

Chapter 283

1991 EDITION

Department of General Services

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GENERAL PROVISIONS

283.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Department" means the Department of General Services.

(2) "Director" means the Director of the Department of General Services.

(3) "State agency" or "agency" has the meaning given such term in ORS 291.002.

(4) "Rehabilitation facility" has the meaning given such term in ORS 344.710.

(5) "Work activity center" means a nonprofit facility established and operated by a private organization, agency or institution to provide therapeutic activities for disabled individuals whose physical or mental impairment is so severe as to make their productive capacity inconsequential. Therapeutic activities include those activities which focus on teaching basic living skills, social-recreational skills and work skills.

(6) "Residential facility" has the meaning given such term in ORS 443.400 to 443.455 and 443.991 (2). [1967 c.419 §17; 1975 c.345 §1; 1977 c.717 §19; 1989 c.224 §47; 1991 c.93 §2]

283.020 Federal laws and rules govern when federal granted funds involved. In all cases where federal granted funds are involved, the federal laws, rules and regulations applicable thereto shall govern notwithstanding any provisions to the contrary in this chapter. [1967 c.419 §18]

DEPARTMENT OF GENERAL SERVICES**(Generally)**

283.030 Department of General Services established; organization. (1) The Department of General Services is established.

(2) For the purpose of administration, the Director of the Department of General Services, with the approval of the Governor, shall organize and reorganize as necessary the department in the manner the director considers necessary to conduct properly the work of the department. [1967 c.419 §19]

283.040 Director; appointment; salary. (1) The department shall be under the supervision and control of a director, who is responsible for the performance of the functions of the department.

(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) The director shall receive such salary as may be provided by law or, if not so provided, as may be fixed by the Governor. [1967 c.419 §20; 1973 c.792 §9]

283.050 Deputy director; subordinate officers and employees. (1) The director may appoint a deputy director to serve at the pleasure of the director and not be subject to the State Personnel Relations Law, with full authority to act for the director, but 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 subsection (1) of this section, the director, subject to any 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. [1967 c.419 §21]

283.060 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. [1967 c.419 §22]

283.070 [1975 c.447 §5; repealed by 1989 c.97 §1]

283.075 [1981 c.106 §9; repealed by 1989 c.84 §4 (283.076 enacted in lieu of 283.075)]

283.076 General Services Operating Fund. (1) There is established the General Services Operating Fund in the State Treasury, separate and distinct from the General Fund. The moneys in the General Services Operating Fund may be invested as provided in ORS 293.701 to 293.776. Interest earnings on the fund assets shall be credited to the fund.

(2) Amounts in the fund are continuously appropriated for and shall be used for the purposes authorized by law. It is the legislative intent that, except as otherwise provided by law, all activities using the General Services Operating Fund shall be self-supporting and the Department of General Services shall keep the necessary records to show the status of each activity.

(3) Unless otherwise provided by law, the cost to the Department of General Services of providing services, including labor, facilities and materials to any state agency, including itself, the cost of which is to be charged, in part or whole, to the agency served, may be advanced out of the General Services Operating Fund. The costs advanced from the fund shall be reimbursed to the fund from the charges paid to the department by the agency served.

(4) The department may estimate in advance the expenses that it will incur during the biennium for activities which operate out of the fund. Such expenses include necessary working capital and depreciation as determined by the department. The department may render to each agency an invoice for its share of such expenses for periods within the biennium. Each agency shall pay to the credit of the General Services Operating Fund such invoice as an administrative expense from funds or appropriations available to it in the same manner as other claims against the state are paid. If the estimated expenses for any agency are more or less than actual expenses, including working capital and depreciation requirements, for the period covered by the invoice, the difference shall be reflected in the next following estimate of expenses.

(5) Notwithstanding subsection (4) of this section, all moneys collected by the department as depreciation reserves for the properties identified in ORS 276.004 shall be deposited to the Capital Projects Fund, and are continuously appropriated for the purposes set out in ORS 276.005 (1). [1989 c.84 §5 (enacted in lieu of 283.075)]

283.080 Special revolving fund for immediate payments. (1) The Executive Department may draw a warrant on the State Treasurer in favor of the Department of General Services payable out of the General Services Operating Fund established under ORS 283.076 for the amount necessary to restore the special revolving fund to the maximum authorized level of \$10,000. The amount drawn shall be credited to a special revolving fund which shall be carried with the State Treasurer and shall be used by the Department of General Services when it is necessary or desirable to make immediate payments.

(2) The Department of General Services shall file with the Executive Department at least once each month a verified voucher covering current disbursements from the special revolving fund. The voucher shall be accompanied by an itemized statement showing the names of the persons, firms or corporations to whom and the purposes for which the disbursements were made.

(3) Upon receipt of the voucher, the Executive Department shall draw a warrant on the State Treasurer in favor of the Department of General Services payable out of the General Services Operating Fund. The amount drawn shall be deposited in the special revolving fund and shall be for a sum sufficient only to replenish the special revolving fund. [1977 c.316 §2; 1981 c.106 §17; 1983 c.424 §1; 1989 c.84 §6]

(Certificates of Participation Financing)

283.085 Definitions. As used in ORS 283.085 to 283.092, 286.515 and 286.525:

(1) "Available funds" means funds appropriated or otherwise made available by the Legislative Assembly to pay amounts due under a financing agreement for the fiscal period in which the payments are due, together with any unexpended proceeds of the financing agreement, and any reserves or other amounts which have been deposited in trust to pay amounts due under the financing agreement.

(2) "Credit enhancement agreement" means any agreement or contractual relationship between the state and any bank, trust company, insurance company, surety bonding company, pension fund or other financial institution providing additional credit on or security for a financing agreement or certificates of participation authorized by ORS 283.085 to 283.092, 286.515 and 286.525.

(3) "Director" means the Director of the Department of General Services.

(4) "Financing agreement" means a lease purchase agreement, an instalment sale agreement, a loan agreement, or any other agreement to finance real or personal property which is or will be owned and operated by the state or any of its agencies, or to refinance previously executed financing agreements.

(5) "Personal property" means tangible personal property, software and fixtures.

(6) "Property rights" means, with respect to personal property, the rights of a secured party under ORS chapter 79, and, with respect to real property, the rights of a trustee or lender under a lease authorized by ORS 283.089 (5).

(7) "Software" means software and training and maintenance contracts related to the operation of computing equipment.

(8) "Treasurer" means the State Treasurer. [1989 c.1032 §1]

Note: 283.085 to 283.092 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

283.087 Director authorized to enter into financing agreements; limitations. With the approval of the State Treasurer and the Executive Department, the Director of the Department of General Services may enter into financing agreements in accordance with ORS 283.085 to 283.092, 286.515 and 286.525, upon such terms as the director and the treasurer find to be advantageous to the

state. Financing agreements shall be subject to the following limitations:

(1) Amounts payable by the state under a financing agreement shall be limited to available funds. In no circumstance shall the state be obligated to pay amounts due under a financing agreement from any source other than available funds. If there are insufficient available funds to pay amounts due under a financing agreement, the lender may exercise any property rights which the state has granted to it in the financing agreement, against the property which was purchased with the proceeds of the financing agreement, and apply the amounts so received toward payments scheduled to be made by the state under the financing agreement.

(2) No property rights may be granted in property unless the property is being acquired, substantially improved or refinanced with the proceeds of a financing agreement, or is land on which such property is located.

(3) For periods after June 30, 1989, the principal amount of financing agreements entered into by the state pursuant to ORS 283.085 to 283.092, 286.515 and 286.525 shall be treated as an amount of bonds and shall be subject to the provisions of ORS 286.505 to 286.545.

(4) The limitations of subsection (3) of this section shall not apply to financing agreements which are used to refinance previously executed financing agreements.

(5) The state or any state agency shall not enter into financing agreements under any provision of law other than ORS 283.085 to 283.092, 286.515 and 286.525 if the principal amount of the financing agreement, together with the principal amount of any financing agreement previously issued by the state or a state agency for the same project, exceeds \$100,000.

(6) Upon the request and with the approval of the Chief Justice of the Supreme Court or the State Court Administrator, the Director of the Department of General Services may enter into financing agreements in accordance with ORS 283.085 to 283.092, 286.515 and 286.525, on behalf of the Judicial Department. [1989 c.1032 §2; 1991 c.642 §4; 1991 c.790 §20]

Note: See note under 283.085.

283.089 Authority of director regarding financing agreements. With the approval of the State Treasurer, the Director of the Department of General Services may:

(1) Enter into agreements with trustees to hold financing agreement proceeds, payments and reserves as security for lenders, and to issue certificates of participation in the right to receive payments due from the state under a financing agreement. Amounts

held with a trustee shall be invested by the trustee at the direction of the treasurer. Interest earned on any investments held by a trustee as security for a financing agreement may, at the option of the director, be credited to the accounts held by the trustee and applied in payment of sums due under a financing agreement.

(2) Enter into credit enhancement agreements for financing agreements or certificates of participation, provided that such credit enhancement agreements shall be payable solely from available funds and amounts received from the exercise of property rights granted under such financing agreements.

(3) Use financing agreements to finance the costs of acquiring or refinancing property, plus the costs of reserves, credit enhancements and costs associated with obtaining the financing.

(4) Use a single financing agreement to finance property to be used by multiple state agencies.

(5) Subject to ORS 283.087 (2), grant leases of real property with a trustee or lender. Such leases may be for a term which ends on the date on which all amounts due under a financing agreement have been paid or provision for payment has been made, or 10 years after the last scheduled payment under a financing agreement, whichever is later. Such leases may grant the trustee or lender the right to evict the state and exclude it from possession of the real property for the term of the lease if the state fails to pay when due the amounts scheduled to be paid under a financing agreement or otherwise defaults under a financing agreement. Upon default, the trustee or lender may sublease the land to third parties and apply any rentals toward payments scheduled to be made under a financing agreement.

(6) Subject to ORS 283.087 (2), grant security interests in personal property to trustees or lenders. Such security interests shall attach and be perfected on the date the state takes possession of the personal property, or the date the lender advances money under a financing agreement, whichever is later. A security interest authorized by this section shall have priority over all other liens and claims. Upon default, the secured party shall have the rights and remedies available to a secured party under ORS 79.1010 to 79.5070 for a first, perfected security interest in goods and fixtures. No later than 10 days after a security interest authorized by this section attaches, the state shall cause a financing statement for the security interest to be filed with the Secretary of State in the same manner as financing statements are filed for goods; however, failure to file such

a statement shall not affect the perfection of the security interest.

(7) Pledge for the benefit of trustees and lenders any amounts which are deposited with a trustee in accordance with a financing agreement. The pledge shall be valid and binding from the time it is made, the amounts so pledged shall immediately be subject to the lien of the pledge without filing, physical delivery or other act, and the lien of the pledge shall be superior to all other claims and liens of any kind whatsoever.

(8) Bill any state agency which benefits from property acquired with the proceeds of a financing agreement for an appropriate share of the financing costs, including debt service, on a monthly or other periodic basis, and deposit payments received in connection with such billings with a trustee as security for a financing agreement. Any state agency receiving such a bill shall pay the amounts billed from the first amounts legally available to it.

(9) Purchase fire and extended coverage or other casualty insurance for property which is acquired or refinanced with proceeds of a financing agreement, assign the proceeds thereof to a lender or trustee to the extent of their interest, and covenant to maintain such insurance while the financing agreement is unpaid, so long as available funds are sufficient to purchase such insurance. [1989 c.1032 §3]

Note: See note under 283.085.

283.091 Governor's budget to include amount needed to pay amounts due on unpaid financing agreements. The Executive Department shall include in the Governor's budget request to the Legislative Assembly for each fiscal period amounts sufficient to permit the payment of all amounts which will be due on unpaid financing agreements during that fiscal period. [1989 c.1032 §4]

Note: See note under 283.085.

283.092 Effect of financing agreement on tax status. A lease or financing agreement authorized by ORS 283.085 to 283.092, 286.515 and 286.525 shall not cause property to be subject to property taxation and shall be disregarded in determining whether property is exempt from taxation under ORS chapter 307. [1989 c.1032 §5]

Note: See note under 283.085.

STATE AGENCY SERVICES GENERALLY

283.110 Furnishing by state agency to another state agency of services, facilities and materials; services, facilities or

materials furnished to other persons. (1) Subject to rules prescribed by the department, any state agency shall, as its own facilities permit, furnish to any other state agency such services (including labor), facilities and materials as are requisitioned by the head of another agency. The expense shall be charged to the agency served, which shall pay the expense to the agency furnishing the services, facilities or materials in the manner other claims are paid. Agencies shall, as far as practicable, cooperate with one another in the use of services, quarters and equipment.

(2) Except as provided in ORS 283.076 (3) and 291.036 (2), all moneys received by an agency in payment of services, facilities or materials furnished to another state agency as provided in this section, or in payment of services, facilities or materials furnished to other persons may be, or if required by the Executive Department, shall be paid into the State Treasury for deposit to the credit of the miscellaneous receipts account established pursuant to ORS 279.833 for the agency furnishing the services, facilities or materials.

(3) The constitutional state officers and the Legislative Assembly or any of its statutory, standing, special or interim committees, unless prohibited by law, may elect to furnish services, facilities and materials to one another and to state agencies and officers as defined in ORS 291.002, and the courts, constitutional state officers and the Legislative Assembly or any of its statutory, standing, special or interim committees may elect to requisition services, facilities and materials as provided in this section. [Formerly 291.658; 1981 c.106 §18]

283.120 State agency may establish agency service unit. Subject to rules prescribed by the department, any state agency may establish a service unit within the agency to furnish to other units of such agency the services, facilities and materials that the service unit is established to provide. The expenses of the service unit shall be charged to the units served and, except as provided in ORS 283.076 (3) and 291.036 (2), the amounts so charged shall be credited to the miscellaneous receipts account established pursuant to ORS 279.833 and hereby are appropriated continuously for expenditure by the state agency subject to the allotment system provided by ORS 291.234 to 291.260. [Formerly 291.670; 1981 c.106 §19]

283.130 "Agency" defined for ORS 283.140 to 283.160. As used in ORS 283.140 to 283.160, "state agency" or "agency" includes the Legislative Assembly, at its option, or any of its statutory, standing, special or interim committees, at the option of such committee. [Formerly 291.659]

283.140 Central telephone, mail, shuttle bus and messenger service for state agencies. (1) The department shall exercise budgetary management, supervision and control over all telephone service for all state agencies. The department may operate central mail, shuttle bus or messenger services for agencies located in Salem, Portland or other cities, where it would be economical so to do. The cost of maintaining and operating any central telephone exchange or switchboard, or intercity trunk line, or the cost of mail, shuttle bus and messenger services, shall be charged to the various agencies served and paid to the department in the same manner as other claims against the agencies are paid.

(2) The department shall adopt rules pursuant to which persons associated with government either temporarily or otherwise, including but not limited to unsalaried volunteers, part-time employees, contractors with the state and employees of contractors, political subdivisions and the Federal Government may use shuttle bus services. [Formerly 291.660; 1971 c.110 §1; 1977 c.92 §1]

283.150 Central repair and maintenance services; salvage of office equipment. The department may operate central repair and maintenance services for the general repair and servicing of office equipment belonging to the various state agencies. The cost of such services shall be charged to the various agencies served and paid to the department in the same manner as other claims against the agencies are paid. It shall also be the function of the department to salvage office equipment, in so far as is practicable and economical. Salvaged equipment shall be disposed of in accordance with ORS 279.828. [Formerly 291.662]

283.160 Clerical and stenographic pool services. The department, where it would be economical so to do, may provide clerical and stenographic pool services as needed for unusual work demands of state agencies above the normal demands that can be met by their permanent staffs. The cost of such services shall be charged to the agencies utilizing such services and paid to the department in the same manner as other claims against the agencies are paid. [Formerly 291.664]

283.170 Sale of steam heat to certain museums. The Department of General Services may sell excess steam heat to a museum that is tax exempt under state and federal law where the steam can be delivered to the museum property without significant impact on the state steam heating system. The proceeds of the sale may be used to meet costs of the system without specific appropriation thereof. [1979 c.712 §1]

Note: 283.170 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

283.190 Telecommunications equipment and services. The Department of General Services may enter into an agreement or agreements to fund or otherwise acquire telecommunications equipment and services by instalment purchase or lease purchase contracts as provided by ORS 276.218. [1985 c.88 §4; and 1987 c.73 §4]

Note: 283.190 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

283.210 [Formerly 291.652; renumbered 279.805 in 1991]

283.220 [Formerly 291.654; 1977 c.598 §32; renumbered 279.826 in 1991]

283.230 [Formerly 291.656; 1975 c.345 §2; 1981 c.106 §20; 1981 c.325 §2; 1985 c.168 §1; 1987 c.158 §39; 1991 c.93 §3; 1991 c.176 §4; renumbered 279.828 in 1991]

283.235 [1979 c.569 §1; 1981 c.325 §3; renumbered 279.830 in 1991]

283.240 [Formerly 291.666; renumbered 279.831 in 1991]

283.250 [Formerly 291.678; renumbered 279.833 in 1991]

CONTROL AND REGULATION OF STATE-OWNED MOTOR VEHICLES

283.305 Definitions for ORS 283.305 to 283.350. As used in ORS 283.305 to 283.350:

(1) "Alternative fuel" means natural gas, liquified petroleum gas, methanol, ethanol, any fuel mixture containing at least 85 percent methanol or ethanol and electricity.

(2) "Passenger motor vehicles" includes supplies, parts and equipment for the operation, maintenance or repair of such motor vehicle units.

(3) "State agency" or "agency" includes the Legislative Assembly, at its option, or any of its statutory, standing, special or interim committees, at the option of such committee. [Formerly 291.702; 1991 c.399 §4]

283.310 Control and regulation of state-owned passenger motor vehicles. The department shall control and regulate the acquisition, operation, maintenance and disposal of passenger motor vehicles used for state business by state agencies. [Formerly 291.704]

283.315 Establishing motor pools. The department shall establish a motor pool for the common use of state agencies located in Salem, and may establish in the state such subsidiary pools under the direct control or under the supervision of a state agency as may be found necessary. [Formerly 291.706]

283.320 Transfer to pool or sale of vehicles not required by state agencies. (1) The department shall study and ascertain the present needs for passenger vehicles and shall authorize transfer to the pool or the sale of vehicles found not to be required by state agencies.

(2) Where any vehicle so transferred from any agency was purchased by the agency from a dedicated fund or trust fund, as defined in ORS 291.002, an amount equal to the current market value of the vehicle shall be paid the agency or shall be entered upon the accounts of the General Services Operating Fund as a credit in favor of the agency from which the vehicle was transferred, and any charges thereafter made to such agency, pursuant to ORS 283.350, for transportation furnished to the agency, shall be offset against such credit until the entire amount of the credit has been utilized. [Formerly 291.708]

283.325 Acquiring motor vehicles by department; assignment to state agencies. Subject to section 2 of this 1991 Act, the department shall have authority to acquire passenger motor vehicles by purchase or transfer and all motor vehicles transferred to or purchased for the department shall become a "motor pool" from which, upon requisition and proper showing to the department of need and use for official state business only, there may be assigned suitable transportation, either on a temporary or permanent basis, to any state agency. [Formerly 291.710; 1991 c.399 §5]

283.327 Use of alternative fuels; acquisition of vehicles using such fuel; safety standards. (1) To the maximum extent economically possible, state-owned passenger motor vehicles shall use alternative fuel for operation.

(2) After July 1, 1994, state agencies shall acquire only motor vehicles capable of using alternative fuel, except that acquired vehicles assigned to areas unable economically to dispense alternative fuel need not be so configured.

(3) Each agency owning passenger vehicles shall comply with all safety standards established by the United States Department of Transportation in the conversion, operation and maintenance of vehicles using alternative fuel. [1991 c.399 §2]

283.330 Department responsible for motor vehicles under its control. The department shall direct and be responsible for the acquisition, operation, maintenance, storage, repair and replacement of state motor vehicles under its control. The department shall utilize all state facilities available

for the maintenance, repair and storage of such motor vehicles. [Formerly 291.712]

283.335 Storage, repair and maintenance facilities; interagency agreements. The department may arrange, by agreement with agencies, for the utilization by one of the storage, repair or maintenance facilities of another, with such provision for charges and credits as may be agreed upon. Any such agreement to which the department is not a party shall be subject to the approval of the department. The department may acquire and maintain storage facilities for the motor vehicles under its control. [Formerly 291.714]

283.337 Reports to Departments of Environmental Quality and Energy; content. Prior to December 31 of each year, each agency owning passenger vehicles shall submit an annual report to the Department of Environmental Quality and the Department of Energy. The report shall contain at a minimum:

(1) The number of vehicles acquired that are capable of using alternative fuel;

(2) The number of vehicles converted from the use of gasoline to the use of alternative fuel;

(3) The quantity of each type of alternative fuel used; and

(4) Any other information required by the Department of Environmental Quality and the Department of Energy. [1991 c.399 §3]

283.340 Rules and regulations; keeping records. The department may adopt rules and regulations necessary for the efficient and economical operation, maintenance, repair and replacement of all state passenger motor vehicles, and shall require the keeping of such records of costs and operations and the making of such reports as will enable the exercise of proper cost controls. [Formerly 291.716]

283.345 Use of privately owned vehicles. The use of privately owned vehicles shall be permitted where necessary, subject to regulations established by the department. [Formerly 291.718]

283.350 Use of General Services Operating Fund for automotive purposes. (1) In addition to the other purposes for which the General Services Operating Fund created by ORS 283.076 may be used, the General Services Operating Fund is appropriated continuously for and may be used for the acquisition, operation, storage, maintenance, repair and replacement of motor vehicles under the control of the department, the payment of insurance premiums as provided in ORS 278.205 and payment of the administrative expenses of the department in connection with the operation of the motor pool

and a proportionate amount of the administrative costs in connection with the operation of the General Services Operating Fund. The type of motor vehicles purchased shall be limited to the most appropriate economical models. At the end of each month the department shall render a statement, on a basis of mileage or rental, to all state agencies to which transportation has been furnished, and all amounts due shall be credited to the General Services Operating Fund and shall be a charge against the appropriation allotments of the agencies involved. Any proceeds from the sale or other disposition of used vehicles owned by the department shall be credited to the General Services Operating Fund. Administrative costs in connection with the operation of the motor pool and a proportionate amount of the administrative costs in connection with the operation of the General Services Operating Fund shall be included in the computation of the rental or mileage charge to the agencies to which transportation is furnished.

(2) There is continued in existence a petty cash fund in the amount of \$100 as part of the General Services Operating Fund, and the director may authorize designated persons to make disbursements from the petty cash fund in any case where it is necessary to make an immediate cash payment which is payable from the General Services Operating Fund for an expenditure referred to in subsection (1) of this section. Disbursements from the petty cash fund shall be made only by the persons so designated in payment of claims authorized by law. When the person designated by the director from time to time files with the Executive Department verified vouchers covering disbursements from the petty cash fund, the Executive Department shall issue warrants on the State Treasurer payable out of the General Services Operating Fund in favor of the person designated by the director. The payments of such warrants shall be credited to the petty cash fund. The verified vouchers covering disbursements shall bear the approval of the individual designated by the director. [Formerly 291.720; 1981 c.106 §21; 1983 c.740 §81]

283.355 [Formerly 291.722; repealed by 1975 c.605 §33]

283.390 State-owned vehicles to be marked; exceptions. (1) Any state department or institution owning or operating automobiles or trucks shall have printed or painted in plain lettering of a size so as to be readily read the name of the department or institution owning or operating the vehicle, followed by the words "State of Oregon."

(2) A vehicle need not be marked as required by subsection (1) of this section and

need bear only such license plates as are required on privately owned vehicles if:

(a) In the opinion of the director, the marking of the vehicle as required by subsection (1) of this section would unduly hinder the department or institution owning or operating the vehicle in carrying out its duties and functions; and

(b) The department has approved in writing the operation of the particular vehicle without being marked as required by subsection (1) of this section.

(3) Notwithstanding subsection (1) of this section, the department shall, upon request of any state law enforcement agency or state parole or probation agency for which the department obtains vehicles, obtain for the agencies vehicles that are not marked as required by subsection (1) of this section and that have registration and registration plates described in ORS 805.060. [Formerly 291.724; 1987 c.6 §3]

283.395 Driving state-owned vehicles for private purposes prohibited. (1) No person shall drive, operate or use, or authorize or permit any person to drive, operate or use, any motor vehicle owned by the state for private purpose.

(2) The Department of General Services shall adopt rules to distinguish private from public purposes. [Formerly 291.726; 1991 c.176 §5]

283.400 [1979 c.230 §1; repealed by 1991 c.399 §6]

283.405 [1979 c.230 §2; repealed by 1991 c.399 §6]

MASTER ASBESTOS MANAGEMENT PLAN

283.415 Legislative findings; policy. The Legislative Assembly finds and declares that:

(1) Asbestos has been found to be a human carcinogen. There is no known safe level for human exposure to asbestos. Ailments caused by asbestos can become manifest many years after exposure.

(2) In a decayed or damaged state, asbestos can pose a health risk to employees, inmates, patients or residents of state institutions. This state does not know where asbestos-containing materials exist in its buildings nor in what condition those materials are to be found.

(3) It is the goal of the Legislative Assembly to assure that state facilities are safely maintained and operated. It is, therefore, the policy of the Legislative Assembly that:

(a) A Master Asbestos Management Plan be developed that will assure orderly well-reasoned asbestos control and abatement.

(b) As any conditions of immediate hazard to health become known, they be acted on promptly in accordance with the Master Asbestos Management Plan.

(c) The plan include standards for employee awareness and training.

(d) The Department of General Services be the agency to develop and centrally manage the plan for this state.

(e) Each agency cooperate fully in carrying out the plan.

(f) The State of Oregon engage in a long-term commitment to control the asbestos hazard in state facilities through control and abatement. [1989 c.1037 §1]

Note: 283.415 to 283.425 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

283.417 Definitions. As used in ORS 283.415 to 283.425, unless the context requires otherwise:

(1) "Agency" means each branch, institution, department, board or commission of the state which owns, leases or operates facilities capable of containing asbestos.

(2) "Asbestos abatement" means measures to control fiber release from asbestos-containing materials, including its removal, encapsulation and enclosure.

(3) "Department" means the Department of General Services. [1989 c.1037 §2]

Note: See note under 283.415.

283.419 Department to develop and administer abatement standards, plans and procedures. The Department of General Services shall develop and administer standards, plans and procedures for the abatement of asbestos by all agencies in all state-owned, leased or operated facilities. Standards, plans and procedures include development of:

(1) A survey of all state-owned, leased or operated facilities to identify presence, nature and condition or absence of asbestos-containing materials in each one.

(2) An establishment of priorities of facilities for abatement in order of the nature or extent of asbestos exposure they present.

(3) Specifications and standards for acceptable asbestos abatement practices, projects and materials management.

(4) A checklist to guide and advise agency investigation, planning and implementation of asbestos abatement.

(5) Standard bid specifications, criteria for awarding bids and contract language for asbestos related contracts.

(6) A state government emergency response plan to deal with any facilities presenting extreme and immediate risk.

(7) Employee awareness, training and worker protection plans.

(8) Such other standards, plans and procedures as the department may require for the safe and economical abatement of asbestos by agencies. [1989 c.1037 §3]

Note: See note under 283.415.

283.421 Agency responsibility for abatement of asbestos. Each agency shall take the necessary steps for abatement of asbestos in its facilities in conformance with the standards, plans and procedures approved by the Department of General Services. Those steps shall include:

(1) Making inspections and providing information as requested by the department.

(2) Scheduling its structures for necessary abatement consistent with the department's priorities.

(3) Contracting for or performing any necessary abatement in accordance with department standards, plans and procedures for abatement.

(4) Training appropriate agency employees to recognize and work safely with asbestos-containing materials to comply with applicable regulations of the Accident Prevention Division of the Department of Insurance and Finance and Department of Environmental Quality. [1989 c.1037 §4]

Note: See note under 283.415.

283.423 Expenses of department to be paid by agencies. The expenses of the Department of General Services, as approved by the Legislative Assembly or the Emergency Board, for developing and administering the state's plans for asbestos abatement and for property damage recovery litigation by the Department of Justice, unless the Legislative Assembly or the Emergency Board provides otherwise, shall be paid by assessment against the agencies owning, leasing or operating facilities based on square footage of affected buildings and lineal footage of affected tunnels. [1989 c.1037 §5]

Note: See note under 283.415.

283.425 Costs of certain litigation to be charged to department. The costs of asbestos property damage recovery litigation incurred by the Department of Justice shall be charged to the Department of General Services pursuant to ORS 180.160 and 180.170. [1989 c.1037 §6]

Note: See note under 283.415.

PENALTIES

283.990 Penalties. Violation of ORS 283.395 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$100. [Formerly part of 291.990]

PUBLIC FACILITIES, ECONOMIC DEVELOPMENT
