

Chapter 354

1975 REPLACEMENT PART

Educational Television and Radio; Translator Districts

STATE RADIO STATIONS		TRANSLATOR DISTRICTS	
354.010	Management of state radio station at Oregon State University	354.605	Definitions for ORS 354.605 to 354.715
354.020	Use by state agencies	354.615	Application of ORS 354.605 to 354.715
354.090	Management of state radio station at Oregon Institute of Technology	354.625	Creation of translator district; boundaries of district
		354.635	Contents of petition of formation
		354.645	When election on formation and first board to be held
		354.655	District board; membership; quorum; term; expenses
		354.665	Board duties
		354.675	Powers of district
		354.685	Methods of finance
		354.695	Tax levies; exemption
		354.705	Referral of increase in minimum tax rate to voters
		354.715	Dissolution, liquidation and transfer proceedings
			PENALTIES
		354.990	Penalties

EDUCATIONAL TELEVISION AND RADIO

354.410	Definitions for ORS 354.410 to 354.440
354.420	Purpose of ORS 354.410 to 354.440
354.430	Authority of Department of Education; disposition of sale proceeds
354.440	Board to approve certain educational television and radio programs; advisory committee

CROSS REFERENCES

Oregon Educational Coordinating Commission, 348.715

354.990

Penalty for false swearing to obtain tax exemption on historic properties, 307.990

STATE RADIO STATIONS

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

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

354.090 Management of state radio station at Oregon Institute of Technology. The State Board of Higher Education is declared the managing agency of the FM radio station KTEC, licensed to the Oregon Institute of Technology, and as such shall prescribe rules and regulations in conformity with the regulations and laws of the United States Government relating to educational FM radio stations. By such rules and regulations the State Board of Higher Education shall make the facilities of the radio station available in the training programs of the Oregon Institute of Technology.
[1957 c.389 s.16, 1961 c.126 s.1]

STATE TELEVISION STATIONS

354.210 Management of educational television facilities of State Board of Higher Education. The State Board of

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

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

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

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

(b) The department, agency, corporation, firm, organization or association agrees to pay reasonable charges fixed by the rules and regulations of the State Board of Higher Education based on the operating expenses of the television facilities used. The amounts received under the provisions of this paragraph hereby are appropriated for the purpose of paying the operating expenses of any educational television station for which the State Board of Higher Education is the licensee. No charges under the provisions of this paragraph shall be, or be considered to be, charges based on the amount of television time given to the payer. As used in this paragraph, "operating expenses" means technical, programming, administrative and maintenance expenses, including reasonable building and equipment reserves, but does not include capital outlay for the initial plant and equipment.
[1957 c.694 s.3]

354.230 Acceptance and use of gifts.

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

[1957 c.694 s.4]

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

[1957 c.694 s.2]

354.300[1957 c.694 s 5; repealed by 1961 c.238 s.1]

EDUCATIONAL TELEVISION AND RADIO

354.410 Definitions for ORS 354.410 to 354.440. As used in ORS 354.410 to 354.440, unless the context requires otherwise:

(1) "Educational television and radio" means programs for direct teaching, programs for instructional enrichment, and programs for in-service education of teachers which are transmitted for viewing or listening in connection with instruction in public elementary and secondary education by state-operated educational television and radio stations.

(2) "Direct teaching" means instruction primarily by educational television or radio in a subject or course of study which is a part of the public school curriculum as authorized by the State Board of Education.

(3) "Instructional enrichment" means instruction by means of educational television or radio which is designed to improve, supplement, complement, or strengthen instruction in a subject or course of study which is a part of the public school curriculum.

(4) "In-service programs for teachers" means programs which are designed to strengthen and improve the knowledge and understanding by teachers of subject matter

content of courses taught in the public elementary and secondary schools; and programs designed to improve the understanding, knowledge, and skills of teachers relating to methods of teaching, the nature of the learning process, the nature of the learner and other matters connected with the instructional program of the public schools.

[1961 c.535 s.2]

354.420 Purpose of ORS 354.410 to 354.440. (1) The purpose of ORS 354.410 to 354.440 is to encourage the development of and provide means for making educational television and radio programs of direct instruction and instructional enrichment for pupils and in-service education for teachers available to the public schools of the state, and to provide for the authorization and approval of such programs by the Department of Education.

(2) Educational television and radio are hereby declared to be and authorized as suitable means of instruction in the public schools of Oregon to the extent that may be approved by the Department of Education and accepted by local school district officials.

[1961 c.535 ss.1, 3, 1965 c 100 s 453]

354.430 Authority of Department of Education; disposition of sale proceeds. The Department of Education may utilize its appropriate personnel and facilities and any funds made available to it:

(1) To stimulate interest by school districts in the appropriate use of educational television and radio in the public schools.

(2) To plan and produce suitable educational television and radio programs of direct instruction, instructional enrichment for pupils and in-service programs for teachers in the public schools.

(3) To cooperate with officials of state-operated educational television and radio stations in planning and producing suitable programs of direct teaching and instructional enrichment, and in planning and producing in-service programs for teachers for the public schools.

(4) To assist local school districts in planning suitable programs of educational television and radio for the public schools, and to cooperate with officials of state-operated educational television and radio stations in producing such programs.

(5) To employ personnel and pay expenses for services, materials, equipment and supplies necessary for the administration of ORS 354.410 to 354.440.

(6) To contract for and pay for professional services utilized in the development and production of programs for educational television and radio.

(7) To purchase, rent, lease or contract for use of filmed, taped or otherwise recorded educational television and radio programs from available sources and to sell programs or to exchange them for others of a similar nature.

(8) All moneys received under subsection (7) of this section shall be deposited in the State Treasury to the credit of the Department of Education and shall be used exclusively for the purposes authorized by this section.

[1961 c 535 s.5; 1965 c.100 s.454; 1967 c 570 s.1]

354.440 Board to approve certain educational television and radio programs; advisory committee. (1) All educational television and radio programs provided by state-operated educational television and radio stations for direct teaching, instructional enrichment, and in-service education of teachers as defined in ORS 354.410 shall be approved by the State Board of Education.

(2) The State Board of Education shall appoint an advisory committee of seven members to advise the Department of Education on the planning and preparation of in-school television programs.

[1961 c.535 ss.4, 6; 1965 c.100 s.455]

TRANSLATOR DISTRICTS

354.605 Definitions for ORS 354.605 to 354.715. As used in ORS 259.020 and 354.605 to 354.715, unless the context requires otherwise:

(1) "Ad valorem tax" means a tax levied against all taxable real and personal property in the district.

(2) "County board" means the governing body of the principal county.

(3) "District board" means the governing board of a district.

(4) "Translator" means any UHF facility constructed within a district for the purpose of receiving, amplifying and transmitting signals broadcast by one or more television stations intended for the general public.

[1975 c.286 s.1]

354.615 Application of ORS 354.605 to 354.715. Nothing in ORS 259.020 and 354.605 to 354.715 shall apply to the construction or operation of community antenna systems or the redistribution of any signals,

writings, images, sounds or intelligence of any nature by cable.

[1975 c 286 s 2(2)]

354.625 Creation of translator district; boundaries of district. (1) A translator district may be created as provided by ORS 259.020 and 354.605 to 354.715 for the construction, maintenance and operation of translator stations and the transmission and reception of television broadcast signals in areas so remote from regular transmission points that adequate television programming is not available to the public. The translator transmitting facilities shall conform to all FCC rules and regulations and shall be prohibited from interfering with all existing reception facilities, including but not limited to off-air antennas, CATV or MATV.

(2) The boundaries of any district organized under ORS 259.020 and 354.605 to 354.715 shall be determined pursuant to the provisions of ORS 198.720.

[1975 c.286 s.2(1), (3)]

354.635 Contents of petition of formation. (1) In addition to matters named in ORS 198.750 the petition to form a translator district shall include:

(a) A brief description of the proposed system including the type of construction, location, number of translators to be erected and the number of television channels to be provided.

(b) The maximum rate of any ad valorem tax that may be levied by the district.

(2) The petition shall be addressed to and filed with the county board of the principal county and the proceeding conducted as provided in ORS 198.705 to 198.845.

[1975 c.286 s.3]

354.645 When election on formation and first board to be held. (1) If an election is called on the question of formation and for the purpose of electing the first members of the district board, it shall be held at the same time as an election is permissible to establish a tax base in the district within the meaning of section 11, Article XI of the Oregon Constitution.

(2) If an election is not held on the question of formation, an election for the purpose of electing the first members of the district board shall proceed under the provisions of ORS 198.825.

[1975 c.286 s 4]

354.655 District board; membership; quorum; term; expenses. (1) The district

board shall consist of five members, each of whom shall be a qualified voter and a resident within the district. The terms of office for the district board members first elected shall be one to serve for one year, two to serve for two years and two to serve for three years as determined by lot.

(2) As soon as possible after the election and the taking of the oath of office by the members, an organizational meeting shall be held and officers selected. A majority of the members shall constitute a quorum for the transaction of business.

(3) The term of office of each district board member elected thereafter on the date fixed by ORS 259.240, to succeed a member whose term expires the following July 1, shall be three years. Each member shall serve until his term expires or until a successor is elected and qualified.

(4) The members of the district board shall serve without compensation, but shall be entitled to receive actual and necessary travel and other expenses incurred in the performance of their duties.

[1975 c 286 s.5]

354.665 Board duties. A district board shall:

(1) Manage and conduct the affairs of the district.

(2) Establish and maintain funds and accounts for the district.

(3) Establish reasonable rules for the administration of the district.

[1975 c 286 s.6]

354.675 Powers of district. A translator district shall have full power to carry out the objectives of its formation and to that end may:

(1) Acquire by purchase, devise or gift or voluntary grant real and personal property or any interest therein including any rights of way or easements necessary or convenient for its purposes.

(2) Sue and be sued in its own name.

(3) Build, construct, improve, operate and maintain, subject to other applicable provisions of law, any translators necessary for the transmission of signals intended to be received by the general public.

(4) Perform all acts necessary to insure an efficient and equitable distribution of television programming within the district subject to the availability of funds in the approved budget.

(5) Make contracts of any lawful nature, employ personnel, including any technical or professional consultants necessary to carry

out the provisions of ORS 259.020 and 354.605 to 354.715.

(6) Apply for, accept and hold any licenses or permits required under federal or state law.

[1975 c 286 s.7]

354.685 Methods of finance. A district board may finance the acquisition, purchase, lease, operation or maintenance of the district by:

(1) Use of the revolving fund established under ORS 354.705.

(2) Levy of ad valorem taxes.

[1975 c 286 s 8]

354.695 Tax levies; exemption. (1) All taxes levied by a district to carry out the provisions of ORS 259.020 and 354.605 to 354.715 shall become payable at the same time and be collected by the same officer who collects county taxes and shall be turned over to the district according to law. The county officer whose duty it is to extend the county levy shall extend the levy of the district by the time and in the same manner as city taxes are extended. The revenues derived from such taxes shall be credited to a revolving fund, and shall be disbursed by the district board and used only for the purpose for which levied.

(2) Any property owner in a translator district shall be exempt from all taxes levied by said district, upon filing a statement on or before April 1 of each year with the tax collecting authority on a form approved by the Department of Revenue that said property owner is receiving television reception by some other method and will not use the translator signals.

[1975 c.286 s.9]

354.705 Referral of increase in minimum tax rate to voters. Subject to limitations of the Oregon Constitution, the district board may, at an appropriate time, refer to the voters of the district any proposal to increase the maximum tax rate as provided in ORS 354.635 as it deems necessary to maintain the financial stability of the district in an emergency situation. The proposal shall state that an emergency exists and specify with distinctness the facts and reasons constituting the emergency.

[1975 c.286 s.10]

354.715 Dissolution, liquidation and transfer proceedings. Dissolution, liquidation and transfer proceedings shall be con-

ducted in the manner provided by ORS 198.920 to 198.955.
[1975 c.286 s.11]

PENALTIES

354.990 Penalties. Any property owner who knowingly makes any false affidavit or knowingly swears or affirms falsely to any

matter required to obtain a tax exemption under the provisions of ORS 259.020 and 354.605 to 354.715 is guilty of false swearing and upon conviction shall be punished as provided in ORS 162.075.

[1975 c.286 s.12]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1975.

Thomas G. Clifford
Legislative Counsel

CHAPTERS 355 AND 356

[Reserved for expansion]

