

# Chapter 182

2015 EDITION

## State Administrative Agencies

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**STATE ADMINISTRATIVE  
AGENCIES GENERALLY**

**182.010 Nonattendance of member of board or commission at meetings as forfeiting office; appointment of successor.**

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

**182.020 Notice of meetings of boards and commissions; reporting of absences.**

The secretary or clerk of every state board and commission shall:

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

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

**182.030 Employment of persons advocating violent overthrow of the Government of the United States or Oregon prohibited.**

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

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

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

**182.040 Boards and commissions to pay counties for services; exceptions.**

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

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

(a) Except for those fees required in ORS 205.320, services rendered for the Bureau of Labor and Industries on wage claims assigned to it for collection.

(b) Any of the provisions or requirements of ORS 21.170, 52.410 to 52.440, 156.160, 205.360 and 205.370. [Amended by 1965 c.619 §35; 1967 c.398 §8; 1973 c.381 §7; 1981 s.s. c.3 §97; 1985 c.496 §25; 1999 c.803 §3; 2011 c.595 §135]

**182.050 Time and manner of payment to counties.**

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

**182.060 County clerk to record instruments affecting realty for state boards and commissions.**

When requested by a state board or commission, the county clerk shall record in the office of the clerk any instrument affecting real property and shall return to the board or commission a receipt for the instrument showing the legal charge for the recording of the instrument. [Amended by 1999 c.654 §12]

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

**182.070** [1953 c.527 §2; 1961 c.167 §21; 1979 c.215 §1; repealed by 1995 c.69 §12]

**182.072 Payment for licenses issued by county or other public body on behalf of state agency.**

If an agency of the executive department, as defined in ORS 174.112, enters into a contract with a county or other public body, as defined in ORS 174.109, for the purpose of issuing licenses on behalf of the agency, the agency, by rule, shall provide that payment for the licenses be made directly to the agency if:

(1) The agency has implemented a functioning licensing software system that is approved by the Oregon Department of Administrative Services; and

(2) The agency pays to the county or other public body the same amounts under the contract that the county or other public body would have received if the county or

other public body had collected the license fees. [2007 c.768 §61]

**Note:** 182.072 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

(2) Upon repeal or amendment of a statute as described in subsection (1) of this section, so much as may be necessary, and no more, of the balance in the General Fund appropriated for the use, operation and function of the state officer, board, commission, corporation, institution, department, agency or other state organization is transferred to the Secretary of State for the payment of all expenses incurred by the Secretary of State in winding up and concluding administration of the repealed or amended statute, as authorized in subsection (1) of this section. If the balance of the unexpended appropriation is insufficient to cover the costs and expenses of the Secretary of State in administering and concluding the operation of the repealed or amended statute, the secretary may request transfer or appropriation of any funds, accounts and receipts belonging to the state in the custody or control of such state officer, board, commission, corporation, institution, department, agency or other state or-

ganization, to cover in full the costs of winding up and concluding the administration of the statute. [1955 c.73 §1; 2005 c.755 §3]

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

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

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

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

(2) The Director of Affirmative Action shall assist all persons who have appointing authority at the state level for boards, commissions or advisory bodies in carrying out the state policy stated in subsection (1) of this section and ORS 236.115.

(3) As used in this section, "affirmative action" means a method of eliminating the effects of past and present discrimination, intended or unintended, on the basis of race, religion, national origin, age, sex, marital status or physical or mental disabilities, that are evident or indicated by analysis of present appointment patterns, practices and policies. [1981 c.255 §1; 1989 c.224 §10; 1997 c.539 §2]

**182.105 Information concerning tax benefits of providing child care under employee benefit plan.** Any state agency may provide information to employers concerning the tax benefits of providing child care, as defined in ORS 329A.250, under an employee benefit plan. [1985 c.753 §5; 1995 c.278 §28]

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

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

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

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

(4) Use the preferred and more positive term “person with a disability” instead of “disabled person,” “handicapped” or other negative words except as such terms are required by statute or federal law and regulation.

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

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

(7) Use the term “person with a disability” to the extent consistent with state and federal law in rules adopted on or after January 1, 2006. [1989 c.224 §2; 2005 c.411 §2; 2007 c.70 §48]

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

**182.112 Title to property acquired by state agency in name of state.** A state agency, as defined in ORS 279A.250, authorized by law to acquire real or personal property or any interest therein shall take title to the property or the interest therein in the name of the State of Oregon. [2003 c.794 §192]

**Note:** 182.112 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**Note:** Sections 4 and 5, chapter 600, Oregon Laws 2013, provide:

**Sec. 4. State agency grant applications; racial and ethnic impact statement.** (1) A state agency that awards grants shall require that each grant application include a racial and ethnic impact statement that must contain the following information:

(a) Any disproportionate or unique impact of proposed policies or programs on minority persons in this state;

(b) A rationale for the existence of policies or programs having a disproportionate or unique impact on minority persons in this state; and

(c) Evidence of consultation with representatives of minority persons in cases in which a proposed policy or program has a disproportionate or unique impact on minority persons in this state.

(2) The Oregon Department of Administrative Services shall create and distribute a racial and ethnic impact statement form for state agencies and shall ensure that the statement is included in applications for grants awarded by state agencies.

(3) The racial and ethnic impact statement shall be used for informational purposes.

(4) The requirements of this section apply only to grants awarded to corporations or other legal entities other than natural persons.

(5) As used in this section:

(a) “Minority persons” includes individuals who are women, persons with disabilities, African-Americans, Hispanics, Asians or Pacific Islanders, American Indians and Alaskan Natives.

(b) “State agency” means the executive department as defined in ORS 174.112. [2013 c.600 §4]

**Sec. 5.** Sections 1 to 4 of this 2013 Act are repealed on January 2, 2018. [2013 c.600 §5]

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

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

**182.121** [1975 c.731 §2; renumbered 171.855 in 1987]

## INFORMATION SYSTEMS SECURITY

**182.122 Information systems security in executive department; rules.** (1) As used in this section:

(a) “Executive department” has the meaning given that term in ORS 174.112.

(b) “Information systems” means computers, hardware, software, storage media, networks, operational procedures and processes used in collecting, processing, storing, sharing or distributing information within, or with any access beyond ordinary public access to, the state’s shared computing and network infrastructure.

(2) The State Chief Information Officer has responsibility for and authority over information systems security in the executive department, including responsibility for taking all measures that are reasonably necessary to protect the availability, integrity or confidentiality of information systems or the information stored in information systems. The State Chief Information Officer shall, after consultation and collaborative development with agencies, establish a state information systems security plan and associated standards, policies and procedures. The plan must align with and support the Enterprise Information Resources Management Strategy described in ORS 291.039.

(3) The State Chief Information Officer may coordinate with the Oregon Department of Administrative Services to:

(a) Review and verify the security of information systems operated by or on behalf of state agencies;

(b) Monitor state network traffic to identify and react to security threats; and

(c) Conduct vulnerability assessments of state agency information systems for the purpose of evaluating and responding to the susceptibility of information systems to attack, disruption or any other event that threatens the availability, integrity or confidentiality of information systems or the information stored in information systems.

(4) The State Chief Information Officer shall contract with qualified, independent consultants for the purpose of conducting vulnerability assessments under subsection (3) of this section.

(5) In collaboration with appropriate agencies, the State Chief Information Officer shall develop and implement policies for responding to events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems, whether those systems are within, interoperable with or outside the state's shared computing and network infrastructure. In the policies, the State Chief Information Officer shall prescribe actions reasonably necessary to:

(a) Promptly assemble and deploy in a coordinated manner the expertise, tools and methodologies required to prevent or mitigate the damage caused or threatened by an event;

(b) Promptly alert other persons of the event and of the actions reasonably necessary to prevent or mitigate the damage caused or threatened by the event;

(c) Implement forensic techniques and controls developed under subsection (6) of this section;

(d) Evaluate the event for the purpose of possible improvements to the security of information systems; and

(e) Communicate and share information with appropriate agencies, using preexisting incident response capabilities.

(6) After consultation and collaborative development with appropriate agencies and the Oregon Department of Administrative Services, the State Chief Information Officer shall implement forensic techniques and controls for the security of information systems, whether those systems are within, interoperable with or outside the state's shared computing and network infrastructure. The techniques and controls must include using specialized expertise, tools and methodologies to investigate events that damage or threaten the availability, integrity or confi-

dentiality of information systems or the information stored in information systems. The State Chief Information Officer shall consult with the Oregon State Police, the Office of Emergency Management, the Governor and others as necessary in developing forensic techniques and controls under this section.

(7) The State Chief Information Officer shall ensure that reasonably appropriate remedial actions are undertaken when the State Chief Information Officer finds that such actions are reasonably necessary by reason of vulnerability assessments of information systems under subsection (3) of this section, evaluation of events under subsection (5) of this section and other evaluations and audits.

(8)(a) State agencies are responsible for securing computers, hardware, software, storage media, networks, operational procedures and processes used in collecting, processing, storing, sharing or distributing information outside the state's shared computing and network infrastructure, following information security standards, policies and procedures established by the State Chief Information Officer and developed collaboratively with the agencies. Agencies may establish plans, standards and measures that are more stringent than the standards established by the State Chief Information Officer to address specific agency needs if the plans, standards and measures do not contradict or contravene the state information systems security plan. Independent agency security plans must be developed within the framework of the state information systems security plan.

(b) A state agency shall report the results of any vulnerability assessment, evaluation or audit conducted by the agency to the State Chief Information Officer for the purposes of consolidating statewide security reporting and, when appropriate, to prompt a state incident response.

(9) This section does not apply to:

(a) Research and student computer systems used by or in conjunction with any public university listed in ORS 352.002; and

(b)(A) Gaming systems and networks operated by the Oregon State Lottery or contractors of the State Lottery; or

(B) The results of Oregon State Lottery reviews, evaluations and vulnerability assessments of computer systems outside the state's shared computing and network infrastructure.

(10) The State Chief Information Officer shall adopt rules to implement the provisions of this section. [2005 c.739 §1; 2011 c.637 §62; 2015 c.767 §51; 2015 c.807 §12]

**Note:** 182.122 and 182.124 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**182.124 Information systems security for Secretary of State, State Treasurer and Attorney General.** (1) Notwithstanding ORS 182.122, the Secretary of State, the State Treasurer and the Attorney General have sole discretion and authority over information systems security in their respective agencies, including the discretion and authority to take all measures that are reasonably necessary to protect the availability, integrity or confidentiality of information systems or the information stored in information systems.

(2) The Secretary of State, the State Treasurer and the Attorney General shall each establish an information systems security plan and associated standards, policies and procedures in collaboration with the State Chief Information Officer as provided in ORS 182.122.

(3) The plan established under subsection (2) of this section, at a minimum, must:

(a) Be compatible with the state information systems security plan and associated standards, policies and procedures established by the State Chief Information Officer under ORS 182.122 (2);

(b) Assign responsibility for:

(A) Reviewing, monitoring and verifying the security of the Secretary of State's, the State Treasurer's and the Attorney General's information systems; and

(B) Conducting vulnerability assessments of information systems for the purpose of evaluating and responding to the susceptibility of information systems to attack, disruption or any other event that threatens the availability, integrity or confidentiality of information systems or the information stored in information systems;

(c) Contain policies for responding to events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems, whether the systems are within, interoperable with or outside the state's shared computing and network infrastructure;

(d) Prescribe actions reasonably necessary to:

(A) Promptly assemble and deploy in a coordinated manner the expertise, tools and methodologies required to prevent or mitigate the damage caused or threatened by an event;

(B) Promptly alert the State Chief Information Officer and other persons of the

event and of the actions reasonably necessary to prevent or mitigate the damage caused or threatened by the event;

(C) Implement forensic techniques and controls developed under paragraph (e) of this subsection;

(D) Evaluate the event for the purpose of possible improvements to the security of information systems; and

(E) Communicate and share information with agencies, using preexisting incident response capabilities; and

(e) Describe and implement forensic techniques and controls for the security of information systems, whether those systems are within, interoperable with or outside the state's shared computing and network infrastructure, including the use of specialized expertise, tools and methodologies, to investigate events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems.

(4) The Secretary of State, the State Treasurer and the Attorney General shall participate in the planning process that the State Chief Information Officer conducts under ORS 182.122 (2).

(5) If the State Chief Information Officer cannot agree with the Secretary of State, the State Treasurer or the Attorney General on a joint information systems security plan and associated operational standards and policies, the State Chief Information Officer, in collaboration with the Oregon Department of Administrative Services, may take steps reasonably necessary to condition, limit or preclude electronic traffic or other vulnerabilities between information systems for which the Secretary of State, State Treasurer or Attorney General has authority under subsection (1) of this section and the information systems for which the State Chief Information Officer has authority under ORS 182.122 (2). [2005 c.739 §2; 2015 c.807 §13]

**Note:** See note under 182.122.

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

## ELECTRONIC GOVERNMENT PORTAL

**182.126 Definitions.** As used in this section and ORS 182.128 and 182.132:

(1) "Convenience fee" means a fee for using an electronic government portal or governmental services available by means of an electronic government portal that the State Chief Information Officer charges or authorizes an electronic government portal provider to charge under ORS 182.132 (3).

(2) "Electronic government portal" means an electronic information delivery system accessible by means of the Internet that a

state agency designates officially as a means by which the state agency delivers information, products or services.

(3) "Electronic government portal provider" means a person that on behalf of a state agency provides facilities, goods or services necessary to develop, host, operate, maintain or otherwise implement an electronic government portal or provides facilities, goods or services that assist a state agency in designing, developing, hosting, operating, maintaining or otherwise implementing an electronic government portal.

(4) "State agency" means the executive department, as defined in ORS 174.112. [2009 c.829 §1; 2015 c.807 §13a]

**Note:** 182.126 to 182.132 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**182.128 Electronic Government Portal Advisory Board.** (1) There is created the Electronic Government Portal Advisory Board consisting of 13 members appointed as follows:

(a) The President of the Senate shall appoint two nonvoting members from among members of the Senate.

(b) The Speaker of the House of Representatives shall appoint two nonvoting members from among members of the House of Representatives.

(c) The Governor shall appoint:

(A) Three members who represent state agencies;

(B) Two members who represent the public; and

(C) One member who attends a school, community college or university in this state.

(d) The State Chief Information Officer shall appoint two members as follows:

(A) A representative of the State Chief Information Officer; and

(B) A representative of the Oregon Department of Administrative Services.

(e) The State Treasurer shall appoint one member who represents the State Treasurer.

(2) Members of the Legislative Assembly who are members of the advisory board are nonvoting members and may act only in an advisory capacity.

(3) The advisory board shall:

(a) Advise the State Chief Information Officer and the Oregon Department of Administrative Services concerning:

(A) The development of electronic government portals for the State Chief Information Officer, the department and other state agencies;

(B) The amount, collection methods or other aspects of a convenience fee that the State Chief Information Officer or an electronic government portal provider collects;

(C) The priority of new governmental service applications that may be provided by means of an electronic government portal;

(D) Terms and conditions of contracts between state agencies and electronic government portal providers; and

(E) Rules necessary to implement electronic government portals.

(b) Monitor the layout, content and usability of electronic government portals and advise the State Chief Information Officer and the department on ways to improve the delivery of government services by means of electronic government portals, the accountability of state agencies' use of electronic government portals to provide government services and user satisfaction with electronic government portals.

(c) Study, propose, develop or coordinate activities that:

(A) Consider the needs of residents of this state;

(B) Evaluate the performance and transparency of state agency delivery of government services; and

(C) Further the effectiveness of and user satisfaction with:

(i) Electronic government portals; and

(ii) State agencies' performance and accountability in using electronic government portals to provide government services.

(4) A majority of the members of the advisory board constitutes a quorum for transacting business.

(5) A majority of the members of the advisory board must approve official action by the advisory board.

(6) The advisory board shall elect one of the members of the advisory board to serve as chairperson.

(7) If a vacancy on the advisory board occurs for any cause, the appointing authority shall make an appointment that becomes immediately effective.

(8) The advisory board shall meet at times and places that the chairperson or a majority of the members of the advisory board specifies.

(9) The advisory board may adopt rules necessary to operate the advisory board.

(10) The Oregon Department of Administrative Services shall provide staff support to the advisory board.

(11) Members of the advisory board who are not members of the Legislative Assembly

may not receive compensation, but may be reimbursed for actual and necessary travel and other expenses the members incur in the performance of the members' official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses the members incur in performing functions of the advisory board shall be paid out of funds appropriated to the Oregon Department of Administrative Services for purposes of the advisory board.

(12) All state agencies shall assist the advisory board in the advisory board's performance of the advisory board's duties and, to the extent permitted by laws relating to confidentiality, to furnish information and advice as the members of the advisory board consider necessary to perform the duties of the advisory board. [2009 c.829 §2; 2015 c.807 §14]

**Note:** See note under 182.126.

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

**182.132 Ability to offer government services through portal; convenience fee.**

(1) The State Chief Information Officer, with the advice of the Electronic Government Portal Advisory Board, shall provide the ability for state agencies to offer government services by means of an electronic government portal. The electronic government portal must be secure and must comply with the information security rules, policies and standards that the State Chief Information Officer adopts under ORS 182.122 and meet the usability standards developed in cooperation with the advisory board.

(2) For the purposes of subsection (1) of this section, the State Chief Information Officer, under the provisions of the Public Contracting Code, may contract with an electronic government portal provider in a manner that is consistent with the State Chief Information Officer's rules, policies and standards.

(3)(a) The State Chief Information Officer may charge members of the public a convenience fee or may authorize an electronic government portal provider to charge a convenience fee for an electronic government service if the advisory board recommends that the State Chief Information Officer charge or authorize a convenience fee for the electronic government service. The convenience fee must reflect the costs incurred in hosting, operating, maintaining or implementing the electronic government portal.

(b) The State Chief Information Officer shall cooperate with the advisory board to identify the electronic government portals or governmental services to which the convenience fee applies.

(4) The State Chief Information Officer may adopt rules to implement the provisions of this section.

(5) Not later than the beginning of each odd-numbered year regular legislative session, the State Chief Information Officer shall prepare and submit to the Legislative Assembly a report in the manner provided in ORS 192.245 that summarizes the State Chief Information Officer's activities under the provisions of this section. [2009 c.829 §3; 2011 c.545 §30; 2015 c.807 §15]

**Note:** See note under 182.126.

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

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

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

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

**IMPACT OF STATE AGENCY ACTION ON FAMILIES**

**182.151 Assessment of impact of state agency action on families.** In formulating and implementing policies and rules that may have significant impact on family formation, maintenance and general well-being, all state agencies in Oregon shall, to the extent permitted by law, assess such measures in light of the following considerations:

(1) If the action by the government strengthens or erodes the stability of the family and, particularly, the marital commitment;

(2) If the action strengthens or erodes the authority and rights of the parents in the education, nurture and supervision of their children;

(3) If the action helps the family perform its functions, or if the action substitutes governmental activity for the function;

(4) If the action by the government increases or decreases family earnings and if the proposed benefits of the action justify the impact on the family budget;

(5) If the activity can be carried out by a lower level of government or by the family itself;

(6) The message, intended or otherwise, the program sends to the public concerning the status of the family; and

(7) The message the action sends to young people concerning the relationship between their behavior, their personal responsibility and the norms of our society. [1999 c.523 §1]

**Note:** 182.151 and 182.152 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**182.152 No right or benefit created.** ORS 182.151 is intended to improve the internal management of state agencies in Oregon and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the State of Oregon, its agencies, its officers or any person. [1999 c.523 §2]

**Note:** See note under 182.151.

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

### RELATIONSHIP OF STATE AGENCIES WITH INDIAN TRIBES

**182.162 Definitions for ORS 182.162 to 182.168.** As used in ORS 182.162 to 182.168:

(1) "State agency" has the meaning given that term in ORS 358.635.

(2) "Tribe" means a federally recognized Indian tribe in Oregon. [2001 c.177 §1]

**Note:** 182.162 to 182.168 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**182.164 State agencies to develop and implement policy on relationship with tribes; cooperation with tribes.** (1) A state agency shall develop and implement a policy that:

(a) Identifies individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes.

(b) Establishes a process to identify the programs of the state agency that affect tribes.

(c) Promotes communication between the state agency and tribes.

(d) Promotes positive government-to-government relations between the state and tribes.

(e) Establishes a method for notifying employees of the state agency of the provisions of ORS 182.162 to 182.168 and the policy the state agency adopts under this section.

(2) In the process of identifying and developing the programs of the state agency that affect tribes, a state agency shall include representatives designated by the tribes.

(3) A state agency shall make a reasonable effort to cooperate with tribes in the development and implementation of programs of the state agency that affect tribes, including the use of agreements authorized by ORS 190.110. [2001 c.177 §2]

**Note:** See note under 182.162.

**182.166 Training of state agency managers and employees who communicate with tribes; annual meetings of representatives of agencies and tribes; annual reports by state agencies.** (1) At least once a year, the Oregon Department of Administrative Services, in consultation with the Commission on Indian Services, shall provide training to state agency managers and employees who have regular communication with tribes on the legal status of tribes, the legal rights of members of tribes and issues of concern to tribes.

(2) Once a year, the Governor shall convene a meeting at which representatives of state agencies and tribes may work together to achieve mutual goals.

(3) No later than December 15 of every year, a state agency shall submit a report to the Governor and to the Commission on Indian Services on the activities of the state agency under ORS 182.162 to 182.168. The report shall include:

(a) The policy the state agency adopted under ORS 182.164.

(b) The names of the individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes.

(c) The process the state agency established to identify the programs of the state agency that affect tribes.

(d) The efforts of the state agency to promote communication between the state agency and tribes and government-to-government relations between the state and tribes.

(e) A description of the training required by subsection (1) of this section.

(f) The method the state agency established for notifying employees of the state agency of the provisions of ORS 182.162 to 182.168 and the policy the state agency adopts under ORS 182.164. [2001 c.177 §3]

**Note:** See note under 182.162.

**182.168 No right of action created by ORS 182.162 to 182.168.** Nothing in ORS 182.162 to 182.168 creates a right of action against a state agency or a right of review of an action of a state agency. [2001 c.177 §4]

**Note:** See note under 182.162.

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

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

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

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

**EMPLOYEE SUGGESTION PROGRAM  
(Generally)**

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

(1) "Commission" means the Employee Suggestion Awards Commission.

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

(3) "Secretary" means the secretary of the employee suggestion program. [1959 c.616 §1; 1989 c.815 §2; 1993 c.724 §25]

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

(2) The members of the commission shall elect annually one member as chairperson. The Director of the Oregon Department of Administrative Services shall appoint a state officer or employee to serve as secretary of the employee suggestion program. The commission members shall serve without compensation.

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

(4) The secretary, with the approval of the commission, shall adopt rules necessary or appropriate for the proper administration of ORS 182.310 to 182.360. [1957 c.616 §2; 1965 c.9 §1; 1989 c.815 §3; 1993 c.724 §26; 1995 c.286 §17; 2001 c.30 §1]

**182.330 Commission determination final.** The Employee Suggestion Awards Commission shall make the final determination as to whether an employee suggestion award will be made. Subject to the rules adopted pursuant to ORS 182.320, the commission shall determine the nature and extent of the award. [1957 c.616 §3; 1993 c.724 §27]

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

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

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

(a) For awards to employees not eligible for cash awards, the cost shall be added to

and collected with the expenses and costs of operating the Personnel Division of the Oregon Department of Administrative Services collected under ORS 240.165.

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

(c) If the commission is able to identify the agency or agencies that have realized or will realize cash savings as a result of implementation of a suggestion, the cost of any cash award shall be paid by the affected agency or agencies from savings realized or to be realized by implementation of the suggestion. For suggestions with multiagency effect, the commission shall determine the portion of the award total to be contributed by each agency.

(d) For administrative expenses of the Personnel Division incurred in administering ORS 182.310 to 182.400, the expenses shall be added to and collected with the expenses and costs of operating the Personnel Division collected under ORS 240.165.

(2) Vouchers for awards described in subsection (1)(a) and (b) of this section and administrative expenses described in subsection (1)(d) of this section shall be prepared by the Administrator of the Personnel Division payable from the Oregon Department of Administrative Services Operating Fund. Vouchers for awards described in subsection (1)(c) of this section shall be drawn by the appropriate agency. All vouchers shall be drawn upon certification of the chairperson or secretary of the commission of the amount or cost of the award and the person to whom the award has been made or the amount of the administrative expenses. [1957 c.616 §6; 1981 c.233 §1; 1993 c.724 §28; 1995 c.79 §58; 2005 c.22 §127]

**(Productivity Improvement Programs)**

**182.365 Legislative findings; definitions for ORS 182.365 to 182.400.** (1) The Legislative Assembly finds that it is in the public interest to encourage and reward government efficiency and that the present state budgeting system has developed inadequate mechanisms to reward efficiency in government agencies and programs. The Legislative Assembly further finds that it is in the public interest to establish a program to reward efficiency and effectiveness in government agencies and programs.

(2) As used in ORS 182.365 to 182.400:

(a) "Agency or unit" means any department, division, agency or section or unit of any department, division or agency or unit, that has an identifiable budget which may be separated from other budgets and for which credit can be given.

(b) "Department" means the Oregon Department of Administrative Services.

(c) "Director" means the Director of the Oregon Department of Administrative Services. [1989 c.815 §1; 1993 c.724 §29]

**182.370** [1989 c.815 §4; repealed by 1993 c.724 §36]

**182.375 State Productivity Improvement Revolving Fund; creation; sources; uses.** (1) There is created in the State Treasury, separate and distinct from the General Fund, an Oregon State Productivity Improvement Revolving Fund. All moneys in the fund are appropriated continuously to the Oregon Department of Administrative Services for making loans, grants, matching funds or cash awards available to state agencies or units for implementation of productivity improvement projects, including training and workforce development, upon authorization of the department, subject to ORS 243.650 to 243.782 when applicable. Interest on earnings of the fund shall be credited to the fund.

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

(a) Moneys transferred from the Oregon Department of Administrative Services Operating Fund, as provided in ORS 240.170, in a sum not to exceed \$500,000 to establish the fund.

(b) Savings realized from implementation of productivity improvement projects that may include existing and future projects authorized by the department.

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

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

(5) A productivity improvement project may include training and employee develop-

ment authorized by the department and intended to lead to improved productivity.

(6) The department may require a different repayment schedule for training and employee development than for other productivity improvement projects.

(7) Agencies and units shall report to the department quarterly on project implementation, savings realized to date, or projected, and repayment of moneys to the fund. [1989 c.815 §5; 1991 c.385 §89; 1993 c.724 §30; 1995 c.79 §59; 2003 c.55 §3; 2003 c.794 §203]

**182.380 Credit of certain savings to General Fund.** Fifty percent of the agency or unit budget savings resulting from improved efficiency and effectiveness shall be credited to the General Fund or, if the origin of the agency or unit's funds is a dedicated fund or federal money, to the fund or account of the agency or unit, to be used for the purposes of the fund or account. [1989 c.815 §6; 1993 c.724 §31]

**182.385 Identification of reduced expenses resulting from improved efficiency.** In preparing its budget for the biennium following one in which the state agency or unit credits any amount to the Oregon State Productivity Improvement Revolving Fund, the agency or unit shall identify any reduction in agency or unit expenses resulting from improved efficiency. [1989 c.815 §7; 1993 c.724 §32]

**182.390 Plan for increased efficiency.** (1) In order to qualify for credits under ORS 182.375 and 182.380, the agency or unit must present to the Oregon Department of Administrative Services a plan for increased efficiency resulting in budget savings and comply with the review requirements developed by the department. The plan must be approved by the Director of the Oregon Department of Administrative Services. Loans, grants or matching funds authorized under ORS 182.375 shall not require any increased funding or increases in an expenditure limitation and shall not require legislative review.

(2) The plan required in subsection (1) of this section shall include long-range objectives of each program, indicating in each case where the agency or unit shall increase efficiency and cost savings without a reduction in public services. The plan shall include reasons for leaving current positions vacant, actual reductions in services and supplies, travel and capital outlay and shall include a system to evaluate the resulting accomplishments of each agency or unit. [1989 c.815 §8; 1993 c.724 §33]

**182.395 Ineligibility of new programs for credits.** Any new programs mandated by law, assigned to the agency or unit by the Oregon Department of Administrative Ser-

vices, or budgeted as additions to the base budget or reduced level budget of the agency or unit shall not be eligible for credit savings under ORS 182.365 to 182.400. [1989 c.815 §9; 1993 c.724 §34; 1995 c.79 §60]

**182.400 Report on productivity improvement program.** Prior to January 1 of each odd-numbered year, the Oregon Department of Administrative Services shall report to the Legislative Assembly on activities of the productivity improvement program in the manner prescribed in ORS 192.245. [1989 c.815 §10; 1993 c.724 §35]

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

### RULES GOVERNING AGENCY-PROVIDED HOUSING

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

(1) “Furnishings” includes furniture usually used in connection with occupancy of a household but does not include rugs, draperies, ranges, refrigerators, washers, dryers or any item of furnishings received by the state or one of its agencies as a gift, nor does it include any furniture purchased for the state-owned residence required in relation to the official duties of an institutional executive.

(2) “Housing” includes single and multiple family dwellings, apartments, and manufactured dwellings and manufactured dwelling pads, available on a monthly tenancy but does not include guard stations maintained by the State Forestry Department or dormitory facilities at any state institution or at any public university listed in ORS 352.002.

(3) “Dormitory” includes any facility that houses students and those facilities used primarily for sleeping purposes by the employees of the Department of Human Services or the Oregon Health Authority.

(4) “State agency” has the meaning given that term in ORS 291.002. [1971 c.575 §1; 1977 c.583 §3; 1993 c.276 §1; 2009 c.11 §17; 2009 c.595 §161; 2009 c.762 §45; 2011 c.637 §63; 2015 c.767 §52]

**182.420** [Renumbered 184.420]

**182.425 State agency required to collect rental for housing provided to employees; provision of furnishings prohibited; determination of fair rental value.** (1) Every state agency that provides housing for its officers or employees shall collect a rental for such housing based on the fair rental value as determined by a qualified appraiser certified under ORS

308.010 or licensed or certified under ORS 674.310, subject to any reductions therefrom authorized under ORS 182.435. Rentals collected under this section shall be credited to the agency’s account.

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

(3) Determinations of fair rental value shall be reexamined periodically but not less frequently than once every five years and the rental shall be adjusted annually by the change in real estate values, for the affected community as determined by the state agency.

(4) Determination of the net rental of any employee-occupied state-owned housing unit under subsections (1), (2) and (3) of this section shall be considered a personnel action for purposes of ORS 240.086. [1971 c.575 §§2,4; 1977 c.583 §4; 1993 c.276 §2]

**182.430** [Renumbered 184.430]

**182.435 Schedule of reduction from fair rental value.** (1) Each agency providing housing for its officers or employees may adopt a schedule of reductions from the fair rental value taking into account all pertinent factors including but not limited to:

(a) Isolation, for which a reduction of up to 20 percent of the fair rental value may be allowed;

(b) Invasion of privacy, for which a reduction of up to 30 percent of the fair rental value may be allowed;

(c) The agency’s need in having its officers or employees occupying housing in a specific location, for which a reduction of up to 50 percent of fair rental value may be allowed; and

(d) Inequities between the fair rental value and the salary of the officer or employee, for which an amount may be allowed that when added to any other reductions corrects the inequity.

(2) Each agency providing housing shall prepare a report indicating the fair rental value of each housing unit, the date of the most recent appraisal and the amount of any reductions from fair rental value with the reasons for the reductions. This report shall be available for public inspection. [1971 c.575 §3; 1977 c.583 §5; 1993 c.276 §3]

**182.440** [Renumbered 184.440]

**182.450** [Renumbered 184.450]

**182.451** [1999 c.1084 §1; 2001 c.409 §2; repealed by 2007 c.71 §58]

**182.452** [1999 c.1084 §2; repealed by 1999 c.1084 §56 and 2003 c.206 §3]

**SEMI-INDEPENDENT  
STATE AGENCIES**  
(Listing of Semi-Independent  
State Agencies)

**182.454 Semi-independent state agencies.** The following semi-independent state agencies are subject to ORS 182.456 to 182.472:

(1) The Appraiser Certification and Licensure Board.

(2) The State Board of Architect Examiners.

(3) The State Board of Examiners for Engineering and Land Surveying.

(4) The State Board of Geologist Examiners.

(5) The State Landscape Architect Board.

(6) The Oregon Board of Optometry.

(7) The Oregon Patient Safety Commission.

(8) The Oregon Wine Board.

(9) The State Board of Massage Therapists.

(10) The Physical Therapist Licensing Board.

(11) The State Landscape Contractors Board.

(12) The Citizens' Initiative Review Commission. [1999 c.1084 §3; 2003 c.686 §13; 2003 c.797 §27; 2005 c.109 §2; 2007 c.71 §59; 2013 c.722 §§11,19; 2014 c.72 §3]

**Note:** 182.454 to 182.472 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**(General Provisions Relating to  
Semi-Independent State Agencies)**

**182.456 Definitions for ORS 182.456 to 182.472.** As used in ORS 182.456 to 182.472:

(1) "Board" means a semi-independent state agency listed in ORS 182.454.

(2) "License" includes licenses, registrations, certifications, permits or other forms of permission required by law to pursue an occupation or engage in a business regulated by a board. [1999 c.1084 §§4,55; 2003 c.686 §§14,15; 2007 c.71 §60]

**Note:** See note under 182.454.

**182.460 Statutory provisions applicable to semi-independent state agencies.** (1) Except as provided in subsections (2) and (3) of this section and as otherwise provided by law, the provisions of ORS 283.085 to 283.092 and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 do not apply to a board. A board is subject to all other statutes governing a state agency that do not conflict with ORS 182.456 to 182.472, including the

tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183, and a board's employees are included within the Public Employees Retirement System.

(2) Notwithstanding subsection (1) of this section, the following provisions apply to a board:

(a) ORS 240.309 (1) to (6) and 240.321;

(b) ORS 279A.250 to 279A.290;

(c) ORS 282.210 to 282.230; and

(d) ORS 293.240.

(3) Notwithstanding subsection (1) of this section, ORS chapter 240 applies to the Oregon Board of Optometry, the State Board of Massage Therapists and the Physical Therapist Licensing Board.

(4) In carrying out the duties, functions and powers of a board, the board may contract with any state agency for the performance of duties, functions and powers as the board considers appropriate. A state agency may not charge a board an amount that exceeds the actual cost of those services. ORS 182.456 to 182.472 do not require an agency to provide services to a board other than pursuant to a voluntary interagency agreement or contract.

(5) A board shall adopt personnel policies and contracting and purchasing procedures. The Oregon Department of Administrative Services shall review those policies and procedures for compliance with applicable state and federal laws and collective bargaining contracts.

(6) Except as otherwise provided by law, directors and employees of a board are eligible to receive the same benefits as state employees and are entitled to retain their State of Oregon hire dates, transfer rights and job bidding rights, all without loss of seniority, and to the direct transfer of all accumulated state agency leaves. [1999 c.1084 §5; 2003 c.794 §204; 2007 c.71 §61; 2011 c.110 §1; 2012 c.107 §59]

**Note:** See note under 182.454.

**182.462 Budgets for semi-independent state agencies; annual financial statements; disposition of civil penalties; rules.** (1)(a) A board shall adopt budgets on a biennial basis using classifications of expenditures and revenues required by ORS 291.206 (1), but the budget is not subject to review and approval by the Legislative Assembly or to future modification by the Emergency Board or the Legislative Assembly.

(b) The budget referred to in paragraph (a) of this subsection shall be adopted in accordance with applicable provisions of ORS chapter 183. Except as provided in this paragraph, a board shall adopt or modify a budget only after a public hearing thereon. A board

must give notice of the hearing to all holders of licenses issued by the board.

(c) A board shall follow generally accepted accounting principles and keep financial and statistical information as necessary to completely and accurately disclose the financial condition and financial operations of the board as may be required by the Secretary of State.

(d) A board shall prepare an annual financial statement of board revenues and expenses and shall make the statement available for public review. The board shall provide a copy of the statement to the Oregon Department of Administrative Services not later than the 90th day after the end of the state fiscal year.

(e) A board may, by rule, elect to donate all or part of the revenue derived by the board from civil penalties to the General Fund of the State Treasury.

(2) In addition to the reports required by ORS 182.472, the Oregon Board of Optometry, the State Board of Massage Therapists and the Physical Therapist Licensing Board shall, on or before February 1 of each odd-numbered year, present the budget adopted by the board under this section to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Legislative Fiscal Officer. [1999 c.1084 §6; 2011 c.110 §2]

**Note:** See note under 182.454.

**182.464 Financial review by Secretary of State.** The Secretary of State shall enter into agreements with each of the boards to set appropriate financial review schedules for those boards. The financial review schedules shall be set to allow board compliance with ORS 182.472. In lieu of conducting a financial review, the Secretary of State may elect to contract for the financial review with, or accept a financial review conducted by, an independent certified public accountant. [1999 c.1084 §7; 2007 c.218 §1]

**Note:** See note under 182.454.

**182.466 Powers of semi-independent state agencies; fees; rules.** In addition to other powers granted by ORS 182.456 to 182.472 and by the statutes specifically applicable to a board, a board may:

(1) Sue and be sued in its own name.

(2) Notwithstanding ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C, enter into contracts and acquire, hold, own, encumber, issue, replace, deal in and with and dispose of real and personal property.

(3) Notwithstanding ORS 670.300, fix a per diem amount to be paid to board members for each day or portion thereof during which the member is actually engaged in the

performance of official duties. Board members may also receive actual and necessary travel expenses or other expenses actually incurred in the performance of their duties. If an advisory council or peer review committee is established under the law that governs the board, the board may also fix and pay amounts and expenses for members thereof.

(4) Set the amount of any fee required by statute and establish by rule and collect other fees as determined by the board. Fees shall not exceed amounts necessary for the purpose of carrying out the functions of the board. Notwithstanding ORS 183.335 and except as provided in this subsection, a board shall hold a public hearing prior to adopting or modifying any fee without regard to the number of requests received to hold a hearing. A board shall give notice to all licensees of the board prior to holding a hearing on the adoption or modification of any fee. A board may adopt fees in conjunction with the budget adoption process described in ORS 182.462.

(5) Subject to any other statutory provisions, adopt procedures and requirements governing the manner of making application for issuance, renewal, suspension, revocation, restoration and related activities concerning licenses that are under the jurisdiction of a board. [1999 c.1084 §8; 2001 c.104 §62; 2003 c.794 §205]

**Note:** See note under 182.454.

**182.468 Administrators.** (1) Notwithstanding ORS 670.306, a board may select and appoint an administrator. The board shall fix the qualifications and compensation for the position.

(2) An administrator of a board shall not be a voting member of that board.

(3) Notwithstanding ORS 670.306, an administrator of a board may employ persons as the board determines to be necessary for carrying out the business and responsibilities of the board. [1999 c.1084 §9(1),(2),(3)]

**Note:** See note under 182.454.

**182.470 Depository accounts for moneys collected or received by semi-independent state agencies.** (1) Notwithstanding ORS 670.335, except where otherwise specifically provided by statute pursuant to ORS 182.462 (1)(e), all moneys collected or received by a board, placed to the credit of that board and remaining unexpended and unobligated on the date that the board is established as a semi-independent state agency, and all moneys collected or received by a board after the date that the board is established as a semi-independent state agency, must be deposited into an account established by that board in a depository insured by the Federal Deposit

Insurance Corporation or the National Credit Union Share Insurance Fund. In a manner consistent with the requirements of ORS 295.001 to 295.108, the chairperson, president or administrator of a board shall ensure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the coverage of the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. All moneys in the account are continuously appropriated to the board making the deposit for the purpose of carrying out the functions of the board.

(2) Subject to the approval of the chairperson, president or administrator, a board may invest moneys collected or received by the board. Investments made by a board are:

(a) Limited to investments described in ORS 294.035;

(b) Subject to the investment maturity date limitations described in ORS 294.135; and

(c) Subject to the conduct prohibitions listed in ORS 294.145.

(3) Interest earned from any accounts invested under subsection (2) of this section shall be made available to a board in a manner consistent with the board's annual budget.

(4) Subject to the approval of the chairperson, president or administrator, all necessary board expenses shall be paid from the moneys collected or earned by a board.

(5) As used in this section, "depository" has the meaning given that term in ORS 295.001. [1999 c.1084 §10; 2001 c.409 §3; 2003 c.405 §3; 2007 c.871 §25; 2011 c.110 §3]

**Note:** See note under 182.454.

**182.472 Reports.** Not later than April 1 of each even-numbered year, each board subject to ORS 182.456 to 182.472 shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Legislative Fiscal Officer. The Legislative Fiscal Officer shall review the reports and shall prepare and submit a statement of findings and conclusions to the Joint Legislative Audit Committee and the Joint Committee on Ways and Means. The report must include the following:

(1) A copy of the most recent audit or financial review of the board.

(2) A copy of the actual budget for the prior biennium and a copy of the board's adopted budget for the biennium in which the report is made. The budget documents must show:

(a) The beginning balance and ending balance for each of the two biennia;

(b) A description of material changes between the two biennia;

(c) A description of the public hearing process used to establish the budget adopted for the current biennium; and

(d) A description of current fees and proposed changes to fees, along with information supporting the amounts of the current fees and any proposed changes to the fees.

(3) A description of all temporary and permanent rules adopted by the board during the prior biennium.

(4) A description of board actions promoting consumer protection that were taken during the prior biennium.

(5) If the board issues licenses, a description of the board's licensing activities performed during the prior biennium that is adequate to allow evaluation of the board's performance of its licensing responsibilities, including:

(a) The number of license applications;

(b) The number of licenses issued;

(c) The number of examinations conducted;

(d) The average time between application for and issuance of licenses;

(e) The number and types of complaints received about persons holding licenses;

(f) The number and types of investigations conducted;

(g) The number and types of resolutions of complaints;

(h) The number and type of sanctions imposed; and

(i) The number of days between beginning an investigation and reaching a resolution.

(6) A description of all other actions taken during the prior biennium in the performance of the board's statutory responsibilities that is adequate to allow evaluation of the board's performance. [1999 c.1084 §11; 2005 c.109 §1; 2007 c.218 §2; 2010 c.107 §2]

**Note:** See note under 182.454.

## OMBUDSMAN SERVICES

**182.500 Mandatory report to Governor by person performing ombudsman services; cooperation with ombudsman.** (1) If an agency or officer of the executive department, as defined by ORS 174.112, designates a person to perform ombudsman services, the person shall report to the Governor in writing at least once each quarter. A report shall include a summary of the services that the person provided during the quarter and the person's recommendations for improving ombudsman services and the

services for which the person provides assistance.

(2) All public bodies, as defined by ORS 174.109, shall cooperate with an ombudsman established or specifically authorized by law, or designated by the Governor, and shall promptly provide all information requested by the ombudsman that is relevant to the duties of the ombudsman. Any person that contracts with a public body, as defined by ORS 174.109, shall cooperate with an ombudsman established or authorized by law or designated by the Governor to the extent the ombudsman is investigating matters related to the contract, and shall promptly provide all information requested by the ombudsman that is related to the contract and relevant to the duties of the ombudsman. An agency or officer of the executive department, as defined by ORS 174.112, shall consult with the Attorney General if there is any legal dispute relating to:

(a) Whether confidential or other restricted information may be provided under this subsection to an ombudsman; or

(b) Whether the ombudsman is seeking information that is relevant to the duties of the ombudsman. [2003 c.591 §17; 2007 c.893 §1]

**Note:** 182.500 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

### EVIDENCE-BASED PROGRAMS

**182.515 Definitions for ORS 182.515 and 182.525.** As used in this section and ORS 182.525:

(1) “Agency” means:

(a) The Department of Corrections;

(b) The Oregon Youth Authority;

(c) The Youth Development Division; and

(d) That part of the Oregon Health Authority that deals with mental health and addiction issues.

(2) “Cost-effective” means that benefits realized over a reasonable period of time are greater than costs, as determined utilizing a cost-benefit analytical tool identified by the Oregon Criminal Justice Commission.

(3) “Evidence-based program” means a program that:

(a) Incorporates significant and relevant practices based on scientifically based research; and

(b) Is cost-effective.

(4)(a) “Program” means a treatment or intervention program or service that is intended to:

(A) Reduce the propensity of a person to commit crimes;

(B) Improve the mental health of a person with the result of reducing the likelihood that the person will commit a crime or need emergency mental health services; or

(C) Reduce the propensity of a person who is less than 18 years of age to engage in antisocial behavior with the result of reducing the likelihood that the person will become a juvenile offender.

(b) “Program” does not include:

(A) An educational program or service that an agency is required to provide to meet educational requirements imposed by state law; or

(B) A program that provides basic medical services.

(5) “Scientifically based research” means research that obtains reliable and valid knowledge by:

(a) Employing systematic, empirical methods that draw on observation or experiment;

(b) Involving rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(c) Relying on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations and across studies by the same or different investigators; and

(d) Utilizing randomized controlled trials when possible and appropriate. [2003 c.669 §3; 2005 c.503 §12; 2009 c.595 §162; 2012 c.37 §37; 2013 c.623 §10; 2013 c.649 §41]

**Note:** 182.515 and 182.525 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**Note:** Sections 42 and 43, chapter 649, Oregon Laws 2013, provide:

**Sec. 42.** Before the Oregon Criminal Justice Commission identifies a cost-benefit analytical tool under ORS 182.515 (2), the commission shall consult with the Task Force on Public Safety established under section 57 of this 2013 Act. [2013 c.649 §42]

**Sec. 43.** Section 42 of this 2013 Act is repealed on the date of the convening of the 2017 regular session of the Legislative Assembly as specified in ORS 171.010 [February 1, 2017]. [2013 c.649 §43]

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

**182.525 Mandatory expenditures for evidence-based programs; biennial report; rules.** (1) An agency shall spend at least 75 percent of state moneys that the agency receives for programs on evidence-based programs.

(2) The agency shall submit a biennial report containing:

(a) An assessment of each program on which the agency expends funds, including but not limited to whether the program is an evidence-based program;

(b) The percentage of state moneys the agency receives for programs that is being expended on evidence-based programs;

(c) The percentage of federal and other moneys the agency receives for programs that is being expended on evidence-based programs; and

(d) A description of the efforts the agency is making to meet the requirement of subsection (1) of this section.

(3) The agency shall submit the report required by subsection (2) of this section no later than September 30 of each even-numbered year to the interim legislative committee dealing with judicial matters.

(4) If an agency, in any biennium, spends more than 25 percent of the state moneys that the agency receives for programs on programs that are not evidence based, the Legislative Assembly shall consider the agency's failure to meet the requirement of subsection (1) of this section in making appropriations to the agency for the following biennium.

(5) An agency may adopt rules necessary to carry out the provisions of this section. [2003 c.669 §7; 2005 c.22 §128; 2005 c.503 §13; 2013 c.649 §44]

**Note:** See first note under 182.515.

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

### ENVIRONMENTAL JUSTICE TASK FORCE

**182.535 "Natural resource agency" defined for ORS 182.535 to 182.550.** For purposes of ORS 182.535 to 182.550, "natural resource agency" means the Department of Environmental Quality, the State Department of Agriculture, the Water Resources Department, the State Department of Fish and Wildlife, the State Forestry Department, the Department of State Lands, the Department of Education, the State Department of Geology and Mineral Industries, the Department of Land Conservation and Development, the State Marine Board, the Public Utility Commission, the Department of Transportation, the State Fire Marshal and the Oregon Health Authority. [2007 c.909 §1; 2009 c.595 §163]

**Note:** 182.535 to 182.550 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**182.538 Environmental Justice Task Force.** (1) There is established the Environmental Justice Task Force consisting of 12 members appointed by the Governor. The

members shall be persons who are well-informed on the principles of environmental justice and who, to the greatest extent practicable, represent minority communities, low-income communities, environmental interests, industry groups and geographically diverse areas of the state. Of the 12 members, the Governor shall appoint one member of the task force from each of the following commissions:

(a) The Commission on Asian and Pacific Islander Affairs;

(b) The Commission on Black Affairs;

(c) The Commission on Hispanic Affairs; and

(d) The Commission on Indian Services.

(2) The task force shall submit an annual report to the Governor setting forth its view of the progress of natural resource agencies toward achieving the goals established pursuant to ORS 182.542 and identifying any other environmental issues that the task force determines need attention.

(3) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 of the following year. A member may be reappointed. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the task force who is not a member of the Legislative Assembly is entitled to compensation and expenses in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses incurred in performing functions of the task force shall be paid out of funds appropriated to the Governor for that purpose.

(5) The task force shall elect one of its members as a chairperson and another as vice chairperson, for the terms and with the duties and powers necessary for the performance of the functions of such offices as the task force determines.

(6) A majority of the members of the task force constitutes a quorum for the transaction of business.

(7) The task force shall meet at least once every three months at times and places specified by the chairperson. The task force also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the task force.

(8) The Governor shall provide the task force with the necessary clerical and administrative staff support.

(9) Natural resource agencies are directed to assist the task force in the per-

formance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

(10) A member of the task force who is a member of the Legislative Assembly may serve in an advisory capacity only. [2007 c.909 §2; 2011 c.273 §5]

**Note:** See note under 182.535.

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

**182.542 Duties of task force.** The Environmental Justice Task Force shall:

(1) Advise the Governor on environmental justice issues;

(2) Advise natural resource agencies on environmental justice issues, including community concerns and public participation processes;

(3) Identify, in cooperation with natural resource agencies, minority and low-income communities that may be affected by environmental decisions made by the agencies;

(4) Meet with environmental justice communities and make recommendations to the Governor regarding concerns raised by these communities; and

(5) Define environmental justice issues in the state. [2007 c.909 §3]

**Note:** See note under 182.535.

**182.545 Duties of natural resource agencies.** In order to provide greater public participation and to ensure that all persons affected by decisions of the natural resource agencies have a voice in those decisions, each natural resource agency shall:

(1) In making a determination whether and how to act, consider the effects of the action on environmental justice issues.

(2) Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.

(3) Engage in public outreach activities in the communities that will be affected by decisions of the agency.

(4) Create a citizen advocate position that is responsible for:

(a) Encouraging public participation;

(b) Ensuring that the agency considers environmental justice issues; and

(c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes. [2007 c.909 §4]

**Note:** See note under 182.535.

**182.550 Reports by natural resource agencies.** All directors of natural resource agencies, and other agency directors as the Governor may designate, shall report annually to the Environmental Justice Task Force and to the Governor on the results of the agencies' efforts to:

(1) Address environmental justice issues;

(2) Increase public participation of individuals and communities affected by agencies' decisions;

(3) Determine the effect of the agencies' decisions on traditionally underrepresented communities; and

(4) Improve plans to further the progress of environmental justice in Oregon. [2007 c.909 §5]

**Note:** See note under 182.535.

### COMMITTEE ON PERFORMANCE EXCELLENCE

**182.560 Definitions.** As used in ORS 182.560 to 182.570:

(1) "Continuous improvement" means a set of actions designed to permanently improve state agency performance, either in a specific targeted area or across all levels of an agency, through the use of structured process analysis and problem solving.

(2) "Performance management" means a formal, comprehensive set of business processes, including strategic planning, performance measurement, leadership, process management and human resources, that help ensure more efficient and effective management operations and practices.

(3) "State agency" or "agency" means every state officer, board, commission, department, institution, branch or agency of the state government, as defined in ORS 174.111. [2008 c.7 §5]

**Note:** 182.560 to 182.570 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**182.562 Committee membership and procedures.** (1) The Committee on Performance Excellence is established. The committee shall consist of nine members, appointed as follows:

(a) The Speaker of the House of Representatives shall appoint one member of the House of Representatives;

(b) The President of the Senate shall appoint one member of the Senate;

(c) The Governor shall appoint two employees of the executive department, as defined in ORS 174.112;

(d) The Governor shall appoint three public members who have demonstrated ex-

perience in the practice of continuous improvement in business; and

(e) The Governor shall appoint:

(A) One member from the largest employee representative unit; and

(B) One member from representable employees not represented by the employee representative unit described in subparagraph (A) of this paragraph.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, the term of office of each member is two years, but a member serves at the pleasure of the appointing authority. Before the expiration of the term of a member, the appointing authority shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(b) If a legislative member of the committee ceases to be a legislator, the legislator's position on the committee becomes vacant. If an executive department member of the committee ceases to be an employee of the executive department, the member's position on the committee becomes vacant.

(3) The committee shall select one of its members as chairperson and another as vice chairperson. The committee may determine the duties and powers of the officers, as well as the terms of office of the officers.

(4) A majority of the members of the committee constitutes a quorum for the transaction of business.

(5) The committee shall meet at times and places specified by the call of the chairperson or of a majority of the members of the committee.

(6) Except as provided in ORS 171.072 for members of the Legislative Assembly, members of the committee are not entitled to compensation or reimbursement for expenses and serve as volunteers on the committee. [2008 c.7 §1]

**Note:** See note under 182.560.

**182.565 Mission and duties of committee; reports.** (1) The mission of the Committee on Performance Excellence is to assist state agencies in reaching performance excellence by providing policy review, recognition and recommendations for funding of proposals that advance performance excellence in state government.

(2)(a) The committee shall focus on the following areas that define performance:

(A) Customer and market focus.

(B) Human resources.

(C) Leadership.

(D) Measurement, analysis and knowledge management.

(E) Process management.

(F) Results.

(G) Strategic planning.

(b) The committee may focus on other areas that define performance and may give different weights to different areas described in this subsection, according to the needs of a particular state agency.

(c) The committee may advise state agencies with respect to:

(A) Statewide performance management improvement efforts;

(B) Statewide performance measurement processes;

(C) Training designed to enhance the performance management and continuous improvement abilities of state agency managers;

(D) Coordination efforts that advance state agency access to external resources, including universities and performance consultants;

(E) Recognition programs for continuous improvement efforts; and

(F) Other performance or continuous improvement efforts suggested by state agencies for review and feedback.

(3)(a) As part of any performance excellence effort, the committee may support state agency efforts to acquire the methods, tools and skills to achieve performance improvement by recommending that the Legislative Assembly or Emergency Board approve grants for continuous improvement projects.

(b) The committee shall:

(A) Establish criteria for submission and review of continuous improvement projects; and

(B) Work with the Legislative Fiscal Office to establish a process for submitting recommendations to the Legislative Assembly or Emergency Board for grant funding consideration, including maximum grant award amounts and reporting requirements.

(c) The Legislative Assembly may appropriate moneys to the Emergency Board to fund continuous improvement projects.

(4) The committee shall make periodic public reports on achievement of performance excellence. The reports shall be in a form and manner determined by the committee and may include, but need not be limited to, press releases. The reports shall be delivered to the Governor and to each member of the Legislative Assembly and made available to the general public. [2008 c.7 §2]

**Note:** See note under 182.560.

**182.568 Reports by state agencies to committee.** (1) Each state agency that is audited by the Secretary of State under ORS 297.070 or 297.210 shall review the audit report issued by the secretary and identify any audit recommendations that present an opportunity for continuous improvement for the agency.

(2) Not later than three months after the date the secretary issues the audit report, the state agency shall report in writing to the Committee on Performance Excellence. The report shall describe the opportunities for continuous improvement identified by the agency.

(3) Not later than six months after the date the secretary issues the audit report, the state agency shall report in writing to the committee. The report shall describe a plan for addressing the opportunities for continuous improvement identified by the agency under subsection (2) of this section. [2008 c.7 §3]

**Note:** See note under 182.560.

**182.570 Administrative and professional support for committee.** (1) The Or-

gon Department of Administrative Services shall provide administrative support to the Committee on Performance Excellence.

(2) The Legislative Fiscal Office and the Budget and Management Division of the Oregon Department of Administrative Services shall jointly provide professional support to the committee and provide periodic public reports on state agency continuous improvement projects and performance improvements. [2008 c.7 §4]

**Note:** See note under 182.560.

**182.605** [1977 c.842 §1; 1981 c.85 §10; 1981 c.438 §45; 1981 c.821 §1a; 1983 c.17 §28; 1987 c.414 §145; 1989 c.460 §2; 1989 c.721 §21; 1991 c.67 §43; 1993 c.45 §287; repealed by 1993 c.458 §1]

**182.608** [Derived from 1983 c.17 §1; 1991 c.67 §44; repealed by 1993 c.458 §1]

**182.609** [Derived from 1983 c.151 §24; 1987 c.31 §12; 1993 c.267 §18; repealed by 1993 c.458 §1]

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

**182.615** [1977 c.842 §47; repealed by 1993 c.458 §1]

**182.625** [1977 c.842 §48; repealed by 1993 c.458 §1]

**182.635** [1977 c.842 §49; repealed by 1993 c.458 §1]

**182.815** [1982 s.s.1 c.3 §1; renumbered 284.895 in 1989]

**EXECUTIVE BRANCH; ORGANIZATION**

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