

## Chapter 354

### 1957 REPLACEMENT PART

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## STATE RADIO STATIONS

**354.010 Management of state radio station at Oregon State College.** The State Board of Higher Education is declared the managing agency of the state-owned radio station KOAC, licensed to Oregon State College, and as such shall prescribe rules and regulations in conformity with the regulations and laws of the United States Government relating to radio stations generally, governing the use, operation and control of the facilities of such radio station. By such rules and regulations the board shall make the facilities of such radio station available to all departments and agencies of the State of Oregon, but may require any state department or agency so making use of the facilities of the radio station to pay therefor a reasonable charge. The money derived therefrom shall be used for the general operating and maintenance expense of the radio station.

**354.020 Use by state agencies.** Every department or agency of the State of Oregon may make such use of the facilities of radio station KOAC as it may deem conducive to the best interests of the State of Oregon, and may pay to the State Board of Higher Education, in consideration for the use of the facilities of such radio station, such reasonable charge as may be required, all subject, however, to such rules, regulations or orders as the State Board of Higher Education may make regarding such use.

**354.030 to 354.080** [Reserved for expansion]

**354.090 Management of state radio station at Oregon Technical Institute.** The State Board of Education is declared the managing agency of the FM radio station KTEC, licensed to the Oregon Technical Institute, and as such shall prescribe rules and regulations in conformity with the regulations and laws of the United States Government relating to educational FM radio stations. By such rules and regulations the State Board of Education shall make the facilities of the radio station available in the training programs of the Oregon Technical Institute. [1957 c.389 §16]

**354.100 to 354.200** [Reserved for expansion]

## EDUCATIONAL TELEVISION

**354.210 Management of educational television facilities of State Board of Higher Education.** The State Board of Higher Education hereby is declared to be the managing agency of educational television facilities for which it is the licensee of the Federal Communications Commission, and shall prescribe rules and regulations, in conformity with the laws and regulations of the United States Government applying to noncommercial educational television stations, to govern the use, operation and control of the facilities. The rules and regulations shall be made in accordance with the determination of what is in the best interest of the people of Oregon to meet their educational and cultural needs. [1957 c.694 §1]

**354.220 Use by state agencies and public and private organizations.** (1) Subject to the provisions of subsection (2) of this section, the State Board of Higher Education shall make the facilities of any educational television station, for which it is licensee, available to all departments and agencies of the State of Oregon and to any private or public corporation, firm, organization or association for cultural or educational purposes.

(2) No department, agency, corporation, firm, organization or association shall be allowed to use the facilities of any educational television station for which the State Board of Higher Education is the licensee, unless:

(a) The department, agency, corporation, firm, organization or association agrees to conform in its use of the facilities to the rules and regulations issued by the State Board of Higher Education.

(b) The department, agency, corporation, firm, organization or association agrees to pay reasonable charges fixed by the rules and regulations of the State Board of Higher Education based on the operating expenses of the television facilities used. The amounts received under the provisions of this paragraph hereby are appropriated for the purpose of paying the operating expenses of any educational television station for which the State Board of Higher Education is the licensee. No charges under the provisions of this paragraph shall be, or be considered to be, charges based on the amount of television time given to the payer. As used in this par-

agraph, "operating expenses" means technical, programming, administrative and maintenance expenses, including reasonable building and equipment reserves, but does not include capital outlay for the initial plant and equipment. [1957 c.694 §3]

**354.230 Acceptance and use of gifts.**

The State Board of Higher Education may encourage and accept gifts for the development of the facilities of educational television stations for which it is licensee. All gifts to the State Board of Higher Education for such purposes shall be used subject to the terms of the gift. Subject to such terms, the gifts may be invested by the State Board of Higher Education. [1957 c.694 §4]

**354.240 to 354.280** [Reserved for expansion]

**354.290 Application of state or non-profit corporation for FCC license.** The State Board of Higher Education or any nonprofit corporation organized under the laws of Oregon for educational television purposes may apply to the Federal Communications Commission for permits to construct noncommercial educational television stations in Oregon to utilize any channel allocated for that purpose by the Federal Communications Commission and may apply for licenses to operate such stations. [1957 c.694 §2]

**354.300 State aid to nonprofit corporation operating educational television station.**

(1) Subject to the conditions specified in subsections (3) and (4) of this section, the State Board of Higher Education, acting for the state for the purpose of aiding a program of educational television, shall pay an amount not exceeding \$97,500 of the amount appropriated under section 6, chapter 694, Oregon Laws 1957, to any nonprofit corporation organized under the laws of Oregon specifically for educational television purposes. The payments shall be made to aid in the payment of the operating expenses of the television station utilizing Channel 10 in Oregon for noncommercial educational television purposes.

(2) As used in this section, "operating expenses" means technical, programming, administrative and maintenance expenses, including reasonable building and equipment reserves, but does not include capital outlay for the initial plant and equipment.

(3) Before any amount is paid under this

section to a nonprofit corporation referred to in subsection (1) of this section:

(a) The nonprofit corporation must have received a construction permit from the Federal Communications Commission to build a noncommercial educational television station in Oregon on Channel 10.

(b) The State Board of Higher Education shall enter into a contract with the nonprofit corporation requiring the corporation to operate the television station in conformance with the rules and regulations of the Federal Communications Commission applying to noncommercial educational television stations. The contract shall also provide that upon the dissolution of the corporation or upon the abandonment by the corporation of the operation of Channel 10 in Oregon as a noncommercial educational television station the assets of the corporation shall be transferred either to the State Board of Higher Education for educational purposes or to such other nonprofit public or private person, as defined by subsection (3) of ORS 174.100, designated by the State Board of Higher Education for the purpose of operating Channel 10 in Oregon as a noncommercial educational television station.

(4) After executing the contract described in paragraph (b) of subsection (3) of this section, the corporation shall certify to the State Board of Higher Education the amount of commitments to the corporation of aid for the payment of operating expenses of the noncommercial educational television station for the balance of the corporation's fiscal year, and thereafter for its subsequent fiscal years, and the State Board of Higher Education shall pay to such corporation the sum of \$97,500 of the amount appropriated under section 6, chapter 694, Oregon Laws 1957, in approximately equal monthly installments. However, the State Board of Higher Education shall not pay an amount in the corporation's fiscal year greater than that which the corporation shall have committed to it for such purposes for that fiscal year from other public or private persons, as defined by subsection (3) of ORS 174.100. The certification by such corporation shall be verified by two of the principal officers of the corporation, and when presented shall authorize the payments for the periods so certified. At the end of each fiscal year of the corporation the Secretary of State shall audit the accounts of the corporation, and should it appear from such audit that the

corporation has received payment for more of the operating expenses of the noncommercial, educational television station from the State Board of Higher Education than from other public or private persons for such year, the amount of such excess shall be deducted from the next subsequent payment or payments. [1957 c.694 §5]

**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

**CHAPTERS 355 AND 356**

[Reserved for expansion]