

History of State Administrative  
Agencies in Oregon  
1843-1937



OREGON STATE PLANNING BOARD  
FEBRUARY 1939

# History of State Administrative Agencies in Oregon 1843-1937

*By*

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*The purpose of the Oregon State Planning Board is to serve the people as a progressive advisory body cooperating with public and private agencies and individuals in studying Oregon's problems and needs, and submitting recommendations for development of the state.*

## Foreword

In recent years state government in Oregon has assumed an increasingly significant role in the social and economic life of its citizens. The importance of efficiency in the conduct of government cannot be given too much emphasis.

As the need for new governmental services has developed, successive legislatures have had to determine whether existing agencies could properly accept further responsibilities or whether new agencies should be created.

This study traces the history of each state agency and outlines changes in the function and structure of various agencies and of the state government as a whole. It is hoped that legislators, administrators, and citizens of the state will find this report useful as background in considering questions of state organization.

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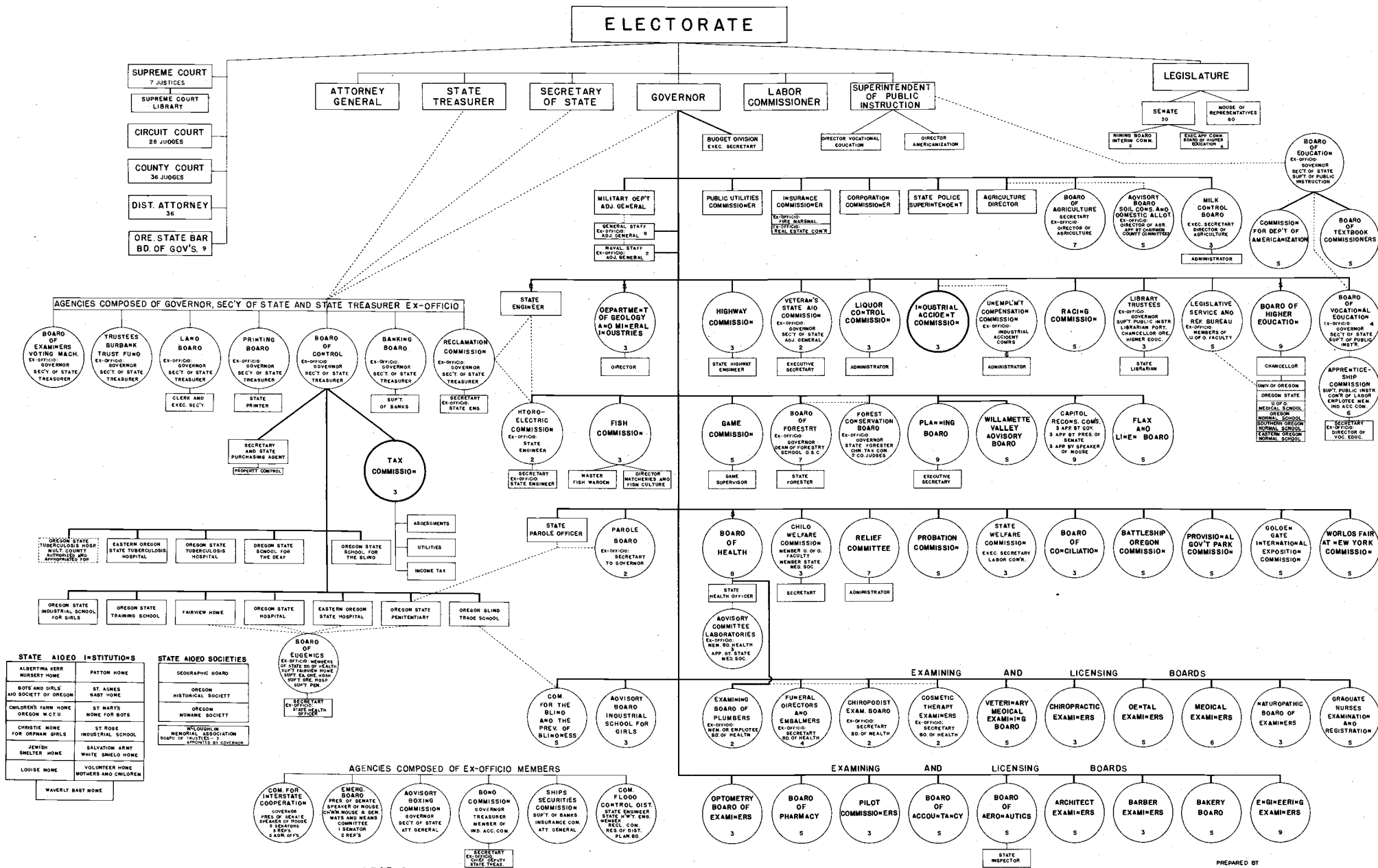
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# IN OREGON 1937



HEAVY BLACK LINES--INDICATE LINE OF RESPONSIBILITY AND APPOINTIVE POWER  
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BROKEN LINES--INDICATE CLOSE RELATIONSHIP BETWEEN AGENCIES IN THAT MEMBERS OF ONE ARE MEMBERS OF OTHER, OR AGENCY OF ONE LODGED IN OFFICE OF OTHER

PREPARED BY  
OREGON STATE PLANNING BOARD  
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# History of State Administrative Agencies in Oregon 1843-1937

## History Prior to Statehood

With the dedication of Fort Vancouver by the Hudson Bay Company in 1825 the first semblance of government was established in Oregon under the administration of Dr. John McLoughlin, head factor for the fur trading company. By treaty with Great Britain in 1818 the United States agreed to a joint occupancy of this region until a boundary could be established, designating English and American territory.

Although the American settlers repeatedly petitioned congress for a territorial government, their efforts were not rewarded until the treaty of 1846 established a boundary for the northwest region between the United States and Great Britain.

While the people agitated for national recognition, a movement went forward for the establishment of a provisional government. A meeting held February 17, 1841, attempted to organize the first government, but the committee appointed at this convention was dissuaded from further activity by Dr. John McLoughlin.

Following a meeting at Champooick (Champoeg) May 2, 1843, the first government was organized. The executive power was lodged in a plural executive, a committee of three, and the legislative power in a committee of nine. Provision was also made for a judiciary, a recorder, and a treasurer. Officers were to be elected annually.

In 1844 and 1845 the legislative committee adopted several acts changing the machinery of government. At first it was provided that a governor, a secretary, and a treasurer were to be elected by the people for a term of two years, but this provision was amended so that only the governor was to be chosen in this manner, while the other two officers were to be appointed by the legislature.

In addition to these officers, the legislature was to select the marshal and the superintendent of Indian affairs. The treasurer was designated to act as auditor, while the secretary was to function as recorder. In 1846, however, an independent office of recorder was created to be filled by appointment by the legislature. The first agency to license river and bar pilots under this provisional government was established, consisting of the governor and four commissioners appointed by him.

The legislature still remained unicameral and consisted of 13 representatives. By 1847 subsequent apportionment acts had increased this number to 21.

The territory of Oregon was created by an act of congress, August 14, 1848, which provided for new administrative machinery to replace the provisional government established in 1843. The new territory was to be administered by a governor, a secretary, a chief justice, two associate justices, an attorney, and a marshal, all to be appointed by the president of the United States with the consent of the United States Senate. Each officer selected in this manner was to hold office for four years, with the exception of the secretary, who was to hold office for five years. Provision was made for a bicameral legislature to consist of a council of 9 members elected for a term of three years, and a house of representatives of 18 mem-



bers elected for a term of one year. However, the latter body could be increased by statute to a maximum of 30 representatives.

In 1849 the legislature was authorized to appoint biennially a superintendent of common schools, but the office was abolished in 1851.

The legislature continued to select the treasurer, who also acted as ex-officio auditor, until 1851, when the offices of territorial treasurer and auditor of public accounts were made separate, both to be filled by election by the legislature. In the same year a law was adopted for the annual election of a territorial printer by the legislature, and in 1854 the state treasurer was designated ex-officio sealer of weights and measures.

The university land commissioner, whose office was created in 1852, was elected by the legislature biennially.

The first militia in Oregon was organized in 1856 with the governor as commander-in-chief. He was authorized to appoint the adjutant general and the members of his personal staff, while the legislature reserved the power of appointing other high officers.

In 1857 the office of superintendent of the state penitentiary was created to be filled by the legislative assembly, but in 1859 this office was abolished and that of inspector was created, to be filled by popular election for a term of two years.

The territorial legislature also established three separate boards of pilot commissioners for the Coos River Bay, the Umpqua River, and the Columbia and Willamette rivers. The boards for the Coos River Bay and the Umpqua River consisted of three persons, the members being selected by the legislature. The board for the Columbia and Willamette rivers consisted of the governor and two appointees.

### Summary

In 1859, the first year of statehood, the affairs of Oregon were administered by the incumbents of ten offices, five of which were ex-officio. In 1937, the complexity of Oregon's activities necessitated the use of 130 offices exclusive of 7 institutions of higher learning and 11 eleemosynary institutions.

The machinery of government established by the constitution adopted in 1857 was exceedingly simple. It provided for the election of three full-time administrative officers, a governor, a secretary of state, and a state treasurer. Provision was also made for the election of a state printer to function according to the dictates of the legislature. The governor was designated ex-officio commander-in-chief of the militia to be assisted by an adjutant general appointed by him. The three chief administrative officers were constituted ex-officio a board of commissioners for the sale of school and university lands; the governor was authorized to act as superintendent of public instruction; and the secretary of state was designated ex-officio auditor of public accounts. The state treasurer was to act as ex-officio sealer of weights and measures, a position held by him under the territorial government.

The present machinery of government in Oregon had as its nucleus these 10 offices, which in 1890 had increased to 51, and by the turn of the century to 62. There were 110 state offices in 1919 and since that date the number has increased to 130.

Included within this group are the 24 statutory offices, each within another agency, and the 7 ex-officio offices. The incumbents of the former are the executive officers of multi-member agencies selected by and responsible to their respective board or commission, so that the actual number of state administrative units is 106. It is not to be assumed that all of these agencies are independent and functioning, but it is true that there is a statutory or constitutional basis for this number of administra-

tive organizations. The present administrative machinery is the result of legislative experimentation by which every legislature, with the exception of those of 1866 and 1868, has by statute made some change in the state government organization.

Of the 39 legislatures which have met in regular session, only 13 failed to change the sum total of state offices, and of this number only 6 legislatures upon adjournment had caused a decrease in the number of state agencies.

The 1913 legislature eliminated 14 agencies, while the 1931 body eliminated 11 agencies. An analysis of these sessions indicates that in 1913 many of the abolished agencies were advisory and ex-officio boards, and that because of new activities assumed by the state the creation of eight new agencies was necessary. For the same reason the 1931 general assembly established five new administrative units. Of these 13 new organizations, 12 are still in existence. Since the last attempt at consolidation in 1931 successive legislatures have added 18 administrative agencies, irrespective of temporary boards.

Sporadic attempts have been made at state administrative reorganization. In 1907 the administrative boards of the several normal schools were abolished and replaced by a single agency. In 1913 the state institutions were placed under the management of the state board of control. In 1929, in the field of higher education, four administrative agencies were abolished and the state institutions of higher learning were placed under the supervision and control of a board of higher education with a chancellor as executive officer. During the same year the tax commission was reorganized as a commission of three full-time members. The public utilities commission, successor to the railroad commission, was made appointive in 1927, and in 1931 was abolished and replaced with a single-headed department. In 1931 the police activities of the secretary of state, the highway commission, the prohibition commissioner, the fire marshal, the fish commission, and the game commission were all consolidated in one agency, a state police department under the control of a superintendent appointed by the governor. In the same year, 13 agencies comprising 17 statutory offices engaged in agricultural activities were abolished and their duties were transferred to a department under the supervision of a director appointed by the governor. To assist the director an advisory board of agriculture representing the various agricultural interests was also created, to be appointed by, and responsible to, the governor. This was Oregon's first and only attempt with a purely advisory board and a department under unitary control.

Of the 106 legally constituted state agencies in existence at present, only 47 are engaged in activities which require the service of a full-time permanent personnel. These include the 6 elective offices, the 9 agencies each administered by a single executive, and the 18 appointive boards and 5 ex-officio boards which are administered by an executive responsible to his respective agency. There are also two commissions whose members devote their entire time to their positions, and seven licensing boards which maintain staffs to enforce regulatory measures.

Of the remaining 59 state agencies, 6 are obsolete or inactive while 53 are partially active; that is, they do not function continuously with a paid personnel throughout the year. In numerous instances they are located in another state agency, using the latter's personnel, while in other cases a single individual functions to handle their affairs when the occasion requires it. Of these 59 agencies, comprising more than one-half the total state departments, 7 are ex-officio offices and 15 are ex-officio boards. Not all of the ex-officio boards meet regularly. Some of them convene as infrequently as once a year.

The largest single group of partially active agencies are the 25 advisory boards and the 12 licensing boards which have been established to

administer a specific law or group of laws. As a rule these agencies do not maintain a large personnel and in many instances they maintain no personnel. Usually a state officer is the secretary who administers the affairs of the board from his regular office, or a member of the board is elected secretary and devotes part of his time to administration. The licensing boards meet at regular intervals but the other agencies meet occasionally, perhaps only once a year.

### **Types of Administrative Agency**

The state agency may be administered by a single official, or by a board or commission. In either case the selection of officers may be by the people, the legislature, the governor, a state official, or a group of officials acting as a board. On the other hand, the office may be ex-officio and filled by another state officer. Boards may be large, or small, with members serving a short term or a long term, employed part time or full time.

In the Oregon structure of government all of these types of administrative agencies have been used.

#### **Single Executive**

Aside from constitutional offices, the single executive or unitary administrative control has been used frequently in the administration of agricultural activities, public safety, and business regulation. Prior to 1913 all conservation activities were administered in this manner, but since that date such administration has been limited to water conservation. When unitary administrative control has been attempted in social welfare, the officer has always been directly responsible to the governor.

At no time in the history of the state has the number of offices occupied by individual administrators surpassed 21, although until 1885 this type of agency was more numerous than the multiple-member unit. The constitution provided for 5 such individually-administered offices, and by 1885 the legislature by statute had increased this number to 11. Since that date these offices have fluctuated from 12 to 21, reaching the peak in 1909. The present number of 15 offices has existed since 1931.

The ex-officio office has not been extensively used in Oregon. Only 14 have been established since 1857, and 7 have been abolished. Usually the state officer designated to act in an ex-officio capacity has assumed duties closely allied to his existing office and has performed such duties from his regular office. Until the establishment of the department of agriculture in 1931, three of these offices were concerned with agricultural activities. Of the present number of seven, three are held by the governor, two are held by the insurance commissioner, and one each by the state treasurer and secretary of state. However, three of these offices are obsolete, although their statutory basis is still in force.

Until 1885, the single-headed agency dominated the state government machinery. In that year there existed 16 individual offices and as many boards. From that date, however, in establishing new agencies the legislature favored the multiple-member type so that in 1937 there existed 84 boards as compared to 22 single offices, ex-officio and active.

#### **Boards and Commissions**

The terms "board" and "commission" have often been applied loosely regardless of the connotation attributed to these words by writers in political science. These terms when used in state government have been aptly defined by Professor Austin F. Macdonald. He describes a commission as "a group of persons who have been assigned to the full-time task of administering some activity." A board is described as a "... group of

persons who serve only part time in the performance of the specific duty for which the board has been created, and (who) entrust the actual details of administration to a full-time technician whom they hold responsible for results."\*

Although many administrative agencies in Oregon have been designated commission, only two, the tax commission and the industrial accident commission, conform to the above definition. Many of the agencies meet the requirements of the definition of a board in that they have a technician as executive officer and maintain a full-time permanent personnel throughout the year. It should be noted, however, that a board may also be strictly advisory or honorary in that no permanent technician or staff is essential for its activities, the staff in numerous instances consisting of a member as secretary and a full-time or part-time stenographer, or an employe from one of the permanent state agencies. These agencies are often located in the office of one of the regular state agencies. Falling within this category are many of the licensing boards, the fact-finding agencies as the flax and linen board, and boards responsible for the administration of public institutions. These boards convene infrequently.

The ex-officio board is usually composed of several state officers whose ordinary duties have some resemblance to the extra activity. Frequently the ex-officio agency functions from the office of one of its members. Where the board appoints a full-time administrator, a permanent office and personnel is established.

The earliest ex-officio board, as authorized by the constitution, consisted of the governor, the secretary of state, and the state treasurer. It was designated the board of commissioners for the sale of school and university lands and was the forerunner of the present state land board. The ex-officio type of agency has always existed in Oregon, although until 1882 there had not been more than five of these agencies. Since 1889 the number has fluctuated from 9 to 24, the latter existing in 1923. In 1937 there were 20 such agencies. Since the inception of the ex-officio board, the personnel of about one-half of such agencies has consisted of the present members of the state board of control, i. e., the governor, the secretary of state, and the state treasurer. At present these officers constitute the personnel of seven agencies and at least two officers are represented on three other boards, so that these three constitutional officers dominate 10 of these 20 ex-officio agencies.

Where the membership of the ex-officio board has consisted of these three officers, the boards have been used in the administration of eleemosynary institutions, in the field of taxation and finance, and in the purchase, erection, and maintenance of public works.

A new practice was introduced in 1880 in Oregon state administration when the board of commissioners for the sale of school lands was authorized to appoint an executive officer as administrator. It was expected that this officer would carry out the policies formulated by the board. When the domestic animal commission, another ex-officio agency, was established in 1889, the same procedure was followed. Several similar agencies were subsequently established so that at present there exist five ex-officio boards, each administered by an appointed executive. The personnel of four of these agencies consists of the governor, the secretary of state, and the state treasurer.

Of the 106 state organization units which exist today, 64 are administered by appointed or elected multiple-member agencies. This type of agency has been favored by the legislature since 1887 when it began to surpass in numbers the single-headed unit. The greatest period of expansion was from 1900 to 1920, when the number of such units increased from 22 to 51.

\* Austin F. Macdonald, *American State Government*, New York 1934, pp. 290-291.

## TYPE OF ADMINISTRATIVE AGENCIES

<i>Year</i>	<i>Single-Headed Executive</i>	<i>Full-Time Commission</i>	<i>Adminis. Board and App'tive Executive</i>	<i>Ex-Officio Board and Executive Officer</i>	<i>Advisory and Honorary Boards*</i>	<i>Advisory Boards Ex-Officio Members*</i>	<i>Ex-Officio Offices</i>	<i>Licensing and Examining Agencies</i>	<i>Total Agencies</i>
1859	5	....	....	....	....	1	4	...	10
1860	6	....	....	....	....	1	4	...	13
1862	6	....	....	....	....	1	4	...	17
1864	7	....	....	....	....	1	6	2	18
1866	7	....	....	....	....	1	6	2	18
1868	7	....	....	....	....	1	6	2	18
1870	8	....	....	....	....	1	6	2	19
1872	11	....	....	....	....	2	6	2	23
1874	10	....	....	....	....	2	5	2	23
1876	9	....	....	....	....	4	5	2	25
1878	10	....	....	....	....	4	5	2	26
1880	10	....	....	1	5	4	5	2	27
1882	10	....	....	1	4	5	5	2	27
1885	11	....	....	1	6	7	5	2	32
1887	12	1	1	1	7	6	6	3	37
1889	15	1	2	2	10	7	6	4	47
1891	16	1	2	2	13	7	6	5	52
1893	16	1	1	2	14	9	6	5	54
1895	16	1	1	2	13	9	6	5	53
1898	16	....	1	2	12	10	6	5	52
1899	19	....	1	2	15	10	6	6	59
1901	19	....	1	3	15	10	6	6	60
1903	20	....	2	3	16	11	6	8	66
1905	16	....	3	3	18	12	5	9	66
1907	17	1	4	4	17	13	5	9	70
1909	21	2	4	3	24	15	4	9	82
1911	21	2	6	2	27	18	4	10	90
1913	17	3	7	4	21	8	5	11	76
1915	15	3	7	4	20	9	6	12	76
1917	16	2	8	5	22	12	8	12	85
1919	15	2	10	5	25	15	8	14	94
1921	15	2	12	5	25	18	10	15	102
1923	16	2	12	5	25	19	10	15	104
1925	16	2	12	5	27	18	10	17	107
1927	16	2	12	5	25	15	10	18	103
1929	16	3	13	4	21	14	10	18	99
1931	15	2	11	4	19	12	7	18	88
1933	15	2	13	4	22	12	7	18	93
1935	15	2	16	5	25	14	7	19	103
1937	15	2	18	5	25	15	7	19	106

Tabulation does not include elective office of supreme court justices, or the Oregon state bar association. The latter's board of governors are elected by the active members of the association.

\* These agencies do not function continuously with a paid personnel throughout the year but are usually located in another state agency, using the latter's personnel, or employ a single individual for full time or part time.

A marked trend in public administration in Oregon has been the acceptance of the dual system of a board or commission for quasi-judicial and quasi-legislative functions and an executive officer solely for administrative functions. This innovation in public administration began in the latter part of the nineteenth century, after an early attempt with an ex-officio board in 1880.

Beginning in 1887 the legislature experimented with such an office and an appointive board. It did not seem to find favor as an instrument of government until 1903, but since that date the number has steadily increased until in 1937 there were 18 such boards and commissions.

At present the more important agencies of this type are the fish commission, the forestry board, the game commission, the board of health, the highway commission, the liquor control commission, the board of geology and mineral industries, and the state relief committee.

The full-time commission has been used for only three activities: the regulation of public utilities, the administration of tax laws, and the administration of the workmen's compensation law. To regulate utilities a commission existed from 1887 until 1898. It was re-established in 1907, but in 1931 was replaced by a single executive. A tax commission with two full-time members was organized in 1909, was replaced in 1917 by a single commissioner, and was reorganized in 1929 as a commission of three full-time members. The workmen's compensation law has been administered by a full-time commission of three members since its adoption in 1913.

### **Methods of Selection of State Officers**

An administrative officer is presumably responsible to that agency to which he owes his appointment, whether it be the people, the legislature, or another state officer. Unless otherwise stipulated, the power of appointment implies the power of removal so that the appointing agency may, by means of this power of reprisal, influence the policy of administrative heads. However, administrators may be elected by the people or the legislature, or may be appointed by an officer or board of officers. At times the method of appointment is provided in the constitution, but usually it is ordained by the legislature.

#### **Election by the People or by the Legislature**

At present six state offices are filled by election: three constitutional offices, the governor, the secretary of state, and the state treasurer, all established in 1859; and three statutory offices, the superintendent of public instruction, the attorney-general, and the commissioner of labor, established in 1872, 1891, and 1903 respectively. In addition to these officers there have been elected in the past, the state printer from 1859 to 1913, the dairy and food commissioner from 1899 to 1931, the state engineer from 1909 to 1915, and two water superintendents from 1909 to 1919. From 1891 until 1898 a board of equalization was elected by the people and from 1907 until 1927 the commission regulating public utilities was similarly selected.

The activities of the legislature as an appointing agency existed from 1860, when it began selecting the state librarian, until 1905, when it rescinded this grant of power. During that period it also selected officers administering dairy and food laws, game and fish laws, and conservation laws. The personnel of licensing boards and agencies dealing with taxation and public works were also chosen by the legislature during this period.

#### **Appointment by the Governor**

Although the governor has always exercised some power of appointment over certain state officers, it was not until 1899 that the legislature enhanced the position of the governor by expanding this grant of power. Prior to this date most offices were ex-officio, or the incumbents were selected by the legislature or elected by the people.

The agencies responsible to the governor because of the latter's power of appointment and removal have increased appreciably since 1900. By 1913 they numbered 41, which was more than one-half of the total then in existence, and by 1937 they numbered 64. Of this group the consent of the senate is required for the appointment of members of three agencies,

while the personnel of ten other agencies also includes ex-officio members or appointees of other state agencies. The latter members are in addition to the governor's appointees.

#### METHOD OF SELECTING PERSONNEL OF ADMINISTRATIVE AGENCIES

Year	Elected	App'ted by Legislature	App'ted by Governor	App'ted by Governor and Confirmed by Senate	Governor Ex-Officio Other Agency*	Ex-Officio Members	App'ted by State or Private Agency	Total Agencies
<i>Const.</i>								
1859	4	...	1	...	...	5	...	10
1860	4	3	1	...	...	5	...	13
1862	4	3	2	...	...	8	...	17
1864	4	3	3	...	...	8	...	18
1866	4	3	3	...	...	8	...	18
1868	4	3	3	...	...	8	...	18
1870	4	3	4	...	...	8	...	19
1872	5	6	4	...	...	8	...	23
1874	5	4	5	...	...	9	...	23
1876	5	4	5	1	...	10	...	25
1878	5	4	6	1	...	10	...	26
1880	5	4	6	2	...	10	...	27
1882	5	2	6	2	1	11	...	27
1885	5	3	7	3	1	13	...	32
1887	5	4	9	5	1	13	...	37
1889	5	6	13	4	2	15	2	47
1891	7	6	14	5	2	15	3	52
1893	7	6	13	5	3	17	3	54
1895	7	6	13	4	3	17	3	53
1898	6	4	14	4	3	18	3	52
1899	7	2	21	5	2	18	4	59
1901	7	2	21	5	2	19	4	60
1903	8	2	23	6	2	20	5	66
1905	8	1	20	7	4	20	6	66
1907	9	1	22	6	4	22	6	70
1909	12	1	25	6	6	22	10	82
1911	12	1	29	6	8	24	10	90
1913	11	1	32	5	4	17	6	76
1915	10	1	28	5	7	19	6	76
1917	10	1	32	5	8	25	4	85
1919	8	...	40	5	10	28	3	94
1921	8	...	43	5	10	33	3	102
1923	8	...	44	5	10	34	3	104
1925	8	...	47	5	10	33	4	107
1927	7	...	46	5	10	30	5	103
1929	7	...	45	2	11	28	6	99
1931	6	...	42	2	10	23	5	83
1933	6	...	48	2	9	23	5	83
1935	6	...	52	2	10	26	7	103
1937	6	...	51	3	10	27	9	106

Tabulation does not include elective office of supreme court justices, or the Oregon state bar association. The latter's board of governors are elected by the active members of the association.

\* Board or commission consists of appointees of the governor, ex-officio members, and appointees of state or private agencies.

Of the 47 state agencies which are actively engaged throughout the year, the governor appoints the executive heads or administrative boards of 34. He is also a member of four ex-officio boards responsible for departments which function continuously. The members of licensing boards, in addition to those which function as regulatory agencies, and the members of 19 advisory boards are also appointed by the governor.

The consent of the governor is required in the selection of the administrator of the unemployment workmen's compensation commission, and in the selection of the division heads of the department of agriculture.

It should not be assumed that the governor has had an indiscriminate power of appointment at all times. Whenever agencies have administered schools these appointments have required the confirmation of the senate. When the board of health was established in 1903, and more recently in 1937 with the creation of the board of geology and mineral industries, this practice of requiring the consent of the senate has been followed. The only single executive regularly selected in this manner was the state engineer, who was so chosen from 1905 until 1909, when the office was made elective. Although at one time seven agencies had their administrative boards selected in this way, at present this method of appointment is exercised only for the two agencies mentioned above and the members of the board of higher education.

There have been other checks placed upon the governor's power of appointment. The terms of practically all offices overlap. In many cases it is impossible for a governor during one term to appoint the entire personnel of a board or commission. In a few cases the governor must select members from lists submitted by interested groups, while some boards include state officers as ex-officio members or persons appointed by a state agency or civic organization. These members have been in addition to the governor's appointees. Frequently, in these instances, the more important boards have had the governor as a member. This group has been small in number, although it amounted to 11 in 1929. At present there are ten, the more important being the board of trustees for the state library, the board of forestry, and the World War Veterans' aid commission.

#### **Ex-officio Agencies**

When the state government began operations there were five ex-officio agencies composed of existing state officers. Although several such bodies were liquidated in 1913, this type of agency steadily increased until it reached a peak of 34 in 1923. From that year it gradually declined to the present number of 27, 20 boards and 7 offices. Of the boards, five have executive officers and operate full departments; seven have membership consisting of the governor, the secretary of state, and the state treasurer; while three others have at least two of these officers as part of their membership. The remaining number have as their personnel other state officers.

#### **State Agencies and Others**

Beginning in 1889 certain minor boards were established to aid in the regulation of agricultural fairs. The personnel of these agencies was selected by local officers. At times advisory boards were created and the power of appointment placed with some state agency or civic group. This type of unit never flourished, the number fluctuating from two to ten. To-day there are nine such units, the tax commission appointed by the board of control being the most important. Several licensing and advisory boards are appointed by the board of health, the board of education, and the planning board.



## GENERAL GOVERNMENT

### Existing in 1860

Governor (1859).

Ex-officio superintendent of public instruction (1859) abolished 1872.

Ex-officio commander-in-chief of military forces (1859).

Legislature (1859).

Senate (16 members).

House (34 members).

Supreme court (four justices 1859).

Secretary of state (1859).

Ex-officio state auditor (1859).

State printer (1859).

### 1861-1880

#### Existing in 1880

Governor (1859).

Ex-officio commander-in-chief of military forces (1859).

Ex-officio land commissioner (1862).

Legislature (1859).

Senate (30 members).

House (60 members).

Supreme court (four justices 1859).

Secretary of state (1859).

Ex-officio state auditor (1859).

Ex-officio superintendent of state library (1864).

State printer (1859).

#### Established and abolished 1861-1880

Superintendent of state penitentiary.

Ex-officio governor (1862-1864).

### 1881-1900

#### Existing in 1900

Governor (1859).

Ex-officio commander-in-chief of military forces (1859).

Ex-officio land commissioner (1862).

Legislature (1859).

Senate (30 members).

House (60 members).

Supreme court (four justices 1859).

Attorney-general (1891).

Secretary of state (1859).

Ex-officio state auditor (1859).

Ex-officio superintendent of state library (1864) abolished 1905.

Ex-officio insurance commissioner (1887) abolished 1909.

State printer (1859).

### 1901-1920

#### Existing in 1920

Governor (1859).

Ex-officio commander-in-chief of military forces (1859).

Ex-officio land commissioner (1862).

Legislature (1859).

Senate (30 members).

House (60 members).

Emergency board (1913).

Supreme court (seven justices 1859).

Supreme court library (1905).

Attorney-general (1891).

Secretary of state (1859).

Ex-officio state auditor (1859).

Ex-officio state budget officer (1913) abolished 1921.

State printer (1859).

State printing board, ex-officio, governor, secretary of state, state treasurer (1915).

Note: Printing board authorized 1911, but repealed in 1913 before law took effect.

State board of examiners for voting machines, ex-officio, governor, secretary of state, state treasurer (1913). (Included two appointees 1913-1919.)

State advisory boxing board, ex-officio, governor, secretary of state, attorney-general (1919).

#### 1921-1937

##### Existing in 1937

Governor (1859).

Ex-officio commander-in-chief of military forces (1859).

Ex-officio land commissioner (1862).

Ex-officio hydroelectric commissioner (1921).

Budget division (1927).

Executive secretary (1935).

Legislature (1859).

Senate (30 members).

House (60 members).

Emergency board (1913).

Commission on interstate cooperation (1937).

Supreme court (seven justices 1859).

Supreme court library (1905).

Attorney-general (1891).

Oregon state bar (1935).

Secretary of state (1859).

Ex-officio state auditor (1859).

State printer (1859).

State printing board, ex-officio, governor, secretary of state, state treasurer (1915).

Note: Printing board authorized 1911, but repealed in 1913 before law took effect.

State board of examiners for voting machines, ex-officio, governor, secretary of state, state treasurer (1913).

State advisory boxing board, ex-officio, governor, secretary of state, attorney-general (1919).

##### Established and abolished 1921-1937

Judicial council (1923-1931).

### Executive Department

The executive department of the first provisional government of the Oregon territory as established in 1843 was under the control of a plural executive, an executive committee of three members elected by the people for a term of one year. Under this provision two committees served from 1843 until 1845. The organic law of 1844 then created the office of governor to be filled by election for a term of two years. The act of congress of 1848, which formally established Oregon as a territory of the United States, provided for the selection of a governor by the president with the consent of the senate to serve for a term of four years. This remained in effect until Oregon was admitted as a state in 1859, when the provision of the state constitution authorizing the election of a governor for a similar term became effective. The first governor was elected in 1858 and took office March 3, 1859.

In the early days of the state the office of governor was relatively unimportant. The administration of state affairs was delegated to three officers, the governor, the secretary of state, and the state treasurer. When new offices were created they were made elective or filled by the legislature. Where the appointing power was delegated to the governor it was limited by requiring the senate to confirm his appointments. This procedure was followed consistently in creating agencies to administer the state institutions of higher learning. In numerous instances functions were assigned to an ex-officio administrative board composed of the three leading state officers. The latter tendency continues in force and has been the chief reason for the division in administrative responsibility, thereby defeating the possibility of a centralized and integrated administrative system under the chief executive.

Since the beginning of this century the position of the governor has been considerably strengthened. The legislature has refrained from appointing administrative officials and has ceased to create offices to be filled by election. Although the members of the state board of control have been granted additional powers, those delegated to the governor are far more numerous, so that at present the chief executive does have a greater amount of control over administrative affairs. He is now responsible for the appointment of 9 department heads and the members of 55 boards and commissions. Ten of these agencies include in their membership other state officers or appointees of other agencies. The appointment of members of three different boards requires the consent of the senate.

By virtue of his office of governor, the chief executive is commander-in-chief of the military forces of the state, state land commissioner, and state hydroelectric commissioner. He is chairman of the state board of control and with the other two members of this board, the secretary of state, and the state treasurer, constitutes the membership of the land board, the trustees for the Burbank trust fund, the printing board, the banking board, the reclamation commission, and the board of examiners for voting machines. He is also ex-officio a member of the following state agencies: the advisory boxing board, the bond commission, the board of education, board of forestry, board of forest conservation, interstate cooperation commission, board of trustees for the state library, board of vocational education, and the World War Veterans' state aid commission.

### Legislative Department

The provisional government established in 1843 provided for a unicameral legislature of nine members elected annually. In the following year the number of representatives was increased to 13, and by 1847 to 21.

The first bicameral legislature was authorized by the act of congress of 1848 which established the territorial government of Oregon. The act

provided for a council of nine members elected for a term of three years with three members elected every year, and a house of representatives elected annually. The latter body was to consist of 18 members but might be increased by the assembly to a maximum of 30 members.

The first state legislature in Oregon consisted of 16 senators elected for a term of four years and 34 representatives elected for a term of two years. By 1872 the legislature through statutory enactment had increased the size to the maximum membership authorized by the constitution, 30 senators and 60 representatives.

To avoid the calling of a special session under certain circumstances, an emergency board was created in 1913 to make emergency appropriations during the interim between the legislative sessions. For the confirmation of executive appointments to fill vacancies created during similar periods, the legislature authorized a senate interim standing committee for the board of higher education in 1929, and one for the department of geology and mineral industries in 1937.

In the last century the legislature on numerous occasions reserved the right of appointment of several state officers and members of certain boards. During the present century the legislature has done this only twice: once in 1903 in establishing a licensing board for sailors' boarding houses, which agency is now obsolete, and once in 1920 in creating a board of fish and game commissioners which lasted only until the 1921 session.

At present, with the exception of certain interim committees, the emergency board, and the interstate cooperation commission, no officers or board members are appointed by the legislature.

In the appointment of certain board members by the governor; namely, the board of health, the board of higher education, and the governing board of the department of geology and mineral industries, the legislature has provided that the consent of the senate shall be required. For the board of health a majority vote is sufficient, while for the other two agencies a vote of two thirds of the members of the senate is necessary.

In 1937 the legislature established a commission on interstate cooperation. It is composed of members of the house of representatives, members of the senate, and members of the administrative branch of the state government subordinate to the governor. The commission is expected to cooperate with like agencies of other states to assist in the adoption of compacts and the enactment of uniform and reciprocal laws.

### Judicial Department

The judicial system of the state of Oregon consists of a supreme court of seven justices, a system of lesser courts, an attorney-general, and the Oregon state bar.

The supreme court as created by the constitution consisted of four members. This was increased to five in 1909, and in 1913 the present number was established. The term of office is six years and members must be citizens of the United States and residents of the state for three years next preceding their election. The supreme court library is under the supervision of the court with its head appointed by the justices to serve at their pleasure. The court also appoints a clerk of the court and a reporter, both to serve at their pleasure.

The office of the attorney-general was created by statute in 1891. Like other state officers he is elected for a term of four years. In the event of a vacancy, the governor is authorized to appoint a person to hold office until the next general election, at which time a successor is elected for a full term of four years.

In 1935 the Oregon state bar was established as a state agency to consist of all the active attorneys of the state. It is administered by a

board of governors of three persons, one elected by the active members from each congressional district for a term of three years.

A judicial council was established in 1923 consisting of the chief justice of the supreme court, an associate justice of the supreme court, and three judges of courts of record appointed by the chief justice. It functioned until 1931, when it was abolished.

### **Secretary of State**

The secretary of state is a constitutional officer elected for a term of four years. He is also ex-officio state auditor. At present his office is divided into the following divisions: claim auditing, motor fuels tax refunds, accounting, elections and notarial, filing and law books, departmental auditing, motor vehicle registration, non-resident and lighting regulations, operators and chauffeurs, Blue Book publication, and capitol buildings and grounds. Practically all of his duties have been increased by statute.

At one time the secretary of state was ex-officio superintendent of the state library and ex-officio insurance commissioner. His office also once prepared the state budget, administered most of the laws now administered by the corporation commissioner, and had as one of its divisions the state traffic bureau, now a part of the state police.

At present the secretary of state is ex-officio a member of the following boards and commissions: Oregon state board of control, banking board, land board, board of trustees for the Burbank fund, board of education, reclamation commission, printing board, World War Veterans' state aid commission, board of vocational education, boxing advisory commission, and board of examiners for voting machines.

### **Overhead Financial Control**

The practice of pre-audit control over state expenditures was first delegated to the secretary of state in 1859. His office was the sole agency to exercise this function until 1913, when the board of control was authorized to perform the same function over purchases of supplies for state offices and for all commodities for state institutions. In 1927 the budget office was authorized to exercise similar supervision over expenditures, so that at present by law three state agencies perform this activity. Only the office of secretary of state, however, has been authorized to maintain a division of accounts for all state funds.

### **State Printer and the State Printing Board**

The office of state printer is one of the oldest in the state. It existed in the territory and was inserted in the constitution in 1857. The first provision made the office elective, but an amendment in 1906 made such election optional at the discretion of the legislature. The latter body made the office appointive in 1913. Prior to 1913 the public printing had been manufactured in the private plant of the state printer or had been placed with private contractors, with the incumbent compensated on a fee basis.

The present state-owned plant came into existence by an act adopted in 1913 and amended in 1915. This law established the state printing board to consist of the governor, the secretary of state, and the state treasurer, and authorized them to appoint a state printer to operate the plant at a fixed salary.

According to the present constitutional provisions the state printer, to be eligible for appointment, must have had at least ten years' experience in the art of printing. Practically all of the public printing of the state is performed in this department, which also handles a large stock of office stationery for state offices.

## FINANCE

### Existing in 1860

State treasurer (1859).

Board of commissioners for sale of school and university lands, (land board), ex-officio, governor, secretary of state, state treasurer (1859).

### 1861-1880

#### Existing in 1880

State treasurer (1859).

Board of commissioners for sale of school and university lands, (land board), ex-officio, governor, secretary of state, state treasurer (1859).

Land commissioner, ex-officio, governor (1862).

#### Established and abolished 1861-1880

Board of equalization (1872-1874).

### 1881-1900

#### Existing in 1900

State treasurer (1859).

State land board (1899); board of commissioners for sale of school and university lands, ex-officio, governor, secretary of state, state treasurer (1859).

Land commissioner, ex-officio, governor (1862).

Board of equalization, ex-officio, governor, secretary of state, state treasurer, (1885) abolished 1909.

#### Established and abolished 1881-1900

Board of equalization (1891-1898).

### 1900-1920

#### Existing in 1920

State treasurer (1859).

State land board (1899); board of commissioners for sale of school and university lands, ex-officio, governor, secretary of state, state treasurer (1859).

Land commissioner, ex-officio, governor (1862).

Board of trustees for the Burbank trust fund, ex-officio, governor, secretary of state, state treasurer (1907).

State tax commission (1909).

#### Established and abolished 1900-1921

State land agent (1907-1913).

### 1921-1937

#### Existing in 1937

State treasurer (1859).

State land board (1899); board of commissioners for the sale of school and university lands, ex-officio, governor, secretary of state, state treasurer (1859).

Land commissioner, ex-officio, governor (1862).

Board of trustees for the Burbank trust fund, ex-officio, governor, secretary of state, state treasurer (1907).

State tax commission (1909).

State bond commission, ex-officio, governor, state treasurer, one industrial accident commissioner (1921).

The performance of financial functions is not confined to any one particular state department. Such activities are carried on by the state treasurer, the state bond commission, the state land board, and the state tax commission.

### **State Treasurer**

The state treasurer is a constitutional officer elected for a term of four years. His department is responsible for the following activities: the collection of gift and inheritance taxes, custody of cash and securities, deposit of state and revolving funds, publication of debt statistics, custody of insurance and utility deposits, and consultation service to municipalities. The bond commission, of which the state treasurer is a member, is located in his office. The state treasurer is also ex-officio a member of the board of control, banking board, land board, board of trustees for the Burbank fund, printing board, reclamation commission, and the board of examiners for voting machines.

Prior to 1923 the state treasurer served ex-officio as sealer of weights and measures, but in that year this function was transferred to the state market agent, and then to the department of agriculture in 1931.

### **State Bond Commission**

The legislature in 1921 established the state bond commission to invest as provided by law certain funds which were not subject to the control of the state land board and other boards specifically designated by law. The members selected to serve on this commission were the governor, the state treasurer, and one member of the industrial accident commission, selected by that agency.

### **State Land Board**

The earliest multiple-member agency established by the constitution was the state land board under the name of the board of commissioners for the sale of school and university lands. With the adoption of the rural credits amendment in 1916, the title "state land board" was incorporated in the constitution. The board consists of the governor, the secretary of state, and the state treasurer. The executive officer is the clerk of the land board, appointed by the board to serve for four years or during good behavior.

The duties of the board are to manage and sell state lands, to administer and invest funds arising from such sale, and to administer certain other trust funds as provided for by law.

### **State Tax Commission**

In the nineteenth century the chief state function in the field of taxation was the equalization of county assessment rolls, the estimate of the amount of revenue necessary for state purposes, and the apportionment of such amounts among the various counties. With two exceptions this work was performed by ex-officio officers. In 1872 a board of equalization of three members selected by the legislature functioned for two years, and in 1891 a similar board elected at large functioned for seven years. Prior to 1872 the secretary of state performed this function, while in the intervening years when no other agency existed the taxation laws contained a provision authorizing a board consisting of the governor, the secretary of state, and the state treasurer to carry on this activity.

When the inheritance tax law was adopted in 1903, its administration was placed in the office of the state treasurer, where it still exists. From

1909, when the first state taxation agency was created, until 1929 the governor, the secretary of state, and the state treasurer were members of the administrative board engaged in this activity. The first board had two additional members appointed by the ex-officio members, but in 1917 this was changed to one additional member. The present commission of three members appointed by the governor, the secretary of state, and the state treasurer for a term of four years came into existence in 1929. Its work is divided into three divisions: utility, valuation and assessment, and receiving and auditing. The last named division administers the income tax laws. The commission also functions as the state board of equalization.



## BOARD OF CONTROL

### Existing in 1860

Board of commissioners for sale of school and university lands (1859).

### 1861-1880

#### Existing in 1880

Board of commissioners for sale of school and university lands (1859).  
Board of trustees for the state asylum for the insane (1880).

### 1881-1900

#### Existing in 1900

Board of commissioners for sale of school and university lands (1859).  
State land board (1899).  
Board of trustees for the state asylum for the insane (1880) name changed and duties transferred to board of control 1913.  
Board of canal commissioners (1882) abolished 1913.  
Board of public building commissioners (1885) duties transferred to board of control 1913.  
Board of equalization (1885) abolished 1909.  
Appointive agency for board of horticulture (1891).

#### Established and abolished 1881-1900

Board of capitol building commissioners (1891) temporary.  
Oregon City fishway commission (1893) temporary.  
Board of prison directors (1893-1895).

### 1901-1920

#### Existing in 1920

##### Institutions:

State hospital (1880).  
State training school (1903).  
Fairview home (1907).  
Eastern Oregon state hospital (1909).  
State industrial school for girls (1913).  
School for the blind (1913).  
School for the deaf (1913).  
State tuberculosis hospital (1913).  
Soldiers' home (1913) transferred to federal government 1933.  
Blind trade school (1920).

##### Boards and Agencies:

Board of commissioners for sale of school and university lands (1859).  
State land board (1899).  
Trustees for Burbank trust fund (1907).  
Appointive agency for board of horticulture (1891) abolished 1931.  
Banking board (1907).  
Desert land board (with attorney-general and state engineer 1909) replaced by reclamation commission 1927.  
State tax commission (with two appointees 1909; with one appointee 1917) replaced by appointive agency 1929.  
Emergency board (with four members of legislature 1913) dropped from membership in 1931.  
State purchasing agency (1913).  
Board of examiners for voting machines (with two appointees 1913) appointees dropped from membership 1919.

Printing board (1915) originally created in 1911 but act never went into effect.

Provisional Government Park (1917) transferred to an independent board 1935.

Committee for designs for medals for Oregon veterans (with state librarian and adjutant general 1919) abolished 1929.

#### **Established and abolished 1901-1920**

Board of fish commissioners (1901-1911).

Board of asylum commissioners (1901-1913).

Board of commissioners of canals and locks (1903) temporary.

Board of portage railway commissioners (1903-1907).

Board to visit state-aided institutions for wayward girls (1905-1913).

Board of arbitration to fix railroad rates (1905) temporary.

Purchasing board (state institutions) (1911-1913).

Penitentiary (1913-1917) transferred to governor in 1927.

State highway commission (1913-1917).

Home for state wards (1917) rejected at referendum 1918.

#### **1921-1937**

##### **Existing in 1937**

##### **Institutions:**

State hospital (1880).

State training school (1903).

Fairview home (1907).

Eastern Oregon state hospital (1909).

State industrial school for girls (1913).

School for the blind (1913).

School for the deaf (1913).

State tuberculosis hospital (1913).

Blind trade school (1920).

Penitentiary (1927).

Eastern Oregon tuberculosis hospital (1929).

Multnomah tuberculosis hospital (1933) authorized.

##### **Boards and Agencies:**

Board of commissioners for sale of school and university lands (1859).

State land board (1899).

Trustees for Burbank trust fund (1907).

Banking board (1907).

State purchasing agency (1913).

Board of examiners for voting machines (1913).

Printing board (1915) originally created in 1911 but act never went into effect.

Reclamation commission (1927).

Appointive agency for tax commission (1929).

Property control division (1937).

#### **Established and abolished 1921-1937**

Budget commission (1921-1927).

Advertising commission (with two appointees 1929) temporary.

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The present members of the Oregon state board of control, the governor, the secretary of state, and the state treasurer, have always exercised considerable authority in the administration of state affairs. Such authority has been in addition to their normal duties assigned to them in their capacity as constitutional officers.

On numerous occasions the legislature has designated these three officers as a board to perform some particular function. This practice flourished in the early days of the state and reached its peak about 1920. When large sums of money were to be used for construction purposes, or when a state institution was to be founded, the legislature usually delegated the administration of such laws to these three state officers acting as a board. The members of the constitutional convention in 1857 adopted a provision designating these officers as a board to administer the land donated by the federal government to new states. This first board, which by statute in 1899 and by constitutional amendment in 1916 was titled the state land board, set the precedent for the numerous boards whose personnel has consisted of these three officers as ex-officio members.

With few exceptions these state officials have administered the laws dealing with public and private correctional, charitable, and eleemosynary institutions. The schools for the blind and the deaf were administered by them until the establishment of the state board of education in 1872. Prior to 1913 these officers constituted a board of trustees for the state hospital, the eastern Oregon state hospital, the reform school, and the institute for the feeble-minded. In 1913 they constituted a state board of control to administer all the state institutions and to manage and supervise the capitol grounds and buildings. Formerly these officers had been designated a board of public building commissioners in 1885 and in 1901, and a board of capitol building commissioners in 1891.

In administering institutions they functioned as a board of prison directors from 1893 to 1895, and as a board of asylum commissioners with visitatorial powers over state-aided institutions from 1901 to 1913. In the latter year this function was transferred to the state board of health, but in 1919 it was again assigned to the members of the board of control to be performed in cooperation with both the state board of health and the child welfare commission.

In supervising projects constructed with state funds, these members have acted as a board to secure a right of way for the canal at Celilo Falls in 1903, as a board of canal commissioners for the Willamette Falls and Locks from 1882 to 1913, and as a board of portage railway commissioners from 1903 to 1907.

For ten years, beginning in 1901, they functioned as a board of fish commissioners, and until the establishment of the present highway commission in 1917 they functioned as such for four years.

They have performed valiant service in fiscal matters in their capacity as land board since its inception and as a board of equalization from 1885 until 1909, when they became the nucleus of a tax commission which functioned until the establishment of the present commission in 1929. Between the years 1913 and 1931 they participated in the activities of the emergency board; in 1921 they constituted the budget commission, which office they held for six years; and in 1911 they acted as a state purchasing board, to be later absorbed by them as the board of control.

In several instances these three have been granted the power of appointment over state officers. The board of horticulture was appointed by them from 1891 until it was abolished in 1931. Twice when elective offices were established—the commissioner of labor in 1903, and the railroad commission in 1907—the first appointees were selected by the members of the present board of control.

At present they appoint the members of the tax commission. In their capacity as members of administrative boards, they appoint the superintendent of banks, the state printer, the clerk of the land board, and the secretary of the board of control, who is also state purchasing agent.

Besides being members of the state board of control, they also com-

pose the membership of the land board, trustees of the Burbank trust fund, printing board, banking board, reclamation commission, and board of examiners for voting machines.

Although the maintenance of the capitol buildings and grounds is left to the secretary of state, questions of policy relative to such property and matters involving space for state agencies are handled by the board. This agency is also the medium for all state purchasing, with the secretary of the board functioning as a state purchasing agent. In the latter capacity, that officer also maintains a property control division for all state property. The board of control also continues to administer custodial and penal institutions of the state.

## SOCIAL WELFARE

### Existing in 1860

State Institutions:

Penitentiary, governor (1851).

### 1861-1880

#### Existing in 1880

State Institutions:

Penitentiary, governor (1851).

Institute for the blind (1872), board of education as trustees (1876).

School for deaf-mutes (1870), board of directors (1880), board abolished 1893.

Hospital for the insane, governor, secretary of state, state treasurer as trustees (1880).

#### Established and abolished 1861-1880

State Institutions:

Superintendent of penitentiary, ex-officio, governor (1862-1864).

Care of the insane, by contract through the governor (1862-1880).

Board of commissioners for site for penitentiary (1864) temporary.

Education of the deaf, board of education (1870-1880).

Education of the blind, board of education (1872-1876).

### 1881-1900

#### Existing in 1900

State Institutions:

Penitentiary, governor (1851), transferred to board of control 1913.

Institute for the blind (1872), board of education as trustees (1876), board abolished 1913.

School for deaf-mutes (1870), board of education as trustees (1893), board abolished 1913.

Hospital for the insane, governor, secretary of state, state treasurer as trustees (1880), board abolished 1913.

State reform school, board of education as trustees (1889), board abolished 1903.

Soldiers' home, governor (1893), transferred to board of control 1913.

#### Established and abolished 1881-1900

State Institutions:

Board to establish library in penitentiary, ex-officio, governor, secretary of state, superintendent of penitentiary (1891) temporary.

Soldiers' home, board of directors (1893-1899).

Board of charities and corrections (1891-1893).

Administrative Agencies:

Board of prison directors, ex-officio, governor, secretary of state, state treasurer (1893-1895).

### 1901-1920

#### Existing in 1920

State Institutions:

Board of control, ex-officio, governor, secretary of state, state treasurer (1913).

School for the blind (1872).

School for the deaf (1870).

State hospital (1880).

State training school (1889).  
Soldiers' home (1893), turned over to the federal government 1933.  
Eastern Oregon state hospital (1909) opened in 1913.  
Fairview home (1907).  
Tuberculosis hospital (1909).  
State industrial school for girls (1913).  
Blind trade school (1920).

Penitentiary, governor (1851), transferred to board of control 1927.

#### Administrative Agencies:

Board of eugenics, ex-officio, board of health, executive officers of Fairview home, state hospital, eastern Oregon state hospital, penitentiary (1917).

Parole board (1911).

Board of visitors for industrial school for girls (1913).

Parole officer (1915).

Child welfare commission (1919).

Soldiers' and sailors' commission (1919) abolished 1936.

Land settlement commission (1919) abolished 1929.

#### Established and abolished 1901-1920

##### State Institutions:

Penitentiary—administration transferred from board of control to governor 1917.

State training school—governor, secretary of state, state treasurer, as board of trustees (1903-1913).

Fairview home—governor, secretary of state, state treasurer, as board of trustees (1907-1913).

Eastern Oregon state hospital—governor, secretary of state, state treasurer, as board of trustees (1909-1913).

Tuberculosis hospital—administered by commission for the treatment of tuberculosis (1909-1913).

Home for state wards, to be erected by board of control (1917) rejected at referendum.

##### Administrative Agencies:

Board of asylum commissioners, ex-officio, governor, secretary of state, state treasurer (1901-1913).

Board of visitors, state-aided institutions, wayward girls, ex-officio, governor, secretary of state, state treasurer (1905-1913).

Child welfare commission revision committee (1919) temporary.

#### 1921-1937

##### Existing in 1937

##### State Institutions:

Board of control, ex-officio, governor, secretary of state, state treasurer (1913).

Penitentiary (1851).

School for the blind (1872).

School for the deaf (1870).

State hospital (1880).

State training school (1889).

Fairview home (1907).

Eastern Oregon state hospital (1909) opened in 1913.

Tuberculosis hospital (1909).

Industrial school for girls (1913).

Blind trade school (1920).

Eastern Oregon tuberculosis hospital (1925) opened in 1929.

Multnomah county tuberculosis hospital (1933) authorized.

**Administrative Agencies:**

Board of eugenics, ex-officio, board of health, executive officers of Fairview home, state hospital, eastern Oregon state hospital, penitentiary (1917).

Parole board (1911).

Board of visitors for industrial school for girls (1913).

Parole officer (1915).

Child welfare commission (1919).

World War Veterans' state aid commission (1921).

Probation commission (1931).

State relief committee (1933).

Rural rehabilitation corporation (1935).

Commission for the blind (1937).

**Established and abolished 1921-1937****Administrative Agencies:**

Advisory board for the adult blind (1931-1937).

Commission for self-help and rehabilitation for the unemployed (1933) replaced by federal agency.

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**Custodial and Penal Institutions**

Prior to the establishment of the present state board of control in 1913, a decentralized system of institutional management prevailed. Of the nine state institutions in existence at that date, however, four were administered by a board of trustees composed of the present membership of the board of control; two by the board of education, two of whose members serve on the present board of control; two by the governor; and one by an independent commission. With the establishment of the state board of control, management was centralized in the office of the secretary of that board.

The first state-administered institution was the penitentiary, established in 1851. It was located in Portland until 1866, when it was removed to Salem. From 1862 until 1913 it remained under the supervision of the governor. In the latter year the administration was taken over by the state board of control, but was relinquished to the governor from 1917 until 1927, after which the board again assumed control.

In early Oregon the insane were committed to a private institution in Portland and paid for by the state, but in 1880 the governor, the secretary of state, and the state treasurer were constituted a board to establish and maintain a state institution in Salem. An attempt to construct a similar institution in eastern Oregon in 1893 was prevented by a constitutional provision limiting the erection of state institutions to the seat of government. However, when this restriction was removed by a constitutional amendment in 1908, the legislature authorized the same board to erect such an institution. The new hospital was finally opened in 1913.

A home for the care of the feeble-minded, later named Fairview home, was placed under the supervision of the same three officers in 1907. A board of eugenics was established in 1917 to consist of the members of the state board of health and the respective executive officers of the Fairview home, state hospital, eastern Oregon state hospital, and the penitentiary.

The members of the board of education were authorized in 1870 to establish and later to manage a school for deaf-mutes, a school for the blind in 1872, and a state reform school in 1889. The first two named in-

stitutions were placed under the supervision of the board of control in 1913, whereas the last named institution experienced such a transfer in 1903.

The soldiers' home at Roseburg, which has been under the management of the federal government for several years, was first established under a state board of trustees in 1893. The governor supervised the home from 1889 until 1913, while the board of control managed it from that date until its transfer to the federal government in 1933.

The tuberculosis hospital at Salem was administered by a commission from its opening in 1910 until 1913, when its administration was assumed by the board of control. The latter agency in 1925 was authorized to establish in eastern Oregon a similar institution which began operations in 1929. Authority for a tuberculosis hospital for Multnomah County was granted in 1933 and an appropriation was made in 1937.

The board of control was requested to establish a girls' training school in 1913, and a blind trade school in Portland in 1920. An advisory board for the blind was created in 1931, but was superseded by a more elaborate commission in 1937.

Thirteen privately-operated charitable and relief institutions such as homes for wayward girls, foundling homes, baby homes, and children's homes, receive financial aid from the state. The earliest was organized about sixty years ago. From 1891 to 1893 a state board of charities and corrections was authorized to inspect these agencies. The members of the present board of control were constituted a board to supervise these institutions in 1901 and again in 1905. This power was transferred to the state board of health in 1913.

In 1919 when the child welfare commission was established to license and supervise all child-caring institutions, that agency, the board of control, and the board of health were granted certain supervisory powers over the state-aided institutions.

### **Oregon State Board of Control**

The integration of institutional management was consummated in 1913 with the establishment of the Oregon state board of control consisting of the governor as chairman, the secretary of state, and the state treasurer. The activities of this agency are administered by a secretary appointed by the board to serve at its pleasure. The board acts as a staff agency for the 11 state institutions, and appoints the various executive heads who are responsible to it for the management of the institutions. The board also has visitorial powers over the several state-aided institutions throughout the state.

### **State Relief Committee**

The latest agency in the field of social welfare is the state relief committee established in 1933 to conform with the federal social security laws. Laws adopted in 1935 and 1937 have enlarged the duties of this agency so that its activities overlap those previously assigned to the child welfare commission, the commission for the blind, and the board of health.

The state relief committee consists of seven members appointed by the governor to serve at his pleasure. The committee appoints an administrator who is the active executive officer. The administration of relief throughout the state is handled by county committees under the supervision of the state agency whose approval is required for the selection of a county administrator. The local unit consists of seven members, three of whom are the members of the county court or the board of county commissioners. The governor designates the chairman of the local committee and appoints the remaining four members to hold office at his pleasure.



The state relief committee is the state agency designated to cooperate with the federal government in the administration of funds for unemployment relief, old age assistance, child welfare services, and aid to the needy blind.

#### Miscellaneous

The first parole board was appointed by the governor in 1911, and the office of parole officer was created in 1915. This board functions only for inmates of the penitentiary. Parole activities in the other institutions have been inaugurated by the respective executive officers and the state board of control. A state probation commission came into existence in 1931 with the adoption of a state probation law.

The executive officers of the Oregon state hospital, the eastern Oregon state hospital, Fairview home, and the Oregon state penitentiary are ex-officio members of the state board of eugenics, which also includes the members of the state board of health.

To assist in the industrial rehabilitation of residents of the state of Oregon who had served in the World War, several state agencies were created. At present one agency still exists, the World War Veterans' state aid commission, which was authorized by constitutional amendment in 1921. This commission administers a fund which has been used to issue boriuses and loans to veterans. The commission is composed of the governor, the secretary of state, the adjutant general of the state, and two persons appointed by the governor.

## HEALTH

### 1861-1880

#### Existing in 1880

Health officer at Astoria (1870).  
Health officer at Coos Bay (1870).

### 1881-1900

#### Existing in 1900

Health officer at Astoria (1870) abolished 1905.  
Health officer at Coos Bay (1870) abolished 1905.  
Health officer at Gardiner (1887) abolished 1905.  
Health officer at Yaquina City (1889) abolished 1905.

### 1901-1920

#### Existing in 1920

Board of health (1903).  
Board of eugenics, ex-officio, board of health, executive officers of Fairview home, state hospital, eastern Oregon state hospital, penitentiary (1917).

### 1921-1937

#### Existing in 1937

Board of health (1903).  
\*Board of funeral directors and embalmers (1921).  
\*Chiropodist examining board (1925).  
\*Cosmetic therapy examiners (1925).  
†Examining board of plumbers (1935).  
Advisory committee to regulate laboratories (1935).  
Board of eugenics, ex-officio, board of health, executive officers of Fairview home, state hospital, eastern Oregon state hospital, penitentiary (1917).

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### State Board of Health

The Oregon state board of health was first established in 1903. It now consists of eight members, seven of whom are appointed by the governor with the consent of the senate. These seven appoint a secretary who is also the state health officer and state registrar of vital statistics. By law seven of the members are physicians and one is a dentist.

Among the many duties of the department are the following: to keep vital statistics; to make quarantine regulations; to supervise orphanages and foundling asylums and make periodical inspections of hospitals and sanatoria in the state, public and private; to supervise and direct camp ground inspections and the inspection of tourist camps; to maintain a bacteriological laboratory; to regulate laboratories in which infectious material is examined; to enforce the state plumbing code and to appoint an examining board to license journeymen plumbers; to enforce the statutes relating to public health and the rules and regulations promulgated by the board.

\* The state health officer is a member of the board and board is in the office of the board of health.

† Appointed by the board of health and in the office of the board.

Three independent licensing boards, the chiropracist examining board, the board of funeral directors and embalmers, and the board of cosmetic therapy examiners, are located in this office by virtue of the fact that the state health officer is an ex-officio member of each of these boards.

The members of the state board of health are also ex-officio members of the state board of eugenics. Included in the membership of the latter agency are the respective executive officers of the Oregon state hospital, the eastern Oregon state hospital, Fairview home, and the Oregon state penitentiary.

## EDUCATION

### Existing in 1860

#### General Education:

Superintendent of public instruction, ex-officio, governor (1859) abolished 1872.

#### State Library:

Librarian (1860).

### 1861-1880

### Existing in 1880

#### General Education:

Superintendent of public instruction (1872).

Board of education, ex-officio, governor, secretary of state, superintendent of public instruction (1872).

#### Higher Education:

Oregon State Agricultural College, private trustees (1870).

University of Oregon (1872) board of regents (1876).

#### State Library:

Librarian (1860).

Superintendent of state library, ex-officio, secretary of state (1864).

### Established and abolished 1861-1880

University of Oregon, board of directors (1872-1876).

### 1881-1900

### Existing in 1900

#### General Education:

Superintendent of public instruction (1872).

Board of education, ex-officio, governor, secretary of state, superintendent of public instruction (1872).

State board of examiners for teachers (1899).

Board of textbook commissioners (1899).

#### Higher Education:

Oregon State Agricultural College (1870) board of regents (1885).

University of Oregon (1872) board of regents (1876).

Oregon Normal School (1882) board of trustees (1891) board abolished 1907.

Southern Oregon Normal School (1882) board of regents (1899) board abolished 1907. Loss of state appropriation 1909.

Central Oregon Normal School (1885) board of regents (1899) board abolished 1907 and school abolished 1909.

Eastern Oregon Normal School (1885) board of regents (1893) board abolished 1907. Loss of state appropriation 1909.

Wasco Independent Academy at The Dalles, private trustees (1889) school abolished 1907.

#### State Library:

Librarian (1860) duties re-assigned 1905.

Superintendent of state library, ex-officio, secretary of state (1864) abolished 1905.

**Established and abolished 1881-1900**

Oregon Normal School, private trustees (1882-1891).

Ashland College and Normal School (Southern Normal) private trustees (1882-1899).

Normal School at Drain (Central Normal) private trustees (1885-1899).

Weston Normal School (Eastern Normal) private trustees (1885-1893).

**1901-1920****Existing in 1920****General Education:**

Superintendent of public instruction (1872).

Board of education, ex-officio, governor, secretary of state, superintendent of public instruction (1872).

State board of examiners for teachers (1899) abolished 1935.

Board of textbook commissioners (1899).

Board of vocational education (1919).

**Higher Education:**

Oregon State Agricultural College (1870) board of regents (1885) board abolished 1929.

University of Oregon (1872) board of regents (1876) board abolished 1929.

State board of regents for normal schools (1907) abolished 1929.

Oregon Normal School (1882).

Board of visitors for normal schools (1907).

Board of higher curricula (1909) abolished 1929.

State board of standards, ex-officio, (1911).

Legislative service and reference bureau (1919).

**State Library:**

Supreme court library (1860) under supreme court 1905.

State library (1860) under board of trustees 1905.

**1921-1937****Existing in 1937****General Education:**

Superintendent of public instruction (1872).

Board of education, ex-officio, governor, secretary of state, superintendent of public instruction (1872).

Board of textbook commissioners (1899).

Board of vocational education (1919).

Commission of Americanization (1925).

Board of state officers to appoint teachers' tenure commission (1935).

**Higher Education:**

Board of higher education (1929).

Oregon State Agricultural College (1870).

University of Oregon (1872).

Oregon Normal School (1882).

Southern Oregon Normal School (1925 authorized) established 1926.

Eastern Oregon Normal School (1925 authorized) established 1929.

State board of standards, ex-officio, (1911) inactive.

Board of visitors for normal schools (1907) inactive.

Legislative service and reference bureau (1919).

Bureau of municipal research and service (1933).

State museum of anthropology (1935).

**State Library:**

Supreme court library (1860) under supreme court 1905.

State library (1860) under board of trustees 1905.

The educational activities of the state may be said to include three functions: the administration of general education, the administration of the institutions of higher learning, and the administration of the state library.

The constitution designated the governor as superintendent of public instruction with the provision that after five years the legislature might create an independent office for this function. The legislature exercised this prerogative in 1872 by enacting a law making the office elective and establishing a state board of education to consist of the superintendent of public instruction, the governor, and the secretary of state. The superintendent of public instruction, together with the state board of education, was to administer the laws dealing with the public schools of the state.

Shortly after its organization, the state board of education was also made the ex-officio board of trustees for the state institutions engaged in the education of deaf-mutes and in the education of the blind. Although several changes were made in the administration for the school for the deaf, the board acted as the administrative agency for these two institutions until 1913, when it was superseded by the state board of control. In 1889 it was designated as the state agency to locate a site for a state reform school, and from 1891 until 1903 it acted as a board of trustees for that institution.

Prior to the establishment of the department of higher education under a single board, the members of the state board of education served as ex-officio members on the various boards of regents of the respective state institutions of higher learning.

As the educational activities of the state expanded, additional agencies were established to assume certain duties of the office of education or to perform new functions. These included the board of textbook commissioners in 1899, the board of vocational education in 1919, and the commission of Americanization in 1925.

As in other states in the early nineteenth century, the institutions of higher learning in Oregon were maintained and administered by private associations. However, the act of congress admitting Oregon into the Union in 1859 provided for a grant of land for the maintenance of a state university, and the land grant act of 1862 provided for the establishment of an agricultural and mechanics college. These proved determining factors in the development of the present Oregon system of higher education. In 1870 the college at Corvallis was designated the State Agricultural College, and in 1872 the state university was established at Eugene. In time each was administered by a separate board of trustees, appointed by the governor with the consent of the senate, and having as part of its membership the state board of education.

The first normal school was recognized as a state institution in 1882. By 1907 state recognition and financial support had been granted to five normal schools. At first the schools were administered by their own boards of trustees, but gradually the governor was authorized to appoint such boards with the consent of the senate. In 1907 the legislature abolished one normal school and placed the administration of the remaining four under a single board of regents for normal schools. The failure of the legislature to adopt the regular appropriation for normal schools in 1909 terminated the existence of the Eastern Oregon Normal School and the Southern Oregon Normal School as state institutions. The Oregon Normal School at Monmouth secured legislation in

1910 insuring that institution a permanent biennial appropriation, but it was not until 1925 that legislation was adopted providing for the establishment of the Southern Oregon Normal School at Ashland, and the Eastern Oregon Normal School at La Grande, the former opening in 1926 and the latter in 1929.

A board of higher curricula functioned in an advisory capacity to all institutions of higher learning from 1909 until 1929.

The various boards of the institutions of higher learning were abolished by law in 1929 to take effect July 1, 1931, by which time it was expected the newly created board of higher education would have integrated the system of higher education into a single cohesive unit. This was accomplished in 1932.

The present state library originated in 1905 with the creation of a library commission to assist local communities and to maintain a traveling library. Prior to this period the library known by that title was part of the state supreme court. In 1913 the present names, state library and supreme court library, were designated, and the library commission became the board of trustees for the state library with a state librarian as executive officer.

### **Administration of General Education**

The office of the superintendent of public instruction is the integrating force for the educational activities of the state in the fields of public elementary and secondary education, adult education, and vocational education.

The office is filled by election for a term of four years. A board of education composed of the superintendent of public instruction, the governor, and the secretary of state functions as a quasi-legislative unit. The members of this board and four persons appointed by the governor comprise the board of vocational education, of which the superintendent is the executive officer. This agency maintains a separate office for its activities but the director is appointed by the superintendent with the consent of the board.

By law, a department of Americanization exists in this office and the superintendent may appoint a director to carry out the mandate of the legislature. At present this work is part of the adult education program. To assist the superintendent in carrying on the work of Americanization in the state, there exists a commission of five persons appointed by the state board of education. This latter state agency appoints the five members of the textbook commission, which agency selects the textbooks to be used for certain public elementary and secondary schools.

### **Institutions of Higher Learning**

The present system of higher education in Oregon is the result of an act of 1929 which authorized a newly created board of higher education to reorganize the system of higher education in the state. This was successfully accomplished in 1932 following a federal survey of the state institutions and their facilities. The system includes the University of Oregon at Eugene, the University of Oregon Medical School at Portland, the Oregon State Agricultural College at Corvallis, the Oregon Normal School at Monmouth, the Southern Oregon Normal School at Ashland, and the Eastern Oregon Normal School at La Grande.

The board consists of nine directors appointed by the governor with the consent of the senate to serve for a term of nine years. A single administrative head, the chancellor, is appointed by the board and directs the department of higher education. The presidents of the various in-

stitutions and the dean of the medical school are responsible for the administration of their respective institutions to the chancellor, and through him to the board.

Three subordinate state agencies exist at the University of Oregon, the legislative service and reference bureau, the bureau of municipal research and service, and the state museum of anthropology. The State Agricultural College maintains a large experimental station at Corvallis and nine branch stations located throughout the state.

### **State Library**

The state library is governed by a board of trustees consisting of the governor, the superintendent of public instruction, the chancellor of the Oregon state system of higher education, the librarian of the library association of Portland, and three persons appointed by the governor. The board appoints the state librarian, who is the administrative officer for this agency.

The library on March 1, 1937, contained 370,743 volumes and for the 1935-1936 biennium had a circulation of 460,027. It is the depository for government and state documents and serves as a reference library for members of the legislature and officers and employes of the state. It also maintains a general reference and loan service and conducts a system of traveling libraries.

For purposes of administration it is divided into several units: general reference, educational reference, business and technical reference, periodicals, and travel library.



## AGRICULTURE

**1860**

Sealer of weights and measures, ex-officio, state treasurer (1854).

**1880**

Sealer of weights and measures, ex-officio, state treasurer (1854).

### 1881-1900

#### Existing in 1900

Sealer of weights and measures, ex-officio, state treasurer (1854).

Board of agriculture (1885) abolished 1913, duties transferred to board of state fair directors.

First eastern Oregon agricultural district (1889) abolished 1913.

Second eastern Oregon agricultural district (1889) abolished 1913.

First southern Oregon agricultural district (1893) abolished 1913.

Second southern Oregon agricultural district (1893) abolished 1913.

Domestic animal commission, ex-officio, governor, secretary of state, president board of agriculture (1889) abolished 1909.

State veterinarian (1889) abolished 1909.

Board of horticulture (1889).

Dairy and food commissioner (1893).

#### Established and abolished 1881-1900

Dairy commissioner (1885-1893).

Food commissioner (1889-1893).

Southern Oregon state board of agriculture (1889-1893).

### 1901-1920

#### Existing in 1920

Sealer of weights and measures, ex-officio, state treasurer (1854) duties transferred 1923, to state market agent.

Board of horticulture (1889) abolished 1931.

Dairy and food commissioner (1893) abolished 1931.

State bacteriologist (1901) abolished 1931.

Board of state fair directors (1913) formerly board of agriculture established 1885; abolished 1931.

Board of sheep commissioners, ex-officio, live stock sanitary board (1913) abolished 1931.

Live stock sanitary board (1913) abolished 1931.

State veterinarian (originally established 1889) abolished 1931.

Pure seed board (1913) abolished 1931.

Standing committee on agricultural lime (1915) abolished 1931.

State recorder of brands, ex-officio, state veterinarian (1915) abolished 1931.

State chemist, ex-officio, chemist of Oregon Agricultural College (1917) abolished 1931.

State lime board (1917) abolished 1931.

Live stock brand adjusting board (1917) abolished 1931.

Stallion registration board, ex-officio, president board of agriculture, director experiment station, state veterinarian, (1917) abolished 1931.

Note: Powers and duties of agencies abolished in 1931 transferred to department of agriculture.

#### Established and abolished 1901-1920

Third eastern Oregon agricultural district (1905-1913).

Fourth eastern Oregon agricultural district (1905-1913).

Board of sheep commissioners (1907-1913).  
 Fifth eastern Oregon agricultural district (1909-1913).  
 Sixth eastern Oregon agricultural district (1909-1913).  
 Seventh eastern Oregon agricultural district (1909-1913).  
 First central Oregon agricultural district (1909-1913).  
 State veterinarian (1909-1913).

#### 1921-1937

##### Existing in 1937

Sealer of weights and measures, ex-officio, state treasurer (1854) obsolete.  
 Department of agriculture (1931).  
 Board of agriculture (1931).  
 Flax and linen board (1935).  
 State advisory board for soil conservation and domestic allotment (1937).  
 Advisory board for marketing standards (1937) permissive.

##### Established and abolished 1921-1937

Dairy bull registration board, ex-officio, dairy husbandry department, Oregon  
 State Agricultural College (1921-1927).  
 State market agent (1923-1931).

The regulation of agricultural activities by the state began in 1854 with the establishment of the office of sealer of weights and measures. This constituted the state's sole agricultural activity until 1885. In that year and during the next decade agencies were created to administer laws dealing with fairs, the animal industry, the dairy industry, foods, and the plant industry. In succeeding years numerous changes were made in the administration of the laws. After the turn of the century additional agencies were created, so that by 1931 there existed in Oregon 13 separate state agricultural agencies comprising 17 statutory offices.

In that year the present department of agriculture was created (Chapter 136, Oregon Laws 1931). This was the second major attempt to integrate the administration of the activities of a single government function into one department, the first attempt having been concerned with the board of higher education in 1929. The department of agriculture was placed under the control of an executive officer, a director of agriculture appointed by the governor to serve during his pleasure. With the establishment of this department in 1931, 17 boards, commissions, and offices were abolished and their powers and duties were transferred to the new department. The agencies abolished were:

State board of horticulture	State chemist
executive officer	State bacteriologist
Pure seed board	Advisory live stock brand
State recorder of brands	adjusting board
State live stock sanitary board	Stallion registration board
Board of sheep inspectors	Board of state fair directors
State veterinarian	State market agent
State sheep inspector	State lime board
State dairy and food commis-	Standing committee on
sioner	agricultural lime

Although the act authorized the director to establish five divisions, six have been created. They are (1) administration, (2) plant industry, (3) animal industry, (4) foods and dairies, (5) market enforcement, and (6) grain inspection.

With the exception of the division of administration, which is in charge of the director of agriculture, each division is in charge of a chief who is appointed by the director with the consent of the governor to hold office at the pleasure of the director.

Since 1931 additional duties have been assigned to the department. It now registers and inspects apiaries, inspects bakeries, assists in the administration of the soil conservation and domestic allotment act, and is authorized to establish official state grades and standards of quality applicable to milk and cream purchased or obtained from producers for any commercial use or purpose.

An advisory board of agriculture was also created by the same act which established the department. It is composed of seven members appointed by the governor for a term of six years. These appointments are made after consultation with the different agricultural interests of the state. Each of the following interests is represented by one member: horticulture, dairying, animal industry, poultry industry, field crops, market gardening, and agricultural cooperative marketing agencies. The director of agriculture is secretary of this advisory board.

Because of the blanket provision transferring the duties of 13 separate agencies to one department, numerous inconsistencies existed in the statutory provisions relating to agricultural activities. Recognizing this fact, the legislature at the last session (1937) authorized the appointment of an interim committee of three members, one each appointed by the president of the senate, the speaker of the house, and the governor, to prepare bills recodifying, amending, or otherwise revising the existing laws pertaining to agriculture.

An independent fact-finding board, the flax and linen board, was established in 1935 to make soil surveys in order to aid farmers in promoting the production of fiber flax for use in developing the linen industry of the state. This board consists of five persons appointed by the governor to serve at his pleasure. Of the members appointed, two were selected from the flax growers of the state, one from the extension department of the Oregon State Agricultural College, and two from the state at large.

The Oregon State Agricultural College was designated as the state agency to carry out the policies and purposes of the soil conservation act adopted by the 1937 legislature. The College may provide for the organization of voluntary associations within each community and it is authorized to provide for the selection of five persons to act as farmer members of a state advisory board, of which the state commissioner of agriculture is designated an ex-officio member. The state advisory board advises with the College and submits advice and information with respect to the administration of this act.

In 1935 legislation was enacted to establish marketing standards relating to agricultural commodities. The advisory board for marketing standards thus established functions as an intermediary between the director of agriculture and members of the industry involved. It consists of five persons, one appointed by the director and the remaining four selected by the persons governed by the director's regulations.

### **Dairy and Food Commissioner**

One of the earliest activities undertaken by the state was the regulation of dairy farming in 1885. This was under a dairy commissioner, which office was combined in 1893 with that of the food commissioner previously established in 1889. Until 1899 the dairy and food commissioner was selected by the legislature, but in that year the office was made elective. It remained so until 1931, when it was absorbed by the department of agriculture.

### State Fair and County Fairs

Local agricultural societies were the earliest agencies in the state for the operation of fairs. The state participated in this activity, however, when a board of agriculture was created in 1885. From 1889 until 1913 the board was assisted by ten separate boards of commissioners established for as many agricultural society districts in the state. The members of these agencies were appointed by county societies or courts, by the governor, or by a combination of both. In 1913 these boards were abolished and the various counties were authorized to create county fair boards. In this same year the Oregon state fair was established under the supervision of a board of fair directors appointed by the governor. This agency functioned until it was absorbed by the department of agriculture in 1931.

### Board of Horticulture

The earliest regulation of the plant industry was by a board of horticulture and an inspector of fruit pests established in 1889. Although the first board was appointed by the governor, beginning in 1891 the members were appointed by a board consisting of the governor, the secretary of state, and the state treasurer. For a time the president of the board functioned as inspector, but later both an inspector of nursery stock and a nursery inspector at large were authorized. In 1931 the board was abolished and its duties transferred to the division of plant industry in the department of agriculture.

### Animal Industry

The part played by the state in animal industry was administered exclusively through the domestic animal commission with a state veterinarian as executive officer from 1889 until 1907. In the latter year a separate agency was established for the sheep industry, and in 1909 the board of health and a state veterinarian were authorized to take over the duties of the domestic animal commission. In 1913 state regulation of the entire animal industry was again placed in one agency, the live stock sanitary board, with a state veterinarian as executive officer.

In 1915 the state veterinarian became ex-officio state recorder of brands, and in 1917 two new agencies were created: the advisory live stock brand adjusting board and the stallion registration board. An ex-officio dairy bull registration board created in 1921 was abolished in 1927. The existing agencies in this industry were abolished in 1931, when they were absorbed by the division of animal industry in the department of agriculture.

### Miscellaneous Agricultural Activities

Several other agricultural activities have been pursued by the state. To foster the production of lime and to regulate this industry, the legislature in 1915 created a standing committee on agricultural lime, and in 1917 supplemented this by establishing the ex-officio office of state chemist and a state lime board.

Prior to this a pure seed board had been established in 1913.

As early as 1854 the regulation of weights and measures was undertaken by the state treasurer as ex-officio sealer of weights and measures. These duties of the state treasurer and certain duties of the public service commission pertaining to the regulation of grain products were transferred to the office of state market agent, established in 1923.

These agricultural agencies were all abolished in 1931 and their duties transferred to the department of agriculture. In 1935 the flax and linen board was created. This agency was made independent of the department of agriculture though involved in an agricultural activity.

## PUBLIC SAFETY

### Existing in 1860

- Oregon national guard (1859).
- Commander-in-chief, ex-officio, governor (1859).
- Adjutant general (1859 authorized).

### 1861-1880

#### Existing in 1880

- Oregon national guard (1859).
- Commander-in-chief, ex-officio, governor (1859).
- Secretary of state—performed duties of adjutant general (1870) duties transferred to adjutant general 1887.
- Board of military auditors, ex-officio, governor, secretary of state, adjutant general (1862) abolished 1887.

#### Established and abolished 1861-1880

- Adjutant general (1862-1870).

### 1881-1900

#### Existing in 1900

- Oregon national guard (1859).
- Commander-in-chief, ex-officio, governor (1859).
- Adjutant general (1887).
- Military administrative staff (1887).
- State military board (1887) name changed to general staff (1909).

### 1901-1920

#### Existing in 1920

- Oregon national guard (1859).
- Commander-in-chief, ex-officio, governor (1859).
- Adjutant general (1887).
- Military administrative staff (1887).
- General staff (1887).
- Naval militia (1911).
- Naval staff (1915).
- Committee to provide designs for medals to Oregon veterans, ex-officio, governor, secretary of state, state treasurer, state librarian, adjutant general (1919) abolished 1929.
- Overseas welcome commission (1919) abolished 1927.

#### Established and abolished 1901-1920

- Oregon naval board (1911-1915).

### 1921-1937

#### Existing in 1937

- Oregon national guard (1859).
- Commander-in-chief, ex-officio, governor (1859).
- Adjutant general (1887).
- Military administrative staff (1887).
- General staff (1887).
- Naval militia (1911).
- Naval staff (1915).
- Battleship Oregon commission (1925).
- Department of state police (1931).

**Established and abolished 1921-1937**

Battleship Oregon—supervision of Oregon national guard (1923-1925).  
Prohibition commissioner (1923-1931).

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Public safety activities performed by state agencies are of both a military and non-military character. In the military field there exists the militia which was formally organized while Oregon was still a territory. The constitution of 1859 included provisions designating the governor as commander-in-chief of the military force, defining the militia, and authorizing the legislature to provide the necessary rules and regulations for its organization. The military code of 1887 for the first time designated the active militia as the Oregon national guard, and the inactive militia as the Oregon reserve militia. Since that date numerous military codes have been adopted, the most recent being the one in 1921, modeled after the National Defense Act.

In 1911 the naval militia was established under the administration of an independent naval board, but this was altered in 1915 when a new board was created with the state adjutant general as chairman.

Following the close of the World War, two agencies involving the military forces were established, one to welcome returning Oregon veterans and the other to provide designs for medals for these returning veterans. In 1923 the state accepted the retired naval ship, the U. S. S. Oregon, and in 1925 a commission was established to supervise its administration.

Non-military public safety activities by the state have been few in number. In 1923 the office of prohibition commissioner was established for the enforcement of prohibition laws. It functioned until 1931, when it was absorbed by the state police department which was created that year. The latter department also absorbed the state traffic division established in the office of the secretary of state in 1920, and the bureau of highway patrol established in the state highway department in 1921. The law enforcement duties of the fish commission, the game commission, and the fire marshal were also transferred in 1931 to the new department.

**Oregon National Guard and Naval Militia**

The militia of the state of Oregon consists of the organized militia, the national guard; and the unorganized militia, the militia reserves. The governor is ex-officio commander-in-chief, and he appoints the active executive, the adjutant general. This officer acts as chief of staff and holds office until relieved according to the provisions of the military code. To be eligible for appointment, he must be at the time of selection a member of the national guard or the national guard reserve above the rank of first lieutenant and have had at least six years' service in the national guard of the state of Oregon as a commissioned officer.

The state property officer, who also acts as property and disbursing officer for the United States in this state, is an officer of the national guard, appointed by the governor subject to the approval of the secretary of war. The state administrative staff consists of the following departments: adjutant general, inspector general, judge advocate general, quartermaster, medical, and ordinance.

There also exists a general staff appointed by the commander-in-chief to act as his advisory board. It is composed of the adjutant general and six officers of the national guard above the grade of first lieutenant, elected for a term of two years, who are selected for their knowledge of their arm of the service, four of whom are detailed from the line.

The naval militia, which was first established in 1911, is administered by a naval staff consisting of the adjutant general as chairman and two commissioned naval militia officers designated by the commander-in-chief.

When the United States navy retired the U. S. S. Oregon from active service, the state of Oregon requested that it be turned over to the state. This was done in 1923, and it is now maintained by a commission of five members appointed by the governor to serve at his pleasure.

#### **Department of State Police**

The department of state police, established in 1931, is administered by a superintendent of police appointed by the governor for a term of four years. He may be removed by the governor for inefficiency or malfeasance in office after charges have been preferred and a hearing granted, or when in the judgment of the governor the good of the service requires it. The personnel of the department is recruited on the basis of merit, and the salaries are fixed by the superintendent within the limits prescribed by statute. Besides a general administration unit and bureau of criminal identification, the department includes the following divisions: fire marshal, fish, game, motor carrier, radio, traffic, and the Willamette River patrol.

## INDUSTRIAL RELATIONS

### 1901-1920

#### Existing in 1920

Bureau of labor (1903).  
Board of inspectors of child labor (1903) abolished 1931.  
Industrial welfare commission (1913) abolished 1931.  
Industrial accident commission (1913).  
Board of conciliation (1919).  
Board of arbitration (1919) permissive.

### 1921-1937

#### Existing in 1937

Bureau of labor (1903).  
Industrial accident commission (1913).  
Board of conciliation (1919).  
Board of arbitration (1919) permissive.  
State apprenticeship commission, ex-officio, commissioner of labor, superintendent of public instruction, one industrial accident commissioner (1931).  
State welfare commission (1931).  
Unemployment compensation commission, ex-officio, the industrial accident commission (1935).

#### Established and abolished 1921-1937

State employment service (1935) absorbed by the unemployment compensation commission.  
State employment council (1935) inactive.

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A number of agencies administer the present laws dealing with industrial relations. The bureau of labor, which is administered by a commissioner elected for a term of four years, was created in 1903. Although the office is elective, only two men have held this position since it was first organized. To be eligible for office a person must be a citizen of the state, and a resident for at least five years. The commissioner is concerned chiefly with the laws for the regulation and inspection of industrial plants and the regulation of members of certain building trades, and with the enforcement of all labor laws not specifically delegated to another agency.

The commissioner is ex-officio a member of the state apprenticeship commission, and ex-officio the executive officer and secretary of the state welfare commission.

The state apprenticeship commission, composed of the superintendent of public instruction, the commissioner of labor, and the employee member of the state industrial accident commission, was established in 1931 to assist young people in training apprenticeships.

To administer the laws regulating the hours of employment and the minimum wages of women and minors, there exists the state welfare commission, established in 1931, but part of whose activities were first administered by an independent agency in 1903. The commission consists of three members appointed by the governor for a term of four years, with the commissioner of labor as executive officer.

A state board of conciliation was established in Oregon in 1919 to reconcile parties to industrial controversies. This board consists of three



members selected for a term of four years. Two of the members are appointed by the governor and the third is elected by these two, but in the event of a disagreement the governor may appoint the third member. The governor's appointees are selected, one from each list submitted by the Employers' Association of Portland and the State Federation of Labor. Any member of the board may be removed by the governor at any time for inefficiency, neglect of duty, or malfeasance in office, after proper notice and a public hearing. Such power of removal is not subject to review by the courts. Under certain circumstances boards of arbitration of three members may be appointed to consider industrial disputes.

In 1913 the state of Oregon entered the field of insurance when the legislature adopted a workmen's compensation law. Employers coming within the scope of this law make payments based on their monthly payroll and the occupation classification of their employees. Employees' contributions are based on the number of work days employed during a month.

This law is administered by the state industrial accident commission of three full-time members, so selected that employers, employees, and the public are represented each by one member. These members are appointed by the governor for a term of four years, with the provision that no more than two commissioners may be members of the same political party. The governor may remove any commissioner appointed by him for inefficiency, neglect of duty, or malfeasance in office after proper notice and a public hearing. This power of removal is not subject to review by any court. No member may serve on or under any committee of any political party. The total expense of the administration of this law for any fiscal year is limited to ten per cent of the receipts into the industrial accident fund for the same period.

The most recently established agency in industrial affairs is the unemployment compensation commission created in 1935 to conform with the National Social Security Act. The commission is composed of the members of the state industrial accident commission, who receive one-half of their salary from this agency. The executive officer is an administrator appointed by the commission with the approval of the governor. According to the law the selection of employees by the commission is on a merit basis, and no employee may be an officer or a member of a committee of any political party.

## PUBLIC WORKS

### 1861-1880

#### Existing in 1880

Board of canal commissioners (1876) composed of ex-officio members in 1882.

#### Established and abolished 1861-1880

Board of capitol building commissioners (1872) temporary.

### 1881-1900

#### Existing in 1900

Board of canal commissioners, ex-officio, governor, secretary of state, state treasurer (1876) abolished 1913.

Board of public building commissioners, ex-officio, governor, secretary of state, state treasurer (1885) duties transferred to board of control 1913.

#### Established and abolished 1881-1900

Board of capitol building commissioners, ex-officio, governor, secretary of state, state treasurer (1891) temporary.

### 1901-1920

#### Existing in 1920

State highway department (1913).

Highway commission.

Highway engineer.

#### Established and abolished 1901-1920

Board of portage railway commissioners, ex-officio, governor, secretary of state, state treasurer (1903-1907) duties transferred to appointive commission (1907-1915) duties transferred to board of control 1915.

State highway commission, ex-officio, governor, secretary of state, state treasurer (1913-1917).

State highway engineer (1913-1915).

Board of commissioners of canals and locks, ex-officio, governor, secretary of state, state treasurer (1903) temporary.

Commissioner of public works (1919) rejected at a special election.

### 1921-1937

#### Existing in 1937

State highway department (1913).

Highway commission.

Highway engineer.

State capitol reconstruction commission (1935).

#### Established and abolished 1921-1937

Tunnel commission (1931) temporary.

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Oregon has had a state highway department since 1913, when it consisted of an ex-officio commission composed of the governor, the secretary of state, and the state treasurer. This agency was replaced in 1917 by the present department composed of an appointive commission and a state highway engineer responsible to the commission.

In 1931 there was established an appointive tunnel commission to assist in constructing tunnels within or without the corporate limits of municipalities to connect with the state highway system. The agency no longer functions but has never been abolished.

One of the earliest agencies connected with public works was the board of canal commissioners appointed by the legislature in 1876 to manage the canal at the Willamette Falls. The personnel was changed in 1878 to consist of one appointee, the governor, and the secretary of state, and in 1882 the appointee was replaced by the state treasurer. The board was abolished in 1913.

The three chief state administrative officers were constituted a board of portage railway commissioners in 1903 to administer the railway at Celilo Falls. In 1907 the board was made appointive, and in 1915 it was abolished.

The board which supervised the construction of the capitol in 1872 was appointed by the legislature. In most cases where public buildings were erected, however, this function was delegated to the members of the present board of control, the governor, the secretary of state, and the state treasurer. In 1885 they were authorized to erect a building at the penitentiary, in 1891 to repair the capitol building, and in 1901 and 1903 to maintain, build, and repair the capitol buildings. In 1913, as the board of control, they were authorized to supervise and maintain all public buildings.

In 1935, following the destruction of the capitol by fire, the legislature established the capitol reconstruction commission to erect a new state house. This board was selected in part by the governor, the senate, and the house of representatives.

#### **Oregon State Highway Department**

The Oregon state highway department is composed of a state highway commission of three members appointed by the governor, one from each congressional district, for a term of three years; and a state highway engineer as administrator, appointed by the commission to hold office at its pleasure. To be eligible for this office the state highway engineer must be a "competent civil engineer and qualified by technical training as well as practical construction experience in highway work."

## THE CONSERVATION AND REGULATION OF NATURAL RESOURCES.

### 1861-1880

#### Existing in 1880

Fish commissioner (1878) abolished 1887.

#### Established and abolished 1861-1880

State geologist (1872-1876).

### 1881-1900

#### Existing in 1900

State weather service (1889) abolished 1913.

Fish commissioner and board of fish commissioners (1898) abolished 1901.

Game and forestry warden (1899) abolished 1911.

State biologist (1899) abolished 1915.

#### Established and abolished 1881-1900

Fish commission (1887-1893).

Oregon City fishway commission, ex-officio, governor, secretary of state, state treasurer (1893) temporary.

Game and fish protector (1893-1898).

### 1901-1920

#### Existing in 1920

State engineer (1905).

State water superintendent (1909) abolished 1923.

State water board, ex-officio, state engineer and water superintendent (1909) abolished 1923.

Desert land board, ex-officio, governor, secretary of state, state treasurer, attorney-general, state engineers (1909) abolished 1927.

Irrigation and drainage securities commission, ex-officio, state engineer, attorney-general, superintendent of banks (1917) governor added (1923), abolished 1927.

Board of fish and game commissioners (1911) abolished 1921.

State board of forestry (1911).

Bureau of mines and geology (1913) abolished 1925.

Board of trustees of the Dr. McLoughlin home (1911).

Provisional Government Park, ex-officio, board of control, (1917) replaced by an independent board 1935.

#### Established and abolished 1901-1920

Board of fish commissioners, ex-officio, governor, secretary of state, state treasurer (1901-1911).

Board of forestry (1907-1911) temporary.

Superintendent of water division No. 1 (1909-1919).

Superintendent of water division No. 2 (1909), became state water superintendent in 1919.

Bureau of mines, ex-officio, department of mines, Oregon State Agricultural College (1911-1913).

### 1921-1937

#### Existing in 1937

State engineer (1905).

Reclamation commission, ex-officio, governor, secretary of state, state treasurer (1927) (successor to desert land board 1909).

State hydroelectric commissioner, ex-officio, governor (1921).  
Hydroelectric commission (1931).  
Commission for flood control districts (1935) permissive.  
State fish commission (1921).  
(Original agency, fish commissioner 1878).  
State game commission (1921).  
(Original agency, game and fish protector 1893).  
State board of forestry (1911).  
(Original agency, game and forestry warden 1899).  
Board of forest conservation (1935).  
Department of geology and mineral industries (1937).  
(Original agency, bureau of mines 1911).  
Board of trustees of the Dr. McLoughlin home (1911).  
Provisional Government Park board (1917), board established 1935.  
State parks—authority granted state highway commission (1921).  
State parks—authority granted state board of forestry (1925).

#### Established and abolished 1921-1937

Oregon mine survey (1925-1933).  
State mining board (1929-1933).  
State mining board (1933-1937).  
State power commission (1933) rejected at referendum 1934.

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Constant change in the administration of natural resources in Oregon over a period of years has culminated in the present decentralization of these activities in the offices of 13 state agencies.

The activities concerned with fish, game, and forestry are administered by three agencies, the state fish commission, the state game commission, and the state board of forestry. The members of each unit are appointed by the governor, and each agency with the exception of the fish commission has a single executive officer appointed by its respective board or commission. The fish commission has two executives. There also exists an advisory board of forest conservation composed of state and county officers.

A new state agency was created in 1937 to administer affairs in the geology and mineral industries. A board appointed by the governor with the approval of the senate is in charge of this department and it has been authorized to appoint a director as executive officer.

The development and regulation of water resources by the state began in 1905, which activity was first located in one office. At present this work is still administered in one office, that of the state engineer, but three agencies function for this activity: the state engineer's office, the hydroelectric commission, and the reclamation commission. The latter agency is composed of three state officers with the state engineer as secretary, while the state engineer is also a member of the hydroelectric commission. There also exists an advisory commission for flood control districts.

Although no state agency exists for the operation of a state system of parks, the legislature has authorized both the highway commission and the board of forestry to acquire land for this purpose. In the latter agency, this work is performed by the state forester or one of his associates, while in the highway commission a unit has been established with a park engineer at its head as state park director. The Provisional Government Park at Champoege is administered by an independent board appointed by the governor.

The Dr. McLoughlin home located in a park at Oregon City is administered by the McLoughlin Memorial Association with a board of trustees appointed by the governor.

### FISH, GAME, AND FORESTRY

The earliest state office engaged in the regulation and protection of fish, game, and forests was that of the fish commissioner, established in 1878 for the Columbia River. He was replaced by a fish commission of three persons in 1887, established for the regulation of the commercial fish industry. In 1893 the interests of game and game fish were recognized when the fish commission was replaced with a game and fish protector. Besides enforcing the game laws, this official was also responsible for the laws regulating the commercial fish industry.

Several changes were instituted in the field of conservation in 1898 and 1899. In 1898 the legislature established a board of fish commissioners consisting of the governor, the secretary of state, and the fish commissioner. The latter was the executive officer appointed by the governor. However, this agency was replaced in 1901 by a fish commission composed of the governor, the secretary of state, and the state treasurer. The commission appointed a master fish warden as administrator. This agency confined itself to the regulation of commercial fishing.

In 1899 the office of the state biologist was established to investigate the animal resources of the state. This office was abolished in 1915. In the same year, 1899, the office of game and fish protector was abolished and a new office of game and forestry warden was created. Besides regulating game and game fish, it was the first state agency to administer the forestry laws. It is to be noted, then, that in 1901 two agencies existed, the fish commission for the commercial fishing industry, and the state game and forestry warden for game, game fish, and forestry. This machinery remained unchanged for ten years.

Following the report of an investigating board of forestry established in 1907, the legislature in 1911 created a state board of forestry consisting of the governor, the acting head of the forest school of the Oregon State Agricultural College, and five appointees. In 1935 the number of appointees was increased to six and in 1937 to seven. An executive officer, the state forester, was appointed by the board. Also in 1935 a board of forest conservation of three state officers and two county judges was established.

The regulation of fish and game activities was placed in a single agency, the board of fish and game commissioners, in 1911. This board was authorized to appoint a master fish warden and a state game warden. The board was reorganized in 1915 to consist of four appointees and the governor. In 1920 it was further enlarged to nine members, with eight selected by the legislature and the ninth selected by these eight. Part of the board was designated a fish commission, and part a game commission. It was abolished by the next legislature in 1921.

The present conservation machinery of two independent agencies was established in 1921. The game commission was created for the administration of game and game fish laws with authority to appoint a state game warden. The latter's title was changed to state game supervisor in 1931. The administration of the commercial fishing laws was placed under the state fish commission, which was authorized to appoint a master fish warden and a director of hatcheries and fish culture.

When the department of state police was organized in 1931, most of the law enforcement duties of the fish commission and the game commission were absorbed by the new agency.

#### State Fish Commission

The Oregon state fish commission as it now exists was established in 1921, although the earliest agency for this activity was created in 1878. It is composed of three members appointed by the governor for a term of four years. Any commissioner may be removed by the governor for cause only.

The work of the commission is divided into two divisions, each administered by an executive officer, a director of hatcheries and fish culture, and a master fish warden. These officers are appointed by the commission to hold office for a term of four years unless sooner removed. By law the director must have sufficient knowledge of fish culture to assume the responsibilities of his department without interruption.

Subordinate officers and employes may be appointed by the commission when necessary, or such power of appointment may be delegated by the commission to the two executive officers.

The commission is engaged in the regulation of the commercial fish industry and in the propagation and protection of food fishes. The field work connected with law enforcement is delegated to the department of state police.

#### State Game Commission

The Oregon state game commission was established in 1921 and at present consists of five members appointed by the governor for a term of five years. Appointments are made so that two members represent the territory east of the Cascade Mountains, two members represent the territory west of the Cascade Mountains, and one member represents the state at large. Any commissioner may be removed by the governor for the good of the service.

The commission appoints the state game supervisor as executive officer to hold office for five years unless sooner removed by it. All subordinate officers and employes are appointed by the commission.

This agency is chiefly concerned with the regulation of the game and game fish laws and the propagation of game and game fish. For purposes of administration four divisions have been established: administration, accounts and records, fisheries, and game. The field work in law enforcement is performed by the department of state police.

#### State Board of Forestry

The Oregon state board of forestry was established in 1911 to supervise all matters of forest policy and management under the jurisdiction of the state. The board is composed of the governor, the acting head of the forestry school of the Oregon State Agricultural College, and seven electors of the state appointed by the governor upon the recommendation of interested organizations.

The executive officer is the state forester appointed by the board to hold office at its pleasure. By law he must be a practical forester familiar with western conditions and experienced in organization for the prevention of forest fires. The state forester may appoint a deputy forester and assistant foresters.

The activities of this agency are divided as follows: administration, accounts and records, law enforcement and fire suppression, extension forestry and public relations, reforestation, publicity and education, and federal cooperative work.

### GEOLOGY AND MINERAL INDUSTRIES

The earliest attempt to stimulate activity in the mineral industries of the state was the appointment of a state geologist in 1872. However, the office was abolished in 1876 and nothing further was done until 1911. From 1911 until 1929 three separate acts established as many agencies, each of which was closely allied to the department of mines of the Oregon State Agricultural College under whose supervision most of the studies were made. In 1929 a survey was authorized to be made by a board of three members with the state corporation commissioner as ex-officio member.

An agency established in 1933 appears to have been the first permanent agency for both regulatory and investigatory activities. After an exhaustive study undertaken by the state planning board this agency was supplanted in 1937 by a department of geology and mineral industries. The department is governed by a board of three members and administered by a director. It was the intention of the legislature that the new department would assist in developing the mineral resources of the state. This would be accomplished by conducting surveys, cooperating with state and federal agencies, gathering and disseminating information, and supervising the granting of grubstakes.

## REGULATION OF WATER RESOURCES

The regulation of water resources was first essayed by the state in 1905, when the office of state engineer was created. In 1907 the state engineer assumed the duty of administering the reclamation of desert land, which function was formerly exercised by the state land board.

A reorganization took place in 1909 when in addition to the office of state engineer, the legislature created the office of water superintendent for each of two districts in the state. These three offices were to be filled by election by the people and the incumbents were to constitute a state water board. To administer the reclamation laws, a desert land board was established in the same year, 1909, to consist of the governor, the secretary of state, the state treasurer, the attorney-general, and the state engineer. The actual work was carried on in the office of the state engineer.

In 1915 the office of state engineer was made appointive. Four years later the legislature abolished one of the offices of water superintendent and changed the title of the other office to state water superintendent, the incumbent to be appointed by the governor. In 1923 both this office and the state water board were abolished and the duties transferred to the state engineer.

In 1917 a commission was created to pass upon all contracts executed by irrigation and drainage districts in excess of \$5,000.00. This body was called the irrigation and drainage securities commission and consisted of the state engineer, the superintendent of banks, and the attorney-general. The personnel of this agency was enlarged in 1923 when the governor was added as a member.

In 1927 the present reclamation commission was established, consisting of the governor, the secretary of state, and the state treasurer. The duties of the desert land board and the irrigation and drainage securities commission were transferred to this agency. The governor was authorized to appoint the state engineer, with the approval of the commission, for a term of four years unless sooner removed by the commission.

In 1909 all the water within the state was declared to belong to the public. Fees for water for the development of power were paid to the state water board, but after 1911 the fees were paid to the office of the state engineer. This was altered in 1931, with the creation of the hydroelectric commission which consists of the state engineer and two persons appointed by the governor. This commission licenses agencies to appropriate and use the water resources and then regulates these licensees.

A constitutional amendment was adopted in 1932 authorizing the state to fix rates in the control and development of water power within the state. The act to administer this agency was passed the following year but was rejected by the voters at a general election in 1934.

At present all of the activities of the state engineer, the reclamation commission, and the hydroelectric commission are located in the office of the state engineer, who is also the executive officer for the two commissions.



## STATE PLANNING AND PROMOTION

### 1861-1880

#### Existing in 1880

Board of immigration commissioners (1874).

#### Established and abolished 1861-1880

Commissioner of immigration (1872-1874).

### 1881-1900

#### Existing in 1900

Board of immigration commissioners (1874) abolished 1919.

### 1901-1920

#### Existing in 1920

Oregon conservation commission (1909) abolished 1927.

#### Established and abolished 1901-1920

State immigration agent (1911-1915).

State immigration commission (1913-1915).

Lewis and Clark Centennial Exposition commission, temporary (1903).

Panama-Pacific National Exposition commission, temporary (1913).

### 1921-1937

#### Existing in 1937

State planning board (1935).

Willamette advisory board (1937).

Commission for the Golden Gate International Exposition (1937).

New York World's Fair Exposition (1937).

#### Established and abolished 1921-1937

Reconstruction advisory board (1933-1935).

State advertising commission (1929) temporary.

Century of Progress commission (1931) temporary.

Commission for Sesqui-Centennial of the Constitution of the United States (1937) temporary.

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From time to time the legislature has created temporary agencies to erect and maintain exhibits at various national fairs. The legislature in 1937 authorized the governor to appoint two such commissions of five members each to represent Oregon in 1939 at the New York World's Fair and the Golden Gate International Exposition of California. Another commission similarly appointed was authorized for the celebration of the Sesqui-Centennial of the Constitution of the United States in 1937.

Besides these temporary agencies, commissions of a more permanent nature have been established for the purpose of inducing new residents to immigrate to Oregon. The earliest such agency was the office of immigration agent in 1872, which was replaced by a board of five immigration commissioners in 1874 appointed by the governor. Although this agency was not abolished, its activities declined and in 1911 a new office of immigration agent was established. To assist this officer a commission

was created in 1913, but both units were abolished in 1915. At this time the work of the agency was carried on in cooperation with the Oregon Development League and the department of commerce of the Oregon State Agricultural College.

The Oregon conservation commission, a fact-finding body, was established in 1909 to make a study of the natural resources of the state and the industries connected therewith. Although the commission issued its last report in 1914, it was not abolished until 1927.

In 1929, \$25,000 was appropriated by the legislature for purposes of advertising the resources of the state. To administer this fund the state advertising commission was established. It consisted of the governor, the secretary of state, the state treasurer, and two persons appointed by the Oregon State Chamber of Commerce. The commission functioned until the fund was exhausted.

The most recent agency for developing the products and natural resources of the state of Oregon is the state planning board, composed of nine members appointed by the governor. It was created in 1935 and succeeded the reconstruction advisory board established in 1933. Besides promotion work this office is also engaged in research in the various fields of activities of the state government and its political subdivisions. At the last session of the legislature, in 1937, it was authorized to establish a board of five or more citizens of the counties of the Willamette Valley to act as an advisory unit in drawing up plans for public improvement projects for that area.

## LIQUOR CONTROL

### Oregon State Liquor Control Commission

The law establishing the liquor control commission was adopted in 1933. It was to consist of three persons appointed for a term of six years by the governor, not more than two of whom were to be of the same political party. Each congressional district was to be represented by one appointee, an actual resident of that district. To be eligible for appointment a person had to be at the time of appointment at least 30 years of age, a qualified voter, and a resident of the state for five years. The governor was authorized to designate the chairman of the commission. Any commissioner might be removed by the governor, after due notice and a public hearing, for inefficiency, neglect of duty, or misconduct in office.

Vacancies were to be filled by the governor for the unexpired term. Each commissioner was to be eligible for reappointment at the discretion of the governor.

The commission was granted authority to appoint an administrator to serve at its pleasure and to appoint all other officers, attorneys, clerks, stenographers, inspectors, chemists, auditors, experts, and employees deemed necessary.

The law provided that should any employee be engaged in promoting or opposing the candidacy of any person to be voted on by the people, he should be immediately dismissed. No commissioner or employee of the commission was to be permitted to have any connection or pecuniary interest in any firm or association engaged in any alcoholic liquor business. Amendments adopted in 1935 and 1937 caused no change in administration. When the commission began operations it divided its activities into two divisions: stores, and license fee and privilege tax.

The liquor commission is today organized and operating as set up by the original law.

## STATE REGULATION OF BUSINESS

### 1881-1900

#### Existing in 1900

Insurance commissioner, ex-officio, secretary of state (1887) duties transferred 1909.

#### Established and abolished 1881-1900

Board of railroad commissioners (1887-1898).

### 1901-1920

#### Existing in 1920

Banking department (1907).

Banking board, ex-officio, governor, secretary of state, state treasurer.  
Superintendent of banks.

Ship securities commission, ex-officio, superintendent of banks, insurance commissioner, attorney-general (1917).

Public service commission (1907) abolished 1931, replaced by public utilities commissioner.

Insurance department, insurance commissioner (1909).

Fire marshal, ex-officio, insurance commissioner (1917).

Corporation department (1913).

#### Established and abolished 1901-1920

Board of arbitration to fix railroad rates, ex-officio, governor, secretary of state, state treasurer (1905).

Railroad commission (1907) name changed to public service commission 1915.

### 1921-1937

#### Existing in 1937

Banking department (1907).

Banking board, ex-officio, governor, secretary of state, state treasurer.  
Superintendent of banks.

Ship securities commission, ex-officio, superintendent of banks, insurance commissioner, attorney-general (1917).

Public utilities commissioner (1931) formerly the public service commission and the railroad commission as established in 1907.

Insurance department, insurance commissioner (1909).

Fire marshal, ex-officio, insurance commissioner (1917).

Real estate commissioner, ex-officio, insurance commissioner (1921).

Corporation department (1913).

Racing commission (1933).

Milk control board (1933).

Liquor control commission (1933).

State bakery board (1935).

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The earliest regulation of business was undertaken by the state in 1887 with the establishment of a board of railroad commissioners. Although the forerunner of the existing office of public utilities commissioner, its existence was terminated in 1898. Beginning with 1907, the activities of the state in the field of business regulation have expanded considerably. In that year the regulation of railroads was resumed by the state, and the department of banking was established. The legislature

created a department of insurance two years later, and in 1913 a corporation department. The duties of the latter two agencies were originally located in the office of the secretary of state. The administration of laws dealing with fire prevention and with real estate was placed in the office of the insurance commissioner.

In 1933 regulatory laws were passed for three new activities, milk, racing, and liquor, and three new agencies were established. Besides the regulation of the manufacture and traffic of alcoholic beverages, the liquor control commission was authorized to establish stores for the sale of this commodity. The baking industry came under state regulation with the creation of the state bakery board in 1935.

#### **State Banking Department**

The state banking department was organized in 1907 with a board consisting of the governor, the secretary of state, and the state treasurer. The superintendent of banks is appointed by the board for a term of four years unless sooner removed for cause. Prior to appointment he must have had at least five years' practical experience in the banking business, or have served a like period in the banking department of Oregon or some other state.

The superintendent is authorized to appoint all subordinate employees to hold office at his pleasure, provided that persons appointed as bank examiners must have the same statutory qualifications as those required for the office of superintendent of banks. No person, while occupying any position in the state banking department, is permitted to be employed or have any interest in any bank or banking business in the state of Oregon.

Charges, which if substantiated are cause for removal from office, may be brought against the superintendent of banks by any bank, or banker, or the banking board. Following a hearing by the board, the latter agency may, at its discretion, remove the superintendent.

The superintendent of banks is a member of the ship securities commission which certifies bonds secured on first mortgages upon ships owned or constructed in the state of Oregon. The state insurance commissioner and the attorney-general are also members of this commission.

#### **Corporation Department**

Prior to 1913 the activities administered by the corporation commissioner were performed by the secretary of state. In that year the corporation department under a commissioner was established. The commissioner is appointed by the governor for a term of four years, but he may be removed at any time during his term of office at the pleasure of the governor. Subordinate employees are appointed by the commissioner and are responsible to him.

The work of the department includes the following: administration of "blue sky" laws, regulation of savings and loan associations, regulation and licensing of corporations, and the liquidation of bankrupt associations.

#### **Department of Insurance**

The department of insurance has been in existence since 1909. At the head of the department is the state insurance commissioner, who is appointed by the governor for a term of four years beginning June 30, but who may be removed from office by him at any time for inefficiency or malfeasance in office, or when in his judgment the good of the service re-

quires it. Vacancy appointments are to be made for the unexpired term. The law requires that the appointee shall be "a man experienced in insurance matters."

The insurance commissioner is also ex-officio state fire marshal, and ex-officio state real estate commissioner. In all three capacities he may appoint a chief deputy and other deputies. As fire marshal he may remove any of his deputies for cause. As insurance commissioner he may not be interested in the business of any insurance company, except as a policy holder, while as real estate commissioner he may not be interested in any real estate company or brokerage firm in any manner.

The insurance commissioner is also an ex-officio member of the ship securities commission.

To carry out its various activities the department of insurance is divided into four divisions: insurance, fire marshal, real estate, and collection agency.

### **Public Utilities Commissioner**

The office of public utilities commissioner is filled by appointment by the governor. He is appointed for a term of four years and by statute is "a suitable and competent person." The governor may remove the commissioner at any time for any cause deemed by him sufficient after proper notice and hearing. There can be no appeal to any court from this power of removal. The law prohibits the commissioner from engaging in any business activity or from serving on or under any committee of any political party. He is also prohibited from having an interest in any type of business regulated by his office.

The work of this office is divided into the following divisions: engineering, motor transportation, finance and accounts, railroad rates, and examiners.

### **Miscellaneous**

In 1933 the legislature established the Oregon racing commission. The governor was directed to appoint five members for a term of six years and the members select a chairman, and may select a secretary from outside the membership.

At the same session of the legislature there was established a state milk control board for the purpose of regulating the milk industry, mediating in controversies, and licensing milk dealers. The governor appoints one member from each of the three congressional districts, and the director of agriculture acts as executive secretary although he may designate some member of his staff to serve in that capacity without any additional compensation.

The state bakery board, composed of five members appointed by the governor for a term of three years, was established at the special session of 1935. Two of the members are appointed from the first congressional district, one from the second district, and two from the third. The board is authorized to appoint an executive secretary to serve as administrative officer, and to prescribe reasonable minimum sanitary requirements and rules and regulations covering the baking industry, to license bakeries and bakery distributors, to require prices of the products to be filed with its office, and to regulate trade practices and standard of equipment.

The law establishing the liquor control commission was adopted in 1933. Three commissioners are appointed by the governor for a term of six years. The commission appoints an administrator to serve at its pleasure and is authorized to appoint all other officers, attorneys, clerks, inspectors, chemists, and employees that it deems necessary. (See page 58 for complete statement.)

## PROFESSIONAL AND VOCATIONAL LICENSING AND EXAMINING BOARDS

### Existing in 1860

Board of pilot commissioners for Columbia and Willamette rivers (1846).  
Board of pilot commissioners for Umpqua River (1846).

### 1861-1880

#### Existing in 1880

Board of pilot commissioners for Columbia and Willamette rivers (1846).  
Board of pilot commissioners for Umpqua River (1846).

### 1881-1900

#### Existing in 1900

Board of pilot commissioners for Columbia and Willamette rivers (1846).  
Board of pilot commissioners for Umpqua River (1846) abolished in 1919.  
Board of dental examiners (1887).  
Board of medical examiners (1889).  
Board of pharmacy (1891).  
Board of barber examiners (1899).

### 1901-1920

#### Existing in 1920

Board of pilot commissioners (1846).  
Board of dental examiners (1887).  
Board of medical examiners (1889).  
Board of pharmacy (1891).  
Board of barber examiners (1899).  
Board of commissioners for licensing sailors' boarding houses (1903).  
Veterinary medical examining board (1903).  
Board of examiners in optometry (1905).  
Board of examination and registration of graduate nurses (1911).  
Board of accountancy (1913).  
Board of chiropractic examiners (1915).  
Board of architect examiners (1919).  
Board of examiners of auto mechanics (1919) abolished 1921.  
Board of engineering examiners (1919).

### 1921-1937

#### Existing in 1937

Board of pilot commissioners (1846).  
Board of dental examiners (1887).  
Board of medical examiners (1889).  
Board of pharmacy (1891).  
Board of barber examiners (1899).  
Board of commissioners for licensing sailors' boarding houses (obsolete) (1903).  
Veterinary medical examining board (1903).  
Board of examiners in optometry (1905).  
Board of examination and registration of graduate nurses (1911).  
Board of accountancy (1913).  
Board of chiropractic examiners (1915).  
Board of architect examiners (1919).  
Board of engineering examiners (1919).  
Board of aeronautics (1921).

Board of funeral directors and embalmers (1921).  
Chiropodist examining board (1925).  
Board of cosmetic therapy examiners (1925).  
Naturopathic board of examiners (1927).  
Examination in basic sciences, board of higher education (1933).  
Examining board of plumbers (1935).

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The licensing of individuals of a specific profession or vocation was begun in 1846 with the licensing of river and harbor pilots. This remained the only vocation so regulated until 1887, when a dental examiners board was established. By 1900 physicians, pharmacists, and barbers had been included so that six examining boards existed, two being devoted to the licensing of pilots. One of the latter was repealed by 1920, yet at that date the number of licensing boards had more than doubled, with three added in the first decade of the twentieth century and six added in the second decade. Since 1920 one board has been abolished and six new agencies have been established, five of which were organized prior to 1929, and one in 1935. In 1933 the board of higher education was authorized to give examinations in the basic sciences.

At present there are 19 independent agencies created specifically as licensing boards. The board for the licensing of sailors' boarding houses is, however, inactive. Of those agencies which are functioning, eight involve the healing or allied arts; five are concerned with vocations which require the observance of high standards of sanitary and health regulations; and five are simply vocational, requiring special training and qualifications.

These boards may be divided into two distinct types: the agency which functions solely to license members of a certain profession or vocation; and the agency which in addition to this function carries on regulatory activities necessitating the use of field service. Of the former, there are eleven, while of the latter there are seven.

Few of the existing agencies are governed by the laws which first created them. Only eight of the boards operate under their original enactments and one of these was created in 1935. The original laws of the others were either amended or replaced by new statutes from one to three times, with the law relative to pilots having been amended twelve times. Fundamentally, little change has ensued. Usually additional requirements for the eligibility of board members were inserted, or the number and terms of members were altered. In some cases the appointing officer was given the power of removal over members.

The members of the first boards dealing with bar and river pilots were selected by the legislature, but the general rule has been for the governor to appoint all members of licensing agencies. A departure from this rule has been three agencies concerned with health regulations, of which the secretary of the board of health has been designated a member by law. Another innovation was made in 1935 when the state board of health was authorized to appoint the examining board for plumbers. In only three instances does the law provide that professional associations may make recommendations when vacancies are to be filled: Oregon State Graduate Nurses Association, State Osteopathic Association, and State Pharmaceutical Association. With only two exceptions the boards are divided into those of three members and those of five members. The terms of the members range from two to six years, with only one having a six-year term. The greater number have a three-year term. The terms of the members of the respective boards are so arranged as to overlap, with appointments taking place either once a year or every two years.



Practically every statute has a provision requiring some professional, vocational, or educational qualification for membership. The members of the board of barber examiners, a regulatory agency, must be selected from different congressional districts. Provisions for removal of members are to be found in the laws of seven agencies, four of which are agencies which have regulatory functions. Of this number, the members of three of the boards may be removed only for cause or certain acts specified in the statute, while the members of the remaining four may be removed at the pleasure or discretion of the appointing officer. None of the statutes provides for a notice and hearing in the removal of members, yet where a member is removed for cause, such procedure would be necessary.