Chapter 182

1987 REPLACEMENT PART

State Administrative Agencies

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Job Training Coordinating Council, Oregon State, 184 285.
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Judicial Conference of the State of Oregon, 1 810
Judicial Fitness and Disability, Commission on, 1 410
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Juvenile Corrections Council, 420 035
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STATE ADMINISTRATIVE AGENCIES GENERALLY

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

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

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

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

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

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

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

182.040 Boards and commissions to pay counties for services; exceptions. (1) All state boards and commissions which are supported by fees, fines, licenses or taxes or other forms of income not derived from a direct tax on tangible property shall pay the various counties of the State of Oregon the same fees required of others for services rendered.

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

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

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

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

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

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

182.070 Publications of state agencies to be furnished to State Librarian. (1) Unless a greater or lesser number is agreed upon by the State Librarian and the issuer of the publication, the State Printer or, in the event the State Printer is unable to furnish the number of copies of the publication, the person responsible for distribution of a publication issued by, or by authority of a state officer, agency or institution not under the control of the State Board of Higher Education shall make available to the State Librarian for distribution and exchange purposes, 45 copies of all publications so issued in

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

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

(a) Oregon Revised Statutes or any edition thereof.

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

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

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

(2) Upon repeal of a statute or a part thereof as described in subsection (1) of this section, there hereby is appropriated for the payment of all expenses incurred by the Secretary of State in winding up and concluding administration of such repealed statute, as authorized in subsection (1) of this section, so much as may be necessary, and no more, of the balance in the General Fund theretofore appropriated for the use, operation and function of such state officer, board, commission, corporation, institution, department or other state organization or agency. Should the balance of such unexpended appropriation be insufficient to cover said costs and expenses of the Secretary of State in administering and concluding the operation of such repealed statute, then, in addition thereto, such amount as may be necessary, and no more, hereby is appropriated out of any funds, accounts and receipts belonging to the state in the custody or control of such state officer, board, commission, corporation, institution, department or other state organization, to cover in full the costs of winding up and concluding the administration of such statute. [1955 c 73 §1]

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

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

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

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

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

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

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

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

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

182.115 [1973 c.457 §1, 1975 c 731 §1, 1977 c.42 §1; 1983 c 150 §2, 1987 c.879 §5; renumbered 171.852 in 1987]

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

182.121 [1975 c 731 §2, renumbered 171 855 in 1987]

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

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

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

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

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

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

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

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

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

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

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

EMPLOYE SUGGESTION PROGRAM

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

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

(2) "Employe suggestion program" means the program developed by the board under ORS 182.320 (3).

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

182.320 Employe Suggestion Awards Board; authority. (1) There hereby is established the Employe Suggestion Awards Board consisting of five members appointed by the Governor. Three members shall be state officers or employes who shall serve at the pleasure of the Governor. Two members shall serve for a term of one year and shall be executive or administrative officers, or board or commission members, required by law to be appointed by the Governor. Before the expiration of the one year term of a member, the Governor shall appoint a successor to assume the duties of the member on July 1 next following. In case of a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

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

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

(4) The secretary, with the approval of the Employe Suggestion Awards Board, shall prepare rules and regulations necessary or appropriate for the proper administration of ORS 182.310 to 182.360 and for the accomplishment of the purposes of ORS 182.310 to 182.360. [1957 c.616 §2; 1965 c.9 §1]

182.330 Board's determination final. The board shall make the final determination as to whether an employe suggestion award will be made; and, subject to the rules and regulations adopted pursuant to ORS 182.320 (4), the board shall determine the nature and extent of the award. [1957 c.616 §3]

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

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

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

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

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

(c) If the board is able to identify the agency or agencies which have realized or will realize cash savings as a result of implementation of a

suggestion, the cost of any cash award shall be paid by the affected agency or agencies from savings realized or to be realized by implementation of the suggestion. For suggestions with multiagency effect, the board shall determine the portion of the award total to be contributed by each agency.

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

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

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

RULES GOVERNING AGENCY-PROVIDED HOUSING

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

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

(2) "Housing" includes single and multiple family dwellings, apartments, and mobile homes and mobile home pads, available on a monthly tenancy but does not include guard stations maintained by the State Forestry Department or dormitory facilities at any state institution or at any state institution of higher education.

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

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

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

182.420 [Renumbered 184.420]

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

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

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

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

182.430 [Renumbered 184 430]

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

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

(3) The department shall by rule establish policies for the management of state-provided housing and shall be responsible for the monitoring of agency programs to assure appropriate

application of ORS 182.415 to 182.435. [1971 c 575 §3; 1977 c 583 §5]

182.440 [Renumbered 184 440]

182.450 [Renumbered 184.450]

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

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

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

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

DETERMINATION OF PUBLIC NEED FOR CERTAIN STATE AGENCIES

Note: Section 145b, chapter 414, Oregon Laws 1987, provides:

Sec. 145b. Nothing in the amendments to ORS 182 605 by section 145a of this Act is intended to affect the provisions of section 13, chapter 685, Oregon Laws 1983

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

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

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

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

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

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

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

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

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

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

(10) The Electrical Board created under ORS 479.800, and the State Building Code Administrator relating to duties under ORS 479.510 to 479.860.

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

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

(13) The Advisory Council to the Health Division on Hearing Aids created under ORS chapter 694, and the Health Division of the Department of Human Resources relating to duties under ORS chapter 694.

(14) The Director of the Department of Insurance and Finance relating to duties under ORS chapter 744.

(15) The State Landscape Contractors Board created under ORS chapter 671 relating to duties under ORS chapter 671.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(32) The Real Estate Commissioner, Real Estate Agency and Real Estate Board created under ORS chapter 696.

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

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

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

(36) The Teacher Standards and Practices Commission created under ORS 342.120 to 342.175, 342.177 to 342.430 and 342.485 to 342.980.

(37) The State Television and Radio Service Advisory Board created under ORS chapter 702, and the Commissioner of the Bureau of Labor and Industries relating to duties under ORS chapter 702.

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

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

(40) The State Landscape Architect Board created under ORS 671.310 to 671.459. [1977 c 842 §1, 1981 c 85 §10; 1981 c 438 §45, 1981 c 821 §1a; 1983 c.17 §28, 1987 c 414 §145]

Note: The amendment to 182 605 by section 1, chapter 685, Oregon Laws 1983, is repealed June 30, 1989 See section 13, chapter 685, Oregon Laws 1983 182 605 as amended by section 1, chapter 685, Oregon Laws 1983, section 3, chapter 52, Oregon Laws 1985, and section 145a, chapter 414, Oregon Laws 1987, is set forth for the user's convenience

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

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

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

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

(4) The Oregon State Bar created under ORS 9 010 to 9 665, 9 705 to 9 850 and 9 990

(5) The Director of Commerce relating to duties regulating debt consolidating agencies under ORS 697.602 to 697 842

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

(7) The Builders Board created under ORS chapter 701

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

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

(10) The Electrical Board created under ORS 479 800, and the State Building Code Administrator relating to duties under ORS 479.510 to 479.860

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

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

(13) The Advisory Council to the Health Division on Hearing Aids created under ORS chapter 694, and the Health Division of the Department of Human Resources relating to duties under ORS chapter 694.

(14) The Director of the Department of Insurance and Finance relating to duties under ORS chapter 744.

(15) The State Landscape Contractors Board created under ORS chapter 671 relating to duties under ORS chapter 671

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

(17) The State Marine Board relating to duties under ORS 488 400 to 488.430 (1979 Replacement Part).

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

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

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

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

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

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

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

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

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

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

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

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

(30) The State Board of Psychologist Examiners created under ORS 675 010 to 675.150.

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

(32) The Real Estate Commissioner, Real Estate Agency and Real Estate Board created under ORS chapter 696

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

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

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

(36) The Teacher Standards and Practices Commission created under ORS 342.120 to 342 175, 342.177 to 342.430 and 342.485 to 342 980

(37) The State Television and Radio Service Advisory Board created under ORS chapter 702, and the Commissioner of the Bureau of Labor and Industries relating to duties under ORS chapter 702.

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

(39) The Water Resources Department relating to duties under ORS 537.747 to 537 762

(40) The State Landscape Architect Board created under ORS 671 310 to 671 459.

(41) The State Board of Barbers and Hairdressers created under ORS 690 155.

(42) The State Board of Radiologic Technology created under ORS 688.545

(43) The State Board of Geologist Examiners created under ORS 672.615

(44) The Occupational Therapy Licensing Board created under ORS 675.310.

(45) The State Advisory Council on Denture Technology created under ORS 680.555.

(46) The Employment Agencies Advisory Board created under ORS 658.230.

(47) The State Board of Clinical Social Workers created under ORS 675 590.

(48) Any other board, commission or program created or proposed to be created by the Legislative Assembly after October 15, 1983, to regulate any profession or occupation. [1987 c.414 §145a]

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

Sec. 2. (1) The Joint Legislative Committee on Sunset Review is created as a joint standing committee of the Legislative Assembly The Speaker of the House of Representatives, upon election, shall appoint four members of the House of Representatives as members of the joint committee The President of the Senate, upon election, shall appoint three members of the Senate as members of the joint committee. The joint committee shall meet only during regular sessions of the Legislative Assembly and shall have as its duty the agency review described in ORS 182.605 to 182 635 and for agencies proposed to come into existence after the effective date of this Act [October 15, 1983] and the reports of the Joint Interim Task Force on Sunset Review on agencies reviewed in the preceding interim report.

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

(3) The chairperson shall be appointed by the presiding officer, alternating between the bodies. The first chairperson shall be a Senator. [1983 c.685 §2]

182.608 Review of regulation of debt consolidating agencies. This section subjects the regulation of debt consolidating agencies by the Director of Commerce to automatic review by the Legislative Assembly under ORS 182.605 to 182.635. For the purposes of ORS 182.605 to 182.635, the functions of the Director of Commerce relating to regulation of debt consolidating agencies constitute an agency. [Derived from 1983 c.17 §1]

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

182.609 Review of regulation of hair design, facial technology and manicure. This section subjects the regulation of practitioners of hair design, facial technology or manicure by the State Board of Barbers and Hairdressers to automatic review by the Legislative Assembly under ORS 182.605 to 182.635. For the purposes of ORS 182.605 to 182.635, the functions of the State Board of Barbers and Hairdressers relating to regulation of practitioners of hair design, facial technology or manicure, constitute an agency. [Derived from 1983 c 151 §24; 1987 c.31 §12]

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

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

Note: 182 610 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

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

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

182.615. (1) The President of the Senate shall appoint three Senators and the Speaker of the House of Representatives shall appoint four Representatives to the Joint Interim Task Force on Sunset Review. Not sooner than 30 months before the repeal or review date of an existing agency, the task force shall review the agency in accordance with ORS 182.605 to 182.635. The task force shall also review any agency that comes into existence after October 15, 1983. The task force shall review each agency, hold public hearings and determine whether the agency has demonstrated a public need for its continued existence in accordance with ORS 182 625. The task force shall submit its recommendations to the President and the Speaker for distribution to the Legislative Assembly so as to allow a thorough review of the recommendations by the Joint Legislative Committee on Sunset Review not later than 12 months before the repeal date of the agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

182.635. (1) An agency may be established, continued or reestablished by the Legislative Assembly for a period not to exceed eight years, at the end of which period the agency shall be reviewed again pursuant to ORS 182.605 to 182 635

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

PERMITS

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

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

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

(4) As used in this section:

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

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

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