

Chapter 182 — State Administrative Agencies

2001 EDITION

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

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Access and Habitat Board, 496.228

Accountancy, Oregon Board of, 673.410
Peer Review Oversight Committee, 673.455

Achieving parity between mental health benefits and physical health benefits in health insurance plans, joint interim task force on, 2001 c.979 §1

Acupuncture Advisory Committee, 677.780

Adjutant General, 396.150, Const. Art. X, §3

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Administrative Services, Oregon Department of, 184.305

Advocate for Minority, Women and Emerging Small Business [Office of the Governor], 200.025

Affirmative Action, Director of, 243.315

Agricultural Development Division [State Department of Agriculture], 576.009

Agricultural experiment stations, Ch. 567

Agriculture

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- State Department of, 561.010

Albacore Commission, Oregon, 576.171

Alcohol and Drug Abuse Programs, Governor's Council on, 430.255

Alcohol Server Education Advisory Committee, 471.547

All-Terrain Vehicle Account Allocation Committee, 390.565

Anatomy, Demonstrator of [State Board of Higher Education], 97.170

Appraiser Certification and Licensure Board, 674.305

Apprenticeship and Training Council, State, 660.110

Architect Examiners, State Board of, 671.120

Archivist, State, 357.815

Arts Commission, Oregon, 359.020

Asian Affairs, Commission on, 185.610

Asset Forfeiture Oversight Advisory Committee, 475A.155

Athletic Trainers, Board of [Health Licensing Office], 1999 c.736 §2

Attorney General, 180.010

Audiology, State Board of Examiners for Speech-Language Pathology and [Department of Human Services], 681.400

Auditor of Public Accounts [Secretary of State], 293.505

Audits, Division of [Secretary of State], 297.010

Aviation, Department of, 835.100
Director, 835.106

Aviation Board, State, 835.102

Ballast water management, task force on, 2001 c.722 §5

Bar, Oregon State, 9.010
Board of Governors, 9.025
House of delegates, 9.136

Beef Council, Oregon, 577.210

Beginning teacher and administrator mentorship program [State Board of Education], 329.795

Bicycle lane and path advisory committee [Department of Transportation], 366.112

Black Affairs, Commission on, 185.420

Blind, Commission for the, 346.120

Blind, Industries for the, 346.190

Blind, Oregon State School for the, 346.010

Boiler Rules, Board of, 480.535

Boxing and Wrestling Commission, Oregon State, 463.113

Brownfields Redevelopment Coordinator [Economic and Community Development Department], 285A.185

Building Codes Structures Board, 455.132

Capital Projects Advisory Board, 276.227

Capitol building police officers, 276.023

Capitol Planning Commission, 276.030

Career schools, advisory committee on, 345.330

Center for Brain, Biology and Machine, University of Oregon, 352.046

Center for Health Statistics, 432.010

Center for Housing Innovation, University of Oregon, 352.048

Center for Lakes and Reservoirs, Portland State University, 352.068

Center for School Safety [Department of Higher Education], 339.331

Chancellor of Oregon University System, 351.075

Charitable Checkoff Commission, Oregon, 305.695

Chief Apiary Inspector, 602.020

Chief Justice of the Supreme Court, 2.045

Chief state steward, 462.250

Child Abuse Assessment, Advisory Council on, 418.784

Child Care, Commission for, 657A.600

Child Care Division [Employment Department], 657A.010

Child Support, Division of [Department of Justice], 180.340

Child Support Program [Department of Human Services], 409.021
Director, 409.021

Child welfare services advisory committee, 418.005

Children and Families, State Commission on, 417.730

Children's Ombudsman, Office of the, 417.810

Children's Trust Fund, Board of Trustees, 418.193 (sunsets July 1, 2001, contingent on events specified in section 48, chapter 1084, Oregon Laws 1999)

Chiropractic Examiners, State Board of, 684.130

Christmas Tree Advisory Committee, State, 571.515

Citizen Involvement Advisory Committee, State [land use], 197.160

Citizens' Utility Board, 774.030

Climate Service, Oregon, Oregon State University, 352.245

Clinical Social Workers, State Board of, 675.510

Collections Unit [Department of Revenue], 293.250

Columbia River Gorge Commission, 196.150

Columbia River Governance Commission, 542.550

Columbia River Highway advisory committee, Historic, 366.553

Columbia River Resource Task Force, 171.867

Commercial and Industrial Development, Advisory Committee on, 2001 c.812 §1

Commercial Fishery Permit Board, 508.755

Commodity commissions, agricultural, 576.044 to 576.595

Community Colleges and Workforce Development, Department of, 326.370
Commissioner for Community College Services, 326.375
Title I-B of Workforce Investment Act of 1998, 660.318, 660.339

Community Cultural Participation Grant Program, 359.436

Community Development Incentive Advisory Board, 458.710

Compliance Advisory Panel, Small Business Stationary Source Technical and Environmental Compliance Assistance Program, 468A.330

Computer Crime Grant Programs, Task Force on, 2001 c.963 §1 (sunsets January 1, 2003)

Conciliation Service, State [Employment Relations Board], 662.415

Connecting Oregon Communities Advisory Board [Economic and Community Development Department], 759.430

Construction Contractors Board, 701.205

Consumer Advisory Council [Department of Justice], 180.520

Consumer and Business Services, Department of, 705.105

Continuing Care Retirement Community Advisory Council, 101.040

Corrections, Department of, 423.020
Deputy Director, 423.075
Director, 423.075

Corrections Education Advisory Committee, 421.081

Corrections Enterprises, Oregon, 421.344
Administrator, 421.344

Corrections Facilities Siting Authority, 421.621

Corrections Ombudsman, 423.400

Cosmetology, Board of, 690.155

Council on Optometric Nontopical Formulary, 683.240

Counselors and Therapists, Oregon Board of Licensed Professional, 675.775

Court Administrator, State, 8.110

Court of Appeals, 2.510
Chief Judge, 2.550

Court Procedures, Council on, 1.730

Crime Prevention Information Center, Oregon Community, 181.755

Criminal identification, bureau of [state police], 181.066

Criminal Justice Commission, Oregon, 137.654

Criminal Justice Information Standards Advisory Board, 181.725

Crops Advisory Committee, Minor, 634.600

Cultural Development Grant Program, 359.431

Dairy Products Commission, Oregon, 576.135

Deaf, Oregon State School for the, 346.010

Debt Policy Advisory Commission, State, 286.550

Defense Force, Oregon State, Ch. 399

Deferred Compensation Advisory Committee, 243.505

Degree Authorization [Oregon Student Assistance Commission], Office of, 348.599

Dentistry, Oregon Board of, 679.230

Denture Technology, State Board of, 680.556

Detective bureau, state [state police], 181.070

Developmental Fisheries Board, 506.465

Dietitians, Board of Examiners of Licensed, 691.485

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Disabilities Commission, Oregon, 185.130

Dispute Resolution Commission, 36.115
Director, duties, 36.130

Diversion Program Supervisory Council, 677.615

Drug Use Review Board, 414.355

Dungeness Crab Commission, Oregon, 576.155

Eastern Oregon Psychiatric Center, 426.010
Superintendent, 426.020

Eastern Oregon Training Center, 427.010
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Eastern Oregon University, 352.002

Economic and Community Development Commission, Oregon, 285A.040
Advisory and technical committees, 285A.060

Economic and Community Development Department, 285A.070
Brownfields Redevelopment Coordinator, 285A.185
Director, 285A.070

Economic Development Coordinating Council, Oregon, 2001 c.947 §2 (sunsets January 2, 2004)

Education and Workforce Policy Advisor, 660.312

Education, Department of, 326.111
Youth Corrections Education Program, 326.700
Juvenile Detention Education Program, 326.700

Education, Joint Boards of, 348.890

Education, State Board of, 326.021

Electric and Magnetic Field Committee, 469.480

Electric Power and Conservation Planning Council, Pacific Northwest, 469.815

Electrical and Elevator Board, 455.138

Electrologists and Permanent Color Technicians and Tattoo Artists, Advisory Council [to the Health Licensing Office]
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Emergency Board, 291.324

Emergency Fire Cost Committee, 477.440

Administrator, 477.460

Emergency Management, Office of [Department of State Police], 401.260
Director, 401.260

Emergency Medical Service Committee, State, 682.195

Emergency Medical Services and Trauma Systems Program [Department of Human Services], 431.623

Employee Suggestion Awards Commission, 182.320

Employment Appeals Board [Employment Department], 657.685

Employment Department, 657.601
Advisory Council, 657.695
Director, 657.608

Employment Education and Training Advisory Committee, Safe, 654.189

Employment Relations Board, 240.060

Employment Service, Oregon State, 657.705

Energy Facility Siting Council, 469.450
Advisory groups, 469.480

Energy, Office of, 469.030
Administrator, 469.040

Engineering and Land Surveying, State Board of Examiners for, 672.240

Engineering and Technology Industry Council [State Board of Higher Education], 351.663

Entrepreneurial Development Loan Fund Advisory Committee, Oregon, 285B.755

Environmental Quality Commission, 468.010

Environmental Quality, Department of, 468.030
Director, 468.040
Remedial Action Advisory Committee, 465.420
Technical advisory committee, 468B.166

Euthanasia Task Force, 686.510

Fair and Exposition Center, Oregon State, 565.015

Fair Commission, County, 565.410

Fair Dismissal Appeals Board, 342.930

Fair, Oregon State, 565.040

Family Services Review Commission, 411.125

Family Support Advisory Council [Department of Human Services], 417.346
Subcommittee, 409.462

Fertilizer Research Committee, 633.479

Filbert Commission, Oregon, 576.145

Film and Video Board, 284.315

Film and Video Office, Oregon, 284.305

Financing Quality Child Care, Task Force on, 2001 c.831 §28

Fire Marshal, State, 476.020

Fish and Wildlife Commission, State, 496.090

Fish and Wildlife Director, State, 496.112

Fish and Wildlife, State Department of, 496.080

Fish Division, 496.124

Renewal of licenses through mail and World Wide Web, task force to assess pilot project on, 2001 c.559 §3
(sunsets January 2, 2004)

Wildlife Division, 496.124

Fish Passage Task Force, 509.590

Fish Screening Task Force [State Department of Fish and Wildlife], 496.085

Fisheries Board, Developmental, 506.465

Fisheries Commission, Pacific Marine, 507.040, 507.050

Fishery Permit Board, Commercial, 508.755

Food Service Advisory Committee, State, 624.045

Forensic laboratories [state police], 181.080

Forest practice committees [State Board of Forestry], 527.650

Forest Research Laboratory, 526.225

Advisory Committee, 526.225

Forest Resource Trust advisory committee, 526.700

Forest Resources Institute, Oregon, 526.610

Board of directors, 526.610

Forest Trust Land Advisory Committee, 526.156

Forester, State, 526.031

Forestry Department, State, 526.008

Forestry, State Board of, 526.009

Genetic Research Advisory Committee (2001), 1999 c.921 §4

Geologist Examiners, State Board of, 672.615

Geologist, State, 516.120

Geology and Mineral Industries, State Department of, 516.020
Governing Board, 516.080

Government Standards and Practices Commission, Oregon, 244.250

Governor's Fire Service Policy Council, 476.680

Graduate School of Social Work, Portland State University, 352.071

Grains Commission, Oregon, 576.175

Ground water advisory committee, 536.090

Hanford Waste Board, Oregon, 469.571

Health Care Consumer Protection Advisory Committee, 743.827

Health Care Costs, Leadership Commission on, SJR 35 (2001)

Health Care Costs and Trends, Leadership Commission on, 2001 c.898 §14

Health Care Personnel, Interim Task Force on, 2001 c.877 §1

Health care professions, practices and procedures, advisory board, 431.190

Health Council, Oregon, 442.035

Health Insurance Reform Advisory Committee, 743.745

Health Licensing Office, 676.605
Director, 676.610

Health Resources Commission, 442.580

Health Services Commission, 414.715

Health Statistics, Center for, 432.010
State Registrar of, 432.030

Healthy Streams Partnership, 541.407

Hearing Aids, Advisory Council on, 694.165

Hearing Officer Panel [Employment Department], 1999 c.849 §3 (sunsets January 1, 2004)

Hearings Division [Workers' Compensation Board], 656.708

Higher Education

Department of, 351.010

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Western Interstate Commission for, 351.780

Higher Education Technology Transfer Account Board, 2001 c.835 §3

Higher Education Technology Transfer Fund Board, 351.680

Hispanic Affairs, Commission on, 185.320

Historic Assessment Review Committee, 358.511

Historic Columbia River Highway advisory committee, 366.553

Historic Preservation Officer, State, 358.565

Historic Preservation Revolving Loan Fund Review Committee, 358.666

Historic Preservation, State Advisory Committee, 358.622

Historical Society, Oregon, 358.770

Home Care Commission, 410.602

Hospital, Oregon State, 426.010

Superintendent, 179.331, 426.020

Housing and Community Services Department, 456.555

Director, 456.555

Housing Council, State, 456.567

Human Services, Department of, 409.010

Director, 409.100

Oregon Council on Health Care Interpreters, 409.619

Volunteer Program, 409.360

Hunger Relief Task Force, 458.532

Hydroelectric Application Review Team, 543A.035, 543A.075, 543A.300

Independent Multidisciplinary Science Team [salmon restoration], 541.409

Indian Services, Commission on, 172.100

Industrial Extension Service [Economic and Community Development Department], 329.930

Industrialized Housing Development Program, University of Oregon, 352.048

Information agency, state [interstate support enforcement], 110.369

Injured workers, office of ombudsman for, [Department of Consumer and Business Services], 656.709

Institute for Natural Resources, Oregon State University, 352.239

Institute of Portland Metropolitan Studies, Portland State University, 352.074

Institutional physical access committees, higher education, 352.015

Insurance Guaranty Association, Oregon, 734.550

Insurance Pool Governing Board, 735.704

Interagency Coordinating Council (special education), State, 343.499

Interagency Hazard Communication Council, 453.510

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International Port of Coos Bay, Oregon, board of commissioners, 777.920

International Trade Commission, 285A.131

Invasive Species Council, 561.687

Investigators, Oregon Board of, 703.475

Investment Council, Oregon, 293.706

JOBS Plus Advisory Board, 411.886

JOBS Plus Implementation Council(s), 411.890

Joint Interim Tsunami Response Planning Task Force, HJR 56 (2001)

Judge Advocate, State, 398.012

Judicial Conference of the State of Oregon, 1.810

Judicial Fitness and Disability, Commission on, 1.410

Justice, Department of, 180.210

Juvenile Compact Administrator, 417.040

Juvenile court cases, disposition, advisory committee, 419C.510

Juvenile Crime Prevention Advisory Committee [Oregon Criminal Justice Commission], 417.845

Klamath River Basin Compact Commission, 542.620 (Art. IX)

Knowledge and Economic Development, Oregon Council for, 2001 c.519 §2 (sunsets January 2, 2006)

Labor and Industries, Bureau of, 651.020
Commissioner, 651.030

Land Board, State, 273.031

Land Conservation and Development Commission, 197.030
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Land Use Board of Appeals, 197.810

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Law Commission, Oregon, 173.315

Law Enforcement Contacts Policy and Data Review Committee, 2001 c.687 §6

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Legislative committees, see “Joint legislative committees” under the cross-references to ORS chapter 171

Legislative Counsel, 173.111

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Life and Health Insurance Guaranty Association, Oregon, 734.800

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Medical Service Committee, State Emergency, 682.195

Medical technology assessment program advisory committee [Health Resources Commission], 442.583

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Mental health compact administrator, 428.320

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Oregon Heritage Commission, 358.570

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Outdoor Youth Program Advisory Board, 418.243

Outfitters and guides, advisory committee, 704.525

Pacific Fisheries Legislative Task Force, 171.865

Pacific Marine Fisheries Commission, 507.040, 507.050

Pacific Northwest Economic Region delegate council, 285A.243

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Pacific Ocean Resources Compact, 196.180

Paid Family Leave and Unemployment Insurance, Task Force on, 2001 c.646 §1

Pain Management Commission [Department of Human Services], 409.500

Parks and Recreation Commission, State, [State Parks and Recreation Department], 390.114

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Parole and Post-Prison Supervision, State Board of, 144.005

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Physician Credentialing Information, Advisory Committee on, 442.800

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Pollution Control Tax Credit Improvement and Review Task Force, 2001 c.928 §10 (sunsets July 1, 2003)

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Printer, State, 282.080

Prison Industries Board, Const. Art. I, §3

Prison Terms and Parole Standards, Advisory Commission on, 144.775

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Private Security Services, Advisory Committee on, 181.889

Progress Board, Oregon, 285A.153

Promotional and Career Opportunities for Women in Oregon, Task Force on, 2001 c.482 §1 (sunsets January 1, 2004)

Property and Fiscal Officer for Oregon, U.S., 396.175

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Real Estate Commissioner, 696.375

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Advocate for Minority, Women and Emerging Small Business [Office of the Governor], 200.025

Office for Minority, Women and Emerging Small Business [Department of Consumer and Business Services], 200.025

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Smoke management advisory committee [State Forester], 477.556

Social Workers, State Board of Clinical, 675.510

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Southern Oregon University, 352.002

Special Education

Special education and school finance, task force on, 2001 c.806 §1 (sunsets July 1, 2003)

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State Interagency Coordinating Council, 343.499

Speech-Language Pathology and Audiology, State Board of Examiners for [Department of Human Services], 681.400

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Standards and Practices Commission, Oregon Government, 244.250

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Surveying, State Board of Examiners for Engineering and Land, 672.240

Sustainability Board [Oregon Department of Administrative Services], 2001 c.918 §2 (sunsets January 2, 2006)

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Telecommunications Devices Access Program Advisory Committee, 1987 c.290 §12 (sunsets January 1, 2010)

Tourism Commission, Oregon, 285A.261

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Trading of water rights, work group to study issues related to [Water Resources Department], 2001 c.390 §1

Trapping Best Management Practices Task Force, 2001 c.562 §3

Transportation Commission, Oregon, 184.612

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Youth Authority, Oregon, 420A.010
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Youth Suicide Prevention Coordinator [Department of Human Services], 418.756

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 21.310, 52.410 to 52.440, 156.160, 205.360 and 205.370.
[Amended by 1965 c.619 §35; 1967 c.398 §8; 1973 c.381 §7; 1981 s.s. c.3 §97; 1985 c.496 §25; 1999 c.803 §3]

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]

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

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

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

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

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

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

(2) The Director of Affirmative Action shall assist all persons who have appointing authority at the state level for

boards, commissions or advisory bodies in carrying out the state policy stated in subsection (1) of this section 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 657A.250, under an employee benefit plan. [1985 c.753 §5; 1995 c.278 §28]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 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.

182.152 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]

Note: Section 2, chapter 30, Oregon Laws 2001, provides:

Sec. 2. The amendments to ORS 182.320 by section 1 of this 2001 Act apply only to members of the Employee Suggestion Awards Commission appointed on or after the effective date of this 2001 Act [January 1, 2002]. [2001 c.30 §2]

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

(d) For administrative expenses of the Personnel Division incurred in administering ORS 182.310 to 182.400, 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]

(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 Oregon Department of Administrative Services, 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 which may include existing and future projects authorized by the department.

(c) Any unexpended revenues transferred in accordance with ORS 279.645 (2).

(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 development 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]

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 Services, 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 and 240.086 unless the context requires otherwise:

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

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

(3) "Dormitory" includes any facility which houses students and those facilities used primarily for sleeping purposes by the employees of the Department of Human Services.

(4) "State agency" has the same meaning as in ORS 291.002. [1971 c.575 §1; 1977 c.583 §3; 1993 c.276 §1]

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]

SEMI-INDEPENDENT STATE AGENCIES

(Listing of Semi-Independent State Agencies)

182.451 State Board of Massage Therapists; Physical Therapist Licensing Board; State Landscape Contractors Board. (1) The following boards are transferred from the Department of Human Services and are established as semi-independent state agencies that are subject to ORS 182.456 to 182.472:

- (a) The State Board of Massage Therapists.
- (b) The Physical Therapist Licensing Board.

(2) The State Landscape Contractors Board is established as a semi-independent state agency that is subject to ORS 182.456 to 182.472. [1999 c.1084 §1; 2001 c.409 §2]

Note: The amendments to 182.451 by section 2, chapter 409, Oregon Laws 2001, become operative July 1, 2002. See section 12, chapter 409, Oregon Laws 2001. The text that is operative until July 1, 2002, is set forth for the user's convenience.

182.451. On October 31, 1999, the following boards are transferred from the Health Division of the Department of Human Resources and are established as semi-independent state agencies that are subject to ORS 182.456 to 182.472:

- (1) The State Board of Massage Therapists.
- (2) The Physical Therapist Licensing Board.

Note: 182.451 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.

182.452 Board of Trustees of Children's Trust Fund. On October 31, 1999, the Board of Trustees of the Children's Trust Fund is established as a semi-independent state agency subject to ORS 182.456 to 182.472. [1999 c.1084 §2]

Note: Sections 48, 56 and 74, chapter 1084, Oregon Laws 1999, provide:

Sec. 48. Sections 49 to 56 of this 1999 Act become operative only if:

(1) They are consistent with federal law and regulations and with agreements established by the Board of Trustees of the Children's Trust Fund.

(2) The board has previously determined that the charter of the private nonprofit corporation known as the Children's Trust Fund of Oregon, Incorporated, reasonably ensures that:

(a) The assets and rights transferred and moneys appropriated to the corporation shall continue to be used by the corporation throughout their terms or useful lives and for the purposes of continuing and advancing the prevention of child abuse and neglect in Oregon in a manner substantially similar to board functions under ORS 418.187 to 418.197 and 432.090 and section 36 of this 1999 Act.

(b) If the corporation dissolves or discontinues the substantial functions formerly performed by the board under ORS 418.187 to 418.197 and 432.090 and section 36 of this 1999 Act, the corporation shall transfer or assign the balance of those assets, rights and appropriated moneys to a public or private entity that has the authority to continue and advance the prevention of child abuse and neglect in Oregon.

(c) At least 20 percent of the members of the governing body for the corporation are appointed to that position by the Governor.

(3) The governing body for the Children's Trust Fund of Oregon, Incorporated, approves the agreement negotiated under section 35 (5) of this 1999 Act. [1999 c.1084 §48]

Sec. 56. ORS 418.187, 418.191, 418.193, 418.195 and 418.197 and section 2 of this 1999 Act [182.452] are repealed. [1999 c.1084 §56]

Sec. 74. (1) The enactments, amendments and repeals of statutes and laws by sections 1 to 48 and 57 to 75 of this 1999 Act become operative July 1, 1999, or 60 days after the effective date of this 1999 Act [September 1, 1999],

whichever is later.

(2) Subject to the conditions imposed by section 48 of this 1999 Act, the enactments, amendments and repeals of statutes and laws by sections 49 to 56 of this 1999 Act become operative July 1, 2001. [2001 c.1084 §74]

Note: See second note under 182.451.

182.454 Other semi-independent state agencies. On October 31, 1999, the following semi-independent state agencies are made subject to ORS 182.456 to 182.472:

- (1) The State Board of Architect Examiners.
- (2) The State Landscape Architect Board.
- (3) The State Board of Examiners for Engineering and Land Surveying.
- (4) The State Board of Geologist Examiners.
- (5) The Oregon Board of Optometry. [1999 c.1084 §3]

Note: See second note under 182.451.

(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 board established as a semi-independent state agency under ORS 182.451 or 182.452 or a board listed under 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]

Note: The amendments to 182.456 by section 55, chapter 1084, Oregon Laws 1999, become operative July 1, 2001, contingent on the events specified in section 48, chapter 1084, Oregon Laws 1999 (second note under 182.452). See sections 48 and 74, chapter 1084, Oregon Laws 1999. The text of 182.456, as amended by section 55, chapter 1084, Oregon Laws 1999, is set forth for the user’s convenience.

182.456. As used in ORS 182.456 to 182.472:

(1) “Board” means a board established as a semi-independent state agency under ORS 182.451 or a board listed under 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.

Note: See second note under 182.451.

182.460 Statutory provisions applicable to semi-independent state agencies. (1) Except as otherwise provided by law, the provisions of ORS chapters 240, 276, 279, 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 183.310 to 183.550, and a board’s employees are included within the Public Employees Retirement System.

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

- (a) ORS 240.309 (1) to (6) and 240.321;
- (b) ORS 279.800 to 279.830;
- (c) ORS 279.835 to 279.855;
- (d) ORS 282.210 to 282.230; and
- (e) ORS 293.240.

(3) 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 shall 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.

(4) 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.

(5) 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]

Note: See second note under 182.451.

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

(2) The budget referred to in subsection (1) of this section shall be adopted in accordance with applicable provisions of ORS 183.310 to 183.550. Except as provided in this subsection, 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.

(3) 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.

(4) 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.

(5) 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. [1999 c.1084 §6]

Note: See second note under 182.451.

182.464 Audit by Secretary of State. ORS 182.456 to 182.472 do not affect the duty and authority of the Secretary of State to audit public accounts. The Secretary of State shall enter into agreements with each of the boards to set appropriate audit schedules for those boards. The audit schedule shall be set to allow board compliance with ORS 182.472. In lieu of conducting an audit, the Secretary of State may elect to accept the report of an independent certified public accountant. [1999 c.1084 §7]

Note: See second note under 182.451.

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 chapter 279, 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]

Note: See second note under 182.451.

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: Section 9 (4), (5) and (6), chapter 1084, Oregon Laws 1999, provides:

Sec. 9. (4) Notwithstanding subsection (3) of this section [182.468 (3)], a board shall continue to employ all classified employees employed by the board on the operative date of sections 1 to 48 and 57 to 75 of this 1999 Act [October 31, 1999], subject to state personnel laws and collective bargaining agreements.

(5) Notwithstanding subsection (3) of this section, a board shall be bound by any collective bargaining agreement entered into by this state on behalf of the board before or after the operative date of sections 1 to 48 and 57 to 75 of this 1999 Act.

(6) Changes in board status under this 1999 Act do not affect the status of any collective bargaining unit as the appropriate bargaining unit for board employees. [1999 c.1084 §9(4),(5),(6)]

Note: See second note under 182.451.

182.470 Bank accounts for moneys collected or received by board. (1) Notwithstanding ORS 670.335, except where otherwise specifically provided by statute pursuant to ORS 182.462 (5), 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 bank insured by the Federal Deposit Insurance Corporation. In a manner consistent with the requirements of ORS chapter 295, 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 Federal Deposit Insurance Corporation's coverage. 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 bank" has the meaning given that term in ORS 295.005. [1999 c.1084 §10; 2001 c.409 §3]

Note: The amendments to 182.470 by section 3, chapter 409, Oregon Laws 2001, become operative July 1, 2002. See section 12, chapter 409, Oregon Laws 2001. The text that is operative until July 1, 2002, is set forth for the user's convenience.

182.470. (1) Notwithstanding ORS 670.335, except where otherwise specifically provided by statute pursuant to ORS 182.462 (5), all moneys collected or received by a board, placed to the credit of that board and remaining unexpended and unobligated on October 31, 1999, and all moneys collected or received by a board after October 31, 1999, shall be deposited into an account established by that board in a depository bank insured by the Federal Deposit Insurance Corporation. In a manner consistent with the requirements of ORS chapter 295, 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 Federal Deposit Insurance Corporation's coverage. 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 bank" has the meaning given that term in ORS 295.005.

Note: See second note under 182.451.

182.472 Reports to Governor and Legislative Assembly. Not later than the first day of each regular session of the Legislative Assembly, each board shall submit a report to the Governor and the Legislative Assembly as provided in ORS 192.245. For each board, the report shall include the following:

- (1) A copy of the most recent audit required by ORS 182.464;
- (2) A copy of any budget adopted by the board for the subsequent biennium in accordance with ORS 182.462;
- (3) A description of the public hearing process for setting budgets;
- (4) A description of fee changes and justifications for fee changes;
- (5) A description of the number of licenses, permits, certificates and registrations applied for, issued and revoked;
- (6) A description of the number of complaints reported and investigated and a list of the number and types of sanctions imposed;
- (7) A description of all rules adopted or repealed, including temporary and permanent rules;
- (8) A description of the number of public meetings or work sessions held by the board;
- (9) A description of the board's consumer publications and outreach programs;
- (10) An explanation of any revenue increase causing revenue to exceed 1995-1997 budget levels, including what portion of the increase, if any, is due to an increase in the number of licenses issued;
- (11) An explanation of how any revenue increase that caused revenue to exceed 1995-1997 budget levels was expended;
- (12) An explanation of how the board has adequately and effectively discharged the lawful responsibilities of the board concerning:
 - (a) Licensing;
 - (b) Enforcement;
 - (c) Consumer and professional education and information;
 - (d) Responses to consumer complaints; and
 - (e) Responses to requests from the Governor's office; and
- (13) A statement of whether the personnel policies and contracting and purchasing procedures followed by the board:
 - (a) Comply with applicable state and federal law; and
 - (b) Have resulted in time or resource savings and the amount and use made of any such savings. [1999 c.1084 §11]

Note: See second note under 182.451.

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

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

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

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

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]