TITLE 26

PUBLIC BUILDINGS, PURCHASING AND PRINTING

Chapter 276. Public Buildings
278. Insurance on State Property
279. Public Contracts and Purchasing
280. Financing of Public Projects and Improvements
281. Condemnation for Public Use; Relocation Assistance
282. Public Printing
283. Department of General Services

Chapter 276

1971 REPLACEMENT PART

Public Buildings

DEFINITIONS

276.001 Definitions

STATE BUILDINGS AND GROUNDS

(Generally)

276.002 Utilization of State Capitol Building
276.004 Utilization of buildings other than Capitol
276.005 State Capital Construction Account; gifts and grants for account; loans by investing fund in account
276.007 State Capital Construction Sinking Fund; transfer; reserve
276.010 Definitions for ORS 276.010 to 276.064
276.013 Acquisition of office building costing less than $100,000
276.015 Investment of certain funds
276.017 Authority of department over certain office buildings
276.026 Violation of rules and regulations prohibited
276.027 Capitol guide service

(Capitol Planning Commission)

276.028 Declaration of policy concerning capitol area and other areas
276.030 Capitol Planning Commission; appointment of members; officers
276.032 Meetings of commission
276.034 Duties of commission
276.036 Commission to investigate advisability of additions to, or changes in, certain areas
276.038 Commission to advise department
276.040 Commission to cooperate with officers and commissions of City of Salem
276.042 Compensation and expenses of members; clerical assistance
276.043 Capitol Planning Commission Account
276.044 Biennial report

(Lands and Facilities in Capitol Area)

276.046 Department may acquire and improve land in capitol area
276.051 Purchasing land in block 82 of City of Salem; improving land in capitol area
276.052 Elevators and air conditioning system in capitol
276.062 Disposition of buildings or property acquired for capitol area
276.064 Disposition of moneys received under ORS 276.062
276.070 Contract relating to building owned by Employment Division

EXECUTIVE RESIDENCE

276.102 Acceptance of donations for state executive residence
276.104 Advisory committee; compensation and expenses
276.106 Selection of architects; use of Oregon products
276.108 Certification that moneys available; Department of General Services to construct and furnish residence

ACQUISITION OF STATE OFFICE BUILDINGS WITH STATE TRUST FUNDS

(Salem Office Buildings)

276.110 Definitions for ORS 276.110 to 276.138
276.112 Authority to repay certain loans and to manage Salem office buildings
276.118 Declaration of policy concerning location and manner of construction of buildings
276.120 Building and site as investment of investing fund
276.122 Assistance, grants, donations or gifts from United States and others; disposition
276.128 Fire and other insurance
276.130 Assigning space; crediting of rentals

276.134 Renting space to public agencies and private citizens; private concessions
276.137 Title to Salem office building

(Branch Office Buildings)

276.142 Definitions for ORS 276.142 to 276.164
276.144 Authority to repay certain loans and manage branch office buildings
276.152 Building and site as investment of investing fund
276.156 Assigning space; determining rentals; disposition of rentals
276.157 Rentals to meet cost of acquisition within 35 years
276.159 Title to branch office buildings
276.162 Renting space to public agencies and private citizens; private concessions
276.164 Use of adjacent grounds for parking; fees
276.166 Acquisition of site in Salem
276.175 Authority over Portland State Office Building

(Former Tuberculosis Hospital)

276.185 Authority of department over former State Tuberculosis Hospital

ACCEPTANCE OF FEDERAL AID

276.190 Acceptance of federal aid in preparing for construction of public buildings and works

SERVICES AND FACILITIES FOR STATE BUILDINGS

(Heat, Light, Power, Sewage, Fire Protection and Communications)

276.210 Definition for ORS 276.210 to 276.228
276.212 Department may establish and operate heat, light, communication and power systems
276.214 Acquiring land, buildings and structures; eminent domain procedure
276.216 Erecting and constructing buildings and structures
276.218 Acquiring machines and equipment; purchase terms; pledging funds appropriated for maintenance and operation
276.220 Payment of cost of real and personal property
276.222 Contracting to purchase services and use facilities
276.224 Charges for providing heat, light, communication, power facilities; transfer from appropriations to revolving fund
276.226 Acceptance of federal funds; contracts with United States or its agencies
276.228 Approval of claims

(Water)

276.232 Definitions for ORS 276.234 to 276.244
276.234 Providing water and water power for public buildings and institutions
276.236 Department may acquire land, water and water rights, watercourses, franchises and privileges
276.238 Purchase of land, water and water rights, watercourses, franchises and privileges
276.240 Eminent domain procedure; possession of property; rental value
276.242 Proceedings in name of state; verification of pleadings; conveyances and contracts
276.244 Powers of department

(Miscellaneous)

276.246 Repair, replacement and reconstruction of buildings, appliances, fixtures and furniture damaged by fire
276.248 Water pipes and supply; entry to place and repair pipes; damages for use of land
276.250 Agreement with City of Salem for water and fire protection
276.252 Sewage system for state institutions and departments

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

276.385 Rentals for buildings other than Capitol
276.390 Approval of rent schedule by Emergency Board; appropriations to cover rental costs; rent schedule for Capitol
276.410 Assignment of quarters to officers, boards and commissions
276.412 Payment of rent by state agencies
276.418 Agreements to lease or rent office quarters by certain state agencies require approval by Department of General Services
276.420 Department of General Services may enter into leases and rental agreements on behalf of certain agencies
276.422 Conditions for approval of leases and rental agreements
276.424 Joint leases
276.426 Location of leased office quarters of state agencies to be centralized
276.428 Supervision of leases and rental agreements; ordering changes in location of office quarters for state agencies
276.429 Department to lease office space to state agencies
276.430 Rentals for meetings and concessions

PARTICULAR STATE BUILDINGS

(State Highway Building)

276.548 State Highway Building defined
276.550 State Highway Building; construction and maintenance
276.552 Leasing space in State Highway Building to other departments; payment of rent by commission; disposition of revenues
276.554 Applying for and receiving federal funds
276.556 Sale of revenue bonds or certificates to finance State Highway Building

(Parking Structure in Portland)

276.558 Planning and construction of parking structure in Portland; primary use
276.560 Rentals, fees and charges in parking structure

(Parking Facilities in Salem)

276.562 Construction of parking facilities near capitol group of buildings; prior approval by Emergency Board
276.564 Repaying acquisition cost; taxation
276.565 Regulation of parking in capitol area
276.567 Leasing of parking spaces in the capitol area; charges; disposition of charges

(Parking Structure in Eugene)

276.569 Planning and construction of parking structure in Eugene; primary use

(Employment Division Office Building)

276.575 Computation of rent schedules; collection of rents
276.580 Additional payment by occupants for maintenance and service charges
276.585 Assignment of excess space; rental and additional charges
276.590 Leasing of parking spaces; disposition of space rental fees

BUILDINGS AT STATE INSTITUTIONS; STATE BUILDING FUND

276.610 State Building Fund
276.612 Determining buildings to be constructed, altered, repaired, furnished and equipped; approval before construction, alteration or repair commenced

COUNTY AND MUNICIPAL BUILDINGS

276.710 Definition for ORS 276.712 to 276.730
276.712 Procedure for authorizing construction of county courthouse
276.714 Order for giving notice; contents of notice
276.716 Publication of notice
276.718 Fixing date for public hearing
276.720 Presentation of petitions for election and for submission of other sites
276.722 Submitting issue to voters
276.724 Procedure for authorizing construction on another site
276.726 Procedure for donation of courthouse site by city to which county seat has been removed
276.728 Acceptance of federal funds
276.730 Application of ORS 276.710 to 276.730
276.732 Community houses in cities; constructing; financing; use
276.734 Submission of issues to voters
276.736 Levy of tax; sale of bonds; construction and maintenance of houses

PENALTIES

276.990 Penalties

CROSS REFERENCES

Appropriation bill requiring approval of Emergency Board before project commenced or contract let, how requirement met, 291.336
Approval of plans of public buildings, 227.100
Armories owned by state:
Construction, 396.530
Sale or exchange, 396.515
Use, 396.535
Capital construction program, inclusion in Governor's budget report, 291.224
City zoning ordinances, application to public property, 227.286
Community colleges, 341.925 to 341.950
Employment Administrator, buildings and space, 657.657
Enemy attack, temporary seat of government in event of, 236.430
Exclusion from public property during emergency period proclaimed by Governor, 145.610 to 145.640
Handicapped persons, removing architectural barriers in public buildings for their use, 447.210 to 447.280
Higher education building projects, 351.160 to 351.195
Indemnifying political subdivision for loss or damage resulting from occupancy of its property, 271.380
Leasing of real property to state for term less than 20 years, Const. Art. XI § 7
Plans to bear stamp of registered architect, 671.025
Property of state institutions, income, 179.055
Property, title to acquired by state to be taken in name of state, 279.711
Revenue department, branch offices, 314.805
State Fairgrounds, facilities, 565.140
State flag, display of on public buildings, 186.110
Structures of public assembly, approval of certain plans for, 460.230
Title to property at state institutions, 179.050
Use of public buildings as polling places, 246.420
Vending stands operated by blind persons in public buildings or property, 346.520

276.030

General provisions applicable to state boards and commissions, Ch. 182

276.044

Contents of biennial reports, 293.640

276.128

Insurance supplemental to Restoration Fund, 278.085

276.142

Control and regulation of state-owned motor vehicles, 283.305 to 283.355

276.212

Department of General Services:
Maintaining and operating telephone, mail and messenger services, 283.140
Purchasing and providing for furnishing utility services, 279.710, 279.712

276.214

Condemnation procedure, 281.010

276.222

Department of General Services:
Maintaining and operating telephone, mail and messenger services, 283.140
Purchasing and providing for furnishing utility services, 279.710, 279.712
State institutions, powers to contract for purchase of fuel, heat, light, telephone, 179.040

276.234

Department of General Services to purchase or furnish utility services, 279.710, 279.712

276.246

Certificates of indebtedness issued, 293.165
Restoration fund, 278.020

276.248

Inspection and examination by State Board of Health, 449.215
Procedure for condemnation, Ch. 35

276.250

Department of General Services to purchase or furnish utility services, 279.710, 279.712

276.252

Department of General Services to purchase or furnish utility services, 279.710, 279.712

276.430

Vending stands operated by blind persons in public buildings, 346.520

276.550

Construction of buildings by State Highway Commission, 366.310
Purchase of State Highway Building by Department of General Services authorized, 1971 c.713 §4

276.575

Financing construction of building, 1971 c.528 §§1 to 7

276.710

County buildings, 280.040 to 280.140

DEFINITIONS

276.001 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Department" means the Department of General Services.

(2) "Director" means the Director of the Department of General Services.
[1969 c.706 §2]

STATE BUILDINGS AND GROUNDS

(Generally)

276.002 Utilization of State Capitol Building. Notwithstanding any other provision of law, the Legislative Assembly, through the Legislative Administration Committee, shall exercise control over the utilization of the State Capitol Building, and the committee has exclusive power to assign and reassign quarters in the State Capitol Building for such periods and under such terms as the committee considers appropriate.
[1967 c.419 §55; 1969 c.620 §15]

276.004 Utilization of buildings other than Capitol. Notwithstanding any other provision of law, except for the Capitol Building the Executive Department shall exercise control over the utilization of buildings in the capitol area, branch office buildings as defined in ORS 276.142 and the state office building in Portland described in ORS 276.175. The Executive Department has exclusive power to assign and reassign quarters in buildings owned by this state and specified in this section, for such periods and under such terms as the Executive Department considers appropriate.
[1967 c.419 §56; 1969 c.706 §8]

276.005 State Capital Construction Account; gifts and grants for account; loans by investing fund in account. (1) There is created in the General Fund of the State Treasury a State Capital Construction Account. All moneys credited to the account by law are appropriated continuously to the Department of General Services to construct, improve, repair, equip and furnish buildings, structures and other projects for state government, and to purchase or improve sites therefor.

(2) The Department of General Services on behalf of the State of Oregon may accept gifts, grants and donations from public and private sources for the purposes set out in subsection (1) of this section, and shall deposit such amounts in the State Capital Construction Account, subject to any limitations imposed by the donor.

(3) Moneys loaned by an investing fund under ORS 276.110 to 276.166 shall be deposited in the State Capital Construction Account and are appropriated continuously for the purposes set out in subsection (1) of this section.
[1969 c.706 §§3, 4, 5]

276.007 State Capital Construction Sinking Fund; transfer; reserve. (1) There is created in the General Fund of the State Treasury a State Capital Construction Sinking Fund. Except as provided in subsection (2) of this section, moneys credited to the fund by law are appropriated continuously to the Department of General Services to:

(a) Repay investing funds for moneys loaned under ORS 276.110 to 276.166, and the interest thereon; and

(b) Pay the expenses of operating, maintaining and insuring the Capitol and the buildings subject to the authority of the Executive Department to fix rentals pursuant to subsection (1) of ORS 276.385, and as otherwise provided in ORS 276.017.

(2) Any amount in the State Capital Construction Sinking Fund at the end of a fiscal year, that exceeds the amount required by law to be paid out of such fund with respect to that fiscal year, shall be transferred to the State Capital Construction Account and is appropriated for the purposes set out in subsection (1) of ORS 276.005. However, there shall be maintained a reserve in the fund adequate to meet obligations that will mature before sufficient revenues accrue to the fund during the succeeding fiscal year.
[1969 c.706 §12]

276.010 Definitions for ORS 276.010 to 276.064. When used in ORS 276.026 to 276.064 and in this section, unless the context requires otherwise:

(1) "Capitol area" means the capitol group of buildings and the grounds owned by the state adjacent to such buildings, and includes any new buildings which may be constructed on such grounds as an addition to the capitol group of buildings.

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

(3) "Capitol group of buildings" means the state buildings in Salem in and about the capitol mall.
[Amended by 1969 c.706 §16]

276.012 [Amended by 1967 c.419 §58; repealed by 1969 c.199 §59]

276.013 Acquisition of office building costing less than $100,000. When the Director of the Department of General Services, with the approval of the Director of the Executive Department, determines that an office building as defined in ORS 276.110, 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 otherwise to satisfy the office needs of state agencies, the Department of General Services may:

(1) Request the State Treasurer and investing agency, as defined in ORS 276.110, if they approve the building plan or purchase, to invest funds to acquire the buildings necessary to carry out that policy.

(2) Acquire by gift, purchase, leasehold interest or condemnation in the name of the investing fund, as defined in ORS 276.110, suitable sites for the construction of office buildings out of moneys in the State Capital Construction Account.

(3) Purchase, have constructed, alter, repair and equip buildings acquired for office buildings out of moneys in the State Capital Construction Account.

[1969 c.706 §38]

276.014 [Amended by 1969 c.198 §79; repealed by 1969 c.199 §59]

276.015 Investment of certain funds. For the purposes of ORS 276.002 to 276.138, the State Treasurer, with the approval of the investing agency, as defined in ORS 276.110, may invest not to exceed seven percent of the moneys in any fund included in the investment funds, as defined in ORS 293.701, on such terms and conditions as the State Treasurer, the investing agency and the Department of General Services determine.

[1969 c.706 §39]

276.016 [Repealed by 1969 c.199 §59]

276.017 Authority of department over certain office buildings. The Department of General Services may operate and maintain office buildings not in the capitol area and branch office buildings, when permitted by law, out of moneys in the State Capital Construction Sinking Fund.

[1969 c.706 §41]

276.018 [Repealed by 1969 c.199 §59]

276.020 [Repealed by 1969 c.199 §59]

276.022 [Repealed by 1969 c.199 §59]

276.024 [Amended by 1967 c.583 §6; 1969 c.199 §19; renumbered 276.565]

276.025 [1967 c.583 §§3, 4; 1969 c.199 §20; 1969 c.706 §19; renumbered 276.567]

276.026 Violation of rules and regulations prohibited. No person shall occupy or use the grounds described in ORS 276.565 or the parking facilities constructed under ORS 276.562 except in the manner, at the times and under the conditions provided in the rules authorized by ORS 276.565 or 276.567.

[Amended by 1967 c.583 §7]

276.027 Capitol guide service. The Highway Division of the Department of Transportation shall operate a guide service to disseminate information about the tourist attractions in the state and to conduct tourists and interested persons on tours of the capitol building. Until changed by the State Highway Commission, the guide service shall be operated under the supervision and control of that division of the department commonly known as the Travel Information Division.

[1959 c.312 §1]

(Capitol Planning Commission)

276.028 Declaration of policy concerning capitol area and other areas. 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, the areas immediately surrounding state buildings situated outside the capitol area within the boundaries of the City of Salem, and the areas that are situated outside the boundaries of any incorporated city in Marion or Polk Counties and that are immediately surrounding state buildings situated outside of the boundaries of the City of Salem within the metropolitan area of 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 such areas. The purpose of the plan shall be to enhance and preserve the beauty and dignity of such areas and permanently to secure such areas from commercial and industrial encroachment.

[Amended by 1971 c.639 §1]

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 Department of General Services may request, for the purpose of considering plans before the department.

276.034 Duties of commission. The commission shall:

(1) Establish, adopt and implement a plan of development of the areas described by ORS 276.028 and shall recommend to the legislature and, if any such area is located within the boundaries of the City of Salem, to the city council of Salem legislation necessary to effectuate the plan.

(2) Conduct continuing studies and analyses, in cooperation with affected state agencies, of the building needs of all state agencies located within the metropolitan area of the City of Salem.

(3) Establish, adopt and implement a master plan for the development of the capitol group of buildings situated within the area bordered by State Street on the south and D Street on the north and Winter Street on the west and 12th Street (between State Street and Court Street) and Capitol Street on the east.

(4) Cooperate and consult with local governmental agencies that have jurisdiction within the areas described by ORS 276.028 for the purpose of coordinating the development of state buildings and grounds in such areas with community planning and development programs in such areas.

(5) Adopt standards for the development of state buildings and grounds, including but not limited to landscaping requirements, setback requirements, lot coverage limitations, building height and bulk limitations and requirements for the protection of the surrounding community environment.

[Amended by 1971 c.639 §2]

276.036 Commission to investigate advisability of additions to, or changes in, certain areas. The commission shall investigate the advisability of all additions to, or changes in, buildings and grounds in the areas described by ORS 276.028 and shall review all plans of state agencies concerning such proposed additions and changes before any action thereon is finally authorized. No plans for public buildings to be erected in the areas described by ORS 276.028, or selection of the location of such buildings, shall be finally approved by any officer or agency of the State of Oregon unless the commission has reviewed such plans for compliance with the development plans for such areas adopted by the commission pursuant to subsections (1) and (3) of ORS 276.034.

[Amended by 1971 c.639 §3]

276.038 Commission to advise department. The commission shall advise the Department of General Services upon the planning and location of buildings; the development of the areas described by ORS 276.028, including but not limited to general design, landscaping, traffic management, monuments, statues, fountains; and all other matters and things connected with any proposed construction or development to be undertaken by the state within such areas.

[Amended by 1971 c.639 §4]

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 development plans of the state prepared for the capitol area pursuant to subsections (1) and (3) of ORS 276.034, as such plans are being developed by the commission. 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.

[Amended by 1971 c.639 §5]

276.042 Compensation and expenses of members; clerical assistance. Members of the commission are entitled to compensation and expenses as provided in ORS 292.495. The commission is authorized to employ clerical assistance as required.

[Amended by 1969 c.314 §17]

276.043 Capitol Planning Commission Account. There is established in the General Fund an account to be known as the Capitol Planning Commission Account. Except as otherwise provided in ORS 276.102, all moneys received by the Capitol Planning Commission shall be paid into the account. All moneys in the account are appropriated continuously to the commission and shall be used to pay the expenses of the commission in performing its functions as provided by law, except those expenses for which moneys in the Executive Residence Account may be used.
[1971 c.6 §2]

276.044 Biennial report. On the first Monday in December in each even-numbered year, the commission shall file with the Governor and the Legislative Assembly a report of its activities for the preceding biennium and a summary of recommendations made by it.
[Amended by 1969 c.706 §21]

(Lands and Facilities in Capitol Area)

276.046 Department may acquire and improve land in capitol area. (1) The Department of General Services 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 Department of General Services 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 department 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 [Repealed by 1969 c.199 §59]

276.049 [1953 c.510 §1; repealed by 1969 c.199 §59]

276.050 [1953 c.510 §2; 1967 c.419 §25; repealed by 1969 c.199 §59]

276.051 Purchasing land in block 82 of City of Salem; improving land in capitol area. (1) The Department of General Services 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 department 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 Elevators and air conditioning system in capitol. (1) Pursuant to ORS 276.013 to 276.017 and 276.110 to 276.138 the Department of General Services shall prepare plans and specifications for and construct, alter, repair, furnish and equip an air conditioning system and extend to the fourth floor the elevators in the State Capitol.

(2) The sum to be expended for the projects described in this section shall not exceed $295,000.
[1967 c.565 §7]

276.060 [1953 c.67 §1; 1957 c.377 §2; repealed by 1969 c.706 §70]

276.062 Disposition of buildings or property acquired for capitol area. (1) The Department of General Services may sell, wreck or dispose of the buildings and improvements that exist, at the time of acquisition, on property acquired by the state for future expansion of the capitol area.

(2) Subject to ORS 276.004, the department may:

(a) Permit the use of such buildings and improvements by any state officer, department, board or commission, to be operated and managed by the department in the same manner as other buildings under ORS 276.010 to 276.064.

(b) Rent or lease such buildings and improvements to private persons.
[1953 c.67 §2; 1967 c.419 §59; 1969 c.199 §21; 1969 c.706 §26]

276.064 Disposition of moneys received under ORS 276.062. (1) All moneys received by the Department of General Services from the sales, leases or rentals made pursuant to ORS 276.062 shall be deposited to the credit of the State Capital Construction Sinking Fund and are appropriated for the purposes of that fund.

(2) Moneys in the State Capital Construction Sinking Fund may be used by the department for:

(a) The operation, maintenance and repair by the department 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.

[1953 c.67 §3; 1957 c.349 §2; 1969 c.199 §22; 1969 c.706 §27]

276.066 [1953 c.67 §4; 1965 c.112 §1; 1969 c.199 §23; repealed by 1969 c.706 §70]

276.070 Contract relating to building owned by Employment Division. The Employment Division and the Department of General Services may contract for the operation, maintenance and insuring by the Department of General Services of any office building located in the capitol area, as defined in ORS 276.010, that is owned wholly or in part by the Employment Division.

[1969 c.706 §42]

EXECUTIVE RESIDENCE

276.102 Acceptance of donations for state executive residence. The Capitol Planning Commission on behalf of the State of Oregon may accept gifts, grants and donations from public and private sources for the purpose of the construction, decoration, landscaping, furnishing and equipping of a state executive residence. All moneys received under this section shall be placed in the Executive Residence Account, which account is hereby created, to be used only for the purposes for which the moneys were given.

[1967 c.615 §1]

276.104 Advisory committee; compensation and expenses. The Capitol Planning Commission shall appoint an advisory committee to assist the Department of General Services in planning for the design, decorating, landscaping, furnishing and equipping of a state executive residence. The advisory committee shall consist of persons from occupations, professions and businesses concerned with the planning, constructing, decorating, landscaping, furnishing and equipping of homes and may include members of the Capitol Planning Commission. All members are entitled to compensation and expenses as provided in ORS 292.495.

[1967 c.615 §2; 1969 c.314 §18]

276.106 Selection of architects; use of Oregon products. It is the intention of the Legislative Assembly that due to the importance of a state executive residence, the architects be selected on the basis of a competition sanctioned by the American Institute of Architects and open to all architects registered in this state, based upon specifications prepared by the Department of General Services. In so far as practicable, the legislature intends that Oregon products shall be used in constructing and decorating the state executive residence.

[1967 c.615 §3]

276.108 Certification that moneys available; Department of General Services to construct and furnish residence. Notwithstanding ORS 276.010, 276.026 to 276.046, 276.051, 276.052, 276.062 and 276.064 when the Capitol Planning Commission determines that there is a sufficient amount of money and gifts in the Executive Residence Account to complete construction of the state executive residence, it shall so certify to the Department of General Services. The Department of General Services may cause to have constructed, decorated, landscaped, furnished and equipped the state executive resirence according to the design adopted under ORS 276.104.

[1967 c.615 §4]

ACQUISITION OF STATE OFFICE BUILDINGS WITH STATE TRUST FUNDS

(Salem Office Buildings)

276.110 Definitions for ORS 276.110 to 276.138. As used in ORS 276.013 to 276.017 and 276.110 to 276.138, unless the context requires otherwise:

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

(2) "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.

(3) "Investing agency" means the board, commission, department or other agency whose funds are invested.

(4) "Investing funds" means those funds enumerated in subsection (2) of ORS 293.701, when invested pursuant to ORS 276.013 to 276.017 and 276.110 to 276.138.

(5) "Office building" means any building acquired under ORS 276.013 to 276.017 and 276.110 to 276.138 to provide centralized office quarters for state agencies and may include buildings for parking or storage facilities.

(6) "State Treasurer" means the State Treasurer in his capacity as investment officer for the Oregon Investment Council.
[1957 c.727 §1; 1959 c.157 §5; 1967 c.335 §27; 1969 c.199 §24; 1969 c.706 §29]

276.112 Authority to repay certain loans and to manage Salem office buildings. The Department of General Services may:

(1) Use moneys in the State Capital Construction Sinking Fund to repay loans made from investing funds to acquire buildings under ORS 276.013 to 276.017 and 276.110 to 276.138 before July 1, 1969.

(2) Alter, repair and equip buildings acquired for office buildings under ORS 276.013 to 276.017 and 276.110 to 276.138 before July 1, 1969.
[1957 c.727 §2; 1967 c.419 §26; 1969 c.199 §25; 1969 c.706 §30]

276.113 [1959 c.427 §13; repealed by 1969 c.706 §70]

276.114 [1957 c. 727 §5; 1961 c.508 §8; 1967 c.335 §28; 1969 c.199 §26; repealed by 1969 c.706 §70]

276.116 [1957 c.727 §14; 1969 c.199 §27; repealed by 1969 c.706 §70]

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 276.013 to 276.017 and 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 276.013 to 276.017 and 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 State Capital Construction Account and used for the purposes set out in subsection (1) of ORS 276.005.
[1957 c.727 §3; 1969 c.706 §33]

276.124 [1957 c.727 §9; repealed by 1969 c.706 §70]

276.126 [1957 c.727 §10; repealed by 1969 c.706 §70]

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; crediting of rentals. The Executive Department shall assign state agencies space in office buildings acquired under ORS 276.013 to 276.017 and 276.110 to 276.138 and such agencies shall pay rent for space occupied. The Executive Department shall fix and periodically adjust rentals as required under ORS 276.385 and 276.390. All such rentals shall be credited to the State Capital Construction Sinking Fund and are appropriated for the purposes of that fund.
[1957 c.727 §4; 1967 c.419 §60; 1969 c.199 §28; 1969 c.706 §35]

276.132 [1957 c.727 §8; 1967 c.454 §94; 1969 c.199 §29; repealed by 1969 c.706 §70]

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 [1957 c.727 §14; 1969 c.199 §30; repealed by 1969 c.706 §70]

276.137 Title to Salem office building. On repayment of all moneys loaned by investing funds to acquire a building under ORS 276.013 to 276.017 and 276.110 to 276.138 before July 1, 1969, title to such building shall vest automatically in the Executive Department in the name of the State of Oregon.
[1969 c.706 §32]

276.138 [1957 c.727 §15; repealed by 1969 c.706 §70]

(Branch Office Buildings)

276.142 Definitions for ORS 276.142 to 276.164. As used in ORS 276.142 to 276.164, unless the context requires otherwise:

(1) "Branch office building" means any building or facility acquired under the provisions of ORS 276.142 to 276.164 to provide centralized office quarters for state agencies outside the City of Salem and may include parking, storage and motor pool facilities.

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

(3) "Investing agency" means the board, commission, department or other agency whose funds are invested.

(4) "Investing funds" means those funds enumerated in subsection (2) of ORS 293.701, when invested pursuant to ORS 276.142 to 276.164.
[1959 c.427 §1; 1967 c.335 §29; 1969 c.706 §44]

276.144 Authority to repay certain loans and manage branch office buildings. The Department of General Services may:

(1) Use moneys in the State Capital Construction Sinking Fund to repay loans made from investing funds to acquire buildings under ORS 276.142 to 276.164 before July 1, 1969.

(2) Alter, repair and equip a building purchased or constructed for a branch office building under ORS 276.142 to 276.164 before July 1, 1969.
[1959 c.427 §2; 1961 c.650 §1; subsection (2) enacted as 1961 c.650 §2; 1967 c.419 §27; 1969 c.706 §45]

276.146 [1959 c.427 §3; repealed by 1969 c.706 §70]

276.148 [1959 c.427 §4; repealed by 1969 c.706 §70]

276.150 [1959 c.427 §5; 1961 c.508 §9; 1961 c.650 §3; 1965 c.598 §6; 1967 c.335 §30; repealed by 1969 c.706 §70]

276.152 Building and site as investment of investing fund. Each branch office building and the site therefor shall represent an investment of the investing fund to the extent that the same is used to pay the cost of acquisition of that branch office building or to the extent of any unrefunded or unpaid balance thereof. The Department of General Services shall issue to the investing agency appropriate evidence of this fact.
[1959 c.427 §6]

276.154 [1959 c.427 §10; repealed by 1969 c.706 §70]

276.156 Assigning space; determining rentals; disposition of rentals. The Executive Department shall assign state agencies space in the branch office buildings purchased, constructed, added to and altered under ORS 276.142 to 276.164; and such agencies shall pay rent for space occupied. The Executive Department shall fix and periodically adjust rentals as required under ORS 276.385 and 276.390. All such rentals shall be credited to the State Capital Construction Sinking Fund and are appropriated for the purposes of that fund.
[1959 c.427 §7; 1965 c.598 §7; 1967 c.419 §61; 1969 c.706 §50]

276.157 Rentals to meet cost of acquisition within 35 years. Notwithstanding ORS 276.156, the Department of General Services shall fix and periodically adjust rentals, fees and charges in the parking structure so as to provide an amount sufficient to pay the cost of acquisition of the parking structure within a period of not more than 35 years. Such rentals, fees and charges shall also provide an additional amount sufficient for operating,

maintaining and insuring the parking structure.
[1969 c.453 §3]

276.158 [1959 c.427 §8; repealed by 1969 c.706 §70]

276.159 Title to branch office buildings. On repayment of all moneys loaned by investing funds to acquire a branch office building under ORS 276.142 to 276.164 before July 1, 1969, title to such branch office building shall vest automatically in the Executive Department in the name of the State of Oregon.
[1969 c.706 §47]

276.160 [1959 c.427 §9; repealed by 1969 c.706 §70]

276.162 Renting space to public agencies and private citizens; private concessions. Space in a branch office building not needed or available to state agencies may be rented in order of priority first to other public agencies, then to private citizens. The Executive Department shall establish such rates, charges and fees for use and rental of space in branch office buildings under ORS 276.385 and 276.390. A branch office building may contain space which may be rented for private concessions. Receipts from rentals to other than state agencies shall be placed in the State Capital Construction Sinking Fund and such receipts are appropriated for the purposes of that fund.
[1959 c.427 §11; 1965 c.459 §3; 1969 c.706 §53]

276.164 Use of adjacent grounds for parking; fees. (1) The Director of the Department of General Services shall, from time to time, ascertain and determine where and under what conditions the grounds owned or leased by the state located either adjacent, on or in close proximity to though not necessarily contiguous to branch office buildings, may be most efficiently used by owners and operators of motor vehicles and other persons. Based upon such findings the Department of General Services shall promulgate rules for parking of motor vehicles. Notice of rules so promulgated shall be given by appropriate signs, which shall be posted on such grounds. In promulgating such rules the Department of General Services shall consider the space available, the type of use, safety, demand and such other matters as it shall consider pertinent.

(2) The Executive Department under ORS 276.385 and 276.390 may establish fair and reasonable fees for the privilege of using parking space by state agencies, other public agencies or private persons, or other uses of such grounds. Receipts shall be placed in the State Capital Construction Sinking Fund and such receipts are appropriated for the purposes of that fund.

(3) No person shall occupy or use the grounds described in this section except in the manner, at the times and under the conditions provided in the rules authorized by this section.
[1967 c.450 §§2, 3; 1969 c.706 §54]

276.166 Acquisition of site in Salem. (1) Notwithstanding ORS 276.010, 276.026 to 276.046, 276.051, 276.052, 276.062 and 276.064, the Department of General Services is authorized to purchase and in the name of the State of Oregon take title to a suitable site, with or without improvements thereon in the City of Salem, Oregon, and to construct a building or buildings.

(2) For the purposes of this section the site so acquired and the building or buildings so constructed shall be considered branch office buildings within the meaning of and subject to the conditions of ORS 276.142 to 276.164.

(3) For the purposes of this section, the total expenditures of money by the department from the Branch Office Building Acquisition Fund provided by ORS 276.150 shall not exceed $100,000.
[1967 c.565 §6]

276.175 Authority over Portland State Office Building. The general control, management and actual custody and care of the state office building constructed in Portland pursuant to chapter 326, Oregon Laws 1947, as amended, commonly known as the Portland State Office Building, is vested in the Department of General Services, as in the case of other buildings under ORS 276.010 to 276.066.
[1969 c.706 §24]

(Former Tuberculosis Hospital)

276.185 Authority of department over former State Tuberculosis Hospital. (1) The buildings, grounds and facilities presently operated and controlled by the State Board of Higher Education as the Oregon State Tuberculosis Hospital in Salem, Marion County, are transferred to the Department of General Services.

(2) The Department of General Services shall have the power to hold, convey, sell, lease, rent and provide for the custody and

maintenance of the buildings, grounds and facilities transferred in subsection (1) of this section.

(3) In exercising the powers enumerated by subsection (2) of this section, the Department of General Services shall have the power to negotiate and enter into contracts with the state or any political subdivision of the state or the United States of America or any agency thereof or private individual or corporation. The consideration for the transfer or lease may be cash or real property, or both.

(4) In addition to the other purposes for which the General Services Revolving Fund may be used, the General Services Revolving Fund hereby is appropriated continuously for and may be used for operation and maintenance of the building, grounds and facilities designated under subsection (2) of this section, and for paying administrative costs incurred in the transfer or disposal of such property under subsections (2) and (3) of this section.

(5) All moneys received under this section shall be forwarded to the State Treasurer and deposited in the General Fund to be available for general governmental expenses, except, funds expended under subsection (4) of this section, by the department, shall be first deducted from all moneys received under this section and promptly deposited in the State Treasury to the credit of the General Services Revolving Fund created by ORS 279.742.
[1969 c.199 §10]

ACCEPTANCE OF FEDERAL AID

276.190 Acceptance of federal aid in preparing for construction of public buildings and works. The Department of General Services may, in its discretion, accept financial assistance and grants and (to the extent that moneys have been appropriated for the repayment thereof) advances, from the United States or any of its agencies, subject to the terms and conditions thereof, regardless of any laws of this state in conflict with the regulations of the Federal Government with respect thereto, to aid in financing the cost of engineering and architectural surveys, designs, plans, working drawings, specifications or other action preliminary to and in preparation for the construction of public buildings and works.
[1959 c.595 §4]

SERVICES AND FACILITIES FOR STATE BUILDINGS

(Heat, Light, Power, Sewage, Fire Protection and Communications)

276.210 Definition for ORS 276.210 to 276.228. When used in ORS 276.210 to 276.228, unless the context requires otherwise, "public buildings and grounds" means the works, buildings and grounds owned by, and situated in, this state and governed, managed or administered by the Department of General Services and the other state buildings owned by the state and used by any of the departments of the state.
[Amended by 1969 c.199 §31]

276.212 Department may establish and operate heat, light, communication and power systems. (1) The Department of General Services 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 public buildings and grounds.

(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 department may do all things necessary for:

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

(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.
[Amended by 1969 c.199 §32]

276.214 Acquiring land, buildings and structures; eminent domain procedure. (1) The Department of General Services my 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 Department of General Services 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 Department of General Services 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 Department of General Services 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 department.

276.218 Acquiring machines and equipment; purchase terms; pledging funds appropriated for maintenance and operation. (1) The Department of General Services 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 department 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 department. Such payments may be evidenced by certificates; and until such certificates or contracts are paid, the department 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 public buildings and grounds 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 public buildings.

(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 department 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 public buildings.

[Amended by 1969 c.199 §33]

276.220 Payment of cost of real and personal property. The Department of General Services 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 public buildings and grounds 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 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.

[Amended by 1969 c.199 §34]

276.222 Contracting to purchase services and use facilities. The Department of General Services 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 Department of General Services may at its discretion estimate the cost to each and every state building 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 or departments, the amount thus determined by the Department of General Services 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.
[Amended by 1969 c.199 §35]

276.226 Acceptance of federal funds; contracts with United States or its agencies. The Department of General Services 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 Department of General Services 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]

(Water)

276.232 Definitions for ORS 276.234 to 276.244. When used in ORS 276.234 to 276.244, "department" means the Department of General Services.
[Amended by 1953 c.259 §1]

276.234 Providing water and water power for public buildings and institutions. (1) The Department of General Services shall provide for the supplying of the public buildings and grounds with water and water power sufficient for the present and future use of the facilities serviced. The department shall have full power to carry into effect the provisions of this section.

(2) As used in this section, "public buildings and grounds" means the public buildings and grounds and works that are, from time to time, created by law and come within the jurisdiction of the department and the other state buildings now or hereafter located at or near the seat of government.
[Amended by 1953 c.259 §2; 1969 c.199 §36]

276.236 Department may acquire land, water and water rights, watercourses, franchises and privileges. The department may purchase, contract for, and lease, in the name of the state, real property, water, water rights and watercourses, franchises and privileges. Whenever the department 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 department, reasonable, the department 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 department 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 department 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 department. 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 the Director of the Department of General Services. 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 department in the name of and for the use and benefit of the state.
[Amended by 1969 c.199 §37]

276.244 Powers of department. The department 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 department, may be proper and suitable to carry out the provisions of ORS 276.234 to 276.244.

(Miscellaneous)

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 General Services 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 furniture. 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 state 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 Department of General Services may enter into an agreement with the City of Salem for the furnishing of water and fire protection services to all state buildings 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 department may be made for fire protection or increased fire protection to state buildings outside the corporate limits of the City of Salem resulting from the improved water supply.
[Amended by 1969 c.199 §38]

276.252 Sewage system for state institutions and departments. The Department of General Services may construct sewage systems for 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 department 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.
[Amended by 1969 c.199 §39]

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

276.385 Rentals for buildings other than Capitol. (1) Notwithstanding any other provision of law, the Executive Department shall fix rentals for space in buildings specified in ORS 276.004, and rentals or other charges for parking facilities. The rentals shall be fixed on a basis as nearly uniform as practicable to provide amounts:

(a) To pay the expenses of operating, maintaining and insuring the Capitol and the buildings subject to the Executive Department under this section; and

(b) To construct, improve, repair, equip and furnish additional buildings, structures and other projects for state government, and to purchase or improve sites therefor; and

(c) To provide amounts necessary to repay indebtedness, and the interest thereon, incurred to construct, improve, repair, equip and furnish buildings, structures and other projects for state government.

(2) The Executive Department shall negotiate with the State Highway Commission for the fixing of rentals in the case of the State Highway Building.
[1969 c.706 §10]

276.390 Approval of rent schedule by Emergency Board; appropriations to cover rental costs; rent schedule for Capitol. (1) Not later than June 30 of each even-numbered year, the Executive Department shall submit to the Emergency Board a schedule of rentals proposed for the biennium beginning on July 1 of the next calendar year. Any changes in an existing schedule of rentals, or rentals for new buildings or facilities, are subject to approval by the Emergency Board. The Emergency Board shall recommend to the next regular session of the Legislative Assembly that it appropriate for each agency occupying space in such a building or facility an amount sufficient to pay rentals required under the schedule as approved by the Emergency Board.

(2) The Emergency Board shall adopt a schedule of rentals for each biennium with respect to the Capitol.
[1969 c.706 §11]

276.410 Assignment of quarters to officers, boards and commissions. Adequate quarters in a state office building, or in some other building in the City of Salem owned by the state, shall be assigned as provided in ORS 276.002 and 276.004 for all state officers, boards and commissions whose business or functions are, in the judgment of the assigning authority, of such extent or public importance as to require quarters therein.
[Amended by 1967 c.419 §62]

276.412 Payment of rent by state agencies. (1) Each month the Executive Department shall transfer to the State Capital Construction Sinking 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 fixed by the Executive Department under ORS 276.385 and 276.390 as rent for the preceding month for the quarters assigned to such agencies.

(2) Such transfer may be made in the manner provided by law and shall be credited

to the State Capital Construction Sinking Fund and such moneys are appropriated for the purposes of that fund.

(3) This section applies to quarters occupied by the Division of State Lands.

[Amended by 1959 c.289 §1; 1967 c.33 §2; 1967 c.454 §95; 1969 c.199 §40; 1969 c.706 §55]

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 General Services. After May 11, 1951, any authority possessed by the State Accident Insurance Fund, the Public Utility Commissioner, the Administrator of the Employment Division, the Department of Revenue, the Public Welfare Division, 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 General Services. 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 General Services 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 General Services 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 General Services 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 General Services, 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 General Services, 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 General Services.

276.428 Supervision of leases and rental agreements; ordering changes in location of office quarters for state agencies. The Department of General Services shall exercise supervisory authority over all leases or rental agreements for office quarters for all state agencies. 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 General Services, 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.

[Amended by 1969 c.199 §41]

276.429 Department to lease office space to state agencies. (1) The Department of General Services may enter into leases and rental agreements, as lessee, for office quarters for state agencies, after requests for such quarters have been approved by the Executive Department.

(2) Immediately following each monthly rental period, the Executive Department, 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 General Services. The money so deducted 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 are appropriated for the payment of the rental of such office quarters.

[1953 c.591 §1; 1955 c.243 §1; 1965 c.385 §1; 1969 c.199 §42; 1969 c.706 §56]

276.430 Rentals for meetings and concessions. The Director of the Department of General Services, as custodian of the capitol area and state office buildings, may permit the occasional 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 he considers convenient, when such use will not interfere with the orderly conduct of state business and is consistent with the public interests. For such use, notwithstanding ORS 276.004 the director may 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 deposited in the State Capital Construction Sinking Fund and are appropriated for the purposes of that fund.

[Amended by 1969 c.85 §3; 1969 c.199 §43; 1969 c.706 §57]

276.510 [Repealed by 1969 c.706 §70]

276.512 [Amended by 1959 c.289 §2; 1967 c.419 §63; repealed by 1969 c.706 §70]

276.514 [Repealed by 1969 c.706 §70]

276.516 [Repealed by 1969 c.706 §70]

276.518 [Repealed by 1969 c.706 §70]

276.520 [Amended by 1969 c.199 §44; repealed by 1969 c.706 §70]

276.522 [Repealed by 1969 c.706 §70]

276.524 [Repealed by 1969 c.706 §70]

276.528 [Repealed by 1969 c.706 §70]

276.530 [Amended by 1959 c.289 §3; 1967 c.419 §64; 1969 c.199 §45; repealed by 1969 c.706 §70]

276.532 [Amended by 1959 c.289 §4; repealed by 1969 c.706 §70]

276.534 [Repealed by 1969 c.706 §70]

276.536 [Repealed by 1969 c.706 §70]

276.538 [Repealed by 1969 c.706 §70]

276.540 [Amended by 1969 c.199 §46; repealed by 1969 c.706 §70]

276.542 [Repealed by 1969 c.706 §70]

276.544 [Repealed by 1969 c.199 §59]

276.546 [Amended by 1967 c.419 §65; repealed by 1969 c.199 §59]

PARTICULAR STATE BUILDINGS

(State Highway 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 Highway Division of the Department of Transportation. 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 Department of General Services 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) Subject to ORS 276.004, 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 Highway Division of the Department of Transportation, 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 Department of General Services 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.

[Amended by 1967 c.419 §66]

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 Highway Division of the Department of Transportation. 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 division 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]

(Parking Structure in Portland)

276.558 Planning and construction of parking structure in Portland; primary use. The Department of General Services may prepare plans and specifications for, and locate and purchase land for, and construct, furnish and equip a parking structure to be located in the City of Portland. The parking structure shall provide space for off-street motor vehicle parking, office space, storage space and space for a motor pool facility. The parking structure shall be primarily for the use of the officers and employes of state agencies. Except as otherwise provided in ORS 276.560, the structure shall be constructed, operated and maintained by the Department of General Services pursuant to the provisions of ORS 276.142 to 276.164.

[1965 c.459 §1]

276.560 Rentals, fees and charges in parking structure. The Executive Department periodically shall fix and adjust rentals, fees and charges in the parking structure as required under ORS 276.385 and 276.390.

[1965 c.459 §2; 1967 c.565 §5; 1969 c.706 §58]

(Parking Facilities in Salem)

276.562 Construction of parking facilities near capitol group of buildings; prior approval by Emergency Board. (1) The Department of General Services in consultation with the Capitol Planning Commission shall prepare plans and specifications for and construct, alter, repair, furnish and equip one or more parking facilities to be located in Salem near the capitol group of buildings, as defined in ORS 276.010, except any facility located in the area bordered by Capitol and Winter Streets on the east and west and by Court and Marion Streets on the south and north, in the City of Salem, shall be below ground. The parking facilities shall be primarily for the use of the officers and employes of state agencies. Except as otherwise provided in ORS 276.026, 276.562 and 276.564, the facilities shall be constructed, operated and maintained pursuant to ORS 276.013 to 276.017 and 276.110 to 276.138.

(2) No constructing, altering, repairing, furnishing and equipping of any parking facility referred to in this section shall be commenced unless and until an architectural and financial plan for ORS 276.024, 276.025, 276.026, 276.562 and 276.564 has been submitted by the Department of General Services to and approved by the Emergency Board.
[1967 c.583 §1]

276.564 Repaying acquisition cost; taxation. (1) Notwithstanding ORS 276.130, the period to repay the cost of acquisition of any parking facility may be extended to a period of not more than 35 years.

(2) Any portion of the facilities used during the tax year for parking on a rental or fee basis to private individuals shall be subject to ad valorem taxation computed by determining that percentage that private use bears to the total use of the facilities.
[1967 c.583 §2]

276.565 Regulation of parking in capitol area. The Department of General Services shall determine under what conditions the grounds owned by the state adjacent to the capitol group of buildings may be most efficiently used by owners and operators of motor vehicles and other persons. Based upon such findings the department shall promulgate rules for parking of motor vehicles or other uses of such grounds. Notice of rules so promulgated shall be given by appropriate signs posted on such grounds. In promulgating such rules the department shall consider the space available, the type of use, safety, demand and such other matters as he shall consider pertinent.
[Formerly 276.024]

276.566 [1967 c.583 §5; repealed by 1969 c.706 §70]

276.567 Leasing of parking spaces in the capitol area; charges; disposition of charges. (1) The Department of General Services may lease parking spaces on the parking lots and in parking facilities owned by the state in the capitol area for the parking of motor vehicles. In such leasing, priority shall be given to the needs of state officers and employes. The Department of General Services shall furnish a space without charge to each elective state officer, and may designate a limited number of spaces, either free or metered, for use by persons transacting business in state offices. Any spaces not required for leasing to state officers and employes, or for other authorized purposes, may be leased to other persons.

(2) Biennially the Department of General Services shall prepare an estimate of the number of spaces that will be available in each parking lot and facility. Based on this estimate and other information available to it, the Executive Department shall prescribe reasonable charges for the leasing of parking spaces under subsection (1) of this section. The Department of General Services shall promulgate rules for the use of such space.

(3) All moneys received from the leasing of parking spaces under this section shall be deposited in the State Capital Construction Sinking Fund and are appropriated for the purposes of that fund.
[Formerly 276.025]

(Parking Structure in Eugene)

276.569 Planning and construction of parking structure in Eugene; primary use. The Department of General Services shall prepare plans and specifications and locate and acquire land by purchase, gift, exchange, agreement, lease, condemnation or otherwise for, and construct, alter, repair, furnish and equip a parking structure to be located in the City of Eugene. Such structure shall be constructed either adjacent to, on or in close proximity to, though not necessarily contiguous to, the State Office Building. The parking structure shall provide space for off-street motor vehicle parking, office space, storage space and space for a motor pool facility. The parking structure shall be primarily for the

use of the officers and employes of state agencies as an incident to their employment. Any space not so required may be leased to state officers and employes for their private use in nonstate activities or to other persons. Subject to ORS 276.164, the department shall promulgate rules necessary and proper for parking of motor vehicles, or other uses of the structure, including the establishment of fees for the privilege of using parking spaces by state agencies, other public agencies or private persons or other uses of such grounds. The structure shall be constructed, operated and maintained by the Department of General Services pursuant to the provisions of ORS 276.142 to 276.164.
[1969 c.453 §2]

276.570 [1967 c.442 §1; repealed by 1969 c.706 §70]

(Employment Division Office Building)

276.575 Computation of rent schedules; collection of rents. (1) The office building described in section 6, chapter 528, Oregon Laws 1971, shall be exempt from the rent schedules established under ORS 276.385 and 276.390.

(2) Rents attributable to any state agency, including the Employment Division, occupying space in such office building shall be computed in amounts sufficient to liquidate the sums advanced under section 7, chapter 528, Oregon Laws 1971, by July 1, 2002, with interest thereon.

(3) Rent collections for such buildings shall be handled as provided in ORS 276.412.
[1971 c.528 §8]

276.580 Additional payment by occupants for maintenance and service charges. Every state agency, including the Employment Division, occupying space in the building described in section 6, chapter 528, Oregon Laws 1971, shall pay to the Department of General Services all maintenance costs and necessary service charges arising out of its occupancy of the building.
[1971 c.528 §9]

276.585 Assignment of excess space; rental and additional charges. Whenever space in the office building authorized by chapter 528, Oregon Laws 1971, exceeds current requirements of the Employment Division, the Executive Department may assign such space pursuant to ORS 276.004 and 276.410. However, rental rates for space so assigned shall be computed as provided in ORS 276.575 and shall be subject to maintenance and necessary service charges.
[1971 c.528 §10]

276.590 Leasing of parking spaces; disposition of space rental fees. Parking space or facilities therefor acquired in connection with the building described in section 6, chapter 528, Oregon Laws 1971, shall be subject to ORS 276.565 and 276.567. Moneys collected for such space, less administrative costs and maintenance expense, shall be credited as provided in ORS 276.567.
[1971 c.528 §11]

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 institutions and activities under the jurisdiction of the Corrections Division, Mental Health Division or the State Board of Education and the State Board of Higher Education and for the furnishing and equipping of buildings so constructed, altered or repaired.
[Amended by 1969 c.597 §51]

276.612 Determining buildings to be constructed, altered, repaired, furnished and equipped; approval before construction, alteration or repair commenced. (1) The Corrections Division, Mental Health Division and the State Board of Education each shall determine the buildings to be constructed, altered, repaired, furnished and equipped for the use of institutions and activities under their respective 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 the Emergency Board has 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 the Joint Ways and Means Committee of the House and Senate.
[Amended by 1969 c.597 §52]

276.614 [Repealed by 1969 c.597 §281]

COUNTY AND MUNICIPAL BUILDINGS

276.710 Definition for ORS 276.712 to 276.730. 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 circulation 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 provided 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.

PENALTIES

276.990 Penalties. (1) Violation of any rule or regulation lawfully promulgated under ORS 276.026, 276.164 or 276.565 is a misdemeanor.

(2) Any agency or officer of the state having authority to regulate parking may enter into agreements or contracts with any county, city or political subdivision under such terms as the agency or officer considers advisable to prosecute violations of subsection (1) of this section.

(3) Any person who in any way intentionally or maliciously damages or obstructs any water line of the public buildings and grounds or state 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.

[Amended by 1967 c.450 §4; 1969 c.199 §47]

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, 1971.

Robert W. Lundy
Legislative Counsel

CHAPTER 277

[Reserved for expansion]