TITLE 26

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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 and Supreme Court Building; parking. (1) The Legislative Assembly, through the Legislative Administration Committee, shall exercise control over the utilization of the State Capitol and the Supreme Court Building.

(2) The committee has exclusive power to assign and reassign quarters in the State Capitol and, subject to the approval of the Chief Justice of the Oregon Supreme Court, in the Supreme Court Building for such periods and under such terms, including rental rates, as the committee considers appropriate.

(3) All rentals for quarters and for parking shall be credited to the State Capitol Operating Account.

(4) The committee has exclusive power to assign and reassign parking spaces in the garage of the State Capitol and in the area immediately in front of the State Capitol and for enforcing parking regulations in the garage and areas described in this subsection. However, the Department of General Services shall be responsible for collecting parking fees under ORS 292.065.
[1967 c.419 §55; 1969 c.620 §15; 1977 c.116 §1]

276.003 State Capitol Operating Account. There is created in the General Fund of the State Treasury a State Capitol Operating Account. Moneys credited to the account are appropriated continuously to the Legislative Administration Committee to pay the expenses of operating, maintaining, protecting and insuring the State Capitol and the Supreme Court Building and to reimburse the Department of General Services for a share of the expenses of ground maintenance, utilities and other necessary expenses.
[1977 c.116 §5]

Note: 276.003 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 276 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

276.004 Utilization of buildings other than Capitol and Supreme Court Building. (1) Notwithstanding any other provision of law, and except for the State Capitol and the Supreme Court Building, the Department of General Services shall manage and control the utilization of:

(a) Buildings and properties in the capitol area, including those acquired under ORS 276.046;

(b) Office buildings as defined in ORS 276.110;

(c) Vacated state institution buildings and facilities as described in ORS 276.180;

(d) The state office building and parking structure in Portland;

(e) The state office building and parking structure in Eugene;

(f) Properties acquired through lease-purchase option under ORS 276.429; and

(g) Parking facilities as described in ORS 276.594.

(2) Except as otherwise provided in this section, the Department of General Services, subject to the review and approval of the Executive Department, shall assign and reassign quarters in buildings owned by this state and specified in this section, for such periods and under such terms as the department considers appropriate.
[1967 c.419 §56; 1969 c.706 §8; 1973 c.772 §8; 1974 s.s. c.71 §3; 1977 c.116 §2; 1977 c.598 §1]

276.005 State Capital Construction Account; use of funds, gifts and grants for account; loans by investing fund in account. (1) The department through funds appropriated therefor, from balances in the State Capital Construction Account, or as otherwise provided by law, may enter into all contracts or agreements deemed necessary to:

(a) Purchase, construct, improve, repair, equip and furnish office buildings as defined in ORS 276.110;

(b) Purchase, construct, improve and repair utility and service facilities;

(c) Execute such other buildings, grounds and public works projects for state government as may be necessary to accomplish the purposes of this chapter; and

(d) Acquire land by purchase, gift, exchange, lease, condemnation or otherwise for the purposes of paragraphs (a), (b) and (c) of this subsection and to improve sites therefor.

(2) 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 for the purposes set out in subsection (1) of this section.

(3) 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.

(4) Moneys loaned by an investing fund under ORS 276.013, 276.015 and 276.110 to 276.137 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;1977 c.598 §2]

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 which shall be a subsidiary account of the General Services Revolving Fund established in ORS 279.742. 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 276.013, 276.015 and 276.110 to 276.137, and the interest thereon; and

(b) Pay the expenses of operating, maintaining and insuring the buildings and facilities described in ORS 276.004.

(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.

(3) Notwithstanding the provisions of subsection (2) of this section, all moneys credited to the fund which result from the establishment of depreciation reserves for the properties identified in ORS 276.004, shall be transferred monthly to the State Capital Construction Account.
[1969 c.706 §12; 1977 c.116 §3; 1977 c.598 §3]

276.008 Continuous appropriation for payment of Capitol Planning Commission expenses. There is continuously appropriated from the State Capital Construction Sinking Fund to the Capitol Planning Commission for deposit in the Capitol Planning Commission Account, sufficient moneys for payment of expenses of the Capitol Planning Commission.
[1973 c.568 §2]

276.010 Definitions for ORS 276.010 to 276.062. When used in ORS 276.026 to 276.062 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 buildings. When the Director of the Department of General Services, determines that an office building as defined in ORS 276.110 would be the best means to further the public policy of this state as declared in ORS 276.426, or otherwise to accomplish the purposes of subsection (1) of ORS 276.005, the Department of General Services may request the State Treasurer and investing agency, as defined in ORS 276.110, to loan funds to acquire the buildings necessary to carry out that policy.
[1969 c.706 §38; 1973 c.129 §1; 1977 c.598 §4]

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 276.007 and 276.010 to 276.137, 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 appropriate 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; 1977 c.598 §5]

276.016 [Repealed by 1969 c.199 §59]

276.017 [1969 c.706 §41; repealed by 1977 c.598 §35]

276.018 [Repealed by 1969 c.199 §59]

276.020 [Repealed by 1969 c.199 §59]

276.021 State Building Police Officers; appointment; duties; status. The Director of the Department of General Services, subject to any applicable provisions of the State Merit System Law, shall appoint and supervise state building police officers, who shall protect the buildings and property in the capitol area that are within the jurisdiction of the Executive Department and enforce traffic and parking rules established by the Department of General Services in areas subject to its jurisdiction and, in performing such duties, shall have the same authority as other peace officers as defined in ORS 133.005.
[1974 s.s. c.28 §2; 1977 c.116 §6]

276.022 [Repealed by 1969 c.199 §59]

276.023 State Capitol police officers; status. If the Legislative Administration Committee appoints police officers to protect the State Capitol or the Supreme Court Building, when performing their duties, the officers shall have the same authority as other peace officers as defined in ORS 133.005.
[1977 c.116 §7]

Note: 276.023 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 276 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

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 [Amended by 1967 c.583 §7; repealed by 1977 c.598 §35]

276.027 [1959 c.312 §1; repealed by 1977 c.116 §8]

(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. (1) The Capitol Planning Commission is established as a permanent agency of the State of Oregon. The commission shall consist of nine members. Of the nine members of the commission:

(a) Three members shall be persons appointed by the Governor subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570; however, not more than one of such persons shall be a resident of Marion County or Polk County;

(b) One member shall be the Mayor of the City of Salem or his designee;

(c) One member shall be the chairman of the planning commission of the City of Salem or his designee, who shall be a person serving as a member of such planning commission;

(d) One member shall be the Director of the Executive Department or his designee;

(e) One member shall be the Director of the Department of General Services or his designee;

(f) One member shall be the President of the Senate or his designee, who shall be a person serving in the Senate; and

(g) One member shall be the Speaker of the House of Representatives or his designee, who shall be a person serving in the House of Representatives.

(2) The term of office of each of the three members of the commission appointed by the Governor shall be four years, but each such member shall serve at the pleasure of the Governor.

(3) A vacancy in the office of any of the three members of the commission appointed by the Governor shall be filled by the Governor by appointment for the unexpired term.

(4) 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.
[Amended by 1973 c.129 §2; 1973 c.792 §8]

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 Investigation of advisability of additions to, or changes in, certain areas. (1) 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 investigate and approve all proposals of state agencies concerning such proposed additions and changes before any action thereon is finally authorized. No proposals for public buildings to be purchased or 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 and approved such proposals, as provided in subsection (3) of ORS 291.224, for compliance with the development plans for such areas adopted by the commission pursuant to subsections (1) and (3) of ORS 276.034.

(2) Neither the Department of General Services, acting pursuant to ORS 276.005, 276.013 or 276.046, nor any state agency that has authority to engage in construction or improvement projects within the areas described in ORS 276.028 may expend moneys for any such construction or improvement project unless such project first has been approved by the commission.

[Amended by 1971 c.639 §3; 1973 c.129 §8; 1977 c.719 §4]

276.037 Preparation of state agency proposal; employment of professional consultants; commission approval of proposal required. (1) Any state agency, having a proposed capital construction or improvement project approved by the commission pursuant to subsection (3) of ORS 291.224, shall request the Department of General Services to employ professional consultants to prepare preliminary sketches, plans and supporting documents for such project for submission by the state agency to the Legislative Assembly. Such professional consultants shall cooperate with the commission in the preparation of any such sketches, plans and supporting documents.

(2) Neither a state agency described in subsection (1) of this section nor the Department of General Services may employ any professional consultants for the preparation of any preliminary sketch, plan or supporting document with respect to a proposed capital construction or improvement project within the areas described in ORS 276.028 unless such project first has been approved by the commission.

[1973 c.129 §7]

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 board of aldermen of the City of Salem and the City of Salem 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; 1973 c.129 §4]

276.042 Compensation and expenses of members; director and assistants. Members of the commission are entitled to compensation and expenses as provided in ORS 292.495. The commission shall employ a full-time executive director, such clerical assistance and professional consultants as are required.
[Amended by 1969 c.314 §17; 1973 c.129 §9]

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 [Amended by 1969 c.706 §21; repealed by 1975 c.605 §33]

(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 [Repealed by 1977 c.598 §35]

Note: Section 34, chapter 598, Oregon Laws 1977, provides:

Sec. 34. Repeal of ORS 276.051 and 276.052 by section 35 of this Act is not intended to rescind the authority of the Department of General Services to carry out the provisions thereof.

276.052 [1967 c.565 §7; repealed by 1977 c.598 §35]

NOTE: See note under 275.051

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. 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.
[1953 c.67 §2; 1967 c.419 §59; 1969 c.199 §21; 1969 c.706 §26; 1977 c.598 §6]

276.064 [1953 c.67 §3; 1957 c.349 §2; 1969 c.199 §22; 1969 c.706 §27; repealed by 1977 c.598 §35]

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]

276.073 Definitions for ORS 276.073 to 276.090. As used in ORS 276.073 to 276.090, unless the context requires otherwise:

(1) "Construction or alteration" does not include:

(a) Any construction, physical plant rehabilitation, improvement or remodeling project which has an estimated cost of less than $100,000.

(b) Indirect construction or alteration costs such as inspection fees, professional services, interest under construction, advertising, furnishings, soil testing, construction permits and legal fees.

(c) Remodeling or renovation projects in which more than 75 percent of the project cost represents improvements to mechanical systems.

(2) "Contracting agency" means any state agency authorized by law to enter into public contracts.

(3) "State building" does not include motor pools, heating plants, parking lots, maintenance sheds, highways, bridges, sewers, fishponds, fishways, service facilities at state parks and highway rest areas and similar nonarchitectural structures or improvements.
[1977 c.848 §2]

Note: 276 073 to 276 090 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 276 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation

276.075 Public policy of acquiring works of art for state buildings. The Legislative Assembly recognizes the responsibility of the state to foster culture and the arts and its interest in the development of artists and craftsmen. Further, the Legislative Assembly recognizes that the visual arts contribute to and provide experiences which are conducive to the enrichment and betterment of the social and physical environment. Art has enabled people of all societies better to understand their community and individual lives. Therefore, the Legislative Assembly declares it to be the public policy of this state to expend a portion of expenditures for capital purposes for the acquisition of works of art to be displayed in state buildings.
[1975 c.472 §1]

Note: See note under 276 073

276.080 One percent of moneys for construction or alteration of State buildings to be used for acquisition of art works; use in other state buildings. (1) All appropriations for the construction or alteration of any state building shall be considered to contain an appropriation of one percent of the amount thereof for the acquisition of works of art which may be an integral part of the building, attached thereto or capable of display in other state buildings.

(2) When it would not be appropriate to place works of art in a given structure, the funds authorized in subsection (1) of this section shall be expended to acquire works of art for placement in other buildings under the control of the contracting agency.
[1975 c.472 §2; 1977 c.848 §3]

Note: See note under 276.073.

276.090 State Agencies to determine art work acquisitions; title to art works in name of state. (1) The Oregon Arts Commission, the Capitol Planning Commission and the Department of General Services, if the construction project is located within the area defined in ORS 276.028, and the Oregon Arts Commission, Department of General Services and the contracting agency if the project is located outside the area defined in ORS 276.028, in consultation with the architect for the particular building shall determine the amount available for each state building and shall commission by contract or shall purchase suitable works of art for each building. The agencies designated by this section shall be solely responsible for selection, review of design, execution, placement and acceptance of all works of art acquired pursuant to ORS 276.073 to 276.090. The designated agencies, to the extent reasonable, shall consult with appropriate local citizens groups and the occupants of the affected state building in determining the selection of the works of art.

(2) Title to all works of art acquired pursuant to ORS 276.073 to 276.090 vests with the contracting agency in the name of the state. The agencies designated by this section may loan works of art between public buildings whenever in their judgment the loan will be to the benefit of the citizens of this state. However, all such works shall be returned to the contracting agency at its request.
[1975 c 472 §3, 1977 c.848 §4]

Note: See note under 276 073

(Public Policy for State Buildings)

276.093 Definitions for ORS 276.093 to 276.097, 276.135, 276.431 and 276.435: As used in ORS 276.093 to 276.097, 276.135, 276.431 and 276.435:

(1) "Commercial activities" includes, but is not limited to, restaurants, food stores, craft stores, dry goods stores and display facilities.

(2) "Cultural activities" includes, but is not limited to, film, dramatic, dance and musical presentations, fine arts exhibits, studios and public meeting places, whether or not used by persons, firms or organizations intending to make a profit.

(3) "Director" means the Director of the Department of General Services.

(4) "Educational activities" includes, but is not limited to, libraries, schools, day care centers, laboratories and lecture and demonstration facilities.

(5) "Historical, architectural or cultural significance" includes, but is not limited to, buildings listed or eligible to be listed on the National Register of Historic Places under section 101 of the National Historic Preservation Act of October 15, 1966 (16 U.S.C. 470a).

(6) "Recreational activities" includes, but is not limited to, gymnasiums and related facilities.

(7) "State building" means all state buildings under the control of the Department of General Services or the Executive Department.

(8) "Unit of local government" means any city or county, or other political subdivision of the state.
[1977 c.599 §1]

Note: 276.093 to 276.097 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 276 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

276.094 Policy for state buildings. The Legislative Assembly recognizes the responsibility of the state to promote more efficient use of the state's construction resources, to foster the preservation of buildings of historical, architectural or cultural significance and to enhance the social and economic environment within and surrounding state buildings. State buildings are to reflect the highest standards of the environmental design arts and are to contribute to the citizen's image of accessibility and responsiveness of government.
[1977 c.599 §2]

Note: See note under 276.093.

276.095 Use of buildings by state and public. With respect to operating, maintaining, altering and otherwise managing or acquiring space to meet the office needs of state government and to accomplish the purposes of ORS 276.094, the Director of the Department of General Services may:

(1) Acquire or lease and utilize space in suitable buildings of historical, architectural or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives, taking into consideration the purposes of ORS 276.093 to 276.097, 276.135, 276.431 and 276.435;

(2) Provide and maintain space, facilities and activities to the extent practicable that encourage public access to and stimulate public pedestrian traffic around, into and through state buildings, permitting cooperative improvements to and uses of the area between the building and the street, thereby complementing and supplementing commercial, cultural, educational and recreational resources in the neighborhood of state buildings;

(3) Encourage the location of compatible commercial, cultural, educational and recreational facilities and activities within or near state buildings; and

(4) Encourage the public use of state buildings, including commercial, cultural, educational and recreational use of such buildings providing such use would not be disruptive to state government.
[1977 c.599 §3]

Note: See note under 276.093.

276.096 Consultation with certain officers and groups; cooperation with state historic preservation officer. (1) In carrying out his duties under ORS 276.095, the director shall consult with the Capitol Planning Commission, the designated state historic preservation officer, the Oregon Historical Society, the Oregon Arts Commission, local landmark commissions and historic societies and the chief executive officers of those units of local government in each area served by existing or proposed state offices and shall solicit the comments of such other community leaders and members of the general public as he deems appropriate.

(2) Whenever the director undertakes a review of state building needs within a geographical area, the director shall request the cooperation of the state historic preservation

officer to identify any existing buildings within such geographical areas which are of historical, architectural or cultural significance and which would be suitable, whether or not in need of repair, alteration or addition, for acquisition or purchase to meet the building needs of state government.
[1977 c.599 §4]

Note: See note under 276.093.

276.097 Public access to state offices. The Director of the Department of General Services, where practicable, shall give priority in the assignment of ground floor space not leased under the terms of ORS 276.431 to state activities requiring regular contact with members of the public. To the extent ground floor space is not available, the director shall provide space with maximum ease of access to building entrances.
[1977 c.599 §5]

Note: See note under 276.093.

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 and 276.062 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 residence according to the design adopted under ORS 276.104.
[1967 c.615 §4; 1977 c.598 §29]

ACQUISITION OF STATE OFFICE BUILDINGS WITH STATE TRUST FUNDS (Salem Office Buildings)

276.110 Definitions for ORS 276.013, 276.015 and 276.110 to 276.137. As used in ORS 276.013, 276.015 and 276.110 to 276.137, unless the context requires otherwise:

(1) "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.

(2) "Investing agency" means the board, commission, department or other agency whose funds are defined as investment funds in ORS 293.701.

(3) "Investing funds" means those funds enumerated in subsection (2) of ORS 293.701, when invested pursuant to ORS 276.013, 276.015 and 276.110 to 276.137.

(4) "Office building" means any building in the State of Oregon acquired under ORS 276.013, 276.015 and 276.110 to 276.137, by appropriation therefor, or as otherwise provided by law, to provide centralized office quarters for state agencies and may include parking, storage, motor pool and service facilities.

(5) "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; 1977 c.598 §7]

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, 276.015 and 276.110 to 276.137 before July 1, 1969.

(2) Alter, repair and equip buildings acquired for office buildings under ORS 276.013, 276.015 and 276.110 to 276.137 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 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 276.005 shall be located and constructed in such a manner that it shall constitute a maximum value investment with emphasis on:

(1) Structural function and utility of the building.

(2) Access by the public.

(3) Resale value of the building.

(4) Compliance with the public policy of the state as declared in ORS 276.426.
[1957 c.727 §13; 1977 c.598 §8]

276.120 Building and site as investment of investing fund; title or leasehold interest 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 to the extent that the same is used to pay the cost of acquisition of that office building and site or to the extent of any unrefunded or unpaid balance thereof. The Department of General Services shall issue the investing agency appropriate evidence of this fact.
[1957 c.727 §6; 1975 c.104 §1]

276.122 Assistance, grants, donations or gifts from United States and others; disposition. For any of the purposes of ORS 276.005 and 276.426, the department may:

(1) 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 department may convert the same into money and all moneys so obtained shall be credited to the State Capital Construction Account; and

(2) Enter into agreements and joint ventures with the United States, other political subdivisions or other state agencies to accomplish these purposes.
[1957 c.727 §3; 1969 c.706 §33; 1977 c.598 §9]

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, as an operating cost, may 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; 1977 c.720 §1]

276.130 [1957 c.727 §4; 1967 c.419 §60; 1969 c.199 §28; 1969 c.706 §35; repealed by 1977 c.598 §35]

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

276.134 [1957 c.727 §12; repealed by 1977 c.598 §35; amended by 1977 c.599 §6 (see 276.135)]

276.135 Renting space to public agencies and private citizens. 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 to enhance the social and economic environment of the surrounding area. Receipts from rentals to other than state agencies shall be disposed of in the manner set forth for rentals to state agencies.
[See 276.134]

276.136 [1957 c.727 §14; 1969 c.199 §30; repealed by 1969 c.706 §70]

276.137 Title to buildings. On repayment of all moneys loaned by investing funds to acquire a building under ORS 276.013,

276.015 and 276.110 to 276.137, title to such building shall vest automatically in the Department of General Services in the name of the State of Oregon.
[1969 c.706 §32; 1975 c.104 §2; 1977 c.598 §11]

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

276.142 [1959 c.427 §1; 1967 c.335 §29; 1969 c.706 §44; repealed by 1977 c.598 §35]

276.144 [1959 c.427 §2; 1961 c.650 §1; subsection (2) enacted as 1961 c.650 §2; 1967 c.419 §27; 1969 c.706 §45; repealed by 1977 c.598 §35]

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 [1959 c.427 §6; repealed by 1977 c.598 §35]

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

276.156 [1959 c.427 §7; 1965 c.598 §7; 1967 c.419 §61; 1969 c.706 §50; repealed by 1977 c.598 §35]

276.157 [1969 c.453 §3; repealed by 1977 c.598 §35]

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

276.159 [1969 c.706 §47; 1975 c.104 §3; repealed by 1977 c.598 §35]

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

276.162 [1959 c.427 §11; 1965 c.459 §3; 1969 c.706 §53; repealed by 1977 c.598 §35; amended by 1977 c.599 §7 (see 276.435)]

276.164 [1967 c.450 §§2, 3; 1969 c.706 §54; repealed by 1977 c.598 §35]

276.166 [1967 c.565 §6; repealed by 1977 c.598 §35]

276.175 [1969 c.706 §24; repealed by 1977 c.598 §35]

(Former Mental Health Division Facilities)

276.180 Transfer of certain buildings, grounds and facilities upon vacation; operation; maintenance. When vacated and no longer required for institution uses, all or any portion of the buildings, grounds and facilities presently operated and controlled by the Mental Health Division, Corrections Division, Children's Services Division, or the State Board of Education, are transferred to the Department of General Services when so ordered by the Executive Department. Title shall vest automatically in the Department of General Services in the name of the State of Oregon and the department shall operate and maintain all facilities described in this section.
[1973 c.772 §6; 1974 s.s. c.71 §1; 1975 c.104 §4]

(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]

276.190 [1959 c.595 §4; repealed by 1977 c.598 §35]

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 may 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 pipelines for conveying waters and reservoirs for the storage of waters.

(4) Repair, improve and enlarge any plants, property or property rights, ditches, flumes and pipelines 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]

276.260 [1975 c.634 §4; repealed by 1977 c.598 §35]

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

276.385 Rentals for buildings other than Capitol or Supreme Court Building. (1) Notwithstanding any other provision of law, the Executive Department, in cooperation with the Department of General Services, 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 and paying depreciation on the buildings controlled and managed by the Department of General Services;

(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 Department of General Services, in cooperation with the Executive Department shall negotiate with the Department of Transportation and other state agencies who own, operate or control state buildings to determine a fair rental rate when such facilities are to be used by other than the owning agency.

(3) Except in the case of the State Transportation Building and such other buildings owned or controlled by other state agencies, all rentals under this section shall be credited to the State Capital Construction Sinking Fund and are appropriated for the purposes of the fund. Rentals for the State Transportation Building, and such other state-owned buildings, are credited to the appropriate state fund for the purposes of that fund.
[1969 c.706 §10; 1977 c.116 §4; 1977 c.598 §12]

276.390 Approval of rent schedule by Emergency Board; appropriations to cover rental costs; rent schedule for Capitol and Supreme Court Building. (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 State Capitol and the Supreme Court Building.
[1969 c.706 §11; 1977 c.598 §13]

276.410 Assignment of quarters to officers and State Agencies. (1) The Department of General Services shall assign state agencies office space in the buildings described in ORS 276.004 or in leased quarters as provided in ORS 276.420 to 276.429 or in available space in other buildings owned or controlled by other state agencies.

(2) Adequate quarters in a state office building, or in some other building in the City of Salem owned or leased by the state, shall be assigned for all elected state officers and the administrative heads of all state agencies to the extent feasible as space becomes available.

(3) In carrying out the responsibilities authorized in this section, the department shall coordinate with the Executive Department to assure conformity with state-wide management objectives and fiscal policies, including the development of space utilization standards.
[Amended by 1967 c.419 §62; 1977 c.598 §14]

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 Department of General Services 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; 1977 c.598 §15]

276.414 [Repealed by 1955 c.243 §2]

276.416 [Repealed by 1955 c.243 §2]

276.418 [Repealed by 1977 c.598 §35]

276.420 "Office quarters" defined; department of General Services may enter into leases and rental agreements on behalf of certain agencies. (1) For the purposes of ORS 276.420 to 276.429, "office quarters" means office space, office buildings and related service, storage and parking facilities and may also include factory built, modular or portable units.

(2) Where any agency 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.
[Amended by 1977 c.598 §16]

276.422 [Repealed by 1977 c.598 §35]

276.424 Joint leases. Any two or more agencies, including 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.
[Amended by 1977 c.598 §17]

276.426 Location of leased office quarters of state agencies to be centralized. (1) 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.

(2) Any state agency renting or leasing office quarters in any city or community 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 or in a building in close proximity thereto.

[Amended by 1977 C.598 §18]

276.428 Approval and supervision of leases and rental agreements; ordering changes in location of offices of state agencies. (1) Notwithstanding the provisions of any other law, any lease or rental agreement for office quarters must be approved by the Department of General Services prior to execution.

(2) 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 public access or 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; 1977 c.598 §19]

276.429 Leases; lease option purchase. (1) The Department of General Services may enter into leases, including lease with option to purchase, and rental agreements, as lessee, for office quarters for state agencies.

(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 Services Revolving Fund established in ORS 279.742 and such moneys are appropriated for the payment of the rental and operating expenses of such office quarters.

(3) Prior to entering into any lease option purchase agreement, the department shall first obtain the approval of the legislative review agency established in ORS 291.371.

(4) The title to properties acquired through lease-purchase options authorized in subsection (1) of this section shall vest automatically in the Department of General Services in the name of the state. Properties so acquired shall be operated as office buildings as provided in ORS 276.004.

[1953 c.591 §1; 1955 c.243 §1; 1965 c.385 §1; 1969 c.199 §42; 1969 c.706 §56; 1977 c.598 §20]

276.430 [Amended by 1969 c.85 §3; 1969 c.199 §43; 1969 c.706 §57; repealed by 1977 c.598 §35; amended by 1977 c.599 §8 (see 276.431)]

276.431 Rentals and leases for commercial, cultural, educational or recreational activities. (1) The Director of the Department of General Services, as custodian of the capitol area and state office buildings, with the advice of the occupying agency and the approval of the Executive Department, may make available on occasion or lease at such rates as the director considers to be in the public interest auditoriums, meeting rooms, courtyards, suitable rooftops and lobbies of state buildings to persons, firms or organizations engaged in commercial, cultural, educational or recreational activities that do not disrupt the operations of the building and of state government. Where rent is charged, the director shall set a rate consistent with the public interest. The director may impose terms and conditions on use that are consistent with the public interest.

(2) The director may enter into leases of space in state buildings with persons, firms and organizations engaged in commercial, cultural, educational or recreational activities for terms not to exceed five years. The rental rate for the space shall be equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the state building notwithstanding the cost to the state government of making such space available for such activities. Such leases may be negotiated without competitive bid, subject to review and approval of the Public Contract Review Board, and shall contain terms and conditions necessary to protect the public interest.

(3) The moneys collected under this section shall be deposited in the State Capital Construction Sinking Fund and are appropriated for the purposes of that fund.
[See 276.430]

276.435 Renting space in branch office buildings to public agencies and private citizens. 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 to enhance the social and economic environment of the surrounding area. 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.
[See 276.162]

276.440 Renting space to public agencies and private citizens; use for meetings. (1) For any building under its jurisdiction, as described in ORS 276.004, the Department of General Services may:

(a) Rent space not needed or available to state agencies in order of priority first to other public agencies then to private citizens.

(b) Rent space designated for public use to private concessions, when such use will not interfere with the orderly conduct of state business and is consistent with the public interest.

(c) Permit the occasional use of any unoccupied or vacant room or space by persons or organizations for conventions, assemblies or other public meetings.

(2) The director may fix and collect a rental sufficient to defray the cost of janitor service and other expenses, including debt service. Receipts from rentals of space permitted under subsection (1) of this section shall be placed in the State Capital Construction Sinking Fund and are continuously appropriated for the purposes of that fund.
[1977 c.598 §26]

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 Department of Transportation 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 Department of Transportation may pay the cost of the construction, the upkeep, and the maintenance of the State Highway Building out of state highway funds, or the Department of Transportation 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 Department of Transportation; disposition of revenues. (1) Subject

to ORS 276.004, the Department of Transportation 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 Department of Transportation 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 Department of Transportation 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 Department of Transportation.

(3) All revenues, if any, received as rentals by the Department of Transportation for space in the office building shall be paid by the Department of Transportation 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 Department of Transportation 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 Department of Transportation 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 Department of Transportation or by other state boards, commissions, agencies or officers.

(2) The Department of Transportation 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 Department of Transportation 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 Department of Transportation 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]

276.558 [1965 c.459 §1; repealed by 1977 c.598 §35]

276.560 [1965 c.459 §2; 1967 c.565 §5; 1969 c.706 §58; repealed by 1977 c.598 §35]

276.562 [1967 c.583 §1; repealed by 1977 c.598 §35]

276.564 [1967 c.583 §2; 1977 c.598 §21; renumbered 276.592]

276.565 [Formerly 276.024; 1975 c.634 §2; repealed by 1977 c.598 §35]

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

276.567 [Formerly 276.025; 1975 c.634 §3; repealed by 1977 c.598 §35]

276.569 [1969 c.453 §2; repealed by 1977 c.598 §35]

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 Depart-

ment 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 Department of General Services 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; 1977 c.598 §22]

PARKING FACILITIES: CAR POOLS

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 276.594. Moneys collected for such space, less administrative costs and maintenance expense, shall be credited as provided in ORS 276.594.
[1971 c.528 §11; 1977 c.598 §23]

276.592 Repaying acquisition cost; taxation. (1) 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.
[Formerly 276.564]

276.594 Parking facilities; use; fees. (1) The Department of General Services shall determine under what conditions the grounds and parking structures owned or leased by the state may be most effectively used by owners and operators of motor vehicles and for other transportation purposes. Such grounds and structures shall include those located either adjacent, on or in close proximity to, though not necessarily contiguous to leased office quarters defined in ORS 276.420, the buildings or facilities defined in ORS 276.004 and those grounds owned by the state adjacent to the installations and facilities located in the area defined in ORS 276.028. Parking structures include those facilities owned, leased or controlled by the department. Based upon such findings, the department shall adopt rules for parking of motor vehicles or other uses of such grounds. Notice of the rules shall be given by appropriate signs posted on the grounds. In adopting the rules, the department shall consider the space available, the type of use, the location, safety, demand, as well as car pooling, ride stations and other alternate modes of transportation, and such other factors as it considers relevant.

(2) The department may lease portions of the facilities and grounds described in subsection (1) of this section for the parking of motor vehicles and other transportation uses. In such leasing, priority shall be given to the needs of state officers and employes. The department shall furnish a space without charge to each elective state officer, except those with offices in the State Capitol, and shall designate certain spaces, either free or metered, for use by persons transacting business in state offices. The department may also provide free parking for handicapped employes who have been issued a disability license plate by the Motor Vehicles Division and who require the use of their vehicle in traveling to and from work. Any spaces not required for leasing to state officers and employes, or for other authorized purposes may be leased to other persons.

(3) The base rate for leasing parking spaces as provided in subsections (1) and (2) of this section shall be $20 per month. However, the department may apply the following reduction schedule to the base rate to encourage use of alternate modes of transportation, including car pools:

(a) Driver and no riders, no reduction;

(b) Driver and one rider, 25 percent reduction;

(c) Driver and two riders, 50 percent reduction;

(d) Driver and three or more riders, 75 percent reduction; and

(e) In those localities where, as determined by the department, an alternate mode of transporation program is not available, the base rate may be reduced by as much as 50 percent.

(4) In order to qualify for the reduced fees authorized under subsection (3) of this section, a driver must register and have validated the drivers or riders participating in the car pool.

(5) Notwithstanding subsection (3) of this section, the department may:

(a) Furnish parking spaces without charge in designated areas for those employes participating in a program which encourages the use of parking spaces in noncongested areas;

(b) Establish fees in excess of the base rate where debt service payments or market conditions require a higher rate schedule; and

(c) Establish special fees for the parking of motorcycles, bicycles and similar vehicles in state-controlled parking facilities.

(6) Receipts obtained under this section shall be placed in the State Capital Construction Sinking Fund and such receipts are appropriated for the use of that fund.
[1977 c.598 §25]

276.596 Authority of department over fees. The Department of General Services shall fix and adjust rentals, fees and charges for the use of parking facilities as required under ORS 276.594.
[1977 c.598 §25a]

276.598 Car or van pools; rules. (1) Notwithstanding the provisions of ORS 283.395, the department may establish car pool or van pool programs in which state-owned vehicles are used as commute vehicles, provided that a daily, weekly or monthly fee is charged that is adequate to reimburse the state for the cost of providing such vehicles for such purposes.

(2) The department shall prescribe rules which:

(a) Define the use of state-owned motor vehicles which constitute use in the conduct of state business and distinguish such use from misappropriation for private use;

(b) Identify procedures for determining and collecting the appropriate charges from employes for the use of commute vehicles; and

(c) Identify procedures to be used in the operation of state-owned vehicles as commute vehicles in the state car pool or van pool programs authorized in subsection (1) of this section.

(3) The department may authorize other state agencies to use state-owned vehicles under the control of such agencies for the purposes set forth in subsection (1) of this section.
[1977 c.598 §25b]

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.

OREGON BUILDING AUTHORITY ACT

276.800 Short title. ORS 276.800 to 276.890 may be cited and referred to as the "Oregon Building Authority Act."
[1975 c.280 §1]

276.805 Definitions for ORS 276.800 to 276.890. As used in ORS 276.800 to 276.890 unless the context requires otherwise:

(1) "Authority" means the Oregon Building Authority created and established pursuant to ORS 276.815.

(2) "Notes" or "bonds" means any bonds, notes, debentures, interim certificates or other evidences of financial indebtedness issued by the authority pursuant to ORS 276.800 to 276.890.

(3) "Facility" means any work or undertaking, whether new construction or rehabilitation, which is designed and financed pursuant to the provisions of ORS 276.800 to 276.890 and designed for use as an office building, laboratory, library, dining room; instructional, educational, correctional, motor vehicle parking, police and security, health, storage or service facility, Oregon State Fair and other facility or for any other use by any state body and all other real or personal properties which are necessary, convenient, or desirable appurtenances, including but not limited to streets, sewers, utilities, parks, site preparation, landscaping, incidental facilities such as barber shops, newsstands and restaurants and such equipment which may be necessary to constitute a fully equipped, modern and operational structure as the authority determines to be necessary or con-

venient to accomplish the purposes of ORS 276.800 to 276.890.

(4) "Federal Government" means the United States of America, or any agency or instrumentality, corporate or otherwise of the United States of America.

(5) "Municipality" means any city, municipal corporation, or other political subdivision of this state.

(6) "Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms of years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(7) "State" means the State of Oregon.

(8) "State body" means any department, board, commission, agency of the State of Oregon, including instrumentalities thereof and the Legislative Assembly thereof.
[1975 c.280 §3]

276.810 Findings and policy. (1) It is hereby found and declared as a matter of legislative determination that:

(a) There exists within the State of Oregon a serious and growing shortage of the facilities required for the proper provision of services by the various branches, departments and agencies of the state government and that present facilities are inadequate to meet the increasing responsibilities and functions of state government;

(b) It is to the economic benefit of the people of Oregon that safe and modern facilities be provided throughout the state for the use of the state government and thus provide a more efficient and economical state government;

(c) The location of such facilities and the related improvements thereto within a locality can have a beneficial effect on the physical and economic development of such locality and greatly improve employment and business opportunities therein, that ancillary business and professional activities are attracted to an area in which such facilities are located and that, in addition to serving local public convenience in having such facilities nearby, such facilities can be an important stabilizing and contributing factor in the economic, social and physical vitality of a locality; and

(d) The creation of a state building authority in accordance with the provisions of ORS 276.800 to 276.890 is necessary to assist in the coordinated development of necessary facilities at a cost significantly lower than would be otherwise available.

(2) The Legislative Assembly, therefore, expressly declares that the provisions of ORS 276.800 to 276.890 and the powers hereby conferred constitute a needed program in the public interest and do serve a valid and necessary public purpose.
[1975 c.280 §2]

276.815 Oregon Building Authority as separate governmental entity. The Oregon Building Authority is created an independent public body politic and corporate to carry out the provisions of ORS 276.800 to 276.890. The authority constitutes a public instrumentality exercising essential public and governmental functions, and the exercise by the authority of the powers conferred by ORS 276.800 to 276.890 shall be deemed and held to be the performance of an essential public function of the state.
[1975 c.280 §4]

276.820 Board of directors; officers; staff and administrative assistance; employment rights of directors protected. (1) The powers of the authority shall be vested in and exercised by a board of directors consisting of the State Treasurer, the Attorney General and the Director of the Department of General Services. Board members shall serve without compensation, but shall be entitled to reimbursement for their reasonable expenses incurred in carrying out the provisions of ORS 276.800 to 276.890.

(2) The board of directors of the authority shall elect a chairman and a secretary. Meetings of the authority shall be held at the call of the chairman or whenever two members request a meeting. Any two members shall constitute a quorum and the affirmative vote of any two members shall be required for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform duties of the authority.

(3) The offices of the State Treasurer and the Attorney General and the Department of General Services shall provide all necessary staff and services to the authority to accomplish the purposes of ORS 276.800 to 276.890.

(4) The Department of General Services shall keep an accurate record of the proceedings of the authority and shall be custodian of all books, documents, papers, minute book and seal.

(5) Notwithstanding the provisions of any other law, no officer or employe of this state shall be deemed to have forfeited his office or employment by reason of his acceptance of membership in the authority or his rendering of service to or employment by the authority. [1975 c.280 §5]

276.825 General duties and powers of building authority. The authority is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate its corporate purposes, including but not limited to the following:

(1) Sue and be sued in its own name;

(2) Have an official seal;

(3) Have perpetual succession;

(4) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions;

(5) Acquire real or personal property, or any interest therein, on either a temporary or long term basis in the name of the authority by financing or refinancing or by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage interest owned by it or under its control, custody or in its possession; and to release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it;

(6) Lease or rent any lands, buildings, structures, facilities or equipment from private parties to effectuate the purposes of ORS 276.800 to 276.890;

(7) Enter into agreements or other transactions with any private person, firm, corporation, partnership, limited partnership, trust or other legal entity, including public bodies, and to accept grants and the cooperation of the United States or any agency thereof or of the State of Oregon or any agency or governmental subdivision thereof in furtherance of the purposes of ORS 276.800 to 276.890, including but not limited to the development, maintenance, operation and financing of any facility and to do any and all things necessary in order to avail itself of such aid and cooperation and enter into construction agreements, purchase or acquisition agreements, lease agreements including agreements conditioned upon the subleasing of the demised premises to the state, partnership agreements including limited partnership agreements, joint ventures, participation agreements or loan agreements with leasing corporations or other financial intermediaries;

(8) Make thorough and continuous studies and investigations of the building needs of the state bodies as they may from time to time develop and to make reports and recommendations to the state legislature concerning the fulfilling of such needs;

(9) Employ architects, engineers, attorneys, accountants, building construction and financial experts and such other advisors, consultants and agents as may be necessary in its judgment and to fix their compensation and charge such expenses to the bond proceeds financing the buildings for which the costs are incurred;

(10) Procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as it deems desirable provided, however, the Department of General Services may authorize properties held in the ownership, control or trust of the authority to be covered under the provisions of the Restoration Fund as provided in ORS 278.005 to 278.990;

(11) Invest any funds not needed for immediate use of disbursement, including any funds held in reserve, in property or securities in which investment funds, as defined in ORS 293.701, may be legally invested;

(12) Borrow money and issue bonds and notes or other evidences of indebtedness thereof as hereinafter provided;

(13) To the extent permitted under its contract with the holders of bonds, notes and other obligations of the authority, consent to any modification of any contract, lease or agreement of any kind to which the authority is a party;

(14) Manage or operate real and personal property, in the state, take assignments of leases and rentals, proceed with foreclosure actions, or take any other action necessary or incidental to the performance of its corporate duties;

(15) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter;

(16) Sell, lease, rent or sublease to any state body, any facility or any space embraced in any facility constructed or leased under ORS 276.800 to 276.890 to establish and revise the rents or charges therefor and to do

any other acts necessary to the management and operation of its facilities; and

(17) Do any act necessary or convenient to the exercise of the powers granted by ORS 276.800 to 276.890 or reasonably implied therefrom.
[1975 c.280 §6]

276.830 Assistance from units of local government. The authority may obtain the aid and cooperation of the municipalities and counties in which any facility is to be located and shall have the power to enter into:

(1) Such agreements and arrangements as it deems necessary or advisable to obtain such aid and cooperation; and

(2) Agreements with municipalities and counties for the furnishing, installing, opening, or closing of streets, roads, alleys, sidewalks or other places, or for the furnishing of property, sewage, water, and other services in connection with facilities financed under ORS 276.800 to 276.890 or for the changing of the map of a political subdivision of the planning, replanning, zoning, or rezoning of any part of a political subdivision.
[1975 c.280 §7]

276.840 Power to issue notes and bonds to finance activities of authority. (1) (a) The authority may issue from time to time its notes and bonds in such principal amount as the authority shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes, including the payment of interest on notes and bonds of the authority, establishment of reserves to secure such notes and bonds, and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers provided the Joint Ways and Means Committee while the Legislative Assembly is in session and the Emergency Board during the interim period between sessions has reviewed the proposed buildings to be financed by a bond issue and the proposed method of financing such buildings.

(b) The authority shall have the power, from time to time, to issue (A) notes to renew notes and (B) bonds, to pay notes, including the interest thereon, and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any of its corporate purposes. The refunding bonds may be exchanged for bonds to be refunded or sold and the proceeds applied to the purchase, redemption or payment of such bonds.

(c) Except as may otherwise be expressly provided by the authority, every issue of its notes and bonds shall be payable out of any general revenues or funds or assets of the authority, subject only to any agreements with the holders of particular notes or bonds.

(d) Notes and bonds issued by the authority pursuant to ORS 276.800 to 276.890 shall not constitute a debt, liability or obligation of the State of Oregon or a pledge of its full faith and credit or taxing power, but shall be payable solely from the revenues, funds or assets of the authority pledged therefor nor shall any obligation of the authority constitute a debt or liability of the state within the meaning of any constitutional or statutory limitation. Each note or bond issued by the authority shall contain on the face thereof a statement to the effect that such bond shall not constitute or be deemed to be a debt, liability or obligation of the State of Oregon or a pledge of its full faith and credit or taxing power, but shall be payable solely from the general revenues, assets and funds of the authority provided therefor pursuant to ORS 276.800 to 276.890 and that such note or bond shall not create any charge upon the tax revenues or other property of the State of Oregon.

(2) The notes and bonds shall be authorized by resolution or resolutions of the authority, shall bear such date or dates and shall mature at such time or times as such resolution or resolutions may provide, except that no bond shall mature more than 20 years from the date of its issue. The bonds may be issued as serial bonds payable in annual instalments or as term bonds or as a combination thereof. The notes and bonds shall bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption as such resolution or resolutions may provide. The notes and bonds of the authority may be sold by the authority, at public or private sale, at such price or prices as the authority shall determine.

(3) Any resolution or resolutions authorizing any notes or bonds or any issue thereof shall contain provisions for the creation of a special trust fund, authorize the appointment of a trustee to administer the fund, and shall obligate the authority to:

(a) Pledge all or any part of the revenues to secure the payment of the notes or bonds or of any issue thereof, subject to such agreements with noteholders or bondholders as may then exist;

(b) Pledge all or any part of the assets of the authority to secure the payment of the notes or bonds or of any issue of notes or bonds;

(c) Set aside reserves or sinking funds and arrange for the regulation and disposition thereof; and

(d) Contain covenants of the authority to protect and safeguard the security rights of the holders of such bonds or notes and such other terms and conditions which the authority deems necessary or desirable to protect the authority or to increase the marketability of the bonds.

(4) Any pledge made by the authority shall be valid and binding from the time when the pledge is made, the revenues, moneys or property so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

(5) Neither the members of the authority nor any other person executing such notes or bonds shall be subject to any personal liability or accountability by reason of the issuance thereof.

(6) The authority, subject to such agreements with noteholders or bondholders as may then exist, shall have power out of any funds available therefor to purchase notes or bonds of the authority, which shall thereupon be canceled.

(7) The notes and bonds are hereby made negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code, subject only to the provisions of the notes and bonds for registration.

(8) In case any of the members or officers of the authority whose signatures appear on any notes or bonds or coupons shall cease to be such members or officers before the delivery of such notes or bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such members or officers had remained in office until such delivery.
[1975 c.280 §8]

276.845 Refunding obligations. The authority may provide for the issuance of refunding obligations for the purpose of refunding any obligations then outstanding which have been issued under the provisions of ORS 276.800 to 276.890, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such obligations.
[1975 c.280 §9]

276.850 Legislative approval required for transfer of title of state-owned structures to authority; reversion of title upon payment of indebtedness; management of facilities by Department of General Services. (1) Upon approval of the Joint Ways and Means Committee while the Legislative Assembly is in session or the Emergency Board during the interim period between sessions, the Legislative Administration Committee and state agencies as defined in ORS 291.002 are hereby authorized to transfer to the authority title to existing state-owned structures in the event the bonding provisions authorized by ORS 276.800 to 276.890 are to be used to accomplish construction, remodeling and renovation projects on such structures. On repayment of all bonded indebtedness, title to such real property, buildings or structures, and all improvements thereon, shall revert automatically to and shall vest in the committee or agency in the name of the State of Oregon from whence title was originally transferred.

(2) Upon repayment of all bonded indebtedness, title to any land, real property or improvements acquired and any structures, or improvement, constructed under the provisions of ORS 276.800 to 276.890, shall automatically transfer to and shall vest in the Department of General Services in the name of the State of Oregon.

(3) Upon transfer of title to buildings, land and structures as provided in ORS 276.800 to 276.890, the Department of General Services shall manage the facility, structure or land in the same manner as other state-owned structures as prescribed in ORS 276.001 to 276.590.
[1975 c.280 §10]

276.855 Investment of moneys received by authority; disposition of investment income. All moneys of the authority, except as otherwise authorized or provided in

ORS 276.800 to 276.890, shall be deposited as soon as practicable in a separate account or accounts with the State Treasurer to be invested in such manner as the funds of the state may be invested; the income of such investments shall accrue to the respective accounts of the authority.
[1975 c.280 §11]

276.860 Money and other property of authority exempt from taxation. (1) As set forth in the declaration of finding and purpose herein, the authority will be performing an essential governmental function in the exercise of the powers conferred upon it by ORS 276.800 to 276.890, and the notes and bonds of the authority issued pursuant to ORS 276.800 to 276.890, and the income therefrom including any profit made on the sale thereof and all its fees, charges, gifts, grants, revenues, receipts, and other moneys received, pledged to pay or secure the payment of such notes or bonds shall at all times be free from taxation of every kind by the state and by the municipalities and all other political subdivisions of the state.

(2) The property of the authority and its income and operation shall be exempt from taxation or assessments upon any property acquired or used by the authority under ORS 276.800 to 276.890.
[1975 c.280 §12]

276.865 State empowered to make grants of money or property to authority. The state may make grants of money or property to the authority for the purpose of enabling it to carry out its corporate purposes and for the exercise of its powers, including, but not limited to, deposits to the reserve funds. This section shall not be construed to limit any other power the state may have to make such grants to the authority.
[1975 c.280 §13]

276.870 Annual report to Governor; contents. The authority shall submit to the Governor within 90 days after the end of its fiscal year a complete and detailed report setting forth:

(1) Its operations and accomplishments;

(2) Its receipts and expenditures during such fiscal year in accordance with the categories or classifications established by the authority for its operating and capital outlay purposes;

(3) Its assets and liabilities at the end of its fiscal year, including the status of reserve, special or other funds; and

(4) A schedule of its notes and bonds outstanding at the end of its fiscal year, together with a statement of the amounts redeemed and incurred during such fiscal year.
[1975 c.280 §14]

276.875 Obligations issued by authority as legal investments for governmental agencies and financial institutions; obligations as lawful collateral for public depositories. The notes and bonds of the authority shall be legal investments in which all public officers and public bodies of this state, its political subdivisions, all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, banking associations, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or in other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them. The notes and bonds are also hereby made securities which may properly and legally be deposited with and received by all public officers and bodies of the state or any agency or political subdivisions of the state and all municipalities and public corporations for any purpose for which the deposit of bonds or other obligations of the state is now or may hereafter be authorized by law.
[1975 c.280 §15]

276.880 ORS 276.800 to 276.890 cumulative to other authority powers; financing and contracts for authority facilities not required to comply with other laws. Neither ORS 276.800 to 276.890 nor anything contained within ORS 276.800 to 276.890 is intended as a restriction or limitiation upon any powers which the authority might otherwise have under any laws of this state, and ORS 276.800 to 276.890 is cumulative to any such powers. ORS 276.800 to 276.890 is intended to provide a complete, additional, and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws. However, the issuance of bonds, notes and other obligations and refunding bonds under the provisions of ORS 276.800 to 276.890 need not comply with the requirements of any other state law applicable

to the issuance of the bonds, notes and other obligations. Contracts for the construction and acquisition of any facilities undertaken pursuant to ORS 276.800 to 276.890 need not comply with the provisions of any other state law applicable to contracts for the construction and acquisition of state-owned property. No proceedings, notice or approval shall be required for the issuance of any bonds, notes and other obligations or any instrument as security therefor, except as is provided in ORS 276.800 to 276.890.
[1975 c.280 §16]

276.885 Severability of ineffective statutes; ORS 276.800 to 276.890 to prevail over other laws. (1) If any section, subsection, paragraph, sentence, clause or provision of ORS 276.800 to 276.890 shall be declared unconstitutional or ineffective, in whole or in part, to the extent that it is not unconstitutional or ineffective it shall be valid and effective and no other section, subsection, paragraph, sentence, clause or provision shall on account thereof be deemed invalid or ineffective.

(2) In so far as the provisions of ORS 276.800 to 276.890 are inconsistent with the provisions of any other law, general or specific, the provisions of ORS 276.800 to 276.890 shall be controlling.
[1975 c.280 §§17, 18]

276.890 Judicial determination of legality of authority and proceedings pursuant to ORS 276.800 to 276.890; nature of proceedings; jurisdiction. The State Treasurer or any other interested party may, by petition to the Supreme Court, commence proceedings for a judicial examination and judgment of the Supreme Court as to the constitutionality and legality of ORS 276.800 to 276.890 and any act or proceedings of the authority thereunder. The nature of the proceedings shall be in rem and the procedure shall follow the procedure of courts of equity. Jurisdiction of the authority and all other potential parties shall be acquired pursuant to ORS 33.720. The Supreme Court shall have sole and exclusive jurisdiction of proceedings initiated under this section.
[1975 c.280 §19]

PENALTIES

276.990 Penalties. (1) A person who violates any rule lawfully promulgated under this chapter commits a violation.

(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; 1973 c.663 §1; 1977 c.50 §1; 1977 c.598 §27]

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, 1977.

Thomas G. Clifford
Legislative Counsel

CHAPTER 277

[Reserved for expansion]