# Chapter 283

## 2009 EDITION

# Interagency Services


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## GENERAL PROVISIONS

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

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

(2) "Director" means the Director of the Oregon Department of Administrative Services.

(3) "State agency" or "agency" has the meaning given such term in ORS 291.002. [1967 c.419 §17; 1975 c.345 §1; 1977 c.717 §19; 1989 c.224 §47; 1991 c.93 §2; 1993 c.500 §36; 1997 c.249 §84]

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

**283.030** [1967 c.419 §19; repealed by 1993 c.500 §2a]

**283.040** [1967 c.419 §20; 1973 c.792 §9; repealed by 1993 c.500 §2a]

**283.050** [1967 c.419 §21; repealed by 1993 c.500 §2a]

**283.060** [1967 c.419 §22; repealed by 1993 c.500 §2a]

**283.070** [1975 c.447 §5; repealed by 1989 c.97 §1]

**283.075** [1981 c.106 §9; repealed by 1989 c.84 §4 (283.076 enacted in lieu of 283.075)]

**283.076 Oregon Department of Administrative Services Operating Fund.** (1) There is established the Oregon Department of Administrative Services Operating Fund in the State Treasury, separate and distinct from the General Fund. The moneys in the Oregon Department of Administrative Services Operating Fund may be invested as provided in ORS 293.701 to 293.820. Interest earnings on the fund assets shall be credited to the fund.

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

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

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

(5) Notwithstanding subsection (4) of this section, all moneys collected by the department as depreciation reserves for the properties identified in ORS 276.004 shall be deposited to the Capital Projects Fund, and are continuously appropriated for the purposes set out in ORS 276.005 (1). [1989 c.84 §5 (enacted in lieu of 283.075); 1993 c.500 §37]

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

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

(3) Upon receipt of the voucher, the Oregon Department of Administrative Services shall draw a warrant on the State Treasurer in favor of the Oregon Department of Administrative Services payable out of the Oregon Department of Administrative Services Operating Fund. The amount drawn shall be deposited in the special revolving fund and

shall be for a sum sufficient only to replenish the special revolving fund.

(4) In addition to the authority provided in ORS 293.180, the Oregon Department of Administrative Services is authorized to establish petty cash funds, in an amount not to exceed $250, out of the special revolving fund from which small cash disbursements, in payment of expenses, may be made. Periodically, a request for reimbursement of disbursements shall be made. Upon receipt of the warrant drawn on the State Treasurer, in favor of the Oregon Department of Administrative Services, payable out of the Oregon Department of Administrative Services Operating Fund, it shall be redeemed and the cash received used to replenish the petty cash fund. [1977 c.316 §2; 1981 c.106 §17; 1983 c.424 §1; 1989 c.84 §6; 1993 c.500 §38; 1997 c.109 §1]

## CERTIFICATES OF PARTICIPATION FINANCING

**283.085 Definitions for ORS 283.085 to 283.092.** As used in ORS 283.085 to 283.092:

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

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

(3) "Director" means the Director of the Oregon Department of Administrative Services.

(4)(a) "Financing agreement" means a lease purchase agreement, an installment sale agreement, a loan agreement or any other agreement:

(A) To finance real or personal property that is or will be owned and operated by the state or any of its agencies;

(B) To finance infrastructure related to a facility that is owned and operated by the state;

(C) To finance infrastructure components that are owned or operated by a local government agency of this state if the director determines that financing the infrastructure will facilitate the construction or operation of an adult or juvenile corrections facility or a public safety training facility owned and operated by the state or any of its agencies;

(D) To finance all or a portion of the state's pension liabilities for retirement, health care or disability benefits, in an amount that produces net proceeds that do not exceed the State Treasurer's estimate of those liabilities based on information provided to the State Treasurer by the Public Employees Retirement System; or

(E) To refinance previously executed financing agreements.

(b) As used in this subsection, "infrastructure" includes, but is not limited to, sewer and water systems and road improvements.

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

(6) "Property rights" means, with respect to personal property, the rights of a secured party under ORS chapter 79, and, with respect to real property, the rights of a trustee or lender under a lease authorized by ORS 283.089 (1)(e).

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

(8) "Treasurer" means the State Treasurer. [1989 c.1032 §1; 1993 c.500 §39; 1997 c.715 §3; 2001 c.718 §3; 2003 c.746 §9; 2007 c.783 §94]

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

**283.087 Financing agreements; limitations.** With the approval of the State Treasurer, the Director of the Oregon Department of Administrative Services may enter into financing agreements in accordance with ORS 283.085 to 283.092, and may exercise the powers granted to a related agency, as defined in ORS 286A.001, by ORS chapter 286A for bonds in connection with those financing agreements upon such terms as the director and the treasurer find to be advantageous to the state. Financing agreements shall be subject to the following limitations:

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

ward payments scheduled to be made by the state under the financing agreement.

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

(3) The principal amount of financing agreements entered into by the state pursuant to ORS 283.085 to 283.092 shall be treated as an amount of bonds and is subject to ORS 286A.035.

(4) The limitations of subsection (3) of this section shall not apply to financing agreements which are used to refinance previously executed financing agreements. The expenditure of funds used to finance previously executed financing agreements and pay the costs incurred to issue the new financing agreements shall be recorded using administrative budget limitations.

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

(6) Upon the request and with the approval of the Chief Justice of the Supreme Court or the State Court Administrator, the Director of the Oregon Department of Administrative Services may enter into financing agreements in accordance with ORS 283.085 to 283.092, on behalf of the Judicial Department. [1989 c.1032 §2; 1991 c.642 §4; 1991 c.790 §20; 1993 c.500 §40; 1993 c.635 §3; 2003 c.746 §10; 2007 c.783 §95]

**Note:** See note under 283.085.

**283.089 Authority of director regarding financing agreements.** (1) With the approval of the State Treasurer, the Director of the Oregon Department of Administrative Services may:

(a) Enter into agreements with trustees to hold financing agreement proceeds, payments and reserves as security for lenders, and to issue certificates of participation in the right to receive payments due from the state under a financing agreement. Amounts held with a trustee shall be invested by the trustee at the direction of the State Treasurer. Interest earned on any investments held by a trustee as security for a financing agreement may, at the option of the director, be credited to the accounts held by the trustee and applied in payment of sums due under a financing agreement.

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

(c) Use the gross proceeds of financing agreements for the purposes described in ORS 283.085 (4) and to pay the costs of reserves, credit enhancements and other costs associated with issuing, administering and maintaining the financing.

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

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

(f) Subject to ORS 283.087 (2), grant security interests in personal property to trustees or lenders. Such security interests shall attach and be perfected on the date the state takes possession of the personal property, or the date the lender advances money under a financing agreement, whichever is later. A security interest authorized by this section shall have priority over all other liens and claims. Upon default, the secured party shall have the rights and remedies available to a secured party under ORS chapter 79 for a first, perfected security interest in goods and fixtures. No later than 10 days after a security interest authorized by this section attaches, the state shall cause a financing statement for the security interest to be filed with the Secretary of State in the same manner as financing statements are filed for goods; however, failure to file such a statement shall not affect the perfection of the security interest.

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

lien of the pledge shall be superior to all other claims and liens of any kind whatsoever.

(h) Bill any state agency that benefits from a financing agreement for an appropriate share of the financing costs on a monthly or other periodic basis, and deposit payments received in connection with the billings with a trustee as security for a financing agreement. Any state agency receiving such a bill shall pay the amounts billed from the first amounts legally available to it. The director shall allocate in appropriate shares the financing costs of a financing agreement entered into for the purpose described in ORS 283.085 (4)(a)(D) among all state agencies based on their payroll costs.

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

(2) As used in this section:

(a) "Financing costs" means the costs or expenses that the State Treasurer or the Director of the Oregon Department of Administrative Services determines are necessary or desirable in connection with entering into financing agreements and maintaining the certificate of participation program, including but not limited to paying:

(A) Amounts due under financing agreements;

(B) Costs and obligations the state incurs in connection with the exercise of a power granted by this section; and

(C) Amounts due in connection with the investment of proceeds of financing agreements.

(b) "State agency" has the meaning given that term in ORS 286A.730. [1989 c.1032 §3; 2001 c.445 §170; 2003 c.746 §11; 2007 c.783 §95a]

**Note:** See note under 283.085.

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

**Note:** See note under 283.085.

**283.092 Effect of financing agreement on tax status.** A lease or financing agreement authorized by ORS 283.085 to 283.092 shall not cause property to be subject to property taxation and shall be disregarded in determining whether property is exempt from taxation under ORS chapter 307. [1989 c.1032 §5; 2007 c.783 §96]

**Note:** See note under 283.085.

## STATE AGENCY SERVICES

**283.100 Duty of department to provide administrative functions to state agencies; cost of services; payment.** The Oregon Department of Administrative Services shall provide general government administrative functions to state agencies. The cost of these services, or portions thereof, as determined by the department shall be allocated to state agencies as determined by the department and paid to the department in the same manner as other claims against the agency are paid. [1993 c.62 §1]

**Note:** 283.100 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

(2) Except as provided in ORS 283.076 (3), all moneys received by an agency in payment of services, facilities or materials furnished to another state agency as provided in this section, or in payment of services, facilities or materials furnished to other persons may be, or if required by the Oregon Department of Administrative Services, shall be paid into the State Treasury for deposit to the credit of the miscellaneous receipts account established pursuant to ORS 279A.290 for the agency furnishing the services, facilities or materials.

(3) The constitutional state officers and the Legislative Assembly or any of its statutory, standing, special or interim committees, unless prohibited by law, may elect to furnish services, facilities and materials to one

another and to state agencies and officers as defined in ORS 291.002, and the courts, constitutional state officers, the Legislative Assembly or any of its statutory, standing, special or interim committees and the Public Defense Services Commission may elect to requisition services, facilities and materials as provided in this section. [Formerly 291.658; 1981 c.106 §18; 1993 c.500 §40a; 2003 c.449 §36; 2003 c.794 §230]

**283.120 State agency service unit; rules.** Subject to rules prescribed by the Oregon Department of Administrative Services, any state agency may establish a service unit within the agency to furnish to other units of such agency the services, facilities and materials that the service unit is established to provide. The expenses of the service unit shall be charged to the units served and, except as provided in ORS 283.076 (3), the amounts so charged shall be credited to the miscellaneous receipts account established pursuant to ORS 279A.290 and hereby are appropriated continuously for expenditure by the state agency subject to the allotment system provided by ORS 291.234 to 291.260. [Formerly 291.670; 1981 c.106 §19; 1993 c.500 §40b; 2003 c.794 §231]

**283.130 "Agency" defined for ORS 283.140 and 283.143.** As used in ORS 283.140 and 283.143, "state agency" or "agency" includes the Legislative Assembly, at the option of the Legislative Assembly, or any statutory, standing, special or interim committees of the Legislative Assembly, at the option of the committee. [Formerly 291.659; 2009 c.601 §2]

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

(2) If the department operates central mail service, it shall:

(a) Approve or disapprove all state agency mail equipment or mail service acquisitions.

(b) Report biennially to the Director of the Oregon Department of Administrative Services on opportunities for savings through state agency mail room centralization, consolidation and automation and through mail route coordination.

(3) The department shall adopt rules pursuant to which persons associated with government either temporarily or otherwise, including but not limited to unsalaried volunteers, part-time employees, contractors with the state and employees of contractors, political subdivisions and the federal government may use shuttle bus services.

(4) For the purposes of this section, "telecommunications" means media that communicate voice, data, text, images or video over a distance using electrical, electronic or light wave transmission media. [Formerly 291.660; 1971 c.110 §1; 1977 c.92 §1; 1993 c.724 §15; 1995 c.452 §15]

**283.143 Surcharge for telecommunications services; purpose; exempt agencies.** (1) To encourage utilization of statewide integrated videoconferencing and statewide online access services, the Oregon Department of Administrative Services shall, in addition to any other charge or assessment for providing telecommunications services to state agencies, impose upon each agency and public corporation a surcharge, in an amount established by the department. All surcharge moneys collected shall be deposited in the Oregon Department of Administrative Services Operating Fund, and may be expended only for state agency and public corporation telecommunication and videoconferencing activities, under such terms and conditions as the department may prescribe.

(2) Notwithstanding subsection (1) of this section, the Oregon Department of Administrative Services shall not impose the surcharge established by this section on the Oregon University System or the Oregon Health and Science University. The Oregon Department of Administrative Services shall enter into an agreement with the Oregon University System and the Oregon Health and Science University on the amounts to be paid by the Oregon University System and the Oregon Health and Science University to the Oregon Department of Administrative Services in lieu of the surcharge provided for in this section. [1997 c.596 §2; 2009 c.762 §52]

**283.150** [Formerly 291.662; 2003 c.794 §232; repealed by 2009 c.601 §6]

**283.160** [Formerly 291.664; repealed by 2009 c.601 §6]

**283.170 Sale of steam heat to certain museums.** The Oregon Department of Administrative Services may sell excess steam heat to a museum that is tax exempt under

state and federal law where the steam can be delivered to the museum property without significant impact on the state steam heating system. The proceeds of the sale may be used to meet costs of the system without specific appropriation thereof. [1979 c.712 §1]

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

**283.190** [1985 c.88 §4; 1987 c.73 §4; renumbered 283.524 in 2001]

**283.210** [Formerly 291.652; renumbered 279.805 in 1991]

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

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

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

**283.240** [Formerly 291.666; renumbered 279.831 in 1991]

**283.250** [Formerly 291.678; renumbered 279.833 in 1991]

## CONTROL AND REGULATION OF STATE-OWNED MOTOR VEHICLES

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

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

(2) "Authorized driver" means any of the following who has a valid driver license and an acceptable driving record:

(a) A salaried state employee, including an agent of the state;

(b) A volunteer, appointed in writing, whose written description of duties includes driving motor vehicles;

(c) An agency client required to drive motor vehicles as part of a rehabilitation or treatment program authorized by law;

(d) Any personnel of any unit of government whose use of motor vehicles is permitted by an authorized intergovernmental agreement;

(e) Any student enrolled at any state institution of higher education and whose use of motor vehicles meets the requirements of ORS 283.310; and

(f) An inmate of a correctional institution with specific Department of Corrections approval who is accompanied by a supervising correctional institution employee or who is performing a specific work assignment driving a special purpose vehicle required for that assignment and within the visual range of a supervising correctional institution employee who is at the work assignment site or who is part of the transport caravan.

(3) "Motor vehicles" includes state-owned, leased or otherwise controlled motor vehicles and the supplies, parts and equipment for the operation, maintenance or repair of such motor vehicles.

(4) "Official state business" means activity conducted by a state agency that advances the lawful policies of the agency as specified by the Oregon Department of Administrative Services by rule.

(5) "Standard passenger vehicle" means a motor vehicle that is commonly known as a sedan or a station wagon and that is not equipped with special or unusual equipment.

(6) "State agency" or "agency" includes the Legislative Assembly, at its option, or any of its statutory, standing, special or interim committees, at the option of such committee. [Formerly 291.702; 1991 c.399 §4; 1993 c.335 §1; 1997 c.848 §1; 2007 c.71 §83]

**283.310 Control and regulation of state-owned motor vehicles; rules; statement of use; limits on use.** (1) The Oregon Department of Administrative Services shall control and regulate the acquisition, operation, use, maintenance and disposal of and access to motor vehicles used for:

(a) State business by state agencies of this state; or

(b) Official public business by a unit of local government or a state agency of another state, by an agency created by an interstate compact between this state and another state or states, by a United States governmental agency, or by an American Indian tribe or an agency of an American Indian tribe, pursuant to an intergovernmental agreement between the agency or agencies and the department, entered into in accordance with ORS chapter 190, for the provision of motor pool vehicles, supplies and services, or any of them.

(2) The state agency on whose behalf a motor vehicle is used must state in writing in advance of such use that the particular activity for which the vehicle is to be used advances the lawful policies of the agency.

(3) The State Board of Higher Education shall not authorize or allow the use of any motor vehicle to transport students to an event or activity not directly related to an officially sanctioned program as established under ORS 351.277 of an institution in the Oregon University System.

(4) The State Board of Higher Education, in conjunction with the Oregon Department of Administrative Services, shall establish by rule vehicle operation standards and training to promote safe vehicular travel practices in

the conduct of all travel by employees, students and official volunteers at all institutions in the Oregon University System. [Formerly 291.704; 1993 c.335 §2]

**283.312 Provision of state-owned vehicle to authorized agency driver; mileage limits requirements; exceptions; penalty for noncompliance.** (1) A state agency or institution shall provide a state-owned standard passenger vehicle to each authorized driver of the state agency or institution who is required to drive a standard passenger vehicle on official state business a number of miles per month averaged over a six-month period that equals or exceeds the mileage limit defined in rules adopted under ORS 283.313.

(2) If a state-owned standard passenger vehicle is not available to an authorized driver of a state agency or institution who is required to drive a standard passenger vehicle on official state business:

(a) The authorized driver shall use the authorized driver's own motor vehicle, or other privately owned motor vehicle, and shall be reimbursed as provided in rules adopted under ORS 283.345; or

(b) If a suitable privately owned motor vehicle is not available to the authorized driver, the state agency or institution shall rent a standard passenger vehicle for the use of the authorized driver on the days the authorized driver is required to drive on official state business.

(3) Except as provided in subsections (4) and (5) of this section, a state agency or institution may not own or be assigned a standard passenger vehicle that is driven a number of miles per month averaged over a six-month period that is less than the mileage limit defined in rules adopted under ORS 283.313.

(4) Subsection (3) of this section does not apply to a standard passenger vehicle that is furnished with equipment not installed on a standard passenger vehicle.

(5) Subsection (3) of this section does not apply to a standard passenger vehicle if the Director of the Oregon Department of Administrative Services finds under rules adopted under ORS 283.313 that, notwithstanding the number of miles per month the vehicle is driven, use of a state-owned standard passenger vehicle is necessary to the activities conducted by the state agency or institution.

(6) If a state agency or institution is not in compliance with subsection (3) of this section, the state agency or institution shall sell and not replace a standard passenger vehicle for each vehicle that fails to comply with subsection (3) of this section. The state agency or institution may reassign vehicles owned by or assigned to the state agency or institution, respectively, if necessary to meet the requirements of subsection (3) of this section. Proceeds from a sale under this subsection and interest on the proceeds shall be retained by the agency or institution and not expended until a sale proceed utilization plan is approved by the Legislative Assembly. [1997 c.848 §3]

**283.313 Adoption of mileage limits for use and replacement of state-owned vehicles; procedure for approving exceptions to requirement for provision of state-owned vehicle; rules.** (1) The Oregon Department of Administrative Services shall adopt by rule a formula to determine the mileage limit for purposes of ORS 283.312. The formula shall define a mileage limit that is the mileage at which use of a state-owned standard passenger vehicle is more economical than use of a privately owned motor vehicle for official state business. For purposes of this subsection, the department shall adopt the formula in Secretary of State, Audit No. 97-36, State of Oregon Opportunities to Reduce State Employee Travel Costs, p. 29, app. A, exhibit 1 (April 17, 1997), or an equivalent formula.

(2) The department shall adopt by rule a replacement mileage standard for purposes of ORS 283.314. The replacement mileage standard is the mileage at which replacement of a standard passenger vehicle is more economical than retaining the vehicle.

(3) The department shall adopt by rule a procedure to approve exceptions under ORS 283.312 (5) to the requirements of ORS 283.312 (3). The procedure adopted must conform to the following:

(a) The Director of the Oregon Department of Administrative Services shall approve each exception.

(b) The director may appoint a committee to advise the director on the merits of each request for an exception.

(c) An application by a state agency or institution for an exception must be in writing. The application must include, but not be limited to:

(A) A statement of the reasons ownership or assignment of a state-owned standard passenger vehicle is necessary to the activities conducted by the state agency or institution, notwithstanding the number of miles per month the vehicle is driven; and

(B) A statement of reasons why rental of a standard passenger vehicle, use of a vehicle owned by an authorized driver or borrowing a vehicle from another state agency or institution is not a satisfactory alternative to

ownership or assignment of a standard passenger vehicle. [1997 c.848 §5]

**283.314 Replacement of state-owned vehicle when replacement mileage standard is exceeded.** A standard passenger vehicle owned or assigned to the state agency or institution must be replaced after the number of miles the vehicle has been driven exceeds the replacement mileage standard defined under rules adopted under ORS 283.313. [1997 c.848 §4]

**283.315 Establishing motor pools.** The Oregon Department of Administrative Services shall establish a motor pool for the common use of state agencies and for other public agencies that have entered into intergovernmental agreements with the department in accordance with ORS chapter 190 for the provision of motor pool vehicles, supplies and services, or any of them. The department may also establish in the state such subsidiary pools under the direct control or under the supervision of a state agency as may be found necessary. [Formerly 291.706; 1993 c.335 §2a]

**283.320 Transfer to pool or sale of vehicles; reimbursement.** (1) The Oregon Department of Administrative Services shall study and ascertain the present needs for motor vehicles and shall authorize transfer to the pool or the sale of vehicles found not to be required by state agencies.

(2) Where any motor vehicle so transferred from any agency was purchased by the agency from a dedicated fund or trust fund, as defined in ORS 291.002, an amount equal to the depreciated value of the vehicle shall be paid to the agency within 10 years after the vehicle's acquisition by the department, or, at the option of the department, shall be entered upon the accounts of the Oregon Department of Administrative Services Operating Fund as a credit in favor of the agency from which the vehicle was transferred, and any charges thereafter made to such agency, pursuant to ORS 283.350, for transportation furnished to the agency, shall be offset against such credit until the entire amount of the credit has been utilized. [Formerly 291.708; 1993 c.335 §3]

**283.325 Acquisition of motor vehicles by department; assignment to state agencies.** Subject to ORS 283.327, the Oregon Department of Administrative Services may acquire motor vehicles by purchase or transfer. All motor vehicles transferred to or purchased for the department shall become a motor pool from which, upon requisition and proper showing to the department of need and use for official state business only by a state agency, or on evidence that a specific intergovernmental agreement allows a public agency to be provided with motor pool vehicles, supplies and services, there may be assigned suitable transportation, either on a temporary or permanent basis. [Formerly 291.710; 1991 c.399 §5; 1993 c.335 §4]

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

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

(3) Each agency owning motor vehicles shall comply with all safety standards established by the United States Department of Transportation in the conversion, operation and maintenance of vehicles using alternative fuel.

(4) To the maximum extent economically possible, state-owned structures shall use biofuel, or direct-application electricity generated from biofuel, where diesel is currently utilized for stationary or back-up generation. [1991 c.399 §2; 1993 c.335 §5; 2005 c.22 §201; 2007 c.739 §25]

**283.330 Department responsible for motor vehicles under its control.** The Oregon Department of Administrative Services shall direct and be responsible for the acquisition, operation, maintenance, storage, repair and replacement of and access to motor vehicles under its control. The department shall utilize all state facilities available for the maintenance, repair and storage of such motor vehicles. [Formerly 291.712; 1993 c.335 §6]

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

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

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

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

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

(4) Any other information required by the Department of Environmental Quality and the State Department of Energy. [1991 c.399 §3; 1993 c.335 §7]

**283.340 Policy; rules; keeping records.** (1) It is the policy of this state that the Oregon Department of Administrative Services adopt rules that narrowly interpret the definitions of authorized driver and official state business.

(2) The department shall adopt rules necessary for the efficient and economical operation, use, maintenance, repair and replacement of and access to all motor vehicles, and shall require the keeping of such records of use, access, costs and operations and the making of such reports as will enable the exercise of proper controls.

(3) By rule, the department shall prohibit the operation of a state-owned motor vehicle by any person under 18 years of age.

(4) The department shall adopt rules that require uniform schedules for preventive maintenance of state-owned motor vehicles. [Formerly 291.716; 1993 c.335 §8; 1997 c.848 §6]

**283.343 Compliance examination on use of state-owned vehicles.** At least biennially, the Oregon Department of Administrative Services shall examine compliance with rules adopted pursuant to ORS 283.340 by state agencies owning vehicles. The department shall submit biennially to the Joint Legislative Audit Committee a management report on state-owned motor vehicles that includes:

(1) Summaries of agency compliance examinations, with specific emphasis on noncomplying state agency fleets;

(2) Numbers of motor vehicles, listed by model and by state agency;

(3) Mileage utilization of motor vehicles, listed by state agency;

(4) Operating cost per mile of motor vehicles, listed by state agency; and

(5) Recommendations for increasing motor vehicle utilization, for decreasing the overall motor vehicle population and for absorbing noncomplying state agency fleets into the motor pool. [1993 c.335 §11]

**283.345 Use of privately owned vehicles; rules.** The Oregon Department of Administrative Services shall adopt rules for the use of privately owned vehicles for official state business where necessary. [Formerly 291.718; 1993 c.335 §9; 1997 c.848 §7]

**283.350 Use of Oregon Department of Administrative Services Operating Fund for automotive purposes.** (1) In addition to the other purposes for which the Oregon Department of Administrative Services Operating Fund created by ORS 283.076 may be used, the Oregon Department of Administrative Services Operating Fund is appropriated continuously for and may be used for the acquisition, operation, storage, maintenance, repair and replacement of motor vehicles under the control of the Oregon Department of Administrative Services, the payment of insurance premiums as provided in ORS 278.205 and payment of the administrative expenses of the department in connection with the operation of the motor pool and a proportionate amount of the administrative costs in connection with the operation of the Oregon Department of Administrative Services Operating Fund. The type of motor vehicles purchased shall be limited to the most appropriate economical models. At the end of each month the department shall render a statement, on a basis of mileage or rental, to all state and public agencies to which transportation has been furnished, and all amounts due shall be credited to the Oregon Department of Administrative Services Operating Fund and, in the case of state agencies, shall be a charge against the appropriation allotments of the state agencies involved. Any proceeds from the sale or other disposition of used vehicles owned by the department shall be credited to the Oregon Department of Administrative Services Operating Fund. Administrative costs in connection with the operation of the motor pool and a proportionate amount of the administrative costs in connection with the operation of the Oregon Department of Administrative Services Operating Fund shall be included in the computation of the rental or mileage charge to the agencies to which transportation is furnished.

(2) There is continued in existence a petty cash fund in the amount of $100 as part of the Oregon Department of Administrative Services Operating Fund, and the Director of the Oregon Department of Administrative Services may authorize designated persons to make disbursements from the petty cash fund in any case where it is necessary to make an immediate cash payment which is payable from the Oregon Department of Administrative Services Operating Fund for an expenditure referred to in subsection (1) of this section. Disbursements from the petty cash fund shall be made only by the persons so designated in payment of claims authorized by law. When the person designated by the director from time to time files with the Oregon Department of Administrative Services verified vouchers covering disbursements

from the petty cash fund, the Oregon Department of Administrative Services shall issue warrants on the State Treasurer payable out of the Oregon Department of Administrative Services Operating Fund in favor of the person designated by the director. The payments of such warrants shall be credited to the petty cash fund. The verified vouchers covering disbursements shall bear the approval of the individual designated by the director. [Formerly 291.720; 1981 c.106 §21; 1983 c.740 §81; 1993 c.335 §9a; 1993 c.500 §41]

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

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

(2) A vehicle need not be marked as required by subsection (1) of this section and need bear only such evidence of registration as is required on privately owned vehicles if:

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

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

(3) Notwithstanding subsection (1) of this section, the department shall, upon request of any state law enforcement agency or state parole or probation agency for which the department obtains vehicles, obtain for the agencies vehicles that are not marked as required by subsection (1) of this section and that have registration described in ORS 805.060. [Formerly 291.724; 1987 c.6 §3; 1993 c.741 §118]

**283.395 Driving state-owned vehicles for private purposes prohibited; rules.** (1) No person shall drive, operate or use, or authorize or permit any person to drive, operate or use, any motor vehicle as defined in ORS 283.305 for any purpose except for official state business as defined in ORS 283.305 and by rule of the Oregon Department of Administrative Services.

(2) The department shall adopt rules to distinguish private from public purposes. [Formerly 291.726; 1991 c.176 §5; 1993 c.335 §10]

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

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

## MASTER ASBESTOS MANAGEMENT PLAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) "Department" means the Oregon Department of Administrative Services. [1989 c.1037 §2; 1993 c.500 §42]

**Note:** See note under 283.415.

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

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

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

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

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

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

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

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

(8) Such other standards, plans and procedures as the department may require for the safe and economical abatement of asbestos by agencies. [1989 c.1037 §3; 2005 c.22 §202]

**Note:** See note under 283.415.

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

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

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

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

(4) Training appropriate agency employees to recognize and work safely with asbestos-containing materials to comply with applicable regulations of the Department of Consumer and Business Services and Department of Environmental Quality. [1989 c.1037 §4; 1993 c.744 §224]

**Note:** See note under 283.415.

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

**Note:** See note under 283.415.

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

**Note:** See note under 283.415.

## INFORMATION TECHNOLOGY

**283.500 Policy.** The Legislative Assembly declares it to be the policy of the State of Oregon:

(1) To use information technology in education, health care, economic development and government services to improve economic opportunities and quality of life for all Oregonians regardless of location or income.

(2) To stimulate demand to encourage and enable long-term infrastructure innovation and improvement.

(3) That telecommunications planning process shall:

(a) Organize users in new ways to aggregate demand, reduce costs and create support networks;

(b) Encourage collaboration between communities of interest by geographic area and economic sector; and

(c) Encourage competition among technology and service providers. [1995 c.634 §1]

**Note:** 283.500 to 283.520 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**283.505 Coordination of telecommunications systems.** (1) The Oregon Department of Administrative Services shall coordinate the consolidation and operation of all telecommunications systems used by the state and state agencies. Notwithstanding any other provision of law, no agent or agency of the state shall construct, purchase or otherwise gain access to a telecommunications system without the prior approval of the department.

(2) The department shall coordinate the consolidation and operation of emergency telecommunications systems used by the state and state agencies. The provisions of this section shall not be construed to require consolidation of telecommunications systems used by emergency service providers, as defined by the department, into nonemergency networks. [1995 c.634 §2]

**Note:** See note under 283.500.

**283.510 Acquisition of advanced digital communications network.** (1) As used in this section:

(a) "Advanced digital communications" means equipment, facilities and capability to distribute digital communications signals for the transmission of voice, data, image and video over distance.

(b) "Telecommunications provider" means any person capable of providing advanced digital communications including, but not limited to, a telecommunications utility as defined in ORS 759.005, a competitive telecommunications provider as defined in ORS 759.005, a cable television provider or an interstate telecommunications provider.

(2) Notwithstanding ORS chapters 279A, 279B and 279C, the Oregon Department of Administrative Services by contract shall acquire advanced digital communications services from telecommunications providers or a consortium of such providers. Contracts under this section shall provide that all responsibility for construction, installation, operation and maintenance of the network shall remain with the contracting provider.

(3) Upon installation of an advanced digital communications network, the Oregon Department of Administrative Services shall provide all telecommunications services and operations for the state and its agencies. The department shall not approve the procurement of any telecommunications system or equipment that is incompatible with the network. [1995 c.634 §3; 2003 c.794 §233]

**Note:** See note under 283.500.

**283.515 Use of agency travel and transportation funds for telecommunications services.** The Oregon Department of Administrative Services annually shall review, in conjunction with each state agency, the budget of that agency to identify agency funds to be used for travel and transportation that may be used for telecommunications. If the department determines that a portion of the agency travel and transportation funds can be used more effectively through use of telecommunications, without diminishing the affected agency's existing internal and external communications, the department shall make recommendations to the Emergency Board as described in ORS 291.326 for such action as the department determines necessary to dedicate the identified agency travel and transportation funds for use in telecommunications. The department shall make its recommendations to the Emergency Board not later than January 1. [1995 c.634 §4]

**Note:** See note under 283.500.

**283.520 Contracts for telecommunications equipment and services not to exceed 10 years; contract benefits for certain nonprofit organizations.** (1) For the purposes of ORS 283.500 to 283.520, the Oregon Department of Administrative Services may enter into a contract or contracts with telecommunications service providers and equipment manufacturers for the purchase, use or operation of telecommunications equipment and services for a period not to exceed 10 years.

(2) For purposes of ORS 291.038, the Oregon Department of Administrative Services may extend the benefits of telecommunications contracts for networks, equipment and services to nonprofit organizations that have been designated as communities of interest. [1995 c.634 §5; 1997 c.484 §1]

**Note:** See note under 283.500.

**283.524 Agreements to fund or acquire telecommunications equipment and services.** The Oregon Department of Administrative Services may enter into an agreement or agreements to fund or otherwise acquire telecommunications equipment and services by installment purchase or lease purchase contracts as provided by ORS 276.218. [Formerly 283.190]

**Note:** 283.524 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**283.525** [1995 c.634 §6; repealed by 1999 c.1093 §43]

**283.530** [1995 c.634 §7; repealed by 1999 c.1093 §43]

**283.535** [1995 c.634 §8; repealed by 1999 c.1093 §43]

**283.550** [1997 c.311 §1; renumbered 240.855 in 2001]

## PENALTIES

**283.990 Penalties.** Violation of ORS 283.395 is a Class D violation. [Formerly part of 291.990; 1999 c.1051 §171]