Chapter 358

1967 REPLACEMENT PART

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358.005 [1961 c.160 §18; renumbered 357.805]

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358.020 [Renumbered 357.825]

358.030 [Amended by 1961 c.160 §20; renumbered 357.835]

358.040 [Renumbered 357.845]

358.050 [Amended by 1961 c.160 §21; renumbered 357.855]

358.060 [Amended by 1961 c.160 §22; renumbered 357.865]

358.070 [Renumbered 357.875]

358.080 [Amended by 1961 c.172 §6; renumbered 357.885]

358.090 [1961 c.160 §19; renumbered 357.895]

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

358.170 Election to establish county historical fund. (1) The governing body of any county 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 voters 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 the county, to be used for the purposes provided in ORS 358.200 and annually levy a tax of not to exceed———— dollars therefor, which shall be a special tax in addition to other taxes levied by the county and shall not be within the limitation as provided by section 11, Article XI of the Oregon Constitution.

( ) Yes

"Historical Fund and tax

( ) No."

[Amended by 1965 c.327 §1]

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-fortieth of one percent (.00025) or such part thereof as is authorized by the legal voters of the county, of the true cash value of all taxable property within the county, computed in accordance with ORS 308.207.

[Amended by 1963 c.9 §17]

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, of 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 for ORS 358.310 to 358.405. 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]

358.502 [1957 c.196 §1; repealed by 1957 c.196 §10]

358.504 [1957 c.196 §3; repealed by 1957 c.196 §10]

358.506 [1957 c.196 §4; repealed by 1957 c.196 §10]

358.508 [1957 c.196 §5; repealed by 1957 c.196 §10]

358.510 [Repealed by 1957 c.196 §2]

358.512 [1957 c.196 §6; repealed by 1957 c.196 §10]

358.514 [1957 c.196 §7; repealed by 1957 c.196 §10]

358.516 [1957 c.196 §10; repealed by 1957 c.196 §10]

358.520 [Renumbered 390.220]

358.530 [Repealed by 1959 c.242 §1]

358.610 [1953 c.475 §1; renumbered 390.410]

358.615 [1953 c.475 §2; 1955 c.547 §1; renumbered 390.420]

358.620 [1953 c.475 §4; 1955 c.547 §2; renumbered 390.430]

358.625 [1953 c.475 §3; renumbered 390.440]

358.630 [1953 c.475 §5; renumbered 390.450]

GRANTS FOR MUSEUMS

358.710 Definitions for ORS 358.710 to 358.770. As used in ORS 358.710 to 358.770:

(1) "Commission" means the State Highway Commission.

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

(3) "Governing board" means:

(a) The county court in relation to a county museum.

(b) The city council in relation to a city museum.

(c) Both the county court and the city council in relation to a joint county and city museum.

(d) A museum commission appointed as provided by ORS 358.320.

(e) The executive board of a nonprofit corporation operating a historical museum if the corporation was organized under the laws of this state and includes in its purposes the acquisition and the preservation of historical objects, records, material, data, and real and personal property of historical interest.

(4) "Museum building" means a building, site or historic place used for a public museum.

(5) "Museum objects" includes specimens, artifacts, articles, documents and

other things of historical, anthropological, archaeological, scientific or artistic import.

(6) "Public museum" or "museum" means a facility operating for the purpose of acquiring, conserving, preserving, studying, interpreting, enhancing and, in particular, organizing and continuously exhibiting museum objects to the public for its instruction and enjoyment, including but not limited to museum objects of historical import of a geographical area of the state or of the Oregon Territory or of a community, industry or other economic activity.
[1965 c.572 §2]

Note: ORS 358.710 to 358.770 were added to and made a part of ORS chapter 366 by 1965 c.572 §1.

358.720 Purpose of ORS 358.710 to 358.770. It is the purpose of ORS 358.710 to 358.770 to encourage the acquisition, development, maintenance, care and use of historic museums for the education and enjoyment of the people throughout the state.
[1965 c.572 §3]

358.730 Duties of highway commission relating to museums. In addition to the other duties of the State Highway Commission, the commission shall:

(1) Make matching fund grants to counties for reimbursement of funds used to pay expenses incurred in the maintenance and operation of museum buildings.

(2) Determine the eligibility of counties for, and amounts of, such matching fund grants.

(3) Establish and promulgate minimum standards of museum practice and requirements of maintenance and operation of museum buildings with advice of the Oregon Historical Society to carry out the purpose of ORS 358.710 to 358.770.

(4) Advise the governing boards of public museums, county courts, city councils and interested citizens how they may acquire and qualify for matching fund grants.

(5) Adopt regulations to carry out ORS 358.710 to 358.770.
[1965 c.572 §4]

358.740 Qualifications for grant. (1) To qualify for a matching fund grant:

(a) The public museum using the building shall be operated in accordance with the standards established by the commission and the advice of the Oregon Historical Society.

(b) The public museum using the building shall have been in operation for a period of two years or more.

(2) In addition to any other requirements which may be established and promulgated by the commission, a public museum using funds requested in accordance with ORS 358.710 to 358.770 shall:

(a) Be free of charge and shall be open to the public at designated and reasonable hours.

(b) Have quarters or space regularly used for display of museum objects.

(c) Have a responsible, competent attendant on duty at the museum during hours when the museum is open to the public.
[1965 c.572 §§5, 10]

358.750 Procedure to obtain grant. (1) To obtain a matching fund grant for a museum building, the county court of the county where the building is located shall file with the commission a request for reimbursement of funds used to pay expenses incurred in the maintenance and operation of the building. The request shall include a detailed statement of funds expended for the operation and maintenance of the museum building and public museum using the building during the preceding year, indicating the source of such funds. The request shall include such other information as may be required by the commission.

(2) The request shall also include, or have attached, the recommendations of the governing board of the Oregon Historical Society regarding the standards of maintenance and operation practiced by the governing board of the museum and such other recommendations as the society wishes to make which in its opinion would be conducive to the development, maintenance, care and use of the building and of the museum for the education and enjoyment of the public.

(3) To be entitled to continue to receive a grant for reimbursement as authorized by ORS 358.710 to 358.770, the county court with its request to the commission shall submit a report of the activities of the public museum during the previous year. The report may be prepared by the governing board of the museum.
[1965 c.572 §6]

358.760 Reimbursement; limitation. (1) Expenditures made from county funds for the maintenance and operation of museum

buildings shall be reimbursed by the commission in accordance with this section.

(2) Upon approval of a request of a county court, the commission shall enter into a matching fund relationship with the county to reimburse the county for funds used to pay expenses for the maintenance and operation of a museum building. In any one year, the matching funds allowable to a county shall be no more than $5,000 and such funds shall not be used for the expenses of more than two museum buildings in the county.

(3) Within the authorized limits for the payment of expenses of the commission, there shall be paid to each county on account of expenditures subject to reimbursement by the commission pursuant to this section, up to 50 percent of the amount expended from county funds, including funds derived from any special levy authorized as provided by ORS 358.160 to 358.230. Moneys received for museum purposes by the county or by the museum governing board from fees, charges, contributions or other sources, including federal funds, shall not be considered a portion of the county's contribution for the purpose of determining the net amount of county funds expended.

(4) With respect to counties which establish joint museums, expenditures subject to reimbursement shall mean the prorated expenditures of such counties as provided by the agreements establishing such museums.

(5) When approved by the commission, claims for reimbursements shall be presented for payment and paid in the manner that other claims against the State Highway Fund are paid.

[1965 c.572 §7]

358.770 Duties of Oregon Historical Society. (1) The Oregon Historical Society shall:

(a) Advise the commission on accepted standards of professional museum practice.

(b) Advise and make recommendations to the commission regarding the acquisition, development and operation of historic places.

(c) Make recommendations to the commission regarding the approval of expenditures for maintenance and operation of museum buildings.

(2) In the administration of ORS 358.710 to 358.770, the commission shall consider the recommendations of the society, particularly those regarding the designation of historic buildings, sites and other historic places.

[1965 c.572 §9]

PORTLAND ART MUSEUM AND ORCHESTRA

358.810 Public aid to art museums. Any county containing a population of 400,000 inhabitants or more, according to the latest decennial census, may assist in maintaining any art museum operated by any association of art, incorporated under Oregon laws, which has a museum building within the limits of such county at which works of the fine arts are exhibited, and which museum has been in continuous operation for not less than five years prior to the time such assistance is given. For this purpose, the board of county commissioners of such county may designate such association and provide in the county budgets and pay not to exceed $10,000 in any one year to such association to be used solely for maintaining or in assisting to maintain such art museum and in providing for the free access by the public to exhibits at the museum under reasonable rules and regulations approved by the board of county commissioners. No moneys shall be paid under the provisions of this section except upon warrants drawn by order of the county commissioners. No moneys shall be paid to any association of art except such as hold permanent as well as temporary collections for the specific purpose of encouraging study, education, knowledge and appreciation of the fine arts. Any association receiving such aid shall render an annual report to the board of county commissioners giving such information as may be required by the board with respect to all moneys received under the provisions of this section. This section does not limit any such art association in operating a school of art or art classes at which students are charged for instruction, as a separate department; and the free access by the public to the museum of art does not include or apply to schools of art, art classes or lectures on art topics.

[Formerly 357.910]

358.820 Tax levy for municipal orchestra. Any city having a population of 250,000 or more may, when authorized as provided in ORS 358.840, levy each year a tax of not to exceed fifteen-hundredths of one mill on each dollar of assessed valuation of property subject to taxation by the city, within or without the six percent limitation, for the purpose of maintaining and employing one major symphony orchestra, one band, and one junior symphony orchestra.

[Formerly 357.920]

358.830 Submission of tax levy proposition to voters. The proposition of whether or not a tax is to be levied for any one or more of the purposes of ORS 358.820 shall be submitted to the voters at the next general municipal election following, and occurring not sooner than 60 days after:

(1) A petition, signed by a number of voters of the city equal to at least 10 percent of the number of voters of the city who voted at the last general municipal election, is filed with the city council or commission, requesting submission of the question to the city voters; or

(2) The city council or commission, by majority vote, approves submission of the proposition to the city voters.

[Formerly 357.930]

358.840 Action upon favorable vote. If a majority of the votes cast on the proposition at the election is in favor of the proposition, the city is authorized and required to levy a tax within the amount and for the purpose or purposes authorized.

[Formerly 357.950]

358.850 Annulment of tax for orchestra. The proposition of whether or not a tax levied for the purposes of ORS 358.820 shall be annulled may be submitted to the voters of the city in the same manner as provided for the levy of the tax in ORS 358.830. If a majority of the votes cast on the proposition is in favor of the proposition, no further levy for said purposes shall be made.

[Formerly 357.960]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 1, 1967.

Robert W. Lundy
Legislative Counsel