

# Chapter 184

1991 EDITION

## Executive and Transportation Departments

### BENCHMARKS

(Generally)

184.007 Biennial benchmarks; priority

(1991-1996 Benchmarks)

(Temporary provisions relating to benchmarks of the Oregon Progress Board are compiled as notes following ORS 184.007)

### OREGON PROGRESS BOARD

(Temporary provisions relating to Oregon Progress Board are compiled as notes following ORS 184.007)

### EXECUTIVE DEPARTMENT

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

184.315 Director of Executive Department; confirmation; compensation; bond

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

184.335 Deputy director; subordinate officers

184.340 Rules

184.345 Executive Department to provide services to certain agencies on reimbursable basis

### OREGON CRIME PREVENTION RESOURCE CENTER

184.405 Definitions for ORS 184.407 to 184.411

184.407 Duties of center

184.409 Coordinator; appointment; salary; authority

184.411 Advisory committee; meetings; compensation

### COMMUNITY POLICING DEMONSTRATION PROJECTS

184.413 Grant program; eligibility; project elements

184.415 Evaluation of projects

184.417 Training program for local law enforcement units

### DEPARTMENT OF TRANSPORTATION

(Generally)

184.610 Definitions for ORS 184.610 to 184.647

184.612 Oregon Transportation Commission; confirmation; qualifications; term; compensation and expenses

184.613 Officers; quorum; meetings; effect of vacancy; seal

184.615 Department of Transportation; divisions

184.616 Department powers given commission; service of summons

Note Feasibility study on replacement of department passenger-carrying gasoline powered vehicles—1991 c.933 §1

184.617 Functions of commission and department

184.618 Duties of commission and divisions in preparing and implementing state transportation policy

184.619 Rulemaking authority; orders

184.620 Director of Transportation; confirmation; subordinates

184.625 Compensation and expenses of director and subordinates

184.630 Departmental assistance to divisions

184.633 Duties of director; delegation; bonds for employees

184.634 Disposition of real property by department

184.635 Reports to Governor; delegation of powers

184.636 Revolving funds; disbursements; payment of claims and expenses of other state agencies

184.637 Departmental fiscal officer

184.638 Functions provided by fiscal officer

184.639 Internal auditor

184.640 Transportation Administration Account; budget and payment for administrative expenses of department

184.645 Department of Transportation Working Capital Account; data processing and photocopy equipment and services

184.647 Transfer of funds to working capital account; retransfer; use of remainder

184.648 Revolving fund

(Public Transit Division)

184.670 Purpose of ORS 184.670, 184.675 and 184.685 to 184.733

184.675 Definitions for ORS 184.670 to 184.733

184.680 Public Transit Division

184.685 Purpose of department

184.689 Powers and duties of department

184.691 Public Transit Division Account; use of moneys

184.705 Operating agreements

184.710 When operating agreements prohibited

184.715 Delegation to divisions in department

184.720 Criteria and standards for evaluation of projects

184.725 Rulemaking

(Public Transportation Development Program)

184.730 Authority of division for public transportation development program

184.733 Department of Transportation Public Transportation Development Fund; use of fund; sources

### CROSS REFERENCES

184.305

Budget duties, 291.011 to 291.226

Crime, statistics reports, 181.550

## **STATE EXECUTIVE DEPARTMENTS AND ORGANIZATION**

---

Department of Corrections, revolving fund established on written request, 423.100

Drawing of warrants, processing receipts and transfers, charging state agencies for expenses, 293.348

Emergency Management Division, 401.260

Information systems technology, data processing, coordination, 291.034, 291.038

Intergovernmental Coordination Division, 190.330

Intergovernmental Coordinator, functions transferred to Intergovernmental Coordination Division, 190.320

Personnel Division, 240.055

**184.305 to 184.345**

Access to and use of tax returns by Executive Department employees, 314.840, 314.865

**184.610 to 184.647**

Audit, Secretary of State, 1987 c.899 §21

Columbia River Maritime Museum, participation by Department of Transportation, 358.900

Global warming, strategy for reducing emission of gases that contribute to, participation by Department of Transportation, 469.060

Oregon Board of Maritime Pilots, established within Department of Transportation, 776.105

Oregon Maritime Museum, assistance of department, 358.900

Winter recreation parking to be designated by Oregon Transportation Commission, 810.170

**184.615**

Aeronautics Division, 835.010

Highway Division, 366.105

Motor Vehicles Division, 802.010

**184.617**

Assistance to Seismic Safety Policy Advisory Commission, 401.347

Tourist and motorist information, 377.700 to 377.840

**184.618**

Cemeteries, preservation and maintenance, 97.930

**184.670 to 184.733**

Use of cigarette tax revenues to finance and improve transportation services for elderly and handicapped, 323.455

**184.001** [Formerly 184.105; 1991 c.11 §2; renumbered 285.001 in 1991]

**184.003** [Formerly 184.120; 1975 c.225 §1; 1979 c.182 §4; 1983 c.217 §1; 1985 c.812 §5; repealed by 1987 c.168 §1 (184.004 enacted in lieu of 184.003)]

**184.004** [1987 c.168 §2; 1987 c.918 §6 (enacted in lieu of 184.003); renumbered 285.005 in 1991]

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

**184.006** [1983 c.197 §2 (enacted in lieu of 184.005); 1985 c.70 §1; repealed by 1989 c.908 §86; renumbered 285.010 in 1991]

Note: The repeal of ORS 184.006 (renumbered 285.010, in 1991) by section 86, chapter 908, Oregon Laws 1989, becomes operative July 1, 1993. See section 87, chapter 908, Oregon Laws 1989.

## BENCHMARKS

### (Generally)

**184.007 Biennial benchmarks; priority.** In consultation with the Executive Department and the Oregon Coordinating Council for Children and Families, the Oregon Progress Board in adopting biennial lead benchmarks shall give priority to benchmarks that have the potential to yield a high return on human investment, including but not limited to greater worker productivity and future monetary savings. [1991 c.596 §1]

Note: 184.007 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 184 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

### (1991-1996 Benchmarks)

Note: Sections 1 to 9, chapter 565, Oregon Laws 1991, provide:

Sec. 1. The Legislative Assembly finds:

(1) That Oregon has the opportunity over the next 20 years to achieve sustained economic prosperity while enhancing the state's widely heralded quality of life; and

(2) That Oregon has the best chance of achieving such a future by clearly and measurably spelling out desired results and by asking appropriate institutions to be accountable for those results. [1991 c.565 §1]

Sec. 2. (1) The Oregon Progress Board shall prepare a report that measures how the state is performing on key benchmarks of social and economic well-being as described in sections 3 to 9 of this Act. The board may add additional measures for consideration by the Legislative Assembly. This report shall be submitted to the Governor and the Legislative Assembly not later than December 15 of every even-numbered year.

(2) In preparing its report, the board shall identify those benchmarks where the state is failing to meet expectations of performance and suggest corrective actions. The board should also highlight areas where Oregon has been unusually successful at reaching measurable objectives. [1991 c.565 §2]

Sec. 3. The Legislative Assembly declares that the objectives of the people of the State of Oregon are to become measurably the best educated and trained people in the United States by the year 2000 and to become equal to any in the world by the year 2010. In its biennial report, the Oregon Progress Board shall de-

velop and present benchmarks that measure Oregon's progress toward achieving these objectives. The benchmarks shall address the conditions of Oregonians and Oregon families at every stage of life, including those that relate to:

(1) Healthy, nurturing families, including:

(a) Reducing teenage pregnancies;

(b) Reducing the number of children who are homeless or growing up in poverty; and

(c) Reducing domestic violence.

(2) Healthy babies and toddlers, including:

(a) Increasing healthy birth-weight babies and babies born from mothers who are drug-free and who receive adequate prenatal care;

(b) Reducing infant mortality rates;

(c) Increasing the number of infants and toddlers who receive adequate health care and immunizations; and

(d) Increasing the percentage of children entering school who meet minimum developmental standards.

(3) Increases in the number of students at various stages of life, starting at kindergarten and reaching through college graduation, who achieve mastery in essential skills for their age and education level.

(4) Increases in the number of students proficient in at least two languages.

(5) Increases in the ranking of student achievement on academic subjects in international test comparisons.

(6) Increases in student health and fitness and decreases in student drug and alcohol use.

(7) Increases in the numbers of high school students who choose to participate in structured work experience programs and technical specialized education.

(8) Increases in high school graduation rates and the standards required to receive a high school diploma.

(9) Maintenance or increases in the number of young adults who receive baccalaureate and post-baccalaureate degrees.

(10) Increases in the percentage of young adults who receive entrepreneurial education.

(11) An adult population with:

(a) Increasing levels of literacy; and

(b) A diversity of educational experiences, including the percentage with college and post-graduate education and with specific technical training.

(12) Increases in the participation of adults in continuing education and increasing employer investments in continuing training and education.

(13) Increases in the percentage of workers, with a subcategory specifically to include timber workers, who are laid off who successfully find work at comparable pay within a reasonable period of time.

(14) Increases in the percentage of adults who are fluent in more than one language, have knowledge of global geography and other cultures and have participated in intercultural exchanges.

(15) Improvements in the effectiveness of preventive health care and safety practices including those relating to vehicle safety restraints, the workplace, exercise, weight and alcohol and tobacco use.

(16) Reductions in serious health problems, including AIDS, drug abuse, alcohol-related deaths, unintentional injuries and suicides.

(17) The opportunity for every Oregonian, regardless of race or gender, to have an equal opportunity to participate in society, as measured by factors such as:

(a) Reducing the gap in infant mortality rates overall and among racial groups overall; and

(b) Increasing the participation of women and minorities in public life, business ownership and historically underrepresented professions.

(18) Social harmony among groups as achieved by:

(a) Increasing the number of schools that offer curricula that promote cultural diversity and conflict resolution;

(b) Reducing hate crimes and civil rights and sexual harassment violations; and

(c) Reducing overall crime rates and the differences in crime rates among different racial groups.

(19) Increases and stabilization in the percentage of seniors who live independently, participate in volunteer activity or work and live above the poverty level.

(20) Increases in the percentage of mentally disabled Oregonians who live independently and are employed at least 15 hours per week.

(21) Increases in the percentage of Oregonians with mental retardation or developmental disabilities who live independently or are employed at least part-time. [1991 c.565 §3]

**Sec. 4.** The Legislative Assembly declares that it is the objective of the State of Oregon to achieve and maintain an outstanding quality of life, as characterized by Oregon's special natural environment, vital communities, accessible services and involved citizens. In its biennial report, the Oregon Progress Board shall develop and present benchmarks to measure Oregon's progress in maintaining and achieving an outstanding quality of life, including those that relate to:

(1) Clean air, water and land, including:

(a) Increasing the percentage of Oregon's air and water that is clean;

(b) Reducing hazardous waste sites that have not been cleaned up; and

(c) Reducing solid waste per capita.

(2) Conservation of natural resources, including agricultural lands, forestlands, wetlands, groundwater, stream flows and native wildlife species.

(3) Outdoor recreation, including increasing the availability of recreation areas and facilities to meet the diverse needs of a growing population.

(4) Local transportation service, including:

(a) Reducing or stabilizing the time required to commute to work in urban areas; and

(b) Increasing multiple occupancy vehicle use.

(5) Increases in the availability of intercity transportation on highways, airports and public ground transportation.

(6) Increases in the percentage of low and median income families and families with children with affordable housing.

(7) Increases in the accessibility of housing to work.

(8) Increases in the percentage of public buildings and facilities accessible to Oregonians with physical disabilities.

(9) Increases in the percentage of households served by water and sewage disposal systems that meet government standards.

(10) Reductions in the time the judicial system takes to resolve issues.

(11) Decreases in the rate of crime and recidivism.

(12) Protection from losses to buildings and personal property from wildfires.

(13) Increases in community recreation facilities commensurate with population growth.

(14) Increases in public participation in the arts and access to public libraries.

(15) Increases in the availability, quality and affordability of child care.

(16) Improvements in the availability of and financial access to health care, including providing adequate compensation for injured workers.

(17) Increases in public participation in elections and in volunteer activities.

(18) Providing care for those physically or mentally incapable of living independently.

(19) Increases in the percentage of Oregonians who understand the Oregon tax system and where tax money is spent.

(20) Increases in the efficiency with which public services are provided.

(21) Increases in the percentage of public agencies which are high performance work organizations. [1991 c.565 §4]

**Sec. 5.** The Legislative Assembly declares that it is the objective of the State of Oregon to achieve a more diversified economy that generates productive jobs and higher incomes for all Oregonians and a business climate that fosters such an economy. In its biennial report, the Oregon Progress Board shall develop and present benchmarks to measure Oregon's progress in achieving this objective, including those that relate to:

(1) Growth and diversification in manufacturing.

(2) Growth in products that add value to natural resources.

(3) Growth in small business start-ups.

(4) Growth in professional services, mining, the visitor industry and other industry sectors targeted by the Economic Development Department, including growth in the percentages of companies that adopt high performance work organization practices that create high-skilled, high-wage employment opportunities.

(5) Growth in the share of Oregon-manufactured products that are exported.

(6) Growth in levels of income per capita and reductions in the percentage of Oregonians living in poverty.

(7) Growth in jobs by region that at least meets the indigenous population growth by region.

(8) The competitiveness of Oregon's workers' compensation, health care and energy costs in relation to national averages.

(9) The availability of air, water and land to accommodate additional economic growth.

(10) Maintaining optimal levels of timber available for harvest.

(11) Reductions in the time required to receive government permits.

(12) Growth in access of direct air and marine transportation to points nationwide and worldwide.

(13) Maintenance and improvements of roads and bridges.

(14) Increases in the availability of telecommunications for advanced uses and that handle data and imaging transmission.

(15) Growth in research and development activity by public and private institutions.

(16) A tax structure that:

(a) Provides for vital public needs; and

(b) Creates incentives for continued economic growth. [1991 c.565 §5]

**Sec. 6.** The Legislative Assembly adopts the following benchmarks as critical areas for attention and

focus over the next five years for achieving the broader goal of becoming an exceptional people:

(1) Reducing pregnancy among girls age 10 to 17 years of age;

(2) Increasing the number of children entering kindergarten meeting developmental standards for their age;

(3) Reducing the number of babies born from mothers who use alcohol or illicit drugs during pregnancy;

(4) Reducing teenage drug use;

(5) Increasing the numbers of high school students with mastery in essential skills and technical and entrepreneurial skills that will prepare them for well-paying jobs and business ownership;

(6) Reducing hate crimes; and

(7) Increasing the percentage of displaced workers who find employment at pay levels close to what they were earning previously. [1991 c.565 §6]

**Sec. 7.** The Legislative Assembly adopts the following benchmarks as critical areas for attention and focus over the next five years for achieving Oregon's long-range goals for quality of life:

(1) Increasing the percentage of Oregonians living where the air meets government standards;

(2) Increasing the percentage of Oregon households below median income who spend less than 30 percent of their incomes on housing;

(3) Increasing the percentage of Oregonians who commute to and from work during peak hours by means other than a single occupancy vehicle;

(4) Increasing the percentage of Oregonians with access to basic health care; and

(5) Increasing the availability of health care to Oregonians living in all geographic areas. [1991 c.565 §7]

**Sec. 8.** The Legislative Assembly adopts the following benchmarks as critical areas for attention and focus over the next five years for achieving Oregon's long-range goals for the economy:

(1) Reducing workers' compensation rates in relation to the rates of other states;

(2) Increasing the percentage of lumber and wood products manufacturing employees in "valued-added" manufacturing;

(3) Increasing the percentage of industrial sites identified in comprehensive plans that are actually suitable for development;

(4) Maintaining a tax system that is competitive and provides a high level of services; and

(5) Increasing the capital outlay for public facilities as a percentage of gross state product. [1991 c.565 §8]

**Sec. 9.** The Legislative Assembly adopts the following benchmarks as key long-term objectives for Oregon:

(1) Increasing the percentage of Oregonians with good health practices;

(2) Increasing the percentage of high school students who achieve mastery in essential skills;

(3) Increasing math skills to levels equal to the best in the world;

(4) Increasing the levels of literacy of adults;

(5) Improving the quality of Oregon's air in communities that currently do not meet standards, and maintaining air quality in communities where air quality standards currently are met;

(6) Preserving Oregon resource lands for their current uses;

(7) Assuring that housing is affordable;

(8) Reducing crime rates;

(9) Raising the levels of income per capita;

(10) Increasing the diversity of economic activity in the state;

(11) Increasing the levels of exports of Oregon products; and

(12) Maintaining a balance of jobs around the state. [1991 c.565 §9]

**184.008** [1983 c.197 §4; renumbered 285.015 in 1991]

**184.010** [Formerly 184.150; 1969 c.80 §13; 1973 c.691 §4; 1975 c.225 §3; 1979 c.182 §5; 1983 c.197 §6; renumbered 285.020 in 1991]

**184.015** [1973 c.691 §22; 1983 c.197 §7; renumbered 285.055 in 1991]

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

**184.025** [1979 c.182 §3; 1983 c.197 §8; 1985 c.806 §14; renumbered 285.025 in 1991]

**184.030** [1967 c.397 §15; 1973 c.691 §6; 1983 c.197 §5; 1985 c.70 §2; renumbered 285.030 in 1991]

**184.040** [Formerly 184.195; 1973 c.691 §7; 1983 c.197 §9; renumbered 285.085 in 1991]

**184.050** [Formerly 184.220; 1973 c.691 §8; 1983 c.197 §10; renumbered 285.115 in 1991]

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

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

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

**184.125** [1963 c.580 §18; 1967 c.397 §4; 1969 c.80 §16; 1971 c.57 §3; 1973 c.691 §11; 1979 c.182 §6; 1983 c.197 §11; 1985 c.70 §5; 1987 c.168 §20; 1989 c.339 §1; 1991 c.95 §1; renumbered 285.035 in 1991]

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

**184.135** [1963 c.580 §19; 1969 c.80 §17; 1971 c.57 §4; 1973 c.691 §12; 1977 c.700 §5; 1983 c.197 §12; 1985 c.70 §4; renumbered 285.040 in 1991]

**184.137** [1963 c.580 §20; 1969 c.80 §18; 1971 c.57 §5; 1973 c.691 §13; 1983 c.197 §13; renumbered 285.045 in 1991]

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

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

**184.160** [1957 c.624 §6; 1969 c.80 §20; 1973 c.691 §14; 1979 c.182 §7; 1981 c.316 §1; 1983 c.197 §14; 1985 c.70 §3; 1987 c.562 §8; 1987 c.775 §6; 1991 c.149 §1; renumbered 285.050 in 1991]

**184.165** [1975 c.288 §2; renumbered 285.090 in 1991]

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

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

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

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

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

**184.198** [1967 c.397 §9; 1973 c.691 §9; 1975 c.371 §6; 1983 c.197 §15; renumbered 285.110 in 1991]

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

**184.202** [1989 c.533 §1; renumbered 285.095 in 1991]

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

184.215 [1981 c.653 §7; renumbered 285.105 in 1991]

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

184.225 [1985 c.778 §1; 1987 c.836 §1; 1989 c.851 §1; 1989 c.1015 §23a; renumbered 285.120 in 1991]

184.230 [1985 c.778 §2; repealed by 1987 c.836 §3]

184.235 [1985 c.778 §4; renumbered 285.065 (1) in 1991]

184.240 [1987 c.562 §10; renumbered 285.100 in 1991]

184.250 [1987 c.162 §3; renumbered 285.060 in 1991]

## OREGON PROGRESS BOARD

Note: Sections 1, 2 and 4 to 9, chapter 908, Oregon Laws 1989, as amended by chapter 279, Oregon Laws 1991, provide:

Sec. 1. (1) The Legislative Assembly finds:

(a) That the Oregon economy of the future can provide unparalleled opportunity while maintaining Oregon's traditional values, if the state pursues the future with clarity of purpose and perseverance.

(b) The Oregon economy is in the midst of a massive transition created by technological changes, global competition, and new production practices.

(c) In order to maintain employment opportunities, increase income levels, reduce poverty and generate the public revenues needed to provide public services, Oregon must increasingly rely on an economy which adds value to its natural resources and provides a diverse mix of products.

(2) The Legislative Assembly declares that it is the purpose of the Oregon Progress Board:

(a) To encourage the discussion and understanding of critical global and national economic trends that will affect the Oregon economy in the coming decades;

(b) To formulate and submit to Oregonians a strategy that describes and explains a vision for Oregon's economic progress over the next 20 to 30 years; and

(c) To submit to the Legislative Assembly, for its adoption, goals for Oregon's progress including measurable indicators of the achievement of those goals. [1989 c.908 §1]

Sec. 2. (1) There is established an Oregon Progress Board consisting of nine members.

(2) The Oregon Progress Board shall consist of the following members:

(a) The Governor; and

(b) Eight members appointed by the Governor subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(3) The term of office of each member is four years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 31 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment for the unexpired term.

(4) A member of the Oregon Progress Board shall be entitled to compensation and expenses as provided in ORS 292.495.

(5) Of the members of the board, five shall be selected who are residents of different congressional districts in this state.

(6) Members of the Oregon Progress Board shall be appointed so as to be representative of the ethnic, cultural, social and economic diversity of the people of this state. [1989 c.908 §2]

Sec. 4. (1) In accordance with applicable provisions of ORS 183.310 to 183.550, the Oregon Progress Board

may adopt rules necessary for the administration of sections 1 to 8 of this Act.

(2) The Governor shall serve as chair of the board and may appoint an executive officer for the board for a term and with such duties and powers as the board determines to be necessary or appropriate.

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

(4) The board shall meet as the board determines necessary at times and places specified by call of the chair or a majority of the members of the board.

(5) The clerical, technical and management personnel serving as the policy unit of the Economic Development Department on the effective date of this Act shall be transferred to the Oregon Progress Board and shall serve as the board's staff. [1989 c.908 §4]

Sec. 5. (1) The Oregon Progress Board shall develop a strategy for Oregon that addresses the economic, social, cultural, environmental and other needs and aspirations of the people of Oregon.

(2) The strategy developed by the Oregon Progress Board shall address issues that the board determines are necessary and appropriate to Oregon's future. Such issues shall include:

(a) Education and work force.

(b) Public and private cooperation.

(c) Environmental quality.

(d) Infrastructure.

(e) Such other issues as the board, by majority vote, shall add to the strategy.

(3) In developing the strategy, the Oregon Progress Board shall hold public hearings, public meetings and workshops as needed to insure the participation of a broad cross section of Oregon's population. The board shall publicize the public hearings, public meetings and workshops in each city in which they are held and shall allow interested residents and other individuals to appear and be heard by the board.

(4) After considering any written comments and public testimony relating to the proposed strategy, the board shall revise the strategy as it considers necessary or appropriate. The board, by a vote of a majority of its members, shall approve and adopt a final strategy. The board shall submit, in addition to its adopted strategy, a summary and digest of comments and public testimony and its response, if any, to those comments. The adopted strategy shall be submitted to the Sixty-sixth Legislative Assembly not later than January 15, 1991. [1989 c.908 §5]

Sec. 6. As a part of the strategy adopted under section 5 of this Act, the Oregon Progress Board shall also adopt a recommended implementation plan. This plan shall include recommendations for statutory or other changes the board deems appropriate, modifications in public fiscal and spending policies, including the allocation of lottery revenues, and also recommendations for implementing actions to be carried out by local governments, businesses, private citizens and other organizations. [1989 c.908 §6]

Sec. 7. (1) The Oregon Progress Board shall, in its adopted strategy, include a series of goals for Oregon's progress over the next two to three decades.

(2) Goals shall include such measurable indicators of attainment as the board shall determine which show the extent to which each goal is being achieved.

(3) Goals shall be reviewed by the Legislative Assembly which may, by joint resolution, adopt, modify, delete or add to these goals. Any goals adopted by the Legislative Assembly shall become the goals used by the board in its subsequent activities.

(4) Subsequent to the legislative review and adoption of goals, the board may recommend such modifica-

tions to the goals as it deems appropriate. [1989 c.908 §7]

**Sec. 8.** The Oregon Progress Board shall prepare, at least once each biennium, a report which describes Oregon's progress towards achievement of the board's strategy, based on the specific measures the board has adopted for measuring the attainment of strategic goals. The report shall include an analysis of issues and trends of strategic significance and shall propose an agenda which identifies key steps Oregon should take over the following two years to build for Oregon's future. In developing the report required by this section, the Oregon Progress Board shall consider the criteria contained in ORS 184.004 (3)(a) to (e). [1989 c.908 §8]

**Sec. 9.** Sections 1 to 8, chapter 908, Oregon Laws 1989, are repealed July 1, 1995. [1989 c.908 §9; 1991 c.279 §1]

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

**184.280** [1987 c.77 §1; renumbered 285.190 in 1991]

**184.285** [1987 c.77 §4; renumbered 285.185 (1) to (4) in 1991]

## EXECUTIVE DEPARTMENT

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

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

(a) The functions of the Department of Emergency Services that has operated under ORS 401.015 to 401.580 and 401.990;

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

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

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

(a) Budget Division.

(b) Management Systems Division.

(c) Accounting and Data Systems Division.

(d) Personnel Division.

(e) Emergency Management Division.

(f) Planning Division.

(g) Intergovernmental Coordination Division.

(h) Office of Legislative Liaison.

(i) Office of Economic Analysis.

(j) Office of Committee Coordination. [1969 c.80 §1 (1), (2), (3); 1971 c.57 §9]

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

**184.315 Director of Executive Department; confirmation; compensation; bond.**

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

(2) Subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565, the Governor shall appoint the director, who shall hold office at the pleasure of the Governor. The person appointed as director shall be well qualified by training and experience to perform the functions of the office.

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

(4) Before entering upon the functions of office, the director shall give to the state a fidelity bond with one or more corporate sureties authorized to do business in this state in the penal sum fixed by the Governor. [Formerly 291.007; 1973 c.792 §4]

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

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

(2) The functions of the department may be divided into administrative divisions or staff offices. Each division or office shall be under the supervision of a person appointed by the director, with the approval of the Governor. The appointee shall serve at the pleasure of the director, not be subject to the State Personnel Relations Law, and be well qualified by technical training and experience in the functions the appointee is to perform. [Formerly 291.005; 1979 c.468 §27]

**184.335 Deputy director; subordinate officers.**

(1) With the approval of the Governor, the director may appoint a deputy director who shall serve at the pleasure of the director, not be subject to the State Personnel Relations Law, and have full authority to act for the director, subject to the control of the director. The appointment of the deputy director shall be by written order, filed with the Secretary of State.

(2) Except as provided in ORS 184.325 and subsection (1) of this section, the director, subject to applicable provisions of the

State Personnel Relations Law, shall appoint all subordinate officers and employees of the department, prescribe their functions and fix their compensation. [Formerly 291.009]

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

**184.345 Executive Department to provide services to certain agencies on reimbursable basis.** The Executive Department shall provide such administrative and other services to the Department of Corrections, the Mental Health and Developmental Disability Services Division and the State Board of Education as such divisions, Department of Corrections and the Executive Department may agree on a reimbursable basis. [1969 c.597 §268; 1987 c.320 §143]

**184.355** [1969 c.597 §5; repealed by 1983 c.740 §45]

### OREGON CRIME PREVENTION RESOURCE CENTER

**184.405 Definitions for ORS 184.407 to 184.411.** As used in ORS 184.407 to 184.411, unless the context requires otherwise:

(1) "Center" means the Oregon Crime Prevention Resource Center.

(2) "Coordinator" means the Coordinator of the Oregon Crime Prevention Resource Center. [1989 c.1067 §1]

**184.407 Duties of center.** The Oregon Crime Prevention Resource Center is created within the Executive Department. The center shall:

(1) Develop, plan and carry out a comprehensive, long-range, integrated program, implemented by local crime prevention councils, that will mobilize all Oregon residents, including the youth of this state, in a year-round preventive effort to reduce both crime and delinquency;

(2) Provide a mechanism to support, unify, promote, implement and evaluate crime prevention efforts;

(3) Act as a clearinghouse for crime prevention efforts;

(4) Provide a means by which local enforcement and prevention related agencies, civilian personnel and the education community may acquire the resource materials, technical assistance, knowledge and skills necessary to develop, implement and evaluate crime prevention and intervention programs;

(5) Provide ongoing, programmatic support to crime prevention efforts of local law enforcement and crime prevention councils,

enabling them to develop programs within their jurisdiction or community;

(6) Assist local law enforcement agencies and crime prevention councils to increase the awareness of communities, businesses and governments regarding the need for crime prevention while offering information on current and future programming in their communities and in this state;

(7) Increase the availability of resource materials that may be utilized by local crime prevention programs, analyze data, evaluate needs and develop specific crime prevention strategies;

(8) Coordinate the efforts of law enforcement agencies and local crime prevention councils and programs to prevent the victimization of children by criminal acts and to prevent the occurrence of criminal behavior by children and young persons through educational programs; and

(9) Operate as a resource for local governments and upon the request of any local agency shall:

(a) Provide technical assistance and crime prevention programs in the form of onsite visits, resource development and distribution, consultation, community resource identification, utilization, training and promotion of crime prevention programs or activities;

(b) Review master copies of materials and resources, with the concurrence of any Oregon crime prevention association, for the purpose of increasing program efficiency, effectiveness and consistency;

(c) Provide assistance in increasing the knowledge of community, business and governmental leaders concerning the theory and operation of crime prevention and how their involvement will assist in efforts to prevent crime;

(d) Provide resource materials to and assistance in developing the skills of local law enforcement personnel, which materials and skills are necessary to create successful crime prevention strategies that meet the needs of specific regions and communities throughout the state;

(e) Act as a liaison between local, state and national agencies concerning crime prevention issues; and

(f) Coordinate efforts with any statewide crime prevention association and receive from the association advice and direction for the operation of the center and related activities. [1989 c.1067 §2]

**184.409 Coordinator; appointment; salary; authority.** (1) The center is under the supervision and control of the coordinator

who is responsible for the performance of the duties, functions and powers of the center.

(2) The Governor shall appoint the coordinator who shall have experience and knowledge in the area of crime prevention and who holds office at the pleasure of the Governor.

(3) The coordinator shall receive a salary as provided by law or, if not so provided, as prescribed by the Governor.

(4) The coordinator is authorized to solicit, receive and expend grants, including matching grants, from private sources to aid in carrying out the provisions of ORS 184.405 to 184.411. [1989 c.1067 §3]

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

**184.411 Advisory committee; meetings; compensation.** (1) To aid and advise the coordinator in the performance of the functions of the center, an advisory committee shall be established. The committee shall consist of 15 members. The Governor shall appoint 13 members representing law enforcement agencies, state and local crime prevention organizations, parents' groups, educational organizations, business, the criminal defense bar and the general public. The President of the Senate shall appoint one Senator to serve as a member. The Speaker of the House of Representatives shall appoint one Representative to serve as a member.

(2) The committee shall meet at such times and places as shall be determined by the coordinator.

(3) Legislative members shall receive no compensation or per diem for services as members but may receive actual and necessary travel and other expenses under ORS 171.072 from funds appropriated to the Legislative Assembly. Other members of the committee shall be entitled to expenses as provided in ORS 292.495. [1989 c.1067 §4]

## COMMUNITY POLICING DEMONSTRATION PROJECTS

**184.413 Grant program; eligibility; project elements.** (1) The Executive Department may administer a grant program for statewide community policing demonstration projects. The Executive Department shall award grants on the basis of appropriateness and effectiveness and shall consider geographic and demographic factors in making the awards.

(2) To be eligible for a grant, a community must:

(a) Demonstrate interaction between its citizens and the police; and

(b) Have initiated planning for innovative police strategies that are problem oriented, proactive and community based.

(3) A community must submit to the Executive Department a proposal that provides the details of the community policing project the community intends to implement. The project shall contain the following elements:

(a) Community involvement, including involving neighborhood associations, business groups, churches and other civic organizations in establishing priorities for anticrime efforts involving the police and other community agencies and providing recognition of and police support to citizen-based anticrime efforts including, but not limited to, block watches, task forces and alternative programs;

(b) Problem-solving orientation;

(c) Community-based deployment strategies that fit the community's problems, financial limitations and priorities, as jointly determined by the citizens of the community, the elected officials and the police; and

(d) Increased accountability of the police to the citizens. [1989 c.981 §1]

**184.415 Evaluation of projects.** The Executive Department shall evaluate the demonstration projects to determine their effectiveness. [1989 c.981 §2]

**184.417 Training program for local law enforcement units.** The Executive Department may administer a training program for local law enforcement units on community, problem-oriented policing. The training shall include, but not be limited to, familiarizing police officers with the problem-oriented policing model of scanning for problems in the community, analyzing and responding to the problems and assessing the results. [1989 c.981 §3]

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

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

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

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

**184.460** [1957 c.664 §1; 1959 c.465 §1; renumbered 542.710]

**184.470** [1957 c.664 §2; 1959 c.465 §2; renumbered 542.720]

**184.510** [1963 c.580 §1; repealed by 1987 c.414 §172]

**184.520** [1963 c.580 §2; 1971 c.57 §10; 1971 c.505 §8; 1971 c.753 §3; 1975 c.429 §1; 1981 c.320 §1; 1985 c.762 §1; repealed by 1987 c.414 §172]

**184.530** [1963 c.580 §3; 1969 c.695 §3; 1985 c.565 §21; repealed by 1987 c.414 §172]

**184.540** [1963 c.580 §5; 1965 c.597 §5; repealed by 1987 c.414 §172]

**184.545** [1971 c.753 §7; repealed by 1987 c.414 §172]

**184.550** [1963 c.580 §6; repealed by 1987 c.414 §172]

**184.560** [1963 c.580 §4; repealed by 1987 c.414 §172]

**184.565** [1985 c.383 §7; repealed by 1987 c.414 §173]

**184.570** [1963 c.580 §7; 1965 c.597 §6; repealed by 1987 c.414 §173]

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

**184.577** [1985 c.383 §9; repealed by 1987 c.414 §172]

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

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

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

## DEPARTMENT OF TRANSPORTATION

### (Generally)

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

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

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

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

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

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

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

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

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

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

determines are necessary for the performance of such offices.

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

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

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

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

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

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

- (a) Aeronautics Division.
- (b) Highway Division.
- (c) Motor Vehicles Division.
- (d) Public Transit Division.
- (e) Traffic Safety Division.
- (f) Oregon Board of Maritime Pilots.

(3) Each division shall be under the supervision and control of a chief administrative officer. Except as provided in ORS 802.310, each administrator shall be appointed by the director with the approval of the commission. A division administrator shall be in the unclassified service for purposes of the State Personnel Relations Law. A division administrator, with the approval of the director, may organize and reorganize the division to improve the administration of the work of the division. [1969 c.599 §2; 1973 c.249 §15; 1975 c.371 §5; 1979 c.186 §4; subsection (4) enacted as 1981 c.700 §2; 1983 c.324 §13; 1987 c.414 §88; 1989 c.904 §28; 1991 c.453 §1]

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

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

Note: Section 1, chapter 933, Oregon Laws 1991, provides:

**Sec. 1. Feasibility study on replacement of department passenger-carrying gasoline powered vehicles.** (1) The Department of Transportation shall study the feasibility of replacing department passenger-carrying gasoline powered vehicles with compressed natural gas powered vehicles.

(2) The Department of Transportation shall report the findings and conclusions of this study to the Sixty-seventh Legislative Assembly. [1991 c.933 §1]

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

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

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

(4) The department shall be the recipient of all federal funds paid to or to be paid to the state to enable the state to provide the programs and services assigned to the department. [1973 c.249 §10; 1979 c.186 §5; 1989 c.904 §50]

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

(2) Each division shall prepare plans to carry out its responsibility and collect, summarize and analyze information concerning the condition and usage of the service pro-

vided. Each division shall compile such information in a form suitable for use by the director in the planning activities of the department.

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

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

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

**184.620 Director of Transportation; confirmation; subordinates.** (1) The department shall be under the supervision of a Director of Transportation who shall be appointed by and shall hold office at the pleasure of the commission.

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

(3) The director may appoint:

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

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

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

**184.625 Compensation and expenses of director and subordinates.** The director and any deputy directors shall receive such

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

**184.630 Departmental assistance to divisions.** (1) Except as otherwise provided by law, the department shall provide a research program for divisions within the department, using the staffs of such divisions for development of solutions to such needs as might arise.

(2) The director may provide administrative facilities and services for the divisions within the department. [1969 c.599 §5; 1973 c.249 §19]

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

(a) Be the administrative head of the department;

(b) Have power, within applicable budgetary limitations, and in accordance with ORS chapter 240, to hire, assign, reassign and coordinate personnel of the department and prescribe their duties and fix their compensation, subject to the State Personnel Relations Law;

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

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

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

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

(4) The director shall have authority to require a fidelity bond of any officer or employee of the department who has charge of, handles or has access to any state money or

property, and who is not otherwise required by law to give a bond. The amounts of the bond shall be fixed by the director, except as otherwise provided by law, and the sureties shall be approved by the director. The department shall pay the premiums on the bonds. [1973 c.249 §18]

**184.634 Disposition of real property by department.** Notwithstanding the provisions of ORS 270.100, 270.110, 270.130, 270.140, 270.150 and 273.426, the commission may establish by rule procedures and criteria for:

(1) The advertisement for sale of real property by the department;

(2) The disposition of real property by the department after an auction at which no satisfactory bids were received; and

(3) The disposition by the department of real property that:

(a) Has minimal value and is useful only to adjacent property owners; or

(b) May not, because of local land use ordinances, be disposed of to anyone other than adjacent property owners. [1989 c.499 §2; 1991 c.816 §23]

**184.635 Reports to Governor; delegation of powers.** (1) The commission shall develop and report to the Governor on legislative, budgetary and administrative programs to accomplish comprehensive, long-range, coordinated planning and policy formulation in the matters of public interest related to transportation. To accomplish this end, the commission may hold public hearings, consult with and use the services and cooperation of other state and federal agencies, employ consultants and appoint advisory and technical committees to assist in the work.

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

**184.636 Revolving funds; disbursements; payment of claims and expenses of other state agencies.** (1) Upon approval of the State Treasurer and the Executive Department, the department may establish revolving funds in the State Treasury. These funds may be used as depository accounts.

(2) Disbursements may be made by check signed by such person as delegated by the director. Disbursements shall be made only in payment of claims authorized by law for the ordinary expenditures of the department incurred in the operation of the department or any of its divisions. The department shall keep accurate account of which funds any

expenditures are debited or credited to and of any interest income which may be due.

(3) Upon approval of the Executive Department and the State Treasurer, the department may write checks upon the State Treasury to pay for claims and expenditures of other state agencies not a part of the department. The Executive Department shall draw up warrants for the amounts paid separately or in aggregate.

(4) Moneys in the account established under subsection (1) of this section may be held as petty cash or carried by the State Treasurer to be disbursed in accordance with subsection (3) of this section. [1989 c.345 §5]

**184.637 Departmental fiscal officer.** The director shall designate a fiscal officer for the department who shall:

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

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

(3) Act in an advisory capacity to the director in all financial matters and perform such other duties and responsibilities with respect to accounting procedures and other like duties and responsibilities as the director considers advisable.

(4) By the end of the calendar year, prepare and submit to all divisions for which accounting services were performed a report of all funds received during the last completed fiscal year by each division, the sources from which funds were received, the expenditures and disbursement of the funds and the purpose for which they were expended. [1973 c.249 §20; 1979 c.293 §2; 1989 c.345 §1]

**184.638 Functions provided by fiscal officer.** The fiscal officer for the department may provide or contract for the provision of the following functions for each division of the department:

(1) Operation of an adequate accounting system in order that all revenues and expenditures may be properly recorded and maintained.

(2) Partial payment on contracts based upon estimates of completion.

(3) Preparation of vouchers covering claims for all salaries and expenses and other expenditures which are authorized by the director. Claims approved by the director shall be indorsed by the director or the director's designee and presented for payment.

(4) Preparation of a monthly payroll in which the department shall record the name of each employee, the rate of salary or wages, the capacity in which each person is

employed and the amount due each employee. The payroll shall be verified by the fiscal officer. After payment, payroll checks shall be retained by the department, and shall constitute a full receipt of the payment for services rendered. The department may draw payroll checks against appropriate departmental accounts.

(5) Such other functions as the director may deem necessary for the sound fiscal administration of the department. [1989 c.345 §3]

**184.639 Internal auditor.** The director shall designate an internal auditor for the department who shall perform internal audits of all divisions of the department and report findings to the director. [1989 c.345 §4]

**184.640 Transportation Administration Account; budget and payment for administrative expenses of department.** (1) There is established, separate and distinct from the General Fund, the Transportation Administration Account.

(2) Notwithstanding any other law, such amounts as may be necessary to pay the administrative expenses of the department shall be continuously credited to the Transportation Administration Account from the biennial appropriations or transferred to such administration account from the accounts or funds, of the divisions and other agencies within the department. Such amounts as may be requested quarterly by the director, with the approval of the Executive Department, shall be so credited or transferred to the Transportation Administration Account. The department is subject to the allotment system provided for in ORS 291.234 to 291.260.

(3) The amounts credited and transferred to the Transportation Administration Account shall not be greater than the total of any budget approved for the department by the Legislative Assembly and shall be determined by prorating the costs of the office of the director among the respective divisions and agencies within the department. All moneys appropriated, credited or transferred to the Transportation Administration Account are appropriated continuously to pay the administrative expenses of the department. Interest earned by the account shall be credited to the account. [1969 c.599 §7; 1973 c.249 §21; 1989 c.966 §5]

**184.645 Department of Transportation Working Capital Account; data processing and photocopy equipment and services.** (1) There is hereby established an account, separate and distinct from the General Fund, to be known as the Department of Transportation Working Capital Account, which account is appropriated continuously for, and shall be used for, the purpose of ac-

quiring data processing, word processing and photocopy equipment and services. Interest earned by the account shall be credited to the account.

(2) The cost to the department of providing data processing, word processing and photocopy services, including labor, facilities, materials, overhead, administrative cost, the lease or purchase cost of the equipment and depreciation, to any state agency, including itself, which is to be charged, in part or whole to the agency or unit served may be advanced out of the Department of Transportation Working Capital Account. The costs advanced from the account shall be reimbursed to the account from the charges paid to the department by the agency or unit served. [1979 c.380 §§2, 3; 1981 c.306 §1; 1989 c.966 §6]

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

**184.648 Revolving Fund.** The Central Services Division of the Department of Transportation may establish a revolving fund, separate and distinct from the General Fund, not to exceed the aggregate amount of \$5,000. Interest earned by the fund shall be credited to the fund. [1983 c.136 §4; 1989 c.966 §7]

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

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

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

#### (Public Transit Division)

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

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

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

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

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

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

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

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

(1) "Director" means Director of Transportation.

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

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

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

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

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

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

(8) "Public transportation entity" includes a city, county, transportation district, mass transit district, metropolitan service district or private nonprofit corporation operating a public transportation system. [1969 c.599 §50; 1973 c.249 §23; 1977 c.230 §2; 1981 c.224 §1; 1989 c.171 §24]

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

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

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

- (1) Sue and be sued;
- (2) Acquire by purchase, lease, devise, gift or voluntary grant real and personal property or any interest therein, including access rights, and take, hold, possess and dispose of any such property or interest;
- (3) Conduct or carry out, subject to any other provision of law, field research, planning, financing, design, construction, acquisition, lease, preservation, or improvement of any public transportation system or any portion thereof, or provide for such activity by entering into agreements with any person or persons principally responsible for the operations of such public transportation system and possessing authority to enter into such agreement;
- (4) Enter into any other necessary agreements; employ agents, engineers, consultants and other persons as necessary and fix their compensation;
- (5) Construct, acquire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking facilities in connection with any public transportation system;
- (6) Advise and assist in the formulation of overall public transportation policies and plans;
- (7) Make necessary studies and render technical assistance to local governments;
- (8) Participate in regulatory proceedings affecting public transportation;
- (9) Assist local government, private and nonprofit operators of passenger transporta-

tion systems in the planning, experimentation, financing, design, construction, acquisition, lease, preservation, improvement, operation and maintenance of public transportation systems. The assistance may include loans, grants, or the provision of equipment or facilities or any rights therein by sale, lease or grant, or special grants to the users of said systems;

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

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

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

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

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

**184.691 Public Transit Division Account; use of moneys.** The Public Transit Division Account is established in the General Fund of the State Treasury. Except as otherwise provided by law, all moneys received by the division, from whatever source, shall be paid into the State Treasury and credited to the account. All moneys in the account are appropriated continuously to the division and shall be used by the division for the purposes authorized by law. [1975 c.522 §6; 1977 c.230 §5]

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

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

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

- (a) Services to be rendered;
- (b) Routes to be served;

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

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

(3) Operating agreements, as defined in ORS 184.675 (4), as well as agreements providing for financial assistance or provision of transportation facilities or equipment or proposals by which the Federal Government would itself or through the department exercise control of intrastate routes, rates or levels of service, entered into by the department with persons providing public transportation services under an authorized certificate of public convenience and necessity issued by the Public Utility Commission, shall be submitted to the Public Utility Commission for approval. The Public Utility Commission shall have 120 days from the date of receipt of the agreement to approve or disapprove the agreement. Notice shall be made and a hearing shall be held pursuant to the provisions of ORS chapter 767 to determine whether the execution of the agreement will result in a diminution in the total quantity and quality of passenger transportation service available to the public or impairment of the ability of existing certificated carriers to adequately serve the public. These shall be the sole criteria for approval or disapproval of the agreement.

(4) In connection with the institution of an operating agreement or other agreement to provide a transportation service for which no carrier presently holds a certificate of public convenience and necessity, the department shall select a provider of service on the basis of written proposals, giving preference to existing private carriers who presently provide transportation service in the general area for which the agreement will apply, as provided in paragraph (a) of subsection (1) of this section. The department shall then notify the Public Utility Commission of such agreement prior to the institution of such service. The notice shall contain the terms of the agreement and the Public Utility Commission shall thereupon issue a permit for the operations described in the agreement. Such a permit shall be restricted

to the terms of the agreement and shall automatically be revoked upon termination of the operating agreement. Operating agreements with persons not certificated by the Public Utility Commission which result in a new service shall be submitted to the Public Utility Commission for approval in the same manner and subject to same conditions as set forth in subsection (3) of this section. Operations conducted pursuant to a temporary operating arrangement may be considered by the Public Utility Commission in determining public convenience and necessity on subsequent application for permanent authority under ORS chapter 767 or 773, but shall not be given greater weight than the service criteria provided in subsection (3) of this section as this relates to existing certificated carriers.

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

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

(7) Except as provided in ORS 184.675 to 184.691, persons providing public transportation services otherwise subject to the Public Utility Commission's jurisdiction shall remain subject to the jurisdiction of the Public Utility Commission, notwithstanding assistance or approval of the department. ORS 184.610 to 184.691 is not intended to extend the jurisdiction of the Public Utility Commission beyond that otherwise granted. [1977 c.230 §13; 1989 c.171 §25]

**184.710 When operating agreements prohibited.** The department shall not enter into operating agreements with any person for service in competition with service being provided by a mass transit district or transportation district formed under ORS chapter 267 without the consent of such district. [1977 c.230 §15]

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

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

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

**(Public Transportation Development Program)**

**184.727** [1981 c.224 §3; repealed by 1989 c.867 §1]

**184.730 Authority of division for public transportation development program.** (1) In addition to the provisions of ORS 184.689, the division is authorized to institute a public transportation development program which may be financed by state, federal, local or other funds and may be operated in conjunction and cooperation with the Federal Government, metropolitan planning organizations, public and private employers, and public transportation entities.

(2) The division may apply to the Urban Mass Transportation Administration or Federal Highway Administration of the United States Department of Transportation or other federal or state government agency for participation in any public transportation system development project.

(3) The division may, with the assistance of the Department of General Services or in cooperation with public transportation entities, or both, write specifications for and order public transportation equipment on behalf of any number of public transportation entities, to purchase real estate or to purchase, engineer, design, construct or lease public transportation structures and facilities under this program.

(4) If federal funds are being used to finance any project under this program, the division shall secure assurance from the Federal Government of the availability and amount of federal financial assistance. The division may also secure obligations by the participating public transportation entities that they will manage and operate such public transportation equipment or facilities at the appropriate time and will supply local funding if such is being utilized.

(5) Funding for projects under this section and ORS 184.733 may be with whatever percentage of federal, state or local funds that the Oregon Transportation Commission deems proper. In the event that the federal percentage is changed by legislation, the state and local percentage may be changed

by action of the Oregon Transportation Commission.

(6) In cooperation with metropolitan planning organizations, public and private employers, and public transportation entities, the division may develop transportation demand management projects, air quality improvement projects, demonstration projects, and planning and research projects. As used in this subsection:

(a) Transportation demand management projects are measures to reduce traffic congestion and travel by single occupant automobiles including but not limited to carpool, vanpool, buspool, park-and-ride facilities, parking management, high occupancy vehicles lanes, bus by-pass lanes, flexible hours of employment, work trip reduction programs and incentives to use public transportation.

(b) Air quality improvement projects are measures to reduce vehicle emissions, including transportation demand management, development of alternative fuels including fueling stations, conversion of existing vehicles or replacement of existing vehicles with vehicles producing lower emissions, research into vehicles using alternative fuels and purchase of new vehicles by public transportation entities.

(c) Demonstration projects show the merits of products, projects, transportation service designs or management techniques. Demonstration projects are of a limited duration. [1981 c.224 §4; 1989 c.867 §2; 1991 c.752 §14f]

**184.733 Department of Transportation Public Transportation Development Fund; use of fund.** (1) There is hereby established an account in the State Treasury, separate and distinct from the General Fund, to be known as the Department of Transportation Public Transportation Development Fund, which account is appropriated continuously for, and shall be used for, the purposes of ORS 184.730 or 468A.450, developing and improving public transportation systems and air quality, acquiring transportation equipment and constructing facilities or participating with public transportation entities in the acquisition or construction of equipment or facilities. All interest, if any, shall inure to the benefit of the fund. In order to facilitate financing of the costs of transportation demand management projects, air quality improvement projects, demonstration projects, planning and research projects, acquisition or construction, the division may at any time, with Oregon Transportation Commission approval, draw on funds in this account for authorized purposes. The director may enter into written agreements with public transportation entities that commit the department to pay anticipated funds from the

Department of Transportation Public Transportation Development Fund to public transportation entities for the purpose of financing the costs of acquisition and construction of transportation equipment and facilities, including servicing any obligations entered into by a public transportation entity to finance transportation equipment and facilities, which written agreements may provide for the remittance of such funds on such periodic basis, in such amounts, over such period of years and with such priority over other commitments of such funds as the director shall specify in the agreements. Any such written agreement or commitment when executed by the director and accepted by a public transportation entity shall be solely conditioned upon actual funds available in the Department of Transportation Public Transportation Development Fund and shall be valid, binding and irrevocable in accordance with its terms.

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

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

(4) The division may from the amount appropriated to the Department of Transportation Public Transportation Development Fund deduct its costs of developing projects and administering the program authorized by this section and ORS 184.730.

(5) All moneys received by the division from the sale of buses, other public transportation equipment, real estate or facilities shall be placed in the Department of Transportation Public Transportation Development Fund and subject to budgetary limitations, may be used for the acquisition of additional transportation equipment or facilities.

(6) The Environmental Quality Commission shall adopt criteria for projects to be financed by revenues raised by emission fees imposed under ORS 468A.430. The criteria shall be developed in cooperation with the Department of Transportation. The criteria may include cost-effectiveness relative to other projects within the same air quality control region, the magnitude of the reduction in emissions and other factors as es-

tablished by the Environmental Quality Commission.

(7) The Environmental Quality Commission shall review the projects developed by the Public Transit Division for consistency with the criteria prior to consideration for approval and implementation by the Oregon Transportation Commission. [1981 c.224 §§5, 6, 7; 1989 c.867 §3; 1991 c.752 §14g]

**184.750** [1971 c.319 §1; 1977 c.267 §1; 1977 c.661 §3; 1981 c.784 §19; 1985 c.740 §11; 1987 c.320 §144; 1989 c.116 §1; 1991 c.122 §6; 1991 c.402 §4; renumbered 409.010 in 1991]

**184.755** [1971 c.319 §2; 1977 c.267 §2; renumbered 409.100 in 1991]

**184.757** [1985 c.740 §2; 1987 c.60 §1; 1989 c.224 §12; 1989 c.834 §10; renumbered 409.410 in 1991]

**184.759** [1985 c.740 §3; 1987 c.60 §2; renumbered 409.420 in 1991]

**184.760** [1971 c.319 §3; 1977 c.267 §8; renumbered 409.130 in 1991]

**184.765** [Formerly 176.630; 1977 c.267 §10; renumbered 409.150 in 1991]

**184.767** [1977 c.267 §9; 1979 c.468 §28; renumbered 409.140 in 1991]

**184.770** [1971 c.319 §5; 1977 c.267 §12; renumbered 409.110 in 1991]

**184.773** [1977 c.267 §7; renumbered 409.120 in 1991]

**184.775** [1971 c.319 §6; 1977 c.267 §13; renumbered 409.160 in 1991]

**184.780** [1971 c.319 §9; subsection (2) enacted as 1977 c.267 §22; 1987 c.660 §16a; renumbered 409.040 in 1991]

**184.785** [1975 c.458 §§7, 16; 1989 c.633 §5; renumbered 409.020 in 1991]

**184.787** [1977 c.267 §4; renumbered 409.050 in 1991]

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

**184.795** [1977 c.267 §14; renumbered 409.060 in 1991]

**184.800** [1977 c.267 §15; renumbered 409.070 in 1991]

**184.801** [1989 c.370 §1; renumbered 409.750 in 1991]

**184.802** [1985 c.211 §1; 1989 c.224 §13; 1989 c.370 §2; 1991 c.739 §21; renumbered 458.505 in 1991]

**184.803** [1987 c.522 §2; 1989 c.966 §4; 1991 c.739 §22; renumbered 458.510 in 1991]

**184.804** [1987 c.522 §3; 1989 c.224 §14; 1991 c.739 §23; renumbered 458.515 in 1991]

**184.805** [1971 c.401 §1; 1973 c.641 §1; 1989 c.834 §11; 1991 c.122 §7; renumbered 409.210 in 1991]

**184.807** [1983 c.588 §1; renumbered 409.220 in 1991]

**184.810** [1971 c.774 §15; 1989 c.51 §1; renumbered 409.250 in 1991]

**184.815** [1971 c.774 §14; 1989 c.50 §1; renumbered 409.260 in 1991]

**184.820** [1989 c.50 §2; renumbered 409.240 in 1991]

**184.830** [1971 c.650 §1; 1975 c.730 §1; 1977 c.267 §16; renumbered 409.310 in 1991]

**184.835** [1971 c.650 §3; 1975 c.730 §2; 1985 c.565 §22; renumbered 409.330 in 1991]

**184.840** [1971 c.650 §4; 1975 c.730 §3; renumbered 409.320 in 1991]

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

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

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

**184.875** [1977 c.779 §1; renumbered 443.215]  
**184.880** [1977 c.779 §2; 1979 c.235 §1; renumbered 443.225]  
**184.883** [1987 c.780 §§1, 2; renumbered 409.710 in 1991]  
**184.885** [1977 c.846 §1; 1981 c.357 §2; renumbered 108.610]  
**184.890** [1977 c.846 §2; 1981 c.357 §3; renumbered 108.620]

**184.900** [1975 c.768 §3; 1977 c.661 §2; 1981 c.784 §17; renumbered 410.320]  
**184.905** [1975 c.768 §4; 1977 c.891 §7; renumbered 410.330]  
**184.910** [1975 c. 768 §5; renumbered 410.340]  
**184.915** [1975 c.768 §§6, 7; repealed by 1977 c.661 §5]  
**184.940** [1977 c.81 §5; renumbered 185.570]

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**STATE EXECUTIVE DEPARTMENTS AND ORGANIZATION**

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