness of community involvement in the planning process; and

(E) Assume all duties delegated to it by the governing board.

(e) Have a clearly defined, specified service area. Community action service areas shall not overlap.

(f) Have an accounting system which meets generally accepted accounting principles and be so certified by an independent certified accountant.

(g) Provide assurances against the use of government funds for political activity by the community action agency.

(h) Provide assurances that no person shall, on the grounds of race, color, national origin or sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available through the community action program.

(i) Provide assurances the community action agency shall comply with any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973.

(5) For the purposes of this section, the Oregon Human Development Corporation is eligible to receive federal community service funds and low-income energy assistance funds. [1985 c.211 §1]

(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, youth employment programs and services to families and children in compliance with the federal social security laws. [1971 c 401 §1, 1973 c 641 §1]

184.807 Services relating to prevention, control and treatment of incest and sexual abuse; fees. (1) The Children's Services Division may provide services related to the prevention, control and treatment of incest and sexual abuse. Those services include, but are not limited to, consultation, counseling, therapy and treatment programs for children who are the victims of incest and sex offenses, their families and the perpetrators of the incest or sex offense.

(2) When the services described in subsection (1) of this section are provided, the Children's Services Division may charge the perpetrator a fee not to exceed the cost of the services. The fee shall vary according to the service provided, and

shall be determined and applied through rules adopted by the division.

(3) The amount of fees collected under subsection (2) of this section are continuously appropriated to the division and shall be used to provide the services described in subsection (1) of this section. [1983 c.588 §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 num-

bered 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. (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, licensing of health facilities, and coordinating the activities of professional and occupational licensing boards.

(2) 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 division.

(3) 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 and shall maintain full budgetary control over the boards' expenditures and their recommendations for legislation including but not limited to appropriations. Expenditures are subject to the allotment system under ORS 291.232 to 291.260 and rules adopted thereunder. Budgets shall be prepared pursuant to ORS 291.202 to 291.226 and rules adopted thereunder. [1971 c.650 §1; 1975 c.730 §1; 1977 c.267 §16]

184.835 Assistant director as ex officio member of certain boards. The Assistant

Director for Health, or the designee of the assistant director, shall serve as an ex officio member of all health-related licensing boards in the division, but without the right to vote. However, nothing in this section is intended to authorize the assistant director to intervene in the internal functions and administration of the boards. [1971 c.650 §3; 1975 c.730 §2; 1985 c.565 §22]

184.840 Functions of assistant director. The Assistant Director for Health shall:

(1) 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 assistant director 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.

(2) In consultation with the licensing boards, designate a qualified person in the Health Division as coordinator for the accounting and other processes of the licensing boards who shall be responsible for providing such services as the licensing boards may request. [1971 c.650 §4; 1975 c.730 §3]

184.860 [1977 c.661 §1; repealed 1981 c.784 §38]

184.865 [Formerly 184.790; amended by 1981 c.163 §1; 1981 c.784 §20; renumbered 410.090]

184.870 [1977 c.779 §3; renumbered 443.205]

184.875 [1977 c.779 §1; renumbered 443.215]

184.880 [1977 c.779 §2; 1979 c.235 §1; renumbered 443.225]

184.885 [1977 c.846 §1, 1981 c.357 §2; renumbered 108.610]

184.890 [1977 c.846 §2; 1981 c.357 §3; renumbered 108.620]

184.900 [1975 c.768 §3; 1977 c.661 §2; 1981 c.784 §17; renumbered 410.320]

184.905 [1975 c.768 §4, 1977 c.891 §7; renumbered 410.330]

184.910 [1975 c.768 §5; renumbered 410.340]

184.915 [1975 c.768 §§6, 7; repealed by 1977 c.661 §5]

184.940 [1977 c.81 §5; renumbered 185.570]

