

Chapter 358

1979 REPLACEMENT PART

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

358.010 [Renumbered 357 815]

OREGON HISTORICAL SOCIETY

358.015 State policy to contribute to Oregon Historical Society. The state recognizes a continuing obligation to contribute to the support of the Oregon Historical Society. The amount appropriated each biennium will be considered the continuing level of state aid for operation of the society for the next biennium. Supplements may also be added to acknowledge inflationary factors and as a match for demonstrated increases in membership dues or a combination thereof. [1979 c.72 §2]

358.020 [Renumbered 357.825]

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

358.040 [Renumbered 357.845]

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

358.060 [Amended by 1961 c.160 §22; renumbered 357 865]

358.070 [Renumbered 357.875]

358.080 [Amended by 1961 c 172 §6; renumbered 357 885]

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

COUNTY MUSEUMS, MEMORIALS AND MONUMENTS

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

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

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

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

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

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

COUNTY HISTORICAL FUND

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

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

(2) The question to be submitted and the form in which the same shall appear on the

ballot shall be substantially as follows:

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

() Yes

"Historical fund and tax

() No."

[Amended by 1965 c.327 §1]

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

(2) The levy shall be a continuing levy in the amount required by the detailed estimates annually filed with the county court under ORS 358.200 less any amount carried forward from the preceding year excepting reserve funds previously set aside and approved by the county court, but not exceeding one-fortieth of one percent (.00025) or such part thereof as is authorized by the legal voters of the county, of the true cash value of all taxable property within the county, computed in accordance with ORS 308.207. [Amended by 1963 c.9 §17, 1977 c.325 §1]

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

358.200 Annual estimate of historical societies. Upon the creation of a county historical fund, the president and secretary of any historical society organized as a nonprofit organization under the laws of Oregon, affiliated with and approved by the Oregon Historical Society and including in its purposes the acquisition by gift, purchase or other means and the preservation of historical objects, real and personal property of historical interest, records, material and data for the purpose of which the fund was created, and the acquisi-

tion by gift, purchase, or other means, of real and personal property for use in connection with any of those purposes, may, on or before March 1 of each year, file with the county court of such county a detailed estimate of the money required during the year commencing the following July 1 for such purposes.

[Amended by 1977 c.325 §2]

358.210 Disbursement of county historical fund. Upon the filing of the detailed estimate and approval thereof by the county court, all moneys in the county historical fund are subject to disbursement by warrants drawn by the historical society and signed by the president and secretary of the society. No money withdrawn from the fund shall be expended except for purposes set forth in ORS 358.200 and included in the detailed estimate.

358.220 Annual report of expenditures. On or before January 1 of each year, every historical society specified in ORS 358.200 which has received moneys from a county historical fund shall submit a report in writing to the county court showing in detail how such moneys have been expended during the preceding fiscal year ending June 30.

[Amended by 1977 c.325 §3]

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

COUNTY AND CITY MUSEUMS

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

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

(2) "Governing body" means the county court in relation to a county museum, the city council in relation to a city museum, both the county court and the city council in relation to a joint county and city museum, or the respective city councils of the two or more cities in relation to a joint city museum.

(3) "Museum" includes any collection of archaeological specimens, artifacts, pioneer relics, articles, documents and other things of

historical, scientific or artistic import assembled, displayed, preserved and protected for the benefit of the public, for educational and scientific purposes or to commemorate the occupation and development of the Pacific Northwest region, and the structure or structures housing such collection.

(4) "Museum objects" includes any of the objects described in subsection (3) of this section. [1953 c.481 §1; 1973 c.757 §1]

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

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

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

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

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

(5) Enter into all necessary contracts or agreements for services, assistance or cooperation with the Federal Government or any of its agencies, with the State of Oregon or any of its educational institutions or agencies, with any political subdivision of this state, with any person, including nonprofit educa-

tional or foreign corporations, or with educational and scientific foundations. [1953 c.481 §2; 1973 c.757 §2]

358.320 Museum commission; county fair board as commission. (1) The governing body of a county, city, county and city, or two or more cities, as the case may be, may appoint a museum commission, which shall consist of seven members chosen with reference to their fitness for the position.

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

(3) If the public museum of a county is located on the county fairgrounds in a county having a county fair, in lieu of appointing a museum commission as provided by subsections (1) and (2) of this section, the governing body of the county may designate the county fair board as the county museum commission. A county fair board so designated has the powers of a museum commission under ORS 358.310 to 358.405. [1953 c.481 §6; 1957 c.200 §1; 1969 c.693 §2; 1973 c.72 §1; 1973 c.757 §3]

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

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

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

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

(3) Prepare and submit an annual budget and an annual report to the governing body.

[1953 c.481 §10]

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

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

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

(2) Any county and any city within the county may jointly establish, maintain and operate a public museum.

(3) Any two or more cities may jointly establish, maintain and operate a public museum. [1953 c.481 §3; 1957 c.200 §2; 1973 c.757 §4]

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

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

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

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

(3) Use public sites or structures or both for museum purposes. [1953 c.481 §5; 1973 c.757 §5]

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

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

(2) Investigate and determine the most suitable location for the museum and the

adequacy of roads or streets and parking areas therefor, and submit its proposals relating thereto to the governing body.

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

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

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

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

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

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

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

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

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

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

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

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

(9) Collect all admission charges and other museum revenue, and pay such charges and other revenue into the treasury of the county, city, county and city, or two or more cities, to be deposited to a separate account and dis-

bursed by the museum commission as directed by the governing body. [1953 c.481 §§12, 13; 1973 c.757 §6]

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

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

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

(3) In the case of a joint city museum, and when authorized by the legal voters of the two or more cities voting at a primary election or regular general election, each city council of the two or more respective cities may issue general obligation bonds or revenue bonds of each of the two or more respective cities for the purpose of providing such portion of the funds necessary to acquire a museum site or sites and to construct the museum as is determined by the governing body. [1953 c.481 §§15, 16; 1973 c.757 §7]

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

358.385 Pledge of museum revenues for payment of museum bonds. The governing body may pledge all or part of museum revenues, collected or to be collected, as secur-

ity for the payment of general obligation bonds or revenue bonds issued under ORS 358.375. [1953 c.481 §18]

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

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

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

(2) Provide for the semiannual payment of interest.

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

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

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

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

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

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

358.405 Method of settling disagreement where joint action of county and city required. (1) Whenever joint action by a county court and city council is required or authorized under ORS 358.310 to 358.405, and there is disagreement between the county court and city council, the matter shall be submitted to a judge of the circuit court for the judicial district in which is located the county and city, who shall arbitrate and decide the matter.

(2) Whenever joint action by the city councils of two or more cities is required or authorized under ORS 358.310 to 358.405, and there is disagreement between or among the city

councils of the two or more respective cities, the matter shall be submitted to a judge of the circuit court for the judicial district in which the joint city museum is located, who shall arbitrate and decide the matter. [1953 c 481 §22; 1973 c.757 §8]

CLASSIFICATION OF HISTORIC PROPERTY

358.475 Policy. The Legislative Assembly hereby declares that it is in the best interest of the state to maintain and preserve properties of Oregon historical significance. [1975 c.514 §1]

358.480 Definitions for ORS 358.475 to 358.565. As used in ORS 358.475 to 358.545, unless the context requires otherwise:

(1) "Historic property" means real property that is currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-655); that is open to the public for sight-seeing at least one day in each calendar year in accordance with rules adopted by the state historic preservation officer; and that meets the minimum standards of maintenance established by rule of the state historic preservation officer.

(2) "Owner" includes a purchaser under recorded instrument of sale. [1975 c 514 §2]

358.485 Application for classification and assessment as historic property. An owner of historic property desiring classification and assessment under ORS 358.475 to 358.545 shall make application to the county assessor upon forms approved by the Department of Revenue and consent in writing to the viewing of the property by the state historic preservation officer and any state advisory committee on historic preservation. Applications shall be made prior to December 31, 1975, for classification for the assessment year commencing January 1, 1976, and thereafter applications to the county assessor shall be made during the calendar year preceding the first assessment year for which classification is requested. Application for classification shall be granted only for those 15 consecutive assessment years immediately following the calendar year in which the application is made. [1975 c.514 §3]

Note: Section 15, chapter 514, Oregon Laws 1975, as amended by section 2, chapter 346, Oregon Laws 1979, provides:

Sec. 15. Notwithstanding ORS 358.485, no application may be made under ORS 358.475 to 358.545 after December 31, 1985.

358.490 Referral of application to state historic preservation officer; review, approval in whole or part; withdrawal. (1) Within 10 days after the filing of the application in his office, the county assessor shall refer each application for classification to the state historic preservation officer. The state historic preservation officer, with the assistance of the state advisory committee on historic preservation, shall review the application and may view the premises. The state historic preservation officer shall not disapprove the application solely because of the potential loss of revenue that may result from granting the application if he finds that the property is historic property.

(2) The state historic preservation officer may approve the application with respect to only part of the property which is the subject of the application. However, if any part of the application is denied, the applicant may withdraw his application. [1975 c.514 §4]

358.495 Notice of approval or disapproval; effect of approval; appeal of disapproval. (1) The state historic preservation officer shall immediately notify the county assessor and the applicant of his approval or disapproval of the application which shall in no event be later than April 1 of the year following the year of receipt of the application. An application not denied by April 1 shall be deemed approved, and the property which is the subject of the application shall be considered to be historic property which qualifies under ORS 358.475 to 358.545.

(2) When the state historic preservation officer determines that the historic property qualifies under ORS 358.475 to 358.545, he shall certify that fact in writing and shall file a copy of the certificate with the county assessor within 10 days. The certificate shall state the facts upon which the approval was based. The county assessor, as to any such historic property, shall assess on the basis provided in ORS 358.505, and each year the historic property is classified and so assessed shall also enter on the assessment and tax roll that the property is being specially assessed as historic property and is subject to potential additional taxes as provided in ORS 358.525 by adding the notation "historic property (potential additional tax)."

(3) Any owner whose application for classification has been denied by the state historic preservation officer may appeal to the circuit court in the county where the land is located, or if located in more than one county, in that county in which the major portion is located. [1975 c.514 §5]

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

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

358.505 Entitlement of property to special assessment. (1) Notwithstanding ORS 308.232, the county assessor shall, for the 15 consecutive assessment years elected under ORS 358.485, assess property classified as historic property at the true cash value of the property at the time application under ORS 358.485 was made.

(2) The entitlement of property to the special assessment provisions of this section shall be determined as of January 1. However, if property so qualified becomes disqualified prior to July 1 of the same year, it shall be assessed at its true cash value as defined by law without regard to this section. If the property becomes disqualified on or after July 1, its assessment for that year shall continue as provided in this section. [1975 c 514 §6]

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

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

358.509 Review of continued qualification of property by state historic preservation officer. If a county assessor has reason to believe that property classified as historic property no longer qualifies for classification and special assessment as historic property, the county assessor shall request the state historic preservation officer to determine if the property continues to qualify. The request shall be in writing. Upon receipt of the request, the state historic preservation officer shall inspect the property and may take whatever steps are necessary to determine if the property continues to qualify for special assessment including a request for a report under ORS 358.535. The state historic preservation officer shall notify the county assessor of the determination made pursuant to the request of the assessor within 120 days after the request is received. A determination by the state historic preservation officer that the property no longer qualifies shall constitute a discovery described in paragraph (c) of subsection (1) of ORS 358.515. [1979 c.346 §4]

358.510 [Repealed by 1957 c 196 §2]

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

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

358.515 Loss of special assessment; effect of sale or transfer; notice to assessor when property ceases to qualify. (1) When property has once been classified and assessed as historic property under ORS 358.475 to 358.545, it shall remain so classified and be granted the special assessment provided by ORS 358.505 until the property becomes disqualified for such classification and assessment by:

(a) Written notice by the taxpayer to the assessor to remove the special assessment.

(b) Sale or transfer to an ownership making it exempt from property taxation.

(c) Removal of the special assessment by the assessor upon his discovery that the property no longer qualifies as historic property.

(2) The sale or transfer to a new owner or transfer by reason of death of a former owner to a new owner shall not operate to disqualify the property from the special assessment provided by ORS 358.505 so long as the property continues to qualify as historic property as defined in ORS 358.480.

(3) When, for any reason, the property or any portion thereof ceases to qualify as historic property as defined in ORS 358.480, the owner at the time of change shall notify the assessor of the change prior to the next January 1 date. [1975 c.514 §7; 1979 c.346 §1]

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

358.520 [Renumbered 390.220]

358.525 Imposition of penalty when property disqualified; exception. (1) Except as provided in subsection (4) of this section, whenever property which has received special assessment as historic property under ORS 358.505 thereafter becomes disqualified for such assessment as provided in ORS 358.515, there shall be added to the tax extended against the property on the next general property tax roll, to be collected and distributed in the same manner as the remainder of real property tax, a penalty equal to 15 times (or such lesser number of times, corresponding to the years of assessment as historic property applicable to the property) the total amount by which the taxes assessed against the property would have been increased if it had been valued without regard to ORS 358.505 as of January 1 of the assessment year for which

special assessment as historic property was last in effect for the property.

(2) Whenever property that has received special assessment as historic property under ORS 358.505 becomes disqualified for such assessment and the notice required by subsection (3) of ORS 358.515 is not given, the assessor shall determine the date that the notice should have been given, shall notify the owner thereof and notwithstanding ORS 311.220, there shall be added to the tax extended against the property on the next general property tax roll, to be collected and distributed in the same manner as the remainder of the real property tax, in full payment of all taxes and penalties accruing from the disqualification, a penalty equal to the sum of the following:

(a) The difference between the total taxes due on the property during the last year in which special assessment under ORS 358.505 was in effect for the property (even though erroneously) and the taxes which would have been due had special assessment not been in effect, multiplied by

(b) The number of years that the special assessment was properly in effect for the property plus the number of years that special assessment was in effect for the property after notice should have been given under subsection (3) of ORS 358.515, plus

(c) An additional penalty of 15 percent of the product of paragraphs (a) and (b) of this subsection.

(3) Prior to adding to the tax extended against the property on the next general property tax roll of a penalty imposed by subsection (1) or (2) of this section, in the case of disqualification pursuant to paragraph (c) of subsection (1) of ORS 358.515, the assessor shall notify the owner of the property by mail, return receipt requested, of the disqualification.

(4) No penalty shall be imposed under subsection (1) or (2) of this section upon the sale or transfer to an ownership making it exempt from property taxation. No penalty shall be imposed under subsection (1) or (2) of this section if the historic property is destroyed by fire or act of God.

(5) The amount determined to be due under subsection (1) or (2) of this section may be paid to the tax collector prior to the completion of the next general property tax roll, pursuant to ORS 311.370. [1975 c.514 §8; 1979 c 350 §18]

358.530 [Repealed by 1959 c.242 §1]

358.535 Reports from owners; effect of failure to comply. The state historic preservation officer shall at all times be authorized to demand and receive reports from owners of property classified under ORS 358.475 to 358.545 as to the continued qualification of the same for classification as historic property. If the owner shall fail, after 90 days' written notice by mail, return receipt requested, to comply with such demand, the state historic preservation officer shall immediately notify the assessor and the assessor shall withdraw the property from classification and apply the penalties provided by ORS 358.525. [1975 c 514 §9]

358.540 Effect of classification and assessment as historic property on exemptions or other special assessments. Property classified as historic property shall not be entitled to any other exemption or special assessment provided by law. [1975 c.514 §10]

358.545 Rules of state historic preservation officer. The person designated as state historic preservation officer under ORS 358.565 shall adopt rules, pursuant to ORS 183.310 to 183.500, with regard to the determination of entitlement of historic properties to the special assessment accorded by ORS 358.475 to 358.545. The rules shall:

(1) Encompass requirements for allowance and substantiation of public sight-seeing of historic property classified under ORS 358.475 to 358.545;

(2) Provide minimum maintenance standards for the property; and

(3) Delineate any other matters necessary to carry out the purposes of ORS 358.475 to 358.545. [1975 c.514 §11]

358.565 State historic preservation officer. (1) The Governor shall designate a state historic preservation officer who shall serve at his pleasure. The office of the state historic preservation officer shall include staff knowledgeable in matters of Oregon history. In case of vacancy, the Governor shall designate a successor.

(2) In addition to the powers and duties assigned to him under ORS 358.475 to 358.545, the state historic preservation officer shall perform whatever functions as are authorized by law. [1975 c 514 §12]

358.610 [1953 c 475 §1, renumbered 390 410]

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

358.620 [1953 c.475 §4; 1955 c.547 §2; renumbered 390 430]

358.625 [1953 c 475 §3; renumbered 390.440]

358.630 [1953 c.475 §5; renumbered 390 450]

**PRESERVATION OF
PROPERTY OF HISTORIC
SIGNIFICANCE**

358.635 Definition of "state agency."

As used in ORS 358.635 to 358.655, "state agency" includes all officers, employes, agencies, boards, committees and commissions of the legislative, executive, administrative and judicial branches of state government. [1979 c.205 §5]

358.640 State property of historical significance; catalog; recommendations to state agency. (1) The Department of General Services shall identify and catalog state-owned personal property which has state or national historical significance.

(2) The department shall make recommendations to any state agency that possesses historically significant personal property relating to its retention, preservation, maintenance, use or transfer to the custody of any public or private agency or person. [1979 c 205 §1]

358.645 Private property of historic significance; catalog; recommendations to state agencies. (1) A private owner of personal property believed to have state or national historical significance which the owner wishes to give to the state may request review of the significance of the personal property by the Department of General Services.

(2) The department shall:

(a) Identify and catalog historically significant personal property; and

(b) Make recommendations to appropriate state agencies regarding acceptance, preservation, maintenance and use of historically significant personal property. [1979 c. 205 §2]

358.650 Acceptance of private property as gift to state; custody. (1) Whenever a prospective donor of personal property identified as historically significant pursuant to ORS 358.645 requires immediate acceptance of the personal property as a condition of a gift, the Department of General Services may accept the gift on behalf of the state and may

place the gift in the custody of another state agency under agreement between the department and the agency.

(2) The Department of General Services shall transfer any gift accepted pursuant to this section to the custody of an appropriate state agency. [1979 c.205 §3]

358.655 Advisory committee. The Director of the Department of General Services, in consultation with interested persons and organizations, shall appoint an advisory committee to assist in carrying out the duties of the department under ORS 358.635 to 358.655. [1979 c.205 §4]

GRANTS FOR MUSEUMS

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

(1) "Department" means the Department of Transportation.

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

(3) "Governing board" means:

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

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

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

(d) The city councils of the two or more respective cities in relation to a joint city museum.

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

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

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

(5) "Museum objects" includes specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, scientific or artistic import.

(6) "Public museum" or "museum" means a facility operating for the purpose of acquiring, conserving, preserving, studying, inter-

preting, enhancing and, in particular, organizing and continuously exhibiting museum objects to the public for its instruction and enjoyment, including but not limited to museum objects of historical import of a geographical area of the state or of the Oregon Territory or of a community, industry or other economic activity. [1965 c.572 §2; 1973 c.757 §9]

Note: 358.710 to 358.770 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 358 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

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

Note: See note under 358.710.

358.730 Duties of Department of Transportation relating to museums. In addition to the other duties of the Department of Transportation, the department shall:

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

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

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

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

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

Note: See note under 358.710.

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

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

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

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

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

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

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

Note: See note under 358.710.

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

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

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

Note: See note under 358.710.

358.760 Reimbursement; limitation. (1) Expenditures made from county funds for the maintenance and operation of museum buildings shall be reimbursed by the department in accordance with this section.

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

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

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

(5) When approved by the department, claims for reimbursements shall be presented for payment and paid in the manner that other claims against the State Highway Fund are paid. [1965 c.572 §7]

Note: See note under 358 710

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

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

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

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

(2) In the administration of ORS 358.710 to 358.770, the department shall consider the recommendations of the society, particularly those regarding the designation of historic buildings, sites and other historic places. [1965 c 572 §9]

Note: See note under 358 710.

PORTLAND ART MUSEUM AND ORCHESTRA

358.810 Public aid to art museums. (1) Any county containing a population of 400,000 inhabitants or more, according to the latest decennial census, may assist in maintaining any art museum operated by any association of art, incorporated under Oregon laws, which has a museum building within the limits of such county at which works of the fine arts are exhibited, and which museum has been in continuous operation for not less than five years prior to the time such assistance is given. For this purpose, the board of county commissioners of such county may designate such association and provide in the county budgets and pay an amount determined by the board of county commissioners to such association to be used solely for maintaining or in assisting to maintain such art museum and in providing for the free access by the public to exhibits at the museum under reasonable rules and regulations approved by the board of county commissioners.

(2) No moneys shall be paid under the provisions of this section except upon warrants drawn by order of the county commissioners. No moneys shall be paid to any association of art except such as hold permanent as well as temporary collections for the specific purpose of encouraging study, education, knowledge and appreciation of the fine arts.

(3) Any association receiving such aid shall render an annual report to the board of county commissioners giving such information as may be required by the board with respect to all moneys received under the provisions of this section.

(4) This section does not limit any such art association in operating a school of art or art classes at which students are charged for instruction, as a separate department; and the free access by the public to the museum of art does not include or apply to schools of art, art classes or lectures on art topics. [Formerly 357 910; 1979 c.712 §2]

358.820 Tax levy for municipal orchestra. Any city having a population of 250,000 or more may, when authorized as provided in ORS 358.840, levy each year a tax of not to exceed fifteen-hundredths of one mill on each dollar of assessed valuation of property subject to taxation by the city, within or

without the six percent limitation, for the purpose of maintaining and employing one major symphony orchestra, one band, and one junior symphony orchestra. [Formerly 357.920]

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

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

(2) The city council or commission, by majority vote, approves submission of the proposition to the city voters. [Formerly 357.930]

358.840 Action upon favorable vote. If a majority of the votes cast on the proposition at the election is in favor of the proposition, the city is authorized and required to levy a tax within the amount and for the purpose or purposes authorized. [Formerly 357.950]

358.850 Annulment of tax for orchestra. The proposition of whether or not a tax levied for the purposes of ORS 358.820 shall be annulled may be submitted to the voters of the city in the same manner as provided for the levy of the tax in ORS 358.830. If a majority of the votes cast on the proposition is in favor of the proposition, no further levy for said purposes shall be made. [Formerly 357.960]

OREGON STATE MUSEUM OF NATURAL HISTORY

358.880 Oregon State Museum of Natural History; activities; location; operation; state participation. (1) There is established an Oregon State Museum of Natural

History whose activities shall include, but not be limited to:

(a) Extending and improving public access to the state-owned natural history collections now stored at the University of Oregon and any other items or collection of items which shall be acquired;

(b) Educating the public regarding Oregon's natural and archaeological history; and

(c) Mounting special exhibitions from time to time.

(2) The Oregon State Museum of Natural History shall be located in the museum complex, Alton Baker Park, Eugene, Lane County, Oregon. Future plans for the museum complex are recognized to include a science museum-planetarium, the Lane County Pioneer Museum, an adequate parking area, a park setting and other facilities appropriate to a major museum complex.

(3) The museum's construction and operation shall be the responsibility of the Lane Cooperative Museum Commission.

(4) The state agency responsible for state participation in the Oregon State Museum of Natural History shall be the Department of Transportation. [1979 c.852 §1]

358.885 Lane County matching fund relationship. (1) In relation to the Oregon State Museum of Natural History, the Department of Transportation is authorized to enter into a relationship with Lane County based upon local matching funds and efforts being available in fact.

(2) The Department of Transportation shall, in calculating the value of funds or other local efforts to be appropriated by Lane County, consider the value of existing or future construction, facilities in place, landscaping, gardens and all improvements made or to be made by Lane County. [1979 c.852 §2]

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, 1979.

Thomas G. Clifford
Legislative Counsel

