Chapter 358

1957 REPLACEMENT PART

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STATE ARCHIVIST

358.010 State Archivist; appointment; qualifications; assistants; compensation. The office of State Archivist hereby is created. It shall be under the control and supervision of the Trustees of the State Library and the State Librarian. The archivist shall be appointed by the Trustees of the State Library, who also shall appoint such assistants as may be necessary, and fix the compensation of the archivist and assistants. No person who has not had at least five years' experience as an archivist shall be eligible for such office.

358.020 Acquisition and custody of public records. The State Archivist may negotiate for, acquire and receive public records, writings and illustrative materials of value or interest for legal, administrative or research purposes. He is constituted official custodian of all such records, writings or materials deposited in, acquired for, or transferred upon his requisition to his custody for the state archives.

358.030 Transfer of noncurrent public records to State Archivist. Except as otherwise provided by law, order of county court or board of county commissioners, or municipal ordinance, all such noncurrent public records or writings as the State Archivist may requisition as being of value or interest for the purposes mentioned in ORS 358.020 shall be transferred to his official custody. For the purposes of this section, noncurrent public records or writings are those which no longer are required to be retained for discharge of the duties of the official custodian thereof.

358.040 Seal of State Archivist. The State Archivist shall have a seal which shall have the coat of arms of the state engraved in the center thereof, with the following inscription surrounding such coat of arms: "The State Archivist, State of Oregon."

358.050 Advice and assistance on public record problems. The State Archivist, without charge therefor, shall give advice and assistance on public record problems to any legislative, executive or judicial officer of this state or to the chief executive officer of any county or city in this state. The State Archivist from time to time also shall give general advice and counsel on public record problems to all such officers.

358.060 Filing copies of public records with State Archivist. With the approval of the State Archivist, any photograph, microphotograph, photocopy or film copy of any public record or writing may be filed with the State Archivist by any of the public officers mentioned in ORS 358.050 for the purpose of insuring the preservation of such public record or writing.

358.070 Access to public records; privileged information. The State Archivist shall be accorded, for the purposes of ORS 358.010 to 358.080, reasonable access to and may examine and receive any public records or writings whether or not they are subject to public inspection. He shall maintain inviolate any privileged or confidential information so acquired and any record or writing so defined by law.

358.080 Fees of State Archivist. The Trustees of the State Library shall prescribe fees to be charged and collected by the State Archivist for copying and certifying records or writings and for searching the files, records or writings in his official custody. All such fees received shall be deposited monthly with the State Treasurer who shall receipt therefor. The fees shall be credited to the State Library Contingent Fund, and be used by the trustees to defray the cost of such copying, certifying and searching.

358.090 to 358.100 [Reserved for expansion]

COUNTY MUSEUMS, MEMORIALS AND MONUMENTS

358.110 Use of delinquent tax land proceeds for county museum, meeting place or memorial. Any county court may appropriate and use its share of the proceeds of the sale of any land taken over by the county for delinquent taxes, not to exceed 10 percent of the assessed valuation of the land at the time it was taken over by the county for taxes, for the erection or acquisition, by purchase or otherwise, of a museum for pioneer relics or a meeting place for United States war veterans or a monument or memorial to pioneers or veterans or any combination of such purposes.

358.120 County memorial and monument commission. The county court may appoint a commission consisting of five members chosen as follows: One member repre-

senting an organized pioneer association of the county, one member chosen from an organization made up of United States war veterans, one member representing the taxpayers of the county, one member from the city council of the city in which the building, memorial or monument may be located and one member of the county court designated by the county court. The commission shall serve without pay.

358.130 Term of office; vacancies. The commission shall serve for three years. The term of the first commission shall begin January 1, 1936. In case of a vacancy the county court shall appoint a member to fill out the unexpired term.

358.140 Commission powers and duties. The commission may determine the class and kind of memorial, monument or building and may contract, with the approval of the county court, for the erection of the same and may provide for the maintenance thereof. The commission shall account to the county court for the expenditure of the funds appropriated for such purpose.

358.150 Annual appropriation. The county court in counties where a museum, memorial or monument has been erected or acquired under the provisions of ORS 358.110 to 358.140, shall appropriate each year sums sufficient for the care, upkeep and maintenance of the building and grounds.

COUNTY HISTORICAL FUND

358.160 Definitions. As used in ORS 358.170 to 358.230, "county court" includes board of commissioners.

358.170 Election to establish county historical fund. (1) Any county court may, by vote of a majority of its members, and shall, upon the filing with the county clerk of a petition therefor signed by not less than eight percent of the legal voters of the county, submit to the legal voters of the county at the next general election the question of whether or not a county historical fund shall be created and the amount of taxes to be levied annually therefor as may be designated by the county court or by the electors in the petition, as the case may be.

(2) The question to be submitted and the form in which the same shall appear on the ballot shall be substantially as follows:

"Shall ——— County, Oregon, establish a county historical fund for such county, to be used for the purposes provided in ORS 358.200 and annually levy a tax of not to exceed ——— mill therefor, which shall be a special tax in addition to other taxes levied by said county and shall not be within the limitation as provided by section 11, Article XI of the Oregon Constitution.

"For Historical Fund and tax ( ) Yes

"Against Historical Fund and tax ( ) No."

358.180 Tax levy for county historical fund; limitation. (1) When authorized by the legal voters as set forth in ORS 358.170, the county court may levy, in addition to the taxes now permitted by law to be levied, a tax upon the taxable property in the county for the purpose of creating a county historical fund.

(2) The levy shall be a continuing levy in the amount required by the detailed estimates annually filed with the county court under ORS 358.200 but not exceeding one mill or such part thereof as is authorized by the legal voters of the county.

358.190 Historical fund not subject to local budget law or six percent limitation. The county historical fund is not subject to the provisions of the Local Budget Law and shall be a continuing fund; the amounts levied therefor shall not be deemed to be within the limitation provided by section 11, Article XI of the Oregon Constitution.

358.200 Annual estimate of historical societies. Upon the creation of a county historical fund, the president and secretary of any historical society organized as a nonprofit organization under the laws of Oregon, affiliated with and approved by the Oregon Historical Society and including in its purposes the acquisition by gift, purchase or other means and the preservation of historical objects, real and personal property of historical interest, records, material and data for the purpose of which the fund was created, and the acquisition by gift, purchase, or other means, or real and personal property for use in connection with any of said purposes, may, on or before January 1 of each year, file with the county court of such county a detailed estimate of the money required during the succeeding year for the aforesaid purposes.

358.210 Disbursement of county historical fund. Upon the filing of the detailed estimate and approval thereof by the county court, all moneys in the county historical

fund are subject to disbursal by warrants drawn by the historical society and signed by the president and secretary of the society. No money withdrawn from the fund shall be expended except for purposes set forth in ORS 358.200 and included in the detailed estimate.

358.220 Annual report of expenditures. On or before January 1 of each year, every historical society specified in ORS 358.200 which has received moneys from a county historical fund shall submit a report in writing to the county court showing in detail how such moneys have been expended during the preceding year.

358.230 Termination of tax levy for county historical fund. The authority to levy taxes for the county historical fund shall be deemed terminated in any county by the majority vote of the legal voters of the county voting to that effect on such question at any general election. Such termination shall be without prejudice to any subsequent authorization of such levy under ORS 358.170 and 358.180.

358.240 to 358.300 [Reserved for expansion]

COUNTY AND CITY MUSEUMS

358.310 Definitions. As used in ORS 358.310 to 358.405, unless the context requires otherwise:

(1) "County court" includes board of county commissioners.

(2) "Governing body" means the county court in relation to a county museum, the city council in relation to a city museum, or both the county court and the city council in relation to a joint county and city museum.

(3) "Museum" includes any collection of archaeological specimens, artifacts, pioneer relics, articles, documents and other things of historical, scientific or artistic import assembled, displayed, preserved and protected for the benefit of the public, for educational and scientific purposes or to commemorate the occupation and development of the Pacific Northwest region, and the structure or structures housing such collection.

(4) "Museum objects" includes any of the objects described in subsection (3) of this section. [1953 c.481 §1]

358.315 General authority of counties and cities regarding public museums. Any county or city, or both, acting through its or their governing bodies or a museum commission established under ORS 358.320, may, for public museum purposes:

(1) Accept deeds, gifts, devises or bequests of land, money or other valuable things and hold, control or dispose of such things according to the terms of the deed, gift, devise or bequest, except that whenever the deed, gift, devise or bequest is conditioned upon any act of the county or city, or both, or the museum commission, the governing body of the county or city, or both, as the case may be, shall determine prior to acceptance whether the condition may be complied with.

(2) Accept in the name of the county or city, or both, as the case may be, and thereafter hold as public property, museum objects given for museum purposes by any person, historical society, association or other organization.

(3) Purchase, collect, exchange for or otherwise acquire museum objects in the name of the county or city, or both, as the case may be, and thereafter hold or dispose of the same as public property.

(4) Receive in the name of the county or city, or both, as the case may be, museum objects loaned for display, holding them in accordance with the terms of the loan agreement and displaying them for the benefit of the public and for educational and scientific purposes.

(5) Enter into all necessary contracts or agreements for services, assistance or cooperation with the Federal Government or any of its agencies, with the State of Oregon or any of its educational institutions or agencies, with any political subdivision of this state, with any person, including nonprofit educational or foreign corporations, or with educational and scientific foundations. [1953 c.481 §2]

358.320 Appointment of museum commission. (1) The governing body of a county or city, or both, as the case may be, may appoint a museum commission, which shall consist of seven members chosen with reference to their fitness for the position.

(2) The members of a city museum commission shall be residents of the city in which the museum is or is to be located. The members of a county museum commission shall be residents of the county in which the museum is or is to be located. Three of the members of a joint county and city museum shall be residents of the city and

four members shall be residents of the county outside the limits of the city. [1953 c.481 §6; 1957 c.200 §1]

358.325 Terms of commission members. Two of the first members of a museum commission shall be appointed for one year, two shall be appointed for two years and three shall be appointed for three years, as determined by the governing body. Except for the first members and appointments to fill vacancies, the terms of members of a museum commission shall be three years and until their successors are appointed and qualified. [1953 c.481 §7]

358.330 Chairman and secretary of commission; duties of commission regarding records, rules, reports and budgets. A museum commission shall:

(1) Elect a chairman and secretary to serve until the next succeeding first Monday in January and until their successors are elected. The secretary shall keep permanent and complete records of the proceedings of the museum commission.

(2) Adopt rules governing the transaction of its business.

(3) Prepare and submit an annual budget and an annual report to the governing body. [1953 c.481 §10]

358.335 Vacancies on commission. A vacancy in the position of member of a museum commission shall be filled by a qualified person appointed by the governing body for the remainder of the unexpired term of the appointee's predecessor in the position. [1953 c.481 §8]

358.340 Compensation of commission members. The members of a museum commission shall receive no compensation as members, but shall be reimbursed for expenses incurred in the performance of their duties and approved by the chairman of the museum commission. [1953 c.481 §9]

358.345 Authority of county or city to establish and operate public museum. (1) Any county or city may establish, maintain and operate a public museum.

(2) Any county and any city within the county may jointly establish, maintain and operate a public museum. [1953 c.481 §3; 1957 c.200 §2]

358.350 [1953 c.481 §4; repealed by 1957 c.200 §3]

358.355 Acquisition of site and structure for museum. In the event that a public museum is established under ORS 358.345, the county or city, or both, acting through the governing body or museum commission, may:

(1) Acquire a site or sites for the museum.

(2) Construct a structure or structures to house the museum collection, or lease a structure or structures for such purpose for not more than 50 years.

(3) Use public sites or structures or both for museum purposes. [1953 c.481 §5]

358.360 Duties of museum commission respecting establishment of museum. A museum commission shall:

(1) Determine the kind and class of museum to be established and submit such determination to the governing body.

(2) Investigate and determine the most suitable location for the museum and the adequacy of roads or streets and parking areas therefor, and submit its proposals relating thereto to the governing body.

(3) Subject to approval by the governing body, arrange for the design of the museum and the preparation of plans therefor.

(4) Investigate and make determinations with regard to such other preliminary matters in connection with a public museum as are deemed necessary or desirable, and submit its proposals relating thereto to the governing body.

(5) When the establishment of a museum is authorized under ORS 358.345, and upon authorization by the governing body, prepare bids and advertise for bids for the construction of the proposed museum. [1953 c.481 §11]

358.365 Duties of museum commission respecting operation of museum. When a museum is established under ORS 358.345, a museum commission shall:

(1) Maintain and operate the museum for and in the name of the county or city, or both.

(2) Subject to the approval of the governing body before they become effective, establish and publish rules relating to the operation of the museum, admission charges thereto and the administration of the museum objects in the museum.

(3) In conformity with its rules and ORS 358.310 to 358.405, act as administrator of all museum objects in the museum.

(4) Establish maintenance and operating policies sufficient to keep the museum presentable and in a proper state of repair.

(5) Subject to the approval of the governing body, advertise the museum in an appropriate manner.

(6) Compile, print and sell or distribute free of charge historical, educational, scientific and artistic literature.

(7) Subject to the approval of the governing body, employ necessary employes and fix their compensation.

(8) Prescribe and publish a charge or charges which may be made for admission to the museum.

(9) Collect all admission charges and other museum revenue, and pay such charges and other revenue into the treasury of the county or city, or both, to be deposited to a separate account and disbursed by the museum commission as directed by the governing body. [1953 c.481 §§12,13]

358.370 Payment of expense of museum operation. The governing body may provide for the payment of the expense incident to museum operation, care and maintenance of museum objects, structures and grounds, and compensation of employes by means of annual budgeting and appropriation. [1953 c.481 §14]

358.375 Issuance of bonds to acquire museum site and structure. (1) In the case of a county or city museum, and when authorized by the legal voters of the county or city voting at a primary election or regular general election, the governing body may issue general obligation or revenue bonds of the county or city for the purpose of providing all or part of the funds necessary to acquire a museum site or sites and to construct the museum.

(2) In the case of a joint county and city museum, and when authorized by the legal voters of both the county and city voting at a primary election or regular general election, the county court and city council may each issue general obligation bonds or revenue bonds of the county or city, as the case may be, for the purpose of providing such portion of the funds necessary to acquire a museum site or sites and to construct the museum as is determined by the governing body. [1953 c.481 §§15,16]

358.380 General bond law applicable to museum bonds. The provisions of general law, including issuance procedures, relating to bond issues of counties and cities shall apply to bonds issued under ORS 358.375. [1953 c.481 §17]

358.385 Pledge of museum revenues for payment of museum bonds. The governing body may pledge all or part of museum revenues, collected or to be collected, as security for the payment of general obligation bonds or revenue bonds issued under ORS 358.375. [1953 c.481 §18]

358.390 Revenue bonds and pledges of revenue not general obligations of county or city. Revenue bonds issued under ORS 358.375 and pledges of revenue under ORS 358.385 shall not be construed as a general obligation of the issuing county or city. [1953 c.481 §19]

358.395 Mandatory provisions of revenue bonds. Revenue bonds issued under ORS 358.375 shall:

(1) Be in such denominations, mature at such times and bear such annual interest rate as the issuing body determines.

(2) Provide for the semiannual payment of interest.

(3) Contain a recital that the bonds and interest thereon are payable only from revenues resulting from museum operation and activities.

(4) Contain a recital that the bonds and interest thereon shall not constitute a general obligation of the issuing authority.

(5) Be in such form and be signed by such official or officials as the issuing body determines. [1953 c.481 §20]

358.400 Permissive provisions of revenue bonds. Revenue bonds issued under ORS 358.375 may:

(1) Have interest coupons attached, which coupons need only bear the facsimile signature of the official or officials designated to sign the coupons.

(2) Contain such other terms and conditions as the issuing body determines. [1953 c.481 §21]

358.405 Method of settling disagreement where joint action of county and city required. Whenever joint action by a county court and city council is required or authorized under ORS 358.310 to 358.405, and there is disagreement between the county court and city council, the matter shall be submitted to a judge of the circuit court for the judicial district in which is located the

county and city, who shall arbitrate and decide the matter. [1953 c.481 §22]

358.410 to 358.500 [Reserved for expansion]

HISTORICAL OBJECTS AND SITES

358.502 Definitions for ORS 358.502 to 358.516. As used in ORS 358.502 to 358.516, unless the context requires otherwise:

(1) "Commission" means the Battleship Oregon Commission.

(2) "Department" means the Department of Finance and Administration of the State of Oregon.

(3) "Director" means the Director of the Department of Finance and Administration of the State of Oregon. [1957 c.196 §1]

358.504 Property, powers and duties of Battleship Oregon Commission transferred to Department of Finance and Administration. (1) All right, title and interest in real and personal property which the Battleship Oregon Commission has in its possession or custody hereby is transferred to the Department of Finance and Administration of the State of Oregon.

(2) All powers, functions and duties of the commission hereby are transferred to the department. [1957 c.196 §3]

Note: The powers, functions and duties of the Battleship Oregon Commission were set out in ORS 358.510 which is repealed.

358.506 Inventory of property; returning to claimants entitled thereto. (1) The department shall:

(a) Inventory all property, real and personal, which has been transferred to it by the commission and shall have the authority to store or contract for the storage of such property for any purpose not inconsistent with ORS 358.502 to 358.516.

(b) In the case of property in which an interest has been retained by the person who transferred it to the commission and such person, his heirs or assigns, are known to and can be notified by the department, notify such person, his heirs or assigns, to reclaim from the department all property in which such person retained an interest.

(c) In the case of property in which an interest has been retained by the person who transferred it to the commission and such person, his heirs or assigns, are not known to or cannot be notified by the department, publish at least once a week for three consecutive weeks in a newspaper of general circulation in the state, notice to all such persons to reclaim such property.

(2) All property, in which an interest has been retained by the person who transferred it to the commission, must be reclaimed by the person who transferred it, his heirs or assigns, within 90 days from the date notice to reclaim is given by the department pursuant to paragraph (b) of subsection (1) of this section or within 90 days after the last publication of notice required in paragraph (c) of subsection (1) of this section.

(3) All property reclaimed pursuant to this section shall be returned to the claimant if the director is reasonably assured that such claimant is entitled to the possession of the property. If the director is in doubt as to the validity of a claim, he may return the property to the claimant upon the claimant's furnishing an undertaking to the department which will insure to the department a return of the property or its value if it is found that the claimant is not entitled to possession of the property. All property returned to a claimant as provided by this section shall be returned at the claimant's expense. All property not reclaimed as provided by ORS 358.502 to 358.516 shall become the property of the department. [1957 c.196 §4]

358.508 Property in which Department of the Navy has an interest. The department shall, as far as is practical, comply with the requests of the Department of the Navy with respect to property transferred to the department by ORS 358.504 in which the Department of the Navy has an interest. [1957 c.196 §5]

358.510 [Repealed by 1957 c.196 §2]

358.512 Disposition of unclaimed property. The director shall direct the loan, transfer, sale or disposal of all property remaining in the possession of the department pursuant to ORS 358.504 to 358.508, in any manner which is in the best interest of the state. All proceeds derived from the disposal of property pursuant to this section shall be deposited in the General Fund. [1957 c.196 §6]

358.514 Contract with private organization for disposal of property. The director may, if he determines it to be in the best interest of the state, contract for the disposal of any or all the property transferred to the

department by ORS 358.504 with any chartered veterans' organizations or veterans' memorial centers or the Oregon Historical Society. However, the director shall remain responsible for the performance of such contract in accordance with the terms of ORS 358.502 to 358.516. [1957 c.196 §7]

358.516 ORS 358.502 to 358.516 stand repealed upon completion of liquidation of property. Within 60 days after the completion of the liquidation contemplated by ORS 358.502 to 358.516, the Department of Finance and Administration shall certify to the Secretary of State that the liquidation has been completed and the amount of the unobligated balance of the appropriation made by section 9, chapter 196, Oregon Laws 1957. Thereupon the unobligated balance shall revert to the General Fund and ORS 358.502 to 358.516 shall stand repealed. [1957 c.196 §10]

358.520 Provisional Government Park at Champoeg. All jurisdiction over the Provisional Government Park at Champoeg, Oregon, the buildings and museum therein, and all other assets of the park or the Provisional Government Park board, including unexpended appropriations therefor, hereby are transferred to the State Highway Commission.

358.530 Trustees of McLoughlin Home. (1) The Governor, every four years after May 1911, shall appoint three persons, who shall be citizens of the State of Oregon and who shall hold office for four years and until their successors are appointed and qualified and who shall be known as the trustees of the McLoughlin Home. The trustees shall, immediately after their appointment, qualify by taking an oath of office to support the Constitution of the United States and of the State of Oregon, and to perform the duties devolving upon them under the provisions of this section.

(2) The trustees shall take all necessary steps looking toward the permanent preservation of the house located in Oregon City, Oregon, formerly owned by and having been the home of Dr. John McLoughlin, which building shall hereafter be known as the Dr. McLoughlin Home. The trustees shall make a biennial report to the Governor of their actions regarding the home, the conditions and the preservation of the same, and a detailed statement of all the moneys expended in carrying out the provisions of this section. The trustees shall serve without compensation. The Governor shall fill all vacancies occurring in the board.

358.540 to 358.600 [Reserved for expansion]

COLUMBIA RIVER GORGE COMMISSION

358.610 Definitions. As used in ORS 358.610 to 358.630, unless the context requires otherwise, "commission" means the Columbia River Gorge Commission. [1953 c.475 §1]

358.615 Columbia River Gorge Commission created. (1) For the purpose of preserving, developing and protecting the recreation, scenic and historic areas of the Columbia River Gorge, there hereby is created the Columbia River Gorge Commission. The commission shall consist of three members who are residents of this state and shall be appointed by the Governor on a nonpartisan basis. Except for the members first appointed, each member of the commission shall hold office for a term of four years commencing on April 1 of the year in which he is appointed. Vacancies shall be filled for the unexpired term in the same manner as other appointments are made.

(2) The first members of the commission shall be appointed for the following terms:

(a) One member for two years.

(b) One member for three years.

(c) One member for four years. [1953 c.475 §2; 1955 c.547 §1]

358.620 General duties and powers of commission. The commission has the following duties and powers:

(1) To acquire and dispose of land in the name of the state by purchase, exchange, transfer, gift or devise.

(2) To make expenditures, from available funds, for the development, protection and maintenance of land and property under the control of the commission.

(3) To enter into such contracts as are necessary to carry out the provisions of ORS 358.610 to 358.630.

(4) To cooperate with other agencies and political subdivisions of the state, the State of Washington, the Federal Government, private organizations and individuals

to the extent necessary to carry out the provisions of ORS 358.610 to 358.630.

(5) To receive any gifts, either intervivos or testamentary in character. [1953 c.475 §4; 1955 c.547 §2]

358.625 Preparation of plan for protection and administration of the Columbia River Gorge. The commission shall prepare for the consideration and approval of the Governor a comprehensive plan for the protection and administration of the Columbia River Gorge. This plan shall include boundaries for the proposed conservation area, proposed acquisition and administration of land, proposed zoning regulations and such other features as are necessary to accomplish the transition of the Columbia River Gorge to a state conservation area. [1953 c.475 §3]

358.630 Disposition of moneys received by commission; Columbia River Gorge Fund. All moneys from whatever source received by the commission, including moneys received by gift, bequest or contribution, shall be paid into the State Treasury for deposit to the credit of the Columbia River Gorge Fund which fund hereby is created. Notwithstanding the provisions of ORS 291.238, the moneys placed in this fund are appropriated continuously for the purposes set forth in ORS 358.610 to 358.630. The expenditures of the commission shall be made from this fund upon vouchers approved by the commission. Moneys received from gifts may be expended in accordance with the terms thereof. [1953 c.475 §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 359 TO 365

[Reserved for expansion]