

# Chapter 182

1989 EDITION

## State Administrative Agencies

### STATE ADMINISTRATIVE AGENCIES GENERALLY

- 182.010 Nonattendance of member of board or commission at meetings as forfeiting office; appointment of successor
- 182.020 Notice of meetings of boards and commissions; reporting of absences
- 182.030 Employment of persons advocating violent overthrow of the Government of the United States or Oregon prohibited
- 182.040 Boards and commissions to pay counties for services; exceptions
- 182.050 Time and manner of payment to counties
- 182.060 County clerk to file instruments affecting realty for state boards and commissions
- 182.070 Publications of state agencies to be furnished to State Librarian
- 182.080 Effect of repeal of statute authorizing state agency to collect, receive and expend money
- 182.090 State agency to pay attorney fees and expenses when court finds for petitioner and that agency acted unreasonably
- 182.100 Affirmative action policy implementation on appointments
- 182.105 Information concerning tax benefits of providing day care under employee benefit plan
- 182.109 Agency actions to carry out policies of ORS 410.710

### EMPLOYEE SUGGESTION PROGRAM (Generally)

- 182.310 Definitions for ORS 182.310 to 182.360
- 182.320 Employee Suggestion Awards and Productivity Improvement Commission; authority
- 182.330 Commission determination final
- 182.360 Costs and payment of cash awards and administrative expenses

### (Productivity Improvement Programs)

- 182.365 Legislative findings
- 182.370 Agency employee incentive fund; establishment; uses
- 182.375 State Productivity Improvement Revolving Fund; creation; sources; uses
- 182.380 Credit of certain savings to General Fund
- 182.385 Adjustment of budget request as a result of improved efficiency
- 182.390 Plan for increased efficiency
- 182.395 Eligibility of new programs for cash awards or credit savings
- 182.400 Progress report on employee suggestion awards and productivity improvement program

### RULES GOVERNING AGENCY-PROVIDED HOUSING

- 182.415 Definitions for ORS 182.415 to 182.435
- 182.425 State agency required to collect rental for

housing provided employees; furnishing prohibited; determination of fair rental value

- 182.435 Uniform schedule of reduction from fair rental value; management policies

### DETERMINATION OF PUBLIC NEED FOR CERTAIN STATE AGENCIES

- 182.605 "Agency" defined for ORS 182.605 to 182.635
- 182.608 Review of regulation of debt consolidating agencies
- 182.609 Review of regulation of hair design, facial technology and manicure
- 182.615 Legislative review of public need for certain state agencies
- 182.625 Evidence and factors to be used to determine public need; hearing
- 182.635 Duration of continuation of agency; subsequent review; requirement for separate legislative action to continue any agency

### CROSS REFERENCES

Note: Consult the statutory reference after the name of the agency or officer in the following list to determine the statutory designation of the agency or officer.

The following list does not, in certain cases, contain the statutory designations of those state officers or agencies subordinate to the principal officers or agencies listed.

- Accountancy, State Board of (Office of Secretary of State), 673.410
- Accounting and Data Systems Division (Executive Department), 184.305
- Adjutant General, Const. Art. X, §3; 396.150
- Adjutants General, Assistant, 396.165
- Adult and Family Services Division, 411.040  
Assistant Director, 411.040
- Advocate for Minority, Women and Emerging Small Business (Office of the Governor), 200.025
- Aeronautics Administrator, 835.045
- Aeronautics Division (Department of Transportation), 835.010
- Affirmative Action, Director of, 243.315
- Affirmative action policy, 243.305
- Agency Work Force Advisory Council, State, 344.315
- Agricultural Development Advisory Committee, 576.018
- Agricultural Development Division (Department of Agriculture), 576.009
- Agricultural Experiment Station, Oregon, Director, Ch. 567
- Agricultural Experiment Stations, Ch. 567
- Agriculture, Director of, 561.010
- Agriculture, State Board, 561.130
- Agriculture, State Department of, 561.010
- Air Pollution Task Force, Indoor, 1989 c.1070 §6

## STATE EXECUTIVE DEPARTMENT AND ORGANIZATION

- Alcohol and Drug Abuse Programs  
Assistant Director, 184.757  
Governor's Council, 430 255
- Alcohol Server Education Advisory Committee, 471.547
- Ambulances and emergency medical technicians, advisory council, 823 170
- Anatomy, Demonstrator [State Board of Higher Education], 97.170
- Apiary Advisory Committee, 602 300
- Apiary Inspector, Chief, 602 020
- Apprenticeship and Training Council, State, 660 110, Ch. 98
- Architect Examiners, State Board of, 671 120
- Architectural barriers elimination, advisory committee, 447 230
- Archivist, State, 357.815
- Arts Commission, Oregon, 359.020
- Asbestos Advisory Board, 1987 c.741 §15
- Asset Forfeiture Oversight Advisory Committee, 1989 c.791 §14
- Attorney General, 180.010
- Auditor of Public Accounts [Secretary of State], 293 505
- Audits, Division of [Secretary of State], 297.010
- Banking Board, State [Department of Insurance and Finance], 706 900  
Supervisor, 705.130
- Banking Education Assessment Account, 704.145
- Bar, Oregon State, 9 010  
Board of Governors, 9 025
- Barbers and Hairdressers, State Board, 690 155
- Bargaining Unit Benefits Board;  
[Personnel Division], 243 235
- Beef Council, Oregon, 577 210
- Bicycle lane and path advisory committee [Highway Division], 366.112
- Black Affairs, Commission on, 185 420
- Blind, Commission for the, 346.120  
Advisory committee, 346 135
- Blind, Industries for the, 346 190
- Blind, Oregon State School for the, 346.010
- Boiler Rules, Board of, 480.535
- Bond limit, Advisory Council on Allocation of State Private Activity, 286.625
- Boxing and Wrestling Commission, Oregon State, 463 113
- Budget Division [Executive Department], 184.305
- Building Code Administrator, State, 455 100
- Building Codes Agency, 446.003
- Building, Housing and Real Estate Council, 456.732
- Capitol Building Police Officers, 276.021
- Capitol Planning Commission, 276 030
- Career and Vocational Education, State Advisory Council, 344 225
- Charitable Checkoff Commission, Oregon, 305 695
- Charter commission, city-county consolidation, 199.725
- Chief Apiary Inspector, 602.020
- Chief Justice of the Supreme Court, 2.045
- Chief State Steward, 462.250
- Child Care, Commission for, 1985 c.753 §1
- Child welfare services advisory committee, 418.005
- Children and Families, Oregon Coordinating Council for, 417.310
- Children and Youth Services Commission, Oregon Community, 417.475
- Children's Services Division [Department of Human Resources], 184.805
- Chiropractic Examiners, State Board of, 684 130
- Christmas Tree Advisory Committee, State, 571 515
- Citizen Involvement Advisory Committee, State [land use], 197.160
- Citizens' Utility Board, 774.190
- Clinical Social Workers, State Board of, 675 510
- Collections Unit [Department of Revenue], 293.250
- Columbia River Bicentennial Commission, HJR 15 (1987)
- Columbia River Highway Advisory Committee, Historic, 366 553
- Commercial Fishery Permit Board, 508.991
- Commodity Commissions, agricultural, see cross references under heading "Commodity Commissions Generally" in Ch 576
- Community Corrections Advisory Board, 423.510
- Conciliation Service, State [Employment Relations Board], 662.415
- Conservation Trust Fund Board, Habitat, 468 666
- Construction Contractors Board, 701.205  
Claims Appeal Committee, 701.260  
Commercial and Public Works Contractors Committee, 701.270  
Residential Contractors Committee, 701.260
- Consumer Advisory Council [Department of Justice], 180.520
- Corrections, Department of, 423.020  
Deputy Director, 423.075  
Director, 423 075
- Corrections Education Planning and Development Team, Joint, 421.082
- Corrections industries, board of directors, 421.310
- Corrections Ombudsman, 423.400
- Counselors and Therapists, Oregon Board of Licensed Professional, 675 775
- County service districts, advisory committees, 451.555
- Court Administrator, State, 8.110
- Court of Appeals, 2.510  
Chief Judge, 2 550
- Court Procedures, Council on, 1 730
- Courts Advisory Committee, Special, 1 850
- Crime detection laboratories [state police], 181.080
- Criminal identification, bureau of [state police], 181.066
- Criminal Justice Council, Oregon, 1985 c.558 §2
- Crops Advisory Committee, minor, 634.600
- Crops Development Board, New, 561.700 to 561.730
- Dairy Products Commission, Oregon, 576 135
- Data Processing, Joint Legislative Committee on, 171 852
- Deaf, Oregon State School for the, 346.010
- Defense Force, Oregon State, Ch 399
- Dentistry, Oregon Board of, 679.230
- Denture Technology, State Advisory Council on, 680.555
- Deschutes River Scenic Waterway Recreation Area Management Committee, 1987 c.624 §6
- Detective bureau, state [state police], 181 070

## STATE ADMINISTRATIVE AGENCIES

- Diversions Program Supervisory Council, 677.615  
Dietitians, Board of Examiners of Licensed, 691.485  
Disabled children, Early Intervention Services, Coordinating Council, 343.357  
Disabilities Commission, Oregon, 185.130  
Dispute Resolution Commission, 36.115  
    Director, duties, 36.130  
Dungeness Crab Commission, Oregon, 576.155  
Eastern Oregon Psychiatric Center, 426.010  
    Superintendent, 426.020  
Eastern Oregon State College, 352.002  
Economic Analysis, Office of [Executive Department], 184.305  
Economic Development Commission, 184.006  
Economic Development Department, 184.125  
    Director, 184.135  
Ed-Net, Oregon, 354.510  
Ed-Net Board, Oregon, 354.510  
    Director, 354.535  
Education, Department of, 326.111  
Education, Department of Higher, 351.010  
Education, State Advisory Council for Special, 343.287  
Education, State Board of, 326.021  
Education, State Board of Higher, 351.010  
Educational Policy and Planning, Oregon Office of, 348.715  
    Advisory Committee, 348.825  
    Director, 348.715  
Electric Power and Conservation Planning Council, Pacific NW, 469.815  
Electrical Board, 479.800  
Electrologists, Advisory Council to Health Division, 690.420  
Elevator Safety Board, 460.115  
Emergency Board, 291.324  
Emergency communications districts, advisory committee, 451.610  
Emergency Corrections Siting Authority, 1987 c.321 §7  
Emergency Fire Cost Committee, 477.440  
    Administrator, 477.460  
Emergency Management Division [Executive Department], 401.260  
    Administrator of, 401.260  
Emergency Medical Service Committee, State, 823.170  
Employees' Benefit Board, State, [Personnel Division], 243.115  
Employee Suggestion Awards and Productivity Improvement Commission, 182.320  
Employment Agencies Advisory Board, 658.230  
Employment Appeals Board [Employment Division], 657.685  
Employment Education and Training Advisory Committee, Safe, 654.189  
Employment Division, 657.010  
    Assistant Director, 657.608  
Employment Relations Board, 240.060  
Employment Service, Oregon State, 657.705  
EMTs, advisory committee on, 677.620  
Energy Conservation Board, 455.510 to 455.530  
Energy, Department of, 469.030  
    Director, 469.040  
Energy Facility Siting Council, 469.450  
    Advisory groups, 469.480  
Energy Policy Review Committee, 469.130  
Energy Project Advisory Committee, small scale, local, 740.070  
Engineering Examiners, State Board, 672.240  
Environment, Committee on Synthetic Chemicals in the, 634.352  
Environmental Quality Commission, 468.010  
Environmental Quality, Department of, 468.030  
    Director, 468.040  
    Remedial Action Advisory Committee, 465.420  
Ethics Commission, Oregon Government, 244.250  
    Executive director, 244.310  
Euthanasia Task Force, 686.510  
Executive Department, 184.305  
    Director, 184.315  
Executive residence, advisory committee, 276.104  
Fair and Exposition Center, Oregon State, 565.015  
Fair Commission, County, 565.410  
Fair Dismissal Appeals Board, 342.930  
Fair, Oregon State, 565.040  
Fairview Hospital and Training Center, 427.010  
    Superintendent, 179.331, 427.010  
Filbert Commission, Oregon, 576.145  
Finance Committee for Economic Development Commission, 280.255  
Fire Marshal, State, 476.020  
Fire Standards and Accreditation Board, 476.840  
Fish and Wildlife, State Department of, 496.080  
Fish and Wildlife Commission, State, 496.090  
Fish and Wildlife Director, State, 496.112  
Fish Division [Fish and Wildlife, State Department], 496.124  
Fisheries Commission, Pacific Marine, 507.040, 507.050  
Fishery Permit Board, Commercial, 508.991  
Food Service Advisory Committee, State, 624.045  
Forest practice committees [State Board of Forestry], 527.650  
Forest Products Resources Committee, Hardwood, 1987 c.316 §3  
Forest Research Laboratory, 526.225  
    Advisory Committee, 526.225  
Forest Trust Land Advisory Committee, 527.735  
Forester, State, 526.031  
Forestry Department, State, 526.008  
Forestry, State Board of, 526.009  
General Services, Department of, 283.030  
    Advisory Committee, 273.655  
    Director, 283.040  
Geologist, State, 516.120  
Geologist Examiners, State Board of, 672.615  
Geology and Mineral Industries, State Department of, 516.020  
    Governing Board, 516.080  
Governor, Const. Art. V, §1; Ch. 176  
Grains Commission, Oregon, 576.175

## STATE EXECUTIVE DEPARTMENT AND ORGANIZATION

- Groundwater and well operation, advisory committee, 536.090
- Hair design, schools, advisory committee, 345.420
- Habitat Conservation Trust Fund Board, 468.666
- Hanford Waste Board, Oregon, 1987 c 514 §4  
Public advisory committee, 1987 c.514 §9
- Hardwood Forest Products Resources Committee, 1987 c.316 §3
- Health Care Containment System Advisory Committee, Oregon, 414.650
- Health care professions, practices and procedures, advisory board, 431.190
- Health Council, Oregon, 442.035
- Health Division [Department of Human Resources], 184.830  
Assistant Director for Health, 184.830
- Health Sciences University, Oregon, 352.022
- Health Services Commission, 414.715
- Hearing Aids, Advisory Council to the Health Division on, 694.165
- Hearings Division [Department of Insurance and Finance], 656.708
- Higher Education, Department of, 351.010
- Higher Education, State Board, Chancellor, 351.075
- Higher Education, Western Interstate Commission for, 351.780
- Highway Division [Department of Transportation], 366.105
- Highway Engineer, State, 366.145
- Hillcrest School of Oregon, 420.320
- Hispanic Affairs, Commission on, 185.320
- Historic Columbia River Highway Advisory Committee, 366.553
- Historic Preservation, State Advisory Committee, 358.622
- Historic Preservation Officer, State, 358.565
- Historic significance, advisory committee, property, [Secretary of State], 358.655
- Historical Museum Section [Tourism Division], 360.095
- Historical Society, Oregon, 358.770
- Hospital, F. H. Dammasch State, 426.010, 426.030  
Superintendent, 179.331, 426.020
- Hospital, Oregon State, 426.010  
Superintendent, 179.331, 426.020
- Housing Agency, 456.553  
Administrator, 456.553
- Housing Council, State, 456.567
- Housing, Educational and Cultural Facilities Authority, 289.100
- Human Resources, Department of, 184.750  
Director, 184.755
- Hydroelectric Power, Commissioner of, 543.810
- Industrial Accident Advisory Committee, 656.790
- Indian Services, Commission, 172.100
- Indoor Air Pollution Task Force, 1989 c.1070 §6
- Information Agency, State, 110.162
- Inheritance Tax Division [Department of Revenue], Ch. 118
- Injured Workers, Office of Ombudsman for, [Department of Insurance and Finance], 656.709
- Insurance and Finance  
Department of, 705.105  
Director, 705.105
- Insurance Guaranty Association, Oregon, 734.550
- Insurance Pool Governing Board, 653.725
- Interagency Hazard Communication Council, 453.510
- Intergovernmental Coordination Division [Executive Department], 190.320  
Administrator, 190.320
- International Port of Coos Bay, Oregon, Board of Commissioners, 777.920
- Investment Council, Oregon, 293.706
- Job Training Coordinating Council, Oregon State, 184.285.
- Judge Advocate, State, 398.012
- Judicial Conference of the State of Oregon, 1.810
- Judicial Fitness and Disability, Commission on, 1.410
- Justice, Department of, 180.210
- Juvenile Compact Administrator, 417.040
- Juvenile Corrections Council, 420.035
- Klamath River Basin Compact Commission, 542.620 (Art. IX)
- Labor and Industries, Bureau of, 651.020  
Commissioner, 651.030
- Land Board, State, 273.031
- Land Conservation and Development Commission, 197.030  
Department of, 197.075  
Director, 197.075, 197.085
- Land Management Advisory Committee, 273.655
- Land Use, Joint Legislative Board on, 197.125
- Land Use, Joint Legislative Committee on, 215.303
- Land Use Board of Appeals, 197.810
- Lands, Division of State, 273.041  
Director, 273.161
- Landscape Architect Board, State, 671.459
- Landscape Contractors Board, State, 671.630
- Legislative Administration Committee, 173.710
- Legislative Administrator, 173.710
- Legislative Counsel, 173.111
- Legislative Counsel Committee, 173.111
- Legislative Fiscal Officer, 173.410
- Legislative Liaison, Office of [Executive Department], 184.305
- Legislative Revenue Officer, 173.800
- Librarian, State, 357.015
- Library, State, 357.010  
Trustees, 357.010
- Life and Health Insurance Guaranty Association, Oregon, 734.800
- Liquor Control Commission, Oregon, 471.705
- Livestock and Marketing Board, State, 599.440
- Lobbyist, regulation, 171.725 to 171.785
- Local Budget Advisory Committee [Department of Revenue], 294.413
- Local Citizen Review Boards, 1985 c.721 §5
- Local Health Officials, Conference of, 431.330
- Local Officials Advisory Committee, 197.165
- Long Term Care Advisory Committee, 441.137

## STATE ADMINISTRATIVE AGENCIES

- Long Term Care Ombudsman, 441.103  
Lottery Commission, Oregon State, 461.100  
Assistant Director for Security, 461.170  
Lottery Director, State, 461.150  
Low income energy assistance programs, advisory committee, 184.804  
MacLaren School for Boys, 420.120  
Superintendent, 420.120  
Management Systems Division [Executive Department], 184.305  
Manufactured Structures and Parks Advisory Board, 446.280  
Marine Board, State, 830.105  
Marine Director, State, 830.135  
Maritime Pilots, Oregon Board [Department of Transportation], 776.105  
Marketing Section [Tourism Division], 360.065  
Mass Transportation Financing Authority, Oregon, 391.520  
Massage Technicians, State Board of, 687.115  
Medical care, advisory committee on, 656.794  
Medical Examiner Advisory Board, State, 146.015  
Medical Examiner, Deputy State, 146.045, 146.065  
Medical Examiner, State, 146.035  
Medical Examiners for the State of Oregon, Board of, 677.235  
[Medical technicians], advisory committee, 677.620  
Medical Insurance Pool Account, Oregon, 735.612  
Medical Insurance Pool Board, Oregon, 735.610  
Medical Service Committee, State Emergency, 823.170  
Mental Health Advisory Board, 430.050  
Mental health compact administrator, 428.320  
Mental Health and Developmental Disability Services Division, 430.021  
Assistant Director, 430.110  
Military Council, 396.145  
Military Department, Oregon, 396.305  
Minor Crops Advisory Committée, 634.600  
Minority, Women and Emerging Small Businesses, Advocate for, [Office of the Governor], 200.025  
Mobile Home Park Ombudsman, 446.543  
Motor Vehicles Division [Department of Transportation], 802.010  
Administrator, 802.010  
Mortuary and Cemetery Board, State, 692.300  
Motorcycle Safety Program Administrator, State, 802.320  
Municipal Debt Advisory Commission, Oregon, 287.030  
Museum of Anthropology, Oregon State, 352.045  
Natural Heritage Advisory Council, 273.571  
Natural Resources Division [Department of Agriculture], 561.400  
Naturopathic Examiners, Board of, 685.160  
Naturopathic Physicians Formulary, Council on, 685.145  
New Crops Development Board, 561.700 to 561.730  
Northwest Interstate Compact on Low-Level Radioactive Waste Management, 469.935  
Nurse practitioners, council on, privilege of writing prescriptions, 678.385  
Nursery Advisory Committee, State, 571.025  
Nursing, Oregon State Board of, 678.140  
Nursing Home Administrators, Board of Examiners of, 678.800  
Occupational Disease Research, Center for, 352.073  
Occupational Therapy Licensing Board, 675.310  
Occupational Safety and Health Grant program, 654.191  
Ocean Resources Management Task Force, Oregon, 196.445  
Scientific and Technical advisory committee, 196.450  
Oil Heat Commission, 469.232  
Ombudsman for Injured Workers, Office of [Department of Insurance and Finance], 656.709  
Optometry, Oregon Board of, 683.250  
Oregon 1998 Games Commission, 1987 c.580 §1  
Oregon Health Sciences University, 352.022  
Oregon Institute of Technology, 352.002  
Oregon State University, 352.002  
ORS Review Committee; 1989 c.952 §1  
Outfitters and guides advisory committee, 704.525  
Outfitters and Guides, State Marine Board, 704.010  
Pacific Marine Fisheries Commission, 507.040, 507.050  
Pacific States Radioactive Materials Transportation Committee, 466.450  
Pacific NW Electric Power and Conservation Planning Council, 469.815  
Parks and Recreation Commission, State, [State Parks and Recreation Department], 390.114  
Parks and Recreation Department, State, 390.111  
Director, 390.127  
Parole and Post-Prison Supervision, State Board of, 144.005  
Penitentiary, Oregon State, 421.605  
Superintendent, 179.331  
Personnel Division [Executive Department], 240.055  
Pharmacists Diversion Program Supervisory Council, 689.342  
Pharmacy, State Board of, 689.115  
Physical Therapist Licensing Board, 688.160  
Physician Assistant Committee, 677.540  
Planning Division [Executive Department], 184.305  
Plumbing Board, State, 693.115  
Podiatry, Advisory Council on, 677.855  
Poet Laureate, 357.925  
Police, Department of State, 181.020  
Police Officers, Capitol Building, 276.021  
Police, Oregon State, 181.020  
Police Standards and Training, Board on, 181.620  
Police, Superintendent of State, 181.200  
Port of Coos Bay, Oregon International, Board of Commissioners, 777.920  
Port of Portland, Ch.778  
Board of Commissioners, 778.205  
Portland State University, 352.002  
Ports Division [Economic Development Department], 777.810  
Potato Commission, Oregon, 579.030  
Practice Review Committee, 673.455  
Printer, State, 282.080  
Prison Terms and Parole Standards, Advisory Commission, 144.775  
Private Activity Bond Committee, 286.615

## STATE EXECUTIVE DEPARTMENT AND ORGANIZATION

- Private schools, advisory committee, 345.575  
Property and Fiscal Officer for Oregon, U. S., 396 175  
Protection and Advocacy, State Office of, 436 335  
Psychiatric Security Review Board, 161 385  
Psychologist Examiners, State Board of, 675 100  
Public Accounts, Auditor of, [Secretary of State], 293 505  
Public Broadcasting, Oregon Commission on, 354.115  
Public Defender, 151 280  
Public Defender Committee, 151.270  
Public Health Advisory Board, 431.195  
Public Health Officer, 431 045  
Public Instruction, Superintendent of, Const. Art. VIII, §1, 326 310  
Deputy, 326 330  
Public Officials Compensation Commission, 292 907  
Public Transit Division, 184 680  
Public Utility Commission of Oregon, 756.014  
Public Welfare Review Commission, 411 125  
Racing Commission, Oregon, 462 210  
Radiation Advisory Committee, 453.645  
Radiation Control Agency, State, 453 635  
Radioactive Materials Transportation Committee, Pacific States, 466.450  
Radioactive Waste Management, Northwest Interstate Compact on Low-Level, 469 935  
Radiologic Technology, Board of, 688.545  
Real Estate Board [Real Estate Agency], 696.405  
Real Estate Commissioner, 696.375  
Real Estate Agency, 696.375  
Recreation Trails Advisory Council, Oregon, 390.977  
Refugee Child Welfare Advisory Committee, 418 941  
Release Assistance Officer, 135.235  
Remedial Action Advisory Committee, 465 420  
Research Policy Recommendations, Council for, established by State Board of Higher Education, 351 880  
Research and Technology Development Corporation, Oregon, 284.630  
Retirement Board, Public employees', 237 251, 237.952  
Revenue, Department of, 305.025  
Director of, 305 035  
Rogue River Coordination Board, 517.510  
Rural Health Coordinating Council, 442.490  
Rural Health, Office of, 442.475  
Safe Employment Education and Training Advisory Committee, 654.189  
Salmon Commission, Oregon, 576 165  
Sanitarians Registration Board, 700.210  
Supervisor, 725.010  
Scholarship Commission, State, 348.510  
School Improvement and Professional Development Advisory Committee, 336.730  
Sea Grant College [Oregon State University], 352.230  
Seal of state officer or state agency, 42 125  
Search and Rescue Coordinator, 401 550  
Secretary of State, Const. Art. VI, §1, Ch. 177  
Assistant, 177.040  
Senior and Disabled Services Division, 410.070  
Senior Services, Governor's Commission, 410.320  
Sentencing Guidelines Board, State, 1987 c.619 §3  
Sheep Commission, Oregon, 577.710  
Short Term Fund Board, Oregon, 294.885  
Shorthand reporter advisory committee, certified, 703.414  
Small Business Development Center Advisory Council, 341.803  
Small Businesses, Advocate for Minority, Women and Emerging, [Office of the Governor], 200.025  
Small claims division [Oregon Tax Court], 305.515  
Small Scale Local Energy Project Advisory Committee, 470 070  
Social Workers, State Board of Clinical, 675.510  
Soil and Water Conservation Commission, State, 561 395  
Solid Waste Regional Policy Commission, 1989 c 459 §2  
South Slough Estuarine Sanctuary Management Commission, 273 554  
Southern Oregon State College, 352 002  
Special Courts Advisory Committee, 1 850  
Special Education, State Advisory Council for, 243.287  
Speech Pathology and Audiology, State Board of Examiners [Department of Human Resources], 681.400  
Speed Control Board, State, 802 380  
State Accident Insurance Fund Corporation, 656 752  
Manager, 656.754  
State Governments, Council of, 190.470  
Strategic Water Management Group, 536 100  
Structural Code Advisory Board, State, 455.130  
Support Enforcement Division [Department of Justice], 180.340  
Supreme Court, Const. Art. VII (A), §1  
Surplus state lands advisory committee, 273 655  
Synthetic Chemicals in the Environment, Committee on, 634 352  
Tax Court, Oregon, 305 405  
Judge, 305.452  
Tax Service Examiners, State Board of, 673 725  
Tax Supervising and Conservation Commission, 294 605  
Teacher Standards and Practices Commission, 342.350  
Teachers' Retirement System, 239 201  
Television programs, advisory committee on planning and preparation in school, 354 440  
Textbook Commission, State, 337.011  
Tourism Council, Oregon, 360.025  
Tourism Division [Economic Development Department], 360 055  
Administrator, 360 105  
Trade and Economic Development, Legislative Committee on, 171 800  
Traffic Safety Commission, 802.300  
Transportation Commission, Oregon, 184.612  
Transportation, Department of, 184 615  
Director, 184.620  
Travel Information Council, Ch. 104  
Treasurer, State, Const. Art. VI, §1; Ch. 178  
Chief Deputy, 178.060  
21st Century Schools Program, 336.540  
Unemployment Compensation, State Advisory Council on, 657.695  
Uniform State Laws, Commission on, 172.010  
University of Oregon, 352 002  
Valuation Committee, 295 095

## STATE ADMINISTRATIVE AGENCIES

- Veterans' Affairs, Advisory Committee on, 406.210  
Veterans' Affairs, Director, 406.020  
Veterinarian, State, 596.210  
Veterinary Medical Examining Board, Oregon State, 686.210  
Visitor Information Section [Tourism Division], 360.075  
Vital Statistics Unit, 432.010  
Vital Statistics, State Registrar, 432.020  
Vocational Rehabilitation Division, 344.520  
Assistant Director, 344.525  
Vocational schools, advisory committee on, 345.330  
Volunteers in Service to Oregon (VISTO), 348.410  
Wage and Hour Commission, 653.505  
Waste Board, Oregon Hanford, 1987 c 514 §4  
Waste Reduction Trust Fund Board, 468.675  
Water Management Group, Strategic, 536.100  
Water Policy, Joint Legislative Committee on, 171.535 to 171.550  
Water Resources:  
Commission, 536.022  
Department, 536.039  
Director, 536.032  
Watershed Enhancement Board, Governor's, 541.360  
Ways and Means Committees, 171.555  
Weed Board, State, 561.650  
Welfare Program Accessibility, Advisory Committee on Adult and Family Services Division, 411.979  
Western Oregon State College, 352.002  
Wheat Commission, Oregon, 578.030  
Wine Advisory Board, 576.750  
Winter Recreation Advisory Committee, 802.350  
Women, Commission for, 185.520  
Women and Emerging Small Businesses, Advocate for Minority, [Office of the Governor], 200.025  
Work Force Advisory Council, State Agency, 344.315  
Workers' Compensation Board, 656.712  
Youth Conservation Corps, Oregon, 418.653  
Advisory committee, 418.653
- 
- Discrimination against optometrists prohibited, 683.035  
Interagency services, 283.110  
Labor conciliation services for state and state employees, 662.435  
Leasing of real property to state for term less than 20 years, Const. Art. XI, §7  
Lobbying by public agency, expense statement, filing required, 171.750  
Losses of public funds or property involving public officers, 297.120  
Media person as witness at agency administrative proceedings, 44.510 to 44.540  
Notary public, functions not constituting lucrative office, 194.010  
Peace Corps volunteers, leave of absence for, 236.040  
Personal service on public officer, computation of time for personal service if office closed, 174.125  
Presession filing of agency legislation, 171.130  
Private schools, advisory committee, 345.575  
Readability of income tax instructions, 316.364  
Real property, sale by state agency, 273.201 to 273.216  
Records when agency abolished, 357.835  
Release assistance officer, 135.235  
Reports of agencies, 293.600, 293.640  
State agencies required to file proposed legislation before legislative session, 171.132  
Title to property acquired by state agency to be taken in name of state, 279.711  
Transfer of public employees, 236.610 to 236.650  
Unclaimed property held for owner by public authority, 98.336, 98.302 to 98.436  
Unemployment insurance, coverage of state employees, 657.020, 657.065, 657.505  
182.010 to 182.100  
Affirmative action reports by state agencies to include information on award of contracts to minority businesses, 659.027  
182.010  
Removal from office, 236.010  
182.040  
Exemptions from certain county fees in favor of the State of Oregon and its agencies, 21.580, 180.360, 205.400, 273.091  
Liaison with local governments providing services to state agencies, 190.210, 190.220  
182.070  
Distribution and sale of legislative publications, 171.200 to 171.270  
182.425  
Housing for officers and employees of state institutions, 179.400  
Housing for superintendents of state institutions, 179.370
- 
- Actions and suits against state agencies, 30.260 to 30.300, 30.320  
Actions by state agencies, 30.312  
Administrative procedure of state agencies, 183.310 to 183.550  
Board or commission members prohibited from accepting certain positions, 236.145  
Collective bargaining for public employees, 243.650 to 243.782  
Compensation and expenses of members of boards and commissions, 292.495  
Defendant, state as, in action involving title to real property in which state has interest, 30.360

**STATE EXECUTIVE DEPARTMENT AND ORGANIZATION**

---

## 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 disabilities, that are evident or indicated by analysis of present appointment patterns, practices and policies. [1981 c.255 §1; 1989 c.224 §10]

**182.105 Information concerning tax benefits of providing day care under em-**

**ployee 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 employee benefit plan. [1985 c.753 §5]

**182.109 Agency actions to carry out policies of ORS 410.710.** In carrying out the policies stated in ORS 410.710, state agencies shall:

(1) Review their rules and policies and may revise them as necessary to reflect a positive approach to persons with disabilities.

(2) Encourage and promote education of state employees, state officials and the public in general about the worth and capacity of persons with disabilities.

(3) In all state correspondence and publications, avoid the use of stereotypes and negative labels such as "victim," "afflicted," "crippled" and "handicapped" except as such terms as required by statute or federal law and regulation.

(4) Use the preferred and more positive term "disabled" instead of "handicapped" or other negative words except as such terms as required by statute or federal law and regulation.

(5) In implementing subsections (1) to (4) of this section, develop and seek input regarding terminology and portrayal of persons with disabilities from persons who have disabilities and their advocates.

(6) Foster corrective measures and avoid stereotypes and negative labeling in texts used by schools, newspapers, magazines, radio and television by encouraging review and analysis of these media by publishers, company owners or appropriate agencies. [1989 c.224 §2]

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]

## EMPLOYEE SUGGESTION PROGRAM (Generally)

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

(1) "Commission" means the Employee Suggestion Awards and Productivity Improvement Commission.

(2) "Employee suggestion program" means the program developed by the commission under ORS 182.320 (3).

(3) "Productivity improvement program" means a program or project developed under ORS 182.320 (3).

(4) "Secretary" means the secretary of the employee suggestion program and the productivity improvement program. [1959 c.616 §1, 1989 c.815 §2]

**182.320 Employee Suggestion Awards and Productivity Improvement Commission; authority.** (1) There is established the Employee Suggestion Awards and Productivity Improvement Commission consisting of seven members appointed by the Governor. At least two members shall be public employees, as defined by ORS 243.650 (17). The term of office is one year, beginning July 1. Members may be reappointed. Members serve at the pleasure of the Governor.

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

(3) The commission shall formulate, establish and maintain an employee suggestion program and an agency or unit productivity improvement program to encourage and reward meritorious suggestions by state employees that will promote effectiveness, efficiency and economy in the performance of any function of state government. The commission shall:

(a) Administer the employee incentive fund;

(b) Administer the Oregon State Productivity Improvement Revolving Fund established in ORS 182.375;

(c) Approve agency productivity improvement projects;

(d) Authorize expenditure of Oregon State Productivity Improvement Revolving Fund moneys for agency productivity improvement projects;

(e) Distribute savings from productivity improvement projects on an equitable basis to the participating employees in state agencies and the Oregon State Productivity Improvement Revolving Fund; and

(f) Authorize individual agency productivity improvement accounts within the fund for agencies with an approved productivity improvement project.

(4) The secretary, with the approval of the Employe Suggestion Awards and Productivity Improvement Commission, shall prepare rules 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; 1989 c.815 §3]

**182.330 Commission determination final.** The commission shall make the final determination as to whether an employee suggestion award will be made; and, subject to the rules and regulations adopted pursuant to ORS 182.320 (4), the commission 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 employees 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 commission, and for which the commission 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 commission 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 commission 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 and Productivity Improvement Commission 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]

**(Productivity Improvement programs)**

**182.365 Legislative findings.** (1) The Legislative Assembly finds that it is in the public interest to encourage and reward government efficiency and that the present state budgeting system has developed inadequate mechanisms to reward efficiency in government agencies and programs. The Legislative Assembly further finds that it is in the public interest to establish a program to reward efficiency and effectiveness in government agencies and programs.

(2) As used in ORS 182.310, 182.320 and 182.365 to 182.400, "agency or unit" means any department, division, agency or section or unit of any department, division or agency or unit, that has an identifiable budget which may be separated from other budgets and for which credit can be given. [1989 c.815 §1]

**182.370 Agency employee incentive fund; establishment; uses.** Each state agency or unit in the executive branch shall establish an employee incentive fund to which shall be credited 30 percent of agency budget savings resulting from an improved efficiency project, as certified by the head of the agency or unit and commission. The employee incentive fund may also be used by the agency or unit to make cash awards to employees of the agency or unit. The fund shall not be subject to any expenditure limitation imposed on the agency or unit's other funds or to allotment or other budgetary procedures. [1989 c.815 §4]

**182.375 State Productivity Improvement Revolving Fund; creation; sources; uses.** (1) There is created in the State Treasury, separate and distinct from the General Fund, an Oregon State Productivity Improvement Revolving Fund. All moneys in the Oregon State Productivity Improvement Revolving Fund are appropriated continuously to the Executive Department for making loans, grants, matching funds or cash awards available to state agencies or employees for implementation of employee suggestions and productivity improvement projects upon authorization of the Employe Suggestions Awards and Productivity Improvement Commission. Interest on earnings of the fund shall be credited to the fund.

(2) The Oregon State Productivity Improvement Revolving Fund shall consist of:

(a) Moneys transferred from the Executive Department's Personnel Account, as provided in ORS 240.170, in a sum not to exceed \$500,000 to establish the fund.

(b) Executive Department savings realized from implementation of employee suggestions and productivity improvement projects which may include existing and future projects such as travel management services and recycling efforts.

(3) Thirty percent of the agency or unit budget savings resulting from improved efficiency shall be credited to the Oregon State Productivity Improvement Revolving Fund to be used for program improvement by the agency or unit. If not used in the biennium in which the savings occur, the amount of credit to an agency or unit may be treated as if it were continuously appropriated to the agency or unit and may be expended in following biennia without resulting in any budget justification for the agency or unit. Expenditures from the fund are not subject to allotment or other budgetary procedures.

(4) None of the expenditures in a biennium by the agency or unit under this section shall be considered to be within any appropriation or expenditure limitation in the agency's base budget for the biennium. [1989 c.815 §5]

**182.380 Credit of certain savings to General Fund.** Forty percent of the agency or unit budget savings resulting from improved efficiency and effectiveness shall be credited to the General Fund or, if the origin of the agency or unit's funds is a dedicated fund or federal money, to the fund or account of origin, to be used for the purposes of the fund or account. [1989 c.815 §6]

**182.385 Adjustment of budget request as a result of improved efficiency.** (1) In preparing its budget for the biennium following one in which the state agency or unit credits any amount to its employee incentive fund, Oregon State Productivity Improvement Revolving Fund and the General Fund, the agency or unit shall adjust its budget request by showing reduced number of positions or reduction in classification of positions, if any, or any other reduction in agency or unit expenses resulting from improved efficiency.

(2) Any agency or unit in which positions are vacant at the beginning of a biennium and remain vacant during the biennium shall not use the vacancy as a basis for crediting any savings under ORS 182.370 to 182.380. Any agency or unit shall not use as a basis for crediting savings any vacancy created by the transfer of personnel to other agencies.

However, any vacancy occurring during a biennium that is not filled because of increased productivity shall be the basis for such credit. [1989 c.815 §7]

**182.390 Plan for increased efficiency.**

(1) In order to qualify for credits under ORS 182.370 to 182.380, the agency or unit must present to the Executive Department a plan for increased efficiency resulting in budget savings and comply with the review requirements developed by the commission and the Legislative Fiscal Officer. The plan must be approved by the commission and by the appropriate legislative review agency, as defined in ORS 291.371. If the plan requires any increased funding or increases in an expenditure limitation in order to implement the plan, the plan shall indicate the amount required. The legislative review agency may include approval of the funding in approving the plan.

(2) The plan required in subsection (1) of this section shall include long-range objectives of each program, indicating in each case where the agency or unit shall increase efficiency and cost savings without a reduction in public services. The plan shall include reasons for leaving current positions vacant, actual reductions in services and supplies, travel and capital outlay and shall include a system to evaluate the resulting accomplishments of each agency or unit.

(3) Each employee desiring to participate in a plan submitted for approval under this section shall sign the plan. Employees who have not signed the plan shall be excluded from participation in either the employee incentive fund or the Oregon State Productivity Improvement Revolving Fund established in ORS 182.315. An employee who is hired after the plan is implemented may participate, but the participation shall be prorated for purposes of any cash awards to reflect the duration of participation. [1989 c.815 §8]

**182.395 Eligibility of new programs for cash awards or credit savings.** (1) Any new programs mandated by law, assigned to the agency or unit by the Executive Department, or budgeted as additions to the base budget or reduced level budget of the agency or unit shall not be eligible for cash awards or credit savings under ORS 182.310, 182.320 and 182.365 to 182.400 for a period of four years from the date of inception of the new program.

(2) An agency or unit entitled to credit savings in any biennium as a result of action taken under a plan adopted under ORS 182.390 shall not be eligible for such a credit until four years after the end of the biennium in which the credit accrues.

(3) Cash awards shall not accrue to any employee who is not a participating employee at the time of the original plan. [1989 c.815 §9]

**182.400 Progress report on employee suggestion awards and productivity improvement program.** The Employee Suggestion Awards and Productivity Improvement Commission shall be considered a pilot program, subject to evaluation by the Executive Department and the Legislative Assembly. At the end of the commission's first year of operation, the Executive Department shall provide a preliminary progress report on the program to the legislative review agency, as defined in ORS 291.371. Prior to July 1, 1991, the Executive Department shall conduct an interim evaluation of the program and make a report to the Legislative Assembly. [1989 c.815 §10]

**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 manufactured dwellings and manufactured dwelling 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 employees 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 employ-**

**ees; furnishing prohibited; determination of fair rental value.** (1) Every state agency that provides housing for its officers or employees 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 employee-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 employee's privacy, the agency's justifiable need in having its officers or employees 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 employee occupying the housing.

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

**182.440** [Renumbered 184.440]

**182.450** [Renumbered 184.450]

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

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

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

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

**DETERMINATION OF PUBLIC NEED  
FOR CERTAIN STATE AGENCIES**

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

- (1) The State Board of Accountancy created under ORS chapter 673.
- (2) The State Department of Agriculture relating to duties under ORS chapters 576, 618, 621 and 634.
- (3) The State Board of Architect Examiners created under ORS chapter 671.
- (4) The Oregon State Bar created under ORS 9.010 to 9.665, 9.705 to 9.850 and 9.990.
- (5) The Director of Commerce relating to duties regulating debt consolidating agencies under ORS 697.602 to 697.842.
- (6) The Board of Boiler Rules created under ORS chapter 480, and the Building Codes Agency relating to duties under ORS chapter 480.
- (7) The Construction Contractors 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.

(41) The Oregon Board of Licensed Professional Counselors and Therapists, created under ORS 675.775.

(42) The State Board of Geologist Examiners created under ORS 672.615. [1977 c.842 §1; 1981 c.85 §10; 1981 c.438 §45; 1981 c.821 §1a; 1983 c.17 §28; 1987 c.414 §145; 1989 c.460 §2; 1989 c.721 §21]

**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** [Derived from 1983 c.655 §11, repealed by 1989 c.586 §7]

**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]

**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]

**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]

182.815 [1982 s.s.1 c.3 §1; renumbered 284 895 in 1989]

**STATE EXECUTIVE DEPARTMENT AND ORGANIZATION**

---