

# TITLE 26

## PUBLIC BUILDINGS, PURCHASING AND PRINTING

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**CAPITOL BUILDINGS AND GROUNDS  
GENERALLY; CAPITOL PLANNING  
COMMISSION**

**276.010 Definitions.** When used in ORS 276.010 to 276.050, unless the context requires otherwise:

(1) "Capitol buildings and grounds" means the Capitol, the supreme court, state office, state printing and state library buildings, the central heating plant building and the grounds adjacent to such buildings and includes any new buildings which may be constructed on such grounds as an addition to the group of buildings listed in this subsection.

(2) "Commission" means the Capitol Planning Commission.

(3) "Capitol area" means the capitol group of buildings and the grounds surrounding and adjacent to the capitol group of buildings.

(4) "Capitol group of buildings" means the Capitol, the Supreme Court Building, the State Library Building and other state buildings in Salem.

**276.012 Board of Control to govern, manage and administer capitol buildings and grounds; Secretary of State to manage and have custody.** The Oregon State Board of Control shall govern, manage and administer the affairs of the capitol buildings and grounds which shall be considered an institution. The Secretary of State shall be considered the executive head of such institution. The general control, management and actual custody and care of the capitol buildings and grounds shall be vested in the Secretary of State who shall be known as the custodian of such buildings.

**276.014 Appointing, suspending or discharging Superintendent of Buildings and Grounds and other employes.** (1) Subject to any applicable provisions of the State Civil Service Law, the Secretary of State shall appoint, to assist him in the performance of his duties specified in ORS 276.012:

(a) A Superintendent of Buildings and Grounds.

(b) All necessary janitors, engineers, firemen, watchmen, messengers, gardeners and other employes; but the janitors or messengers required to attend to and care for the chambers and offices of the Supreme Court and the Clerk of the Supreme Court shall be selected by the Secretary of State

by and with the consent of the members of the Supreme Court.

(2) Subject to any applicable provisions of the State Civil Service Law and other provisions of law, the Secretary of State shall have absolute authority in the matter of suspending or discharging the employes listed in subsection (1) of this section.

**276.016 Purchase of supplies and equipment.** The Secretary of State shall purchase the articles, supplies, equipment, seeds, flowers, shrubs, etc., that are requisite and necessary to keep the capitol buildings and grounds in a neat condition and properly cared for.

**276.018 Limitation on expenditures for services and supplies.** The amounts which the Secretary of State is authorized to expend for services and supplies, etc., shall not be in excess of the amounts provided therefor in the biennial appropriations made from time to time.

**276.020 Biennial report.** The Secretary of State shall make a biennial report as custodian of the capitol buildings and grounds and shall submit the report to the Board of Control as provided in ORS 179.420.

**276.022 Board of Control to supervise expenditures for improvements and additions.** The Oregon State Board of Control shall direct and supervise the expenditure of such appropriations only as are made by the Legislative Assembly from time to time for specific improvements and additions in, on or to the capitol buildings and grounds.

**276.024 Regulation of parking and use of grounds.** The Secretary of State shall, from time to time, ascertain and determine where and under what conditions the grounds owned by the state adjacent to the Capitol, supreme court, state office, state library and other buildings of the state capitol group may be most efficiently used by owners and operators of motor vehicles and other persons. Based upon such findings he shall promulgate rules and regulations for parking of motor vehicles or other uses of such grounds. Notice of rules so promulgated shall be given by appropriate signs, which shall be posted on such grounds. In promulgating such rules and regulations the Secretary of State shall consider the space available, the type of use, safety, demand and such other matters as he shall consider pertinent.

**276.026 Violation of rules and regulations prohibited.** No person shall occupy or use the grounds described in ORS 276.024 except in the manner, at the times and under the conditions provided in the rules and regulations authorized by that section.

**276.028 Declaration of policy concerning capitol area.** It is declared to be the purpose and policy of the State of Oregon to establish and effectuate a long-range plan of development of the capitol area in the City of Salem and for that purpose to coordinate the acquisition of real property and the construction of buildings by the state, the laying out of streets and the landscaping of grounds in the capitol area. The purpose of the plan shall be to enhance and preserve the beauty and dignity of the capitol area and permanently to secure the area from commercial and industrial encroachment.

**276.030 Capitol Planning Commission; appointment of members; officers.** The Capitol Planning Commission is established as a permanent agency of the State of Oregon. The commission shall consist of seven members appointed by the Governor. After the terms of office of the original members of the commission expire, the term of office of commission members shall be four years. A vacancy in office shall be filled by the Governor by appointment for the unexpired term. From among its members, the commission shall elect a chairman and a vice chairman, who shall serve as officers for a term of one year and may be reelected to succeed themselves.

**276.032 Meetings of commission.** The commission shall meet at the times deemed advisable by a majority of its members. In addition, the Governor may call the commission to meet at such time as the Board of Control may request, for the purpose of considering plans before the board.

**276.034 Commission to adopt plan of development of capitol area.** The commission shall make and adopt a plan of development of the capitol area and shall recommend to the legislature and the city council of Salem legislation necessary to effectuate the plan.

**276.036 Commission to investigate advisability of additions to, or changes in, the capitol area.** The commission shall investigate the advisability of all additions to, or changes in, buildings and grounds in the

capitol area and shall make recommendations concerning the addition or change to the Board of Control before any action thereon is finally authorized. No plans for public buildings to be erected in the capitol group of buildings, or selection of the location of such buildings, shall be finally approved by any officer or agency of the State of Oregon until the commission has considered the plans and made recommendations concerning the same to the Board of Control.

**276.038 Commission to advise Board of Control; limitation on authority of commission.** The commission shall advise the Board of Control upon the planning and location of buildings, the development of the capitol area as to general design, landscaping, traffic management, monuments, statues, fountains and in regard to all other matters and things connected with any proposed construction or development to be undertaken by the state within the capitol area. The commission shall have no authority to prepare drawings, blueprints or specifications for buildings, roads, highways, parks, landscaping, monuments or statuary, but as to all such matters shall act in an advisory capacity only.

**276.040 Commission to cooperate with officers and commissions of City of Salem.** The commission shall inform the mayor and board of aldermen of the City of Salem, the City of Salem planning and zoning commission and the Salem long-range planning commission of the plan of the state in regard to the capitol area, as such plan develops and matures. The commission shall make all possible effort to obtain the cooperation of such officers and commissions of the City of Salem for the purpose of establishing such zoning of that part of the city contiguous to the capitol area as will effectuate the purpose of the State of Oregon to maintain its administrative buildings in a continuous, park-like area, in appropriate environment.

**276.042 Compensation of commission members; clerical assistance.** Members of the commission shall serve without compensation. The commission is authorized to employ clerical assistance as required.

**276.044 Biennial report and recommendations of commission.** On the first Monday in December next preceding each regular session of the Legislative Assembly, the

commission shall file with the Governor a report of its activities for the preceding biennium and a summary of recommendations made by it.

**276.046 Board of Control may acquire and improve land in capitol area.** (1) The Oregon State Board of Control may obtain title in the name of the State of Oregon to all land lying in the area bordered by Capitol and Winter Streets on the east and west and from Court Street on the south to D Street on the north, in the City of Salem, Marion County, Oregon, by purchase, agreement, donation or exercise of the power of eminent domain, for development as a part of the capitol area.

(2) From time to time, when offered at proper prices and from funds available through appropriations for such purpose or through the Emergency Board, the Board of Control may purchase or acquire by agreement or donation, for development as a part of the capitol area, land lying in the area of the City of Salem bordered by Capitol and Winter Streets on the east and west and by Court Street on the south to D Street on the north.

(3) The board may improve and develop the land acquired in a manner to accomplish the purpose and intent of ORS 276.028. [Amended by 1957 c.377 §1]

**276.047** [1953 c.608 §§1, 4; repealed by 1955 c.54 §1]

**276.048 Use of certain land in block 36 of City of Salem.** The tract of land at the southwest corner of Thirteenth and Ferry Streets, in block 36, University Addition to the City of Salem, Oregon, acquired pursuant to section 1, chapter 297, Oregon Laws 1949, shall be used in connection with the state heating plant and as future sites for the erection of state buildings. Until such land is used as building sites, such part of it as may not be required for use in connection with the state heating plant may be used as a parking lot for motor vehicles or for such other purpose as the Board of Control may authorize.

**276.049 State central garage.** (1) The Oregon State Board of Control hereby is authorized to plan, construct, furnish and equip a building to be used as a state central garage. Such building shall be constructed on that portion of the tract of land bordered on the north by Ferry Street, on the east by Thirteenth Street, on the west by Twelfth

Street and on the south by the alley located approximately 140 feet south of Ferry Street, which is not now occupied by the state heating plant.

(2) The general control, management and actual custody and care of the building constructed pursuant to this section shall be vested in the Secretary of State in the same manner as are other buildings under ORS 276.012 to 276.020. The garage in such building shall be operated and administered by the Department of Finance and Administration. [1953 c.510 §1]

**276.050 Building on block 29 of City of Salem.** (1) The Oregon State Board of Control hereby is authorized to plan, construct, furnish and equip a building on the site described in section 3 of chapter 510, Oregon Laws 1953.

(2) The building constructed pursuant to this section first shall be assigned to the Department of Finance and Administration and the Department of Agriculture. The general control, management and actual custody and care of the building shall be vested in the Secretary of State in the same manner as are other buildings under ORS 276.012 to 276.020. [1953 c.510 §2]

**276.051 Purchasing land in block 82 of City of Salem; improving land in capitol area.** (1) The Oregon State Board of Control may obtain title in the name of the State of Oregon to land in block 82, in the City of Salem, Marion County, Oregon, as shown by the original plat of the city, by purchase, agreement, donation or exercise of the power of eminent domain, as a site for a state office building or buildings.

(2) The board may improve the land so acquired and other state lands adjacent to the capitol group buildings, by landscaping it and effecting such street vacation and relocation in connection therewith as the board may deem necessary.

(3) The omission of sections 3 and 4, chapter 363, Oregon Laws 1949, from the Oregon Revised Statutes, because they are not general and permanent in nature, is not intended to effect the repeal of such sections.

**276.052 to 276.058** [Reserved for expansion]

**276.060 "Capitol area" defined for ORS 276.060 to 276.066.** As used in ORS 276.060 to 276.066, "capitol area" includes:

(1) The area bordered by Capitol Street

on the east and Winter Street on the west and from Court Street on the south to D Street on the north in Salem; and

(2) The area on which the Capitol and the supreme court, state office, state agricultural and the central heating plant buildings are located and the grounds surrounding and adjacent to such buildings. [1953 c.67 §1; 1957 c.377 §2]

**276.062 Management and disposition of buildings on property purchased for capitol area.** The Oregon State Board of Control, in its discretion, may:

(1) Sell, wreck or dispose of the buildings and improvements that exist, at the time of acquisition, on property located in the capitol area which is acquired by the state for future expansion of the capitol area.

(2) Permit the use of such buildings and improvements by any state officer, department, board or commission, to be operated and managed by the Secretary of State and considered as a part of the capitol buildings and grounds as defined in ORS 276.010.

(3) Rent or lease such buildings and improvements to private persons. [1953 c.67 §2]

**276.064 Capitol Properties Account.** (1) There hereby is established the Capitol Properties Account in the General Fund in the State Treasury. All moneys received by the Oregon State Board of Control from the sales, leases or rentals made pursuant to subsections (1) and (3) of ORS 276.062 shall be deposited to the credit of the Capitol Properties Account.

(2) Notwithstanding ORS 291.238, the Capitol Properties Account hereby is appropriated continuously for:

(a) The operation, maintenance and repair by the Oregon State Board of Control of the buildings and improvements referred to in ORS 276.062.

(b) The construction and maintenance of parking areas on properties owned or acquired by the state in the capitol area.

(3) The Secretary of State shall audit all claims approved by the Oregon State Board of Control, which have been incurred in pursuance of law and the appropriation made by this section and shall draw his warrant on the State Treasurer for the payment thereof, payable out of the Capitol Properties Account. [1953 c.67 §3; 1957 c.349 §2]

**276.066 Annual transfer of moneys from Capitol Properties Account to General Fund.** On June 30 of each year, the Secretary of State shall transfer to the General Fund to be available for general governmental expenses, all moneys remaining unexpended in the Capitol Properties Account in excess of \$5,000. [1953 c.67 §4]

**276.068 to 276.100** [Reserved for expansion]

#### ACQUISITION OF STATE OFFICE BUILDINGS WITH STATE TRUST FUNDS

**276.110 Definitions.** As used in ORS 276.110 to 276.138, unless the context requires otherwise:

(1) "Board of Control" means the Oregon State Board of Control or its legal successor in interest with respect to state office buildings.

(2) "Bond commission" means the State Bond Commission.

(3) "Capitol area" has the same meaning given that term in ORS 276.010.

(4) "Cost of acquisition" includes the costs of sites, plans, specifications, architects' fees, interest on investments of the investing funds and all other costs related to the erection and equipping of office buildings or to the purchase, alteration, repair and equipping of buildings for office purposes.

(5) "Department" means the Department of Finance and Administration.

(6) "Director" means the Director of the Department of Finance and Administration.

(7) "Investing agency" means the board or commission whose funds are invested.

(8) "Investing funds" means those funds enumerated under ORS 291.604 and 237.271, when invested pursuant to ORS 276.110 to 276.138.

(9) "Office building" means any building acquired under the provisions of ORS 276.110 to 276.138 to provide centralized office quarters for state agencies and may include buildings for parking or storage facilities. [1957 c.727 §1]

**276.112 Action by Department of Finance and Administration when state office building required.** When the director, with approval of the Board of Control if the office building is to be located in the capitol area, determines that an office building costing not less than \$100,000 would be the best means to further the public policy of this state as declared in ORS 276.426, or to other-

wise satisfy the office needs of state agencies, the Department of Finance and Administration may:

(1) Request the bond commission and investing agency, if they approve the building plan or purchase, to invest funds to acquire the building or buildings necessary to carry out that policy.

(2) Purchase, have constructed, alter, repair and equip buildings acquired for office buildings out of moneys in the accounts established by ORS 276.124 and 276.126.

(3) Acquire by gift, purchase, leasehold interest, or condemnation in the name of the investing fund suitable sites for the construction of office buildings out of moneys in the accounts established by ORS 276.124 and 276.126.

(4) Operate and maintain office buildings not in the capitol area out of moneys in the Office Building Operating Account. [1957 c.727 §2]

**276.114 Investment of funds by bond commission.** For the purpose of ORS 276.110 to 276.138 in addition to the approved investments specified in ORS 291.606, the bond commission with approval of the investing agency may invest not to exceed seven percent of the funds set forth in ORS 291.604 and 237.271 upon such terms and conditions as the bond commission, the Board of Control if the office building is to be located in the capitol area, the department and the investing agency determine. Such investments are deemed to be the equivalent of investments in the securities specified in ORS 291.606. [1957 c.727 §5]

**276.116 Leasing state property in capitol area to investing fund.** If the director, Board of Control, bond commission and investing agency agree that an investment should be made in an office building within the confines of the capitol area, nothing in ORS 276.110 to 276.138 nor other provision of Oregon Revised Statutes shall prevent leasing, and the Board of Control in the name of the State of Oregon is empowered to lease, to an investing fund property owned by the State of Oregon for lease terms not to exceed 99 years; and office buildings may be erected thereon as provided in ORS 276.110 to 276.138. [1957 c.727 §14]

**276.118 Declaration of policy concerning location and manner of construction of buildings.** It is declared to be public policy that any building acquired or erected pursuant

to ORS 276.110 to 276.138 shall be located and constructed in such a manner that it shall constitute a maximum value investment of the investing fund with emphasis on:

(1) Structural function and utility of the building.

(2) Access by the public.

(3) Resale value of the building by the investing fund to other funds, public agencies or private sources. [1957 c.727 §13]

**276.120 Building and site as investment of investing fund.** Each office building and the site, including leasehold interests therefor, shall represent an investment of the investing funds; and title or leasehold interest shall be vested in the investing funds. [1957 c.727 §6]

**276.122 Assistance, grants, donations or gifts from United States and others; disposition.** For any of the purposes of ORS 276.110 to 276.138, the director may accept financial assistance and grants, either in the form of land, leasehold interests, money or labor, from the United States, State of Oregon, or any of its agencies subject to the conditions imposed thereon, regardless of any conflicting state law and may accept any grant or donation of land, leasehold interest, money or other valuable property made by others. Unless enjoined by the terms of the grant or donation, the director may convert the same into money and all moneys so obtained shall be credited to the account in the General Fund from which the building or buildings for which the grant or donation was made will be acquired. [1957 c.727 §3]

**276.124 Office Building Acquisition Account.** There hereby is created in the General Fund an account to be known as the "Office Building Acquisition Account." Funds invested by the investing funds pursuant to ORS 276.110 to 276.138 for office buildings not in the capitol area shall be transferred into this account and the moneys in this account hereby are continuously appropriated for the payment of the cost of acquisition of such office buildings. [1957 c.727 §9]

**276.126 Capitol Area Building Acquisition Account.** There hereby is created in the General Fund an account to be known as the "Capitol Area Building Acquisition Account." Funds invested by the investing funds pursuant to ORS 276.110 to 276.138 for office buildings to be located in the cap-

itol area shall be transferred into this account and the moneys in this account hereby are continuously appropriated for the payment of the cost of acquisition of such office buildings. [1957 c.727 §10]

**276.128 Fire and other insurance.** The director shall as an operating cost insure the office buildings against fire and other hazards in such sums as required to protect the value of buildings. Such insurance shall be supplemental to that afforded by the State Restoration Fund, without the right of other insurers, in the event of loss, to subrogation to or contribution from that fund. [1957 c.727 §11]

**276.130 Assigning space; determining amount of rent.** The department, or the Secretary of State if the office building is in the capitol area, shall assign state agencies space in office buildings acquired under the provisions of ORS 276.110 to 276.138 and such agencies shall pay rent for space occupied. The department and bond commission, or the Board of Control if the office building is in the capitol area, shall fix and periodically adjust rentals so as to provide:

(1) An amount sufficient to pay, within a period of not more than 30 years, the cost of acquisition of the office building.

(2) An additional amount for the purpose of operating, maintaining and insuring office buildings. [1957 c.727 §4]

**276.132 Manner of paying rent; disposition of rent paid.** The department, or the Board of Control if the office building is in the capitol area, shall submit to the Secretary of State, at the end of each rental period, a duly verified claim showing the total rent due from each state agency occupying space in office buildings and the part thereof charged for operation and maintenance costs. The Secretary of State shall transfer the total amount due from each agency from the funds or appropriations of the agency which are available for such an expenditure and the funds received from other lessees and place the amount charged for insurance, operation and maintenance costs of those buildings not in the capitol area in the Office Building Operating Account. The moneys in that account hereby are continuously appropriated for the payment of all costs of operating and maintaining those office buildings and their sites. Amounts charged for insurance, operation and maintenance of office buildings in the

capitol area shall be placed in the General Fund. The remainder of the amount transferred shall be paid to the State Treasurer to be deposited in the investing funds. Such transfers may be made by a warrant drawn on the State Treasurer in the manner provided by ORS 291.462. [1957 c.727 §8]

**276.134 Renting space to public agencies and private citizens; private concessions.** Space in any such buildings not needed or available to state agencies may be rented in order of priority first to other public agencies then to private citizens provided the buildings may in the first instance contain space for private concessions. Receipts from rentals to other than state agencies shall be disposed of in the manner set forth for rentals to state agencies. [1957 c.727 §12]

**276.136 Duties of Secretary of State with respect to buildings in capitol area.** With respect to office buildings in the capitol area, the Secretary of State or his legal successor to such powers and duties, shall exercise the powers and perform the duties imposed upon him by law pertaining to buildings in such area unless otherwise specifically provided. [1957 c.727 §14]

**276.138 Sale of building, site or interest therein.** Notwithstanding any other provision of Oregon Revised Statutes pertaining to sale of public property, the bond commission with the approval of the investing agency may sell any site and building or interest therein so acquired by offer for sale by sealed bid providing that any bid may be rejected and provided further the State of Oregon shall have first option to purchase at the highest bid accepted. [1957 c.727 §15]

**276.140 to 276.200** [Reserved for expansion]

**WATER, HEAT, LIGHT, POWER, SEWAGE, FIRE PROTECTION AND COMMUNICATION FACILITIES FOR STATE BUILDINGS; REPAIR, RECONSTRUCTION AND REPLACEMENT OF STATE BUILDINGS, FIXTURES AND FURNITURE DAMAGED BY FIRE**

**276.210 Definitions.** When used in ORS 276.210 to 276.228, unless the context requires otherwise, "state institutions and buildings" means the institutions, works and buildings owned by, and situated in, this state and governed, managed or administered

ed by the Oregon State Board of Control and the other state buildings owned by the state and used by any of the departments of the state.

**276.212 Board of Control may establish and operate heat, light, communication and power systems.** (1) The Oregon State Board of Control may, as it deems necessary, suitable or expedient, acquire, design, erect, complete, maintain and operate:

(a) Steam heating systems, power systems, machines, engines and equipment, with necessary transmission poles and lines, pipes or conduits for the purpose of generating and furnishing steam heat, electric energy, current, light, heat and power for the state institutions and buildings.

(b) Systems for the purpose of transmitting and receiving messages by radio, telephone, telegraph or other device or system in the transaction of business of the state or in which the state is interested.

(2) The Board of Control may do all things necessary for:

(a) The delivery of steam heat, electrical current, energy, light, heat and power to the state institutions and buildings.

(b) The transmitting and receiving of messages by radio, telephone, telegraph or other device or system in the transaction of business of the state or in which the state is interested.

**276.214 Acquiring land, buildings and structures; eminent domain procedure.** (1) The Board of Control may acquire by purchase, condemnation or otherwise:

(a) The land, buildings and structures deemed necessary, suitable or expedient for carrying out the provisions of ORS 276.212.

(b) The easements or rights of way, within or outside of any city or town, necessary for the construction, operation, maintenance or repair of underground conduits, pipes, transmission poles and wires.

(2) The Board of Control shall have the power of eminent domain for the purpose of acquiring any property necessary for carrying out the provisions of ORS 276.212. The action or proceeding shall be brought in the name of the State of Oregon in the circuit court of the proper county in this state. The procedure shall be that provided by law for the condemnation of real property or other property for the use of the public by the state or a subdivision of the state. The Board of Control may take immediate possession of the property, or the

use of the property, required by the state for the purposes of ORS 276.212 by depositing with the clerk of the court the sum of money that the court, on five days' notice to the adverse party, deems adequate to secure the owner of the property sought to be taken.

**276.216 Erecting and constructing buildings and structures.** The Board of Control may erect and construct the buildings and structures deemed necessary, suitable or expedient for carrying out the provisions of ORS 276.212 upon lands now owned by the state or lands acquired by the Board of Control.

**276.218 Acquiring machines and equipment; purchase terms; pledging funds appropriated for maintenance and operation.**

(1) The Board of Control may acquire by purchase, lease or otherwise, the machines, engines, boilers, pipes, steam fittings, electrical equipment, appliances, transmission poles, lines, wire and other equipment necessary in carrying out the provisions of ORS 276.212, for cash, on contract, or conditional bill of sale, retaining title in the vendor until the machine, equipment or materials are paid for. The Board of Control may contract to pay, as rental or otherwise, on the amortization plan, the principal and interest of the purchase price of such personal property.

(2) The rate of interest on the principal of the purchase cost shall not exceed six percent per year, payable semiannually or annually, as determined by the Board of Control. Such payments may be evidenced by certificates; and until such certificates or contracts are paid, the Board of Control may pledge, on behalf of the State of Oregon, for the retirement of such certificates or settlements of deferred payments on contracts, such reasonable sums from appropriations heretofore and hereafter made for the maintenance and operation of the state institutions and buildings as is required for:

(a) The purchase or securing of steam heat, electrical current or energy from private persons or corporations for light, heat and power for any such state buildings or institutions.

(b) Transmitting and receiving messages by radio, telephone, telegraph or other device or system in the transaction of any or all business of the state or in which the state is interested.

(3) The Board of Control may make instalment payments on such certificates or contracts on such purchase price. Such obligations shall not be deemed a general indebtedness of the state, but shall be payable out of appropriations made or provided for the operation and maintenance of such state institutions and buildings.

**276.220 Payment of cost of real and personal property.** The Board of Control may, for the purpose of paying in whole or in part the cost of any real or personal property acquired or contracted to be purchased or otherwise acquired under the provisions of ORS 276.210 to 276.228, use from any sum appropriated by law for the maintenance, operation and capital outlays of any of the state institutions and buildings or departments, such amount thereof, or equivalent amount, as is reasonably required or would otherwise be paid for the purchase of, or payment for, steam heat, electrical current or energy supplied by any person or corporation to any such state buildings or institutions for heat, light or power, and for the purpose of transmitting and receiving messages by radio, telephone, telegraph or other device or system in the transaction of business of the state or in which the state is interested.

**276.222 Contracting to purchase services and use facilities.** The Board of Control may:

(1) Contract with any person for the furnishing of heat, light, power, telephone, telegraph or radio, or either or all thereof, for any of the purposes mentioned in ORS 276.210 to 276.228.

(2) Enter into any necessary contract or agreement with any person for the exclusive use, joint use or common use of any facilities, structures or equipment needful, convenient or necessary to enable the state to carry out any of the provisions of ORS 276.210 to 276.228.

**276.224 Charges for providing heat, light, communication, power facilities; transfer from appropriations to revolving fund.** In addition to any other lawful method of paying the costs and expenses incurred under the provisions of ORS 276.210 to 276.228, the Board of Control may at its discretion estimate the cost to each and every state building, institution or department affected by the cost and expense of any construction, contract, maintenance and operation made

under ORS 276.210 to 276.228 and direct the State Treasurer to transfer from any appropriate or corresponding appropriation theretofore or hereafter made for such state buildings, institutions or departments, the amount thus determined by the Board of Control to a revolving fund hereby created. For this purpose such respective amounts hereby are further appropriated. All obligations incurred under ORS 276.210 to 276.228 shall be paid from such revolving fund.

**276.226 Acceptance of federal funds; contracts with United States or its agencies.** The Board of Control may:

(1) Accept on behalf of the State of Oregon from the United States or any of its agencies such funds as may be made available to this state for any of the purposes contemplated by ORS 276.210 to 276.228.

(2) Enter into such contracts and agreements with the United States or any of its agencies as may be necessary, proper and convenient, not contrary to the laws of this state.

**276.228 Approval of claims.** All claims, bills and demands incurred in carrying out the provisions of ORS 276.210 to 276.228 shall be presented to the Board of Control for its approval and, on approval, shall be audited and paid as other claims and demands against the state.

**276.230** [Repealed by 1953 c.259 §4]

**276.232 Definitions for ORS 276.234 to 276.244.** When used in ORS 276.234 to 276.244, "board" means the Oregon State Board of Control. [Amended by 1953 c.259 §1]

**276.234 Providing water and water power for public buildings and institutions.** (1) The board shall provide for the supplying of the public institutions with water and water power sufficient for the present and future use of the institutions. The board shall have full power to carry into effect the provisions of this section.

(2) As used in this section, "public institutions" means the public institutions, buildings and works that are, from time to time, created by law and come within the jurisdiction of the board and the other public institutions of the state now or hereafter located at or near the seat of government. [Amended by 1953 c.259 §2]

**276.236 Board may acquire land, water and water rights, watercourses, franchises and privileges.** The board may purchase, contract for, and lease, in the name of the state, real property, water, water rights and watercourses, franchises and privileges. Whenever the board deems it necessary or proper, it may appropriate and condemn real property, water, water rights and watercourses, franchises and privileges, including the right to take and condemn real property, water, water rights and watercourses, franchises and privileges, appropriated for or devoted to a public use before February 27, 1901, by any person or corporation under and by virtue of the laws of this state or the Territory of Oregon.

**276.238 Purchase of land, water and water rights, watercourses, franchises and privileges.** When the owner fixes a price for his land, water, watercourses and water rights, franchises and privileges that is, in the opinion of the board, reasonable, the board may purchase the property at the price fixed without further delay.

**276.240 Eminent domain procedure; possession of property; rental value.** (1) In any condemnation proceedings under ORS 276.232 to 276.244, the practice, pleadings, forms and modes of procedure shall conform as near as may be applicable to the practice, pleading, forms and procedure prescribed for the appropriation of real property by private corporations in ORS chapter 35.

(2) When it appears that the board has offered the defendant, before commencing the action, an amount equal to or greater than that assessed by the jury, the state shall recover its costs and disbursements from the defendant.

(3) If condemnation proceedings are commenced, the board may, at the date of the commencement of the proceedings, take immediate possession of the real property, water and water rights, and watercourses and privileges mentioned in ORS 276.236, or of so much of any or either thereof as may be necessary for the uses of the state, and continue in the possession and have and enjoy the use thereof during the pendency of the condemnation proceedings and until the final determination of the condemnation proceeding, including an appeal to the Supreme Court if appeal is taken. The reasonable rental value for such time shall be assessed by the jury, if the case is tried

before a jury, otherwise by the court. The defendant owner shall have judgment for such reasonable rental value, regardless of whether the condemnation proceedings are finally decided for or against the board. Such reasonable rental value shall be included in the general damages allowed by the court or jury.

**276.242 Proceedings in name of state; verification of pleadings; conveyances and contracts.** All actions and proceedings shall be brought in the name of the state, and the pleadings shall be verified by some member of the board. All conveyances of lands, or water and water rights, franchises and privileges, shall be made directly to the state, and all leases and contracts shall be made by the board in the name of and for the use and benefit of the state.

**276.244 Powers of board.** The board may:

(1) Go upon lands or premises to make surveys and estimates of cost.

(2) From time to time, purchase, lease, contract for or condemn any property, land, water or water rights, franchises and privileges.

(3) Construct canals, flumes, ditches and pipe lines for conveying waters and reservoirs for the storage of waters.

(4) Repair, improve and enlarge any plants, property or property rights, ditches, flumes and pipe lines which may be acquired or constructed under the authority conferred by ORS 276.234 to 276.244.

(5) Use such measures and employ such persons as, in the opinion of the board, may be proper and suitable to carry out the provisions of ORS 276.234 to 276.244.

**276.246 Repair, replacement and reconstruction of buildings, appliances, fixtures and furniture damaged by fire.** In case of the loss of or damage to any public building of this state or any state institution, educational or otherwise, by fire, or in case of the loss or damage by fire to the apparatus, fixtures, appliances or furniture of any such building, the Department of Finance and Administration may, upon the application of the proper authority or authorities in charge of the building, apparatus, fixtures, appliances or furniture, showing the nature, character and amount of the loss, authorize the immediate reconstruction, rebuilding, repairing or replacing of the buildings, apparatus, fixtures, appliances or furni-

ture. The Secretary of State shall audit and allow all claims therefor, not exceeding in the aggregate an amount specified by the department, in the same manner as other claims against the states are audited and allowed and shall issue his certificates of indebtedness therefor. Such certificates shall bear legal interest from date until paid. In no case shall the expenditure of a larger sum be authorized, permitted or made than the actual loss or damage sustained, as shown by the certificate of a competent person or persons appointed by the department to appraise the amount of the damage. [Amended by 1953 c.259 §3]

**276.248 Water pipes and supply; entry to place and repair pipes; damages for use of land.** (1) The directors or other lawful managers of any public institution of the state may:

(a) Enter upon the lands through which they desire to conduct their pipes for the purpose of providing water supplies and lay the pipes underground.

(b) Enter at all times upon such lands for the purpose of keeping the water line in repair and do all things to that end.

(2) If damages are claimed for the use of such lands and the parties cannot agree as to the amount of compensation to be paid, they may proceed in the manner provided by law for railroad companies to procure right of way.

**276.250 Agreement with City of Salem for water and fire protection.** The Oregon State Board of Control may enter into an agreement with the City of Salem for the furnishing of water and fire protection services to all state buildings and institutions in the vicinity of Salem. The rates and terms provided therein shall be equitable and shall not be higher than existing costs of the same amount of water to the state. In addition thereto, equitable payment, as agreed upon by the State Board of Control shall be made for fire protection or increased fire protection to state buildings and institutions outside the corporate limits of the City of Salem resulting from the improved water supply.

**276.252 Sewage system for state institutions and departments.** The State Board of Control may construct sewage systems for state institutions and departments located in and near the City of Salem, connect the state sewers with the City of Salem

sewer system and enter into a contract with the City of Salem by which the state will contribute its relative proportion of the cost of the sewage disposal plant to be constructed by the City of Salem. The Board of Control may enter into a contract with the City of Salem for the use of the sewage disposal plant and provide for the payment to the City of Salem of a reasonable share of the cost of operating the plant.

**276.254 to 276.400** [Reserved for expansion]

#### **ASSIGNMENT, LEASING AND RENTAL OF STATE BUILDINGS AND OTHER OFFICE QUARTERS**

**276.410 Assignment of quarters to officers, boards and commissions.** The Secretary of State shall assign adequate quarters in a state office building, or in some other building in the City of Salem owned by the state, for all state officers, board and commissions whose business or functions are, in the judgment of the Oregon State Board of Control, of such extent or public importance as to require quarters therein.

**276.412 Payment of rent by "self-supporting" state agencies occupying quarters in state-owned buildings.** (1) Each month the Secretary of State shall transfer to the General Fund, from funds respectively available for the use of state agencies to which quarters in any state building have been assigned, and which, as part of their official duties, collect, receive or expend money derived from sources other than direct taxation, all of which is appropriated to be expended by them, an amount to be fixed by the Oregon State Board of Control, as rent for the preceding month for the quarters assigned to such agencies. Such transfer may be made by a warrant drawn on the State Treasurer in the manner provided by ORS 291.462. With respect to rentals collected for periods commencing on or after July 1, 1951, one-third of such rentals shall be credited to the Salem Office Buildings Account and two-thirds thereof shall be credited to the General Fund of the state for general governmental purposes.

(2) On or about July 15, 1952, and each year thereafter, the Secretary of State shall transfer from the Salem Office Buildings Account to the General Fund an amount that bears the same relationship to the total amount expended during the preceding fis-

cal year for salaries and wages and general, operating and maintenance expenses in the operation of the capitol buildings and grounds as the total area occupied by the agencies paying rent for space in such buildings bears to the total tenantable area in such buildings.

276.414 [Repealed by 1955 c.243 §2]

276.416 [Repealed by 1955 c.243 §2]

**276.418 Agreements to lease or rent office quarters by certain state agencies require approval by Department of Finance and Administration.** After May 11, 1951, any authority possessed by the State Industrial Accident Commission, the Public Utilities Commissioner, the State Tax Commission, the Unemployment Compensation Commission, the State Public Welfare Commission, or the State Department of Geology and Mineral Industries, to enter into any lease or rental agreement for the leasing or rental of office quarters, including quarters for branch offices, shall be exercised only with the approval of the Department of Finance and Administration. Any such lease or rental agreement entered into prior to May 11, 1951, shall be terminated at the earliest date possible under the terms of the lease or agreement.

**276.420 Department of Finance and Administration may enter into leases and rental agreements on behalf of certain agencies.** Where any agency named in ORS 276.418 does not have authority by law to enter into a lease or rental agreement for office quarters, the Department of Finance and Administration shall have authority, with the approval of the agency, to enter into a lease or rental agreement on behalf of the agency.

**276.422 Conditions for approval of leases and rental agreements.** The Department of Finance and Administration shall not approve any lease or rental agreement proposed to be entered into by any of the agencies named in ORS 276.418, nor enter into a lease or rental agreement on behalf of any of such agencies, for office quarters in any community, unless the premises proposed to be leased or rented are so situated that office quarters in the same building or in a building in close proximity thereto may be leased or rented for all the other agencies named in ORS 276.418 requiring

office quarters in the same city or community. When any lease or rental agreement for one of the agencies named in ORS 276.418 has been approved or entered into, no lease or rental agreement for any other of such agencies for office quarters in the same city or community shall be approved or entered into except for quarters located in the same building or in a building in close proximity thereto.

**276.424 Joint leases.** Any two or more of the agencies named in ORS 276.418, with the approval of the Department of Finance and Administration, may enter into a joint lease or rental agreement for office quarters in the same city or community, with such provision for apportionment of the rental as may be agreed upon. In the case of an agency not having authority to enter into a lease or rental agreement for office quarters, the Department of Finance and Administration, with the approval of the agency, may enter into such a joint lease or rental agreement on behalf of the agency.

**276.426 Location of leased office quarters of state agencies to be centralized.** It is declared to be the public policy of this state to promote economy, efficiency and convenience to the public by means of centralizing the location of office quarters of all state agencies having offices in the same city or community. Therefore, any state agency not named in ORS 276.418, requiring office quarters in any city or community and having authority by law to rent or lease such quarters, shall, wherever feasible, rent or lease quarters in the same building in which are situated the office quarters of one or more other state agencies, including those named in ORS 276.418, or in a building in close proximity thereto. To the same end, quarters for the agencies named in ORS 276.418 shall, wherever feasible, be rented or leased in the same building in which another state agency not so named has office quarters, or in a building in close proximity thereto. To accomplish the purposes of this section, state agencies may enter into sublease or joint lease agreements, subject, in the case of the agencies named in ORS 276.418, to the approval of the Department of Finance and Administration.

**276.428 Supervision of leases and rental agreements; ordering changes in location of office quarters for state agencies.** The De-

partment of Finance and Administration shall exercise supervisory authority over all leases or rental agreements for office quarters for all state agencies excepting the offices of those constitutional state officers who are members of the Oregon State Board of Control. Any such agency shall make such changes in the location of its office quarters in any city or community as are ordered by the Department of Finance and Administration, upon a determination by said department that the relocation will be in the best interests of the state, and will improve services, reduce rentals or be to the advantage of the general public. In order to accomplish any change of location so ordered, any outstanding lease or rental agreement shall be terminated at the earliest date possible under the terms of the lease or agreement.

**276.429 Department of Finance and Administration leasing office space for state agencies.** (1) The Department of Finance and Administration shall have authority to enter into leases and rental agreements, as lessee, for office quarters for state agencies. The term of any such lease or rental agreement shall not exceed 10 years.

(2) Immediately following each monthly rental period, the Secretary of State, where feasible to do so, may deduct from funds or appropriations available for the payment of operating and maintenance expenses of each state agency occupying office quarters leased under subsection (1) of this section, a sum equal to such part of the total amount required for the rent of such quarters as the rental value of the space occupied by each of the state agencies bears to the whole amount of the rental value of such space so leased by the state. Such sums and rental values shall be determined by the Department of Finance and Administration. The money so deducted by the Secretary of State shall be placed in the General Fund in the State Treasury to the credit of an account to be known as the Agency Rental Account and such moneys hereby are appropriated for the payment of the rental of such office quarters. [1953 c.591 §1; 1955 c.243 §1]

**276.430 Rental of space in certain state buildings for meetings and concessions.** The Secretary of State, as custodian of the capitol, supreme court, and state office buildings, may, in his discretion, permit the oc-

casional use of any unoccupied or vacant room or space in any of such buildings by persons or organizations for conventions, assemblies, or other meeting purposes of a public nature, and allow therein the operation of such concessions as may be deemed convenient, when such use will not interfere with the orderly conduct of state business, and is consistent with the public interests. For such use, the Secretary of State shall fix and collect a rental sufficient to defray the cost of janitor services and other expenses properly chargeable thereto. The moneys so collected shall be turned over to the State Board of Control for deposit in the State Institutional Betterment Fund provided by ORS 179.460.

**276.432 to 276.500** [Reserved for expansion]

#### PARTICULAR STATE BUILDINGS

**276.510 Public Service Building defined.** As used in ORS 276.510 to 276.524, unless the context requires otherwise, "Public Service Building" means the state office building constructed on block 85 of the original plat of the City of Salem pursuant to chapter 446, Oregon Laws 1941, as amended.

**276.512 Assigning quarters in Public Service Building; determining and paying rent; Salem Office Buildings Account.** (1) The Secretary of State shall assign quarters in the Public Service Building to such state offices and departments sustained or supported from funds principally derived from other than direct taxation of real and personal property, as in his judgment he may deem advisable. Such departments, regardless of the source of the funds from which they are operated, supported or sustained and notwithstanding the provisions of any other statute in conflict herewith, and particularly ORS 276.410 and 276.412, shall pay such an amount as rent for the quarters as the Board of Control determines.

(2) The amount of rentals to be paid shall be fixed by the board so as to provide:

(a) Sufficient funds for the repayment to the Common School Fund of the entire loan authorized by chapter 446, Oregon Laws 1941, as amended and supplemented, together with interest thereon, within a period of 30 years from and after the date of the completion of the Public Service Building; which funds, when collected, shall be credited to the Building Rental Fund established in ORS 276.514.

(b) Additional funds, equal to 50 percent of the amount required for the purpose of paragraph (a) of this subsection, chargeable as a contribution toward the cost of operating and maintaining the Public Service Building; which additional funds, when collected, shall be deposited in the State Treasury to the credit of the General Fund, in an account to be known as the Salem Office Buildings Account for disbursement as provided by ORS 276.412.

**276.514. Crediting rent payments; Building Rental Fund; use of fund; procedure where fund insufficient or has excess.** All the moneys derived as rentals from the use and occupancy of the Public Service Building, except as provided in ORS 276.512, shall be credited and become a part of a fund separate and distinct from the General Fund, to be designated the Building Rental Fund. The fund shall be applied, and hereby is appropriated, only for payment of the interest upon and repayment of the principal of the amount transferred from the Common School Fund under chapter 446, Oregon Laws 1941, as amended and supplemented. If, on the day preceding that upon which a minimum semiannual payment required by ORS 276.518 is due, the moneys in the Building Rental Fund are not sufficient to make such minimum payment, the State Treasurer shall transfer to the Building Rental Fund from rentals derived from those state buildings known as the State Office Building and State Printing Building at Salem, the amount of the deficiency in the Building Rental Fund. If at payment date there is an excess of moneys in the Building Rental Fund, after allowing for the minimum semiannual payment, the amount of the excess shall, on such date, be applied upon the unpaid principal of the amount repayable to the Common School Fund.

**276.516 Public Service Building and site as investment of Common School Fund; insurance.** (1) The real property within block 85 and the Public Service Building shall represent an investment of the Common School Fund to the amount that that fund is used in the purchase of a site for the building and in the payment of the cost of construction of the building, the permanent fixtures therefor, and the landscaping of the grounds in the block adjacent thereto, and, during payment therefor, as provided in ORS 276.520, to the extent of any unrefunded or unliquidated balance of the investment.

(2) The said board, in its discretion, may cause the building and appurtenances thereto to be insured against fire and other hazards in such sums as it considers advisable to protect the investment. Such insurance shall be supplemental to that afforded by the State Restoration Fund, without right of other insurers, in the event of loss, to subrogation to or contribution from that fund.

**276.518 Interest and principal; appropriation from Building Rental Fund for payment; vesting of title and disposition of rentals when repaid.** (1) There hereby is appropriated from the Building Rental Fund referred to in ORS 276.514 not less than \$50,000 semiannually on January 1 and July 1 to pay for the cost of the Public Service Building site and landscaping thereof and for the Public Service Building thereon and for the equipment and permanent fixtures therefor.

(2) The semiannual appropriations shall be applied in payment, first, of the interest upon the unrefunded amount of the Common School Fund used in defraying the cost of purchase of the project, and the remainder thereof shall be applied in partial repayment of the principal. The interest earnings and principal repayments shall be credited to the Common School Fund, the interest to the distributable or reducible portion, and the principal repayments to the undistributable or irreducible portion.

(3) The amount of the final instalment so to be paid shall be such only as will be necessary to complete the reimbursements of the Common School Fund in full for the funds transferred therefrom under the provisions of chapter 446, Oregon Laws 1941, and to pay the final increment of interest thereon.

(4) When the amount so transferred from the Common School Fund and the full amount of interest due thereon have been fully repaid and settled, the title to the property, with all improvements thereon, shall vest automatically in the state without further proceedings. Thereafter, the receipts from rentals from such property, as provided by ORS 276.410 and 276.412, shall be transferred or credited only to the General Fund.

**276.520 Submission of vouchers by State Land Board in payment of interest and principal; amount of interest.** On the first day of each January and July until the

cost of the site of the Public Service Building and the building thereon, with interest, has been fully liquidated, the State Land Board shall prepare and submit to the Secretary of State duly verified vouchers drawn upon the Building Rental Fund referred to in ORS 276.514. The vouchers shall be in payment of simple interest computed at not to exceed three and one-half percent a year upon such amount of the Common School Fund expended for the purposes listed in subsection (1) of ORS 276.516 as has not been refunded or repaid, and for such further sum as represents the difference between semiannual interest on the unrefunded amount and the semiannual sums appropriated in ORS 276.518. Interest shall begin to run from the date of the respective transfers to the State Office Building Fund of the different instalments of the Common School Fund.

**276.522 Board of Control to approve claims.** The Board of Control shall approve claims lawfully incurred pursuant to the appropriations contained in ORS 276.510 to 276.524.

**276.524 Assistance, grants, donations or gifts from United States and others; crediting State Office Building Fund.** The Board of Control may, in its discretion, accept financial assistance and grants, either in the form of money or labor, from the United States or any of its agencies, subject to the terms and conditions thereof, regardless of any law of this state in conflict with the regulations of the Federal Government with respect thereto, and also may accept any grant or donation of land or gift of money or other valuable property or thing made to the state by others, for any of the purposes contemplated by ORS 276.510 to 276.524. Unless enjoined by the terms or conditions of any such gift or grant, the board may convert the same, or any of them, into money, through sale or disposal thereof. Any moneys and the proceeds of sale of any property so received or obtained, together with the proceeds of sale of any of the improvements upon block 85, after acquisition thereof by the state, shall be credited to the State Office Building Fund referred to in section 4, chapter 446, Oregon Laws 1941, as amended.

**276.526** [Reserved for expansion]

**276.528 Portland State Office Building defined; other definitions.** As used in ORS

276.528 to 276.544, unless the context requires otherwise:

(1) "Portland State Office Building" means the state office building constructed in Portland pursuant to chapter 326, Oregon Laws 1947, as amended.

(2) "Board" or "commission" means:

(a) The State Land Board if the Common School Fund is to be used for the purposes of ORS 276.528 to 276.544.

(b) The State Industrial Accident Commission if the Industrial Accident Fund is to be used for the purposes of ORS 276.528 to 276.544.

(c) The Public Employes Retirement Board if Public Employes Retirement Funds invested by the State Bond Commission are used for the purposes of ORS 276.528 to 276.544.

(3) "Construction" or "cost of construction" includes the cost of plans, specifications, architects' fees, and other technical services appertaining to the erection of the Portland State Office Building.

**276.530 Assigning quarters in Portland State Office Building; determining and paying rent.** (1) The Secretary of State shall assign adequate quarters in the Portland State Office Building for all state officers, boards, commissions and departments that are located in Portland and in the judgment of the Board of Control are required to maintain offices in that city; but the term of leases entered into by such officers, boards, commissions and departments prior to April 1, 1947, shall not be affected thereby, except as otherwise provided in such leases. Unless a public institution of this state was located in Multnomah County, Oregon, on April 1, 1947, it shall not be given quarters in the building, except in accordance with section 3, Article XIV, Oregon Constitution.

(2) The amount of rentals to be paid shall be fixed by the Board of Control so as to provide:

(a) Sufficient funds for the repayment to the fund utilized for the purposes of ORS 276.528 to 276.544 of the entire amount authorized to be withdrawn therefrom pursuant to chapter 326, Oregon Laws 1947, as amended, together with interest thereon, within a period not to exceed 35 years from and after the date of completion of the Portland State Office Building; and

(b) Additional funds, equal to 50 percent of the amount required for the purposes

of paragraph (a) of this subsection, chargeable as a contribution toward the cost of operating and maintaining the Portland State Office Building.

**276.532 Crediting rent payments; Portland State Office Building Rental Fund; Portland Office Building Account.** (1) All rentals for the use and occupancy of the Portland State Office Building shall be deposited in the State Treasury.

(2) Two-thirds of the rentals shall become a part of a fund designated as the Portland State Office Building Rental Fund, which shall be applied, and hereby is appropriated, for the payment of interest upon and repayment of the principal of the amount transferred from the fund utilized for the purposes of ORS 276.528 to 276.544.

(3) One-third of the rentals shall be deposited in the State Treasury to the credit of the General Fund, in an account to be known as the Portland Office Building Account. On or about July 15 of each year the Secretary of State shall transfer from the Portland Office Building Account to the General Fund an amount equal to all salaries and wages and general, operating and maintenance expenses paid for the operation of the building during the preceding fiscal year.

**276.534 Source of funds for purchasing site and erecting and equipping Portland State Office Building.** For the purpose of purchasing the site for and erecting and equipping the Portland State Office Building at a total cost not exceeding \$2,650,000, the Board of Control may, at its election, use the Common School Fund, the Industrial Accident Fund, and the Public Employees Retirement Fund, or any one or more of them, to the extent and in the manner the board considers advisable.

**276.536 Land and building to constitute investment of fund used; insurance.** The Portland State Office Building and the land constituting the site therefor shall represent an investment of the fund from which the moneys used for the purchase and construction were derived. The Board of Control, in its discretion, may cause the building and appurtenances thereto to be insured against fire and other hazards in such sums as it considers advisable to protect the investment. Such insurance shall be supplemental to that afforded by the State Restoration Fund, without right of other insurers, in the

event of loss, to subrogation to or contribution from that fund.

**276.538 Interest and principal; use of Portland State Office Building Fund; procedure where fund insufficient.** (1) The appropriation to the Portland State Office Building Rental Fund provided in ORS 276.532 shall become available for purposes directed by that section whenever payments become due therefrom for the purposes thereof.

(2) The State Board of Control shall apply, on January 1 and July 1 of each year, all rentals accumulated in the Portland State Office Building Rental Fund to the payment of accrued interest and principal of funds utilized for the purposes of ORS 276.528 to 276.544, which shall be so credited until moneys transferred from the Common School Fund, the Industrial Accident Fund and the Public Employees Retirement Fund, or any of them, for the purposes of ORS 276.528 to 276.544 have been thereby returned to such respective funds. Thereafter the receipts from the rentals of the Portland State Office Building, including any unused balance of the funds appropriated to the Portland State Office Building Rental Fund, shall be deposited in the General Fund in the State Treasury.

(3) If the funds in the Portland State Office Building Rental Fund do not amount to \$50,000 on any semiannual payment date, then \$50,000, or such part thereof as may be required to be paid from such fund in excess of the then available amount thereof, hereby is appropriated and shall be paid from the General Fund in the State Treasury.

**276.540 Submission of vouchers for payment of interest; amount of interest.** On the first day of January and July of each year, until the cost of the site of the Portland State Office Building and the building thereon, with interest, has been fully liquidated, the board or commission having legal custody of the fund from which moneys used for the purposes of ORS 276.528 to 276.544 are derived shall prepare and submit to the Secretary of State duly verified vouchers drawn upon the Portland State Office Building Rental Fund. The vouchers shall be in payment of simple interest computed at a rate to be agreed upon by the Oregon State Board of Control and the board or commission, not in excess of three and one-half percent a year, upon such amount of

funds derived from the source as have been expended for the purposes of ORS 276.528 to 276.544 and have not been refunded or repaid, and for such further sum as represents the difference between semiannual interest on the unrefunded amount and the semiannual sums appropriated in ORS 276.532 and 276.538. Interest shall begin to run from the date of the respective transfers to the Portland State Office Building Fund of the different instalments of the fund utilized for the purposes of ORS 276.528 to 276.544.

**276.542 Assistance, grants, donations or gifts from United States and others; crediting Portland State Office Building Fund.** The Board of Control may, in its discretion, accept financial assistance and grants, either in the form of money or labor, from the United States or any of its agencies, subject to the terms and conditions thereof, regardless of any law of this state in conflict with the regulations of the Federal Government with respect thereto, and also may accept any grant or donation of land or gift of money or other valuable property or thing made to the state by others, for any of the purposes contemplated by ORS 276.528 to 276.544. Unless enjoined by the terms or conditions of any such gift or grant, the board may convert the same, or any of them, into money, through sale or disposal thereof. Any moneys and the proceeds of sale of any such property so received or obtained, together with the proceeds of sale of any of the improvements upon said property, after acquisition thereof by the state, shall be credited to the Portland State Office Building Fund.

**276.544 Portland State Office Building Fund.** There is established a special fund, separate and distinct from the General Fund, to be known as the Portland State Office Building Fund which shall be used to purchase a site for the Portland State Office Building and for the construction thereof and the purchase of permanent fixtures therefor.

**276.546 Secretary of State to be custodian of Portland State Office Building.** The Secretary of State shall be custodian and operator of the Portland State Office Building.

**276.548 State Highway Building defined.** As used in ORS 276.548 to 276.556, unless the context requires otherwise, "State

Highway Building" means the state office building constructed in Salem pursuant to chapter 450, Oregon Laws 1937, as amended.

**276.550 State Highway Building; construction and maintenance.** The State Highway Commission may construct and maintain in Salem an office building adequate to provide offices and space for the immediate and anticipated needs and requirements of the State Highway Department. The State Highway Commission may pay the cost of the construction, the upkeep, and the maintenance of the State Highway Building out of state highway funds; or the commission may enter into an agreement with the Board of Control for the construction of an office building, the construction of which may be financed with funds in the custody of the State Treasurer and available for loan purposes.

**276.552 Leasing space in State Highway Building to other departments; payment of rent by commission; disposition of revenues.** (1) The State Highway Commission may lease or rent to other state departments, commissions, boards or officers space in the State Highway Building not needed for the immediate requirements or needs of the State Highway Department, and may lease such space for such rentals as may be mutually agreed upon between the State Highway Commission and the commission, board, department or officer leasing any particular space.

(2) In the event the construction costs of the building are financed pursuant to a contract with the Board of Control as provided in ORS 276.550, the commission shall, until the indebtedness both as to principal and interest has been fully paid, pay rent for the part or space in the building as may be used and occupied by the State Highway Commission.

(3) All revenues, if any, received as rentals by the State Highway Commission for space in the office building shall be paid by the State Highway Commission to the State Treasurer and shall by the State Treasurer be applied toward the payment of the construction debt.

**276.554 Applying for and receiving federal funds.** The State Highway Commission may apply for and receive from the United States any moneys made available by the Federal Government as a grant to aid in financing the construction of the State Highway Building.

**276.556 Sale of revenue bonds or certificates to finance State Highway Building.**

(1) For the purpose of procuring funds with which to construct the State Highway Building, the State Highway Commission may issue and sell revenue bonds or revenue certificates. The revenue bonds or revenue certificates issued and sold for such purpose shall not be a general obligation of the state, nor shall they be redeemable out of the State Highway Fund except to the extent of rentals paid by the State Highway Department. The revenue bonds or revenue certificates shall be redeemable and payable solely from rentals and revenues accruing from and as a result of the use and occupancy of the State Highway Building either by the State Highway Commission or by other state boards, commissions, agencies or officers.

(2) The commission may charge the State Highway Department rent for the use of the State Highway Building or any part thereof, which rent shall be paid out of highway funds. The commission may rent space in the State Highway Building to other state officers, commissions, boards, or agencies of the state. The rentals shall be deposited with the State Treasurer who shall apply them to the redemption of the revenue bonds or revenue certificates, and to the payment of interest thereon.

(3) The State Highway Commission may mortgage or otherwise hypothecate the real property and buildings constructed thereon as security for the repayment of funds procured for the construction of the State Highway Building. [Amended by 1953 c.252 §2]

**276.558 to 276.600** [Reserved for expansion]

**BUILDINGS AT STATE INSTITUTIONS;  
STATE BUILDING FUND**

**276.610 State Building Fund.** There is established a fund in the State Treasury to be known as the State Building Fund which shall be used for the construction, alteration and repair of buildings required for use of state institutions and activities under the jurisdiction of the State Board of Control and the State Board of Higher Education and for the furnishing and equipping of buildings so constructed, altered or repaired.

**276.612 Determining buildings to be constructed, altered, repaired, furnished and equipped; approval before construction, al-**

**teration or repair commenced.** (1) The State Board of Control shall determine the buildings to be constructed, altered, repaired, furnished and equipped for the use of institutions and activities under its jurisdiction. The State Board of Higher Education shall determine the buildings to be constructed, altered, repaired, furnished and equipped for the use of institutions or activities under its jurisdiction.

(2) The construction, alteration or repair of any such building shall not be commenced, nor shall any contract be let therefor, unless a majority of the members of the Board of Control and of the Emergency Board, at a joint meeting of such boards called by the Governor for such purpose, have approved the immediate construction, alteration or repair of such building. However, during any session of the legislature approval of the immediate construction, alteration or repair of any such building may be by a majority of the Joint Ways and Means Committee of the House and Senate in lieu of the members of the Board of Control and the Emergency Board.

**276.614 Use of unexpended balance of State Building Fund.** Notwithstanding the provisions of ORS 276.612, any unexpended balance remaining in the State Building Fund may be expended by the Board of Higher Education or the Board of Control, within the limits of their respective interests therein, for the construction, alteration and repair of:

(1) A teaching hospital for the University of Oregon Medical School at Portland.

(2) The Home Economics Building at the Oregon State College.

(3) The Business Administration Building at the University of Oregon.

(4) The buildings required for the use of institutions and activities under the jurisdiction of the Board of Control.

**276.616 to 276.700** [Reserved for expansion]

**COUNTY AND MUNICIPAL BUILDINGS**

**276.710 Definitions.** As used in ORS 276.712 to 276.730, "court or board" means the county court or the board of county commissioners, as the case may be.

**276.712 Procedure for authorizing construction of county courthouse.** (1) Subject to subsections (2) and (3) of this section, whenever the county court or board of

county commissioners in any county deems it advisable to build a new county courthouse, the court or board may levy a tax or take other steps to secure the funds necessary for the purpose.

(2) The board or court shall give notice to the people of the county not less than 70 days before making the tax levy or taking steps to provide the funds.

(3) The court or board shall not levy a tax or take other steps to provide funds for courthouse construction unless:

(a) The action is in accord with the will of the people of the county as shown by the majority vote upon the questions submitted at the general or special election held for that purpose pursuant to ORS 276.722; or

(b) The court or board has complied with ORS 276.710 to 276.718 and no petition was presented upon the date set for the public hearing as provided in ORS 276.720.

(4) The court or board may, if necessary, purchase the site receiving a majority of the votes cast at the election provided for in ORS 276.722 if the majority vote of the people of the county at the election is in favor of the construction of the courthouse.

**276.714 Order for giving notice; contents of notice.** (1) The order for giving the notice required by subsection (2) of ORS 276.712 shall be made at a regular meeting of the court or board and shall be entered in the journal by the clerk at the time and date of such order.

(2) The notice shall state clearly the intention of the court or board in the matter and shall describe definitely the:

(a) Site upon which it is proposed to build the new courthouse.

(b) Approximate cost of the site and of the proposed courthouse.

(c) Approximate date on which it is proposed to commence construction.

(d) Date on which a public hearing will be held to consider the matter.

(e) Amount of the proposed tax levy, whether such levy is proposed for one year or is to be apportioned and continued for two or more specified years and whether the proposed tax levy is to be submitted to the legal voters of the county for specific authorization outside the limitation of section 11, Article XI, Oregon Constitution.

**276.716 Publication of notice.** The court or board shall make an order for the publication of the notice described in ORS 276.714 in a newspaper printed and of general cir-

ulation in the county. The date of the first publication shall be not less than 70 days before the date of the proposed tax levy and the notice shall be published weekly four consecutive times thereafter. If no newspaper is published within the county, the court or board shall cause the notice to be posted in not less than six conspicuous places in the county.

**276.718 Fixing date for public hearing.** At the time of making the order for the publication of the notice, as required by ORS 276.716, the court or board shall make an order fixing the date of a meeting at which a public hearing shall be held to consider the matter. The date of this meeting shall not be less than 30 days before the date of the meeting when the proposed levy is to be made, nor less than 30 days after the date of the first publication, or posting, of the notice.

**276.720 Presentation of petitions for election and for submission of other sites.** (1) At the meeting of the court or board at which the public hearing required by ORS 276.718 is held, petitions may be presented:

(a) Asking that the question of making a levy, or otherwise providing funds, for the construction of a county courthouse as proposed by the court or board, or the question of the location of the proposed site, or both, be submitted to a vote of the people of the county.

(b) Proposing the selection of another site or sites for the location of the proposed county courthouse and asking that the question of selecting the site or sites be submitted to a vote of the people of the county.

(2) Each petition shall be signed by not less than two percent of the qualified electors of the county as shown by the vote for Governor within the county at the last general election. The signers shall also be taxpayers as of record upon the assessment rolls of the county for the previous year.

(3) Any petition presented in accordance with the provisions of this section shall specify clearly the matters therein proposed to be submitted to a vote of the people and shall set forth the form of the proposed ballot in accordance with ORS 276.722.

**276.722 Submitting issue to voters.** (1) If a petition is presented pursuant to ORS 276.720 so requesting, the question of building the county courthouse, as proposed, and the question of locating the courthouse on

the site proposed by the court or board, or on the site or sites proposed by petition, shall be submitted to a vote of the people of the county. The court or board, at the time of the presentation of the petitions, or within 10 days thereafter, shall make an order submitting the questions as outlined in the petitions, in accordance with the provisions of subsection (3) of ORS 276.720, to the people at the next regular election to be held within the county; or the court or board, in its discretion, may make an order calling a special election for such purpose.

(2) On the ballot for the election shall be stated, separately and in definite manner, the questions to be submitted. The ballot shall be in the usual form for submitting questions to the voters at regular or special elections. The election shall be held and conducted and the votes cast therein shall be canvassed in accordance with the general laws governing elections in this state.

(3) At any regular or special election where the question of levying a tax for the purpose of constructing a courthouse is submitted, the legal voters of the county may authorize or direct the tax to be levied in one year or to be apportioned and levied in stated amounts in each of two or more years and they may authorize and direct that the tax, or any part thereof, shall be levied in excess of the limitation otherwise imposed by section 11, Article XI, Oregon Constitution.

**276.724 Procedure for authorizing construction on another site.** (1) If, after the election held pursuant to ORS 276.722, the court or board considers it advisable to construct the courthouse in the same city or town but on a site other than that specifically described in the published notice, the court or board may make such change by first giving notice of its intention to do so, for at least 30 days prior to the public hearing provided for in subsection (5) of this section. The order for giving notice shall be made at a regular meeting of the court or board and shall be entered in the journal by the clerk at the time and date of such order.

(2) The notice shall state clearly the intention of the court or board in the matter and shall definitely describe the new site upon which it is proposed to build the new courthouse and the date, time and place of the public hearing provided for in subsection (5) of this section.

(3) The court or board shall make an

order for the publication of the notice in a newspaper printed and of general circulation in the county, the date of first publication to be not less than 30 days before the date of the public meeting. The notice shall be published weekly for four successive weeks.

(4) The court or board in its order shall set a date, time and place for a public hearing at a time and place to be fixed. The date of this meeting shall not be less than 30 days from the date of the first publication of the notice.

(5) At the time of the public hearing, petitions may be presented asking that the question of changing the site of the courthouse be submitted to a vote of the electors of the county. If such petitions, containing the signatures of 10 percent of the qualified voters of the county are presented at the public hearing to the court or board, the court or board shall then, or within 10 days thereafter, make an order submitting the question of the change of site for a new courthouse to the people at the next regular election to be held within the county; or the court or board, at its discretion, may make an order calling a special election for such purpose. The election shall be held and conducted and votes cast therein shall be canvassed in accordance with the general laws governing elections in this state and the question of the change of site thereby shall be determined.

(6) If such petitions are not presented, the court or board shall hear the views of those appearing at such hearing with reference to such change of site. Thereafter the court or board may, in its discretion, change the site.

**276.726 Procedure for donation of courthouse site by city to which county seat has been removed.** If the county seat of any county was changed by the vote of the people of such county before March 6, 1931, and a site has not been provided for the location of the county courthouse in the city to which the county seat was transferred, such city, when authorized by a vote of the legal electors thereof at a special election called for such purpose, may acquire, donate and convey to the county in which the city is so situated the real property necessary or advisable for the purpose of providing a site for the county courthouse. For that purpose such city, when authorized by such vote, may provide funds by the issuance of bonds or otherwise, and shall use the funds so pro-

vided for the acquisition of the site and for no other purpose. The funds so provided shall be placed in a special fund to be used only for the acquisition of the site and for the retirement of any bonds so issued and the payment of the interest thereon. When all indebtedness contracted for the purchase of such site is fully paid, satisfied and retired, the remaining surplus shall be transferred to the general fund of the city. Acts and things lawfully done for the purpose of carrying out the provisions of this section shall be deemed to have been done for municipal purposes.

**276.728 Acceptance of federal funds.** Any county court or board of county commissioners may:

(1) Accept from the United States or any of its agencies such funds as may be made available for any of the purposes contemplated by ORS 276.710 to 276.730.

(2) Enter into such contracts and agreements with the United States or any of its agencies as may be necessary, proper and convenient, not contrary to the laws of this state.

**276.730 Application of ORS 276.710 to 276.730.** (1) ORS 276.710 to 276.730 apply in all cases where the construction of a new county courthouse is proposed in an organized county of this state but do not apply to:

(a) The repair and maintenance of county courthouse structures.

(b) Additions to county courthouses, such as jails, vaults, additional offices, etc.

(2) ORS 276.710 to 276.730 do not modify the law as to the change or removal of county seats nor do those sections authorize the construction of a courthouse on a site outside the boundaries of the county seat, as established by law.

**276.732 Community houses in cities; constructing; financing; use.** Any incorporated city may purchase a necessary site within its boundaries and erect and maintain thereon a community house for the benefit of the soldiers, sailors and marines of the Army and Navy of the United States, or persons who have been inducted into the service of such army or navy. For that purpose the

city may levy taxes or issue and sell bonds of such city when empowered so to do by the legal voters of such city as provided in ORS 276.734. Such city may, by ordinance, prescribe rules and regulations and conditions upon which such community house may be used, occupied and governed.

**276.734 Submission of issues to voters.** The council or other governing body of any city desiring to construct and maintain a community house under ORS 276.732 may submit the issues to the legal voters of the city at any regular or special election held within such city. At the election the legal voters of the city shall designate the maximum amount of money to be expended for the community house and shall specify the manner by which funds shall be secured for that purpose, whether by taxation or the sale of the bonds of the municipality.

**276.736 Levy of tax; sale of bonds; construction and maintenance of houses.** The council or other governing body of the city, when authorized by vote of the majority of the electors thereof, shall:

(1) Levy the tax or issue and sell bonds as directed by such vote, not to exceed the maximum amount authorized.

(2) Purchase a site and erect and thereafter maintain the community house.

(3) Adopt ordinances regulating and governing the use and occupancy of the community house.

**276.738 to 276.980** [Reserved for expansion]

## PENALTIES

**276.990 Penalties.** (1) Violation of any rule or regulation lawfully promulgated under ORS 276.024 or 276.026 is a misdemeanor.

(2) Any person who in any way intentionally or maliciously damages or obstructs any water line of a public institution or in any way contaminates or renders the water impure or injurious is guilty of a misdemeanor and shall, upon conviction, be punished as provided in ORS 431.990 for violation of the statutes enumerated therein.

**PUBLIC BUILDINGS**

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**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on December 2, 1957.

Sam R. Haley  
Legislative Counsel

**CHAPTER 277**

**[Reserved for expansion]**

