

# TITLE 26

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### Chapter 276

1991 EDITION

### Public Facilities

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**DEFINITIONS**

**276.001 Definitions.** As used in ORS 276.001 to 276.736 and 276.990, 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 Control of State Capitol; assignment of parking spaces; disposition of rentals.** (1) The Legislative Assembly, through the Legislative Administration Committee, shall exercise control over the use of the State Capitol.

(2) The committee has exclusive power to assign and reassign quarters in the State Capitol 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; 1981 c.132 §2]

**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 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; 1981 c.132 §3]

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 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 being acquired through lease-purchase option or instalment purchase agreement 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; 1981 c.491 §1]

**276.005 Capital Projects Fund; use; gifts, grants and donations; loaned moneys.** (1) The department through funds appropriated therefor, from balances in the Capital Projects Fund, 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 ORS 276.001 to 276.736 and 276.990; 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 established in the State Treasury a Capital Projects Fund, separate and distinct from the General Fund. The moneys in the Capital Projects Fund may be invested as provided in ORS 293.701 to 293.776. Interest earnings on the fund assets shall be credited to the fund. All moneys credited to the fund 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. Such gifts, grants and donations shall be deposited by the department in appropriate separate trust accounts until such time as required to meet the obligations for which the gift, grant or donation was intended. When so required, the department shall deposit such amounts in the Capital Projects Fund, 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 Capital Projects Fund 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; 1981 c.106 §4; 1989 c.756 §14]

**276.007 General Services Operating Fund; use of excess amounts.** (1) Moneys credited to the General Services Operating Fund by law are appropriated continuously to the Department of General Services and may be used 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 all the expenses associated with operating, maintaining, repairing, equipping and furnishing the buildings and facilities described in ORS 276.004.

(2) For any biennium any moneys collected by the department pursuant to ORS 276.385 and 276.412 as rental payments for depreciation reserves for space in buildings, parking facilities and mall houses specified in ORS 276.004 and any net profit from mall houses shall be transferred from the General Services Operating Fund to the Capital Projects Fund for any of the purposes enumerated in ORS 276.005 (1).

(3) Except as provided in subsection (2) of this section, and except an amount as determined by the department for operating capital for the management of such office space, for any biennium any moneys collected by the department pursuant to ORS 276.385 and 276.412 as rental payments for space in buildings specified in ORS 276.004 that exceed the amounts required by law to be paid out of such moneys with respect to that biennium, shall be used to adjust rental rates in the current or subsequent biennia. [1969 c.706 §12; 1977 c.116 §3; 1977 c.598 §3; 1981 c.106 §2; 1983 c.599 §7]

**276.008 Continuous appropriation for payment of Capitol Planning Commission expenses.** There is continuously appropriated from the General Services Operating 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]

**276.009 Acquisition of state office buildings by instalment payments or lease purchase.** (1) Department of General Services may enter into an agreement or agreements with financial institutions to fund or otherwise acquire state office buildings and parking facilities by instalment purchase or lease purchase contracts as provided in ORS 276.429. Any moneys so obtained shall be deposited in the Capital Projects Fund. Such acquired facilities may be located in the Capitol Mall area or in communities throughout the state.

(2) In addition to and not in lieu of any other moneys made available by law, there is established as the maximum amount to be expended for the purposes authorized in subsection (1) of this section and ORS 276.005 (1) the following amounts for the following purposes:

- (a) Eugene Regional Center  
Construction.....\$1
- (b) Medford Regional Center  
Construction.....\$1
- (c) Eugene State Police Facility  
Construction.....\$1
- (d) Mall Office Building II.....\$1

(3) Subsection (2) of this section does not limit, affect or apply to any expenditures by the department for interest payments while the facilities are under construction, bond counsel and underwriter's fees, legal fees, escrow or trustee fees, lessor fees or repayment reserves as may be required by the financial institutions. [1983 c.667 §2]

Note: 276.009 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 Preface to Oregon Revised Statutes for further explanation.

**276.010 Definitions for ORS 276.010 to 276.062.** When used in ORS 276.028 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 ORS 276.005 (1), 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 Personnel Relations 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, 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; 1981 c.132 §4]

*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 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 cities of Salem and Keizer, 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 cities of Salem and Keizer within the metropolitan area of the cities of Salem and Keizer; 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; 1987 c.253 §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 171.562 and 171.565; 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 the designee of the mayor;

(c) One member shall be the chairman of the planning commission of the City of Salem or the designee of the chairman, 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 the designee of the director;

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

(f) One member, who shall be an advisory member without vote, shall be the President of the Senate or the designee of the President of the Senate, who shall be a person serving in the Senate; and

(g) One member, who shall be an advisory member without vote, shall be the

Speaker of the House of Representatives or the designee of the Speaker of the House of Representatives, 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; 1983 c.546 §6]

**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 or the City of Keizer, to the governing body of Salem or Keizer 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 cities of Salem and Keizer.

(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; 1987 c.253 §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 ORS 291.224 (3), for compliance with the development plans for such areas adopted by the commission pursuant to ORS 276.034 (1) and (3).

(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 ORS 291.224 (3), 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 ORS 276.034 (1) and (3), 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 who are not members of the Legislative Assembly 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. Members of the commission who are members of the Legislative Assembly shall be paid compensation and expense reimbursement as provided in ORS 171.072, payable from funds appropriated to the Legislative Assembly. [Amended by 1969 c.314 §17; 1973 c.129 §9; 1987 c.879 §11]

**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 De-

partment 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]

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

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

**276.062 Disposition of buildings or improvements 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]

#### (Art Acquisition)

**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)(a) "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.

(b) "State building" also does not include any correctional facility except for areas used for administrative purposes and areas used for inmate visitation, but it shall be presumed that an amount equal to one-fourth of one percent of the appropriation for such a facility is for acquisition of works of art for areas used for administrative or educational purposes and areas used for inmate visitation. The art acquired under this paragraph may only be displayed or be an integral part of the structure used for administration, education or inmate visitation. [1977 c.848 §2; 1989 c.978 §1]

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 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 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 the duties of the director 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 the director 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, including gifts of real and personal property, for the purpose of the acquisition, construction, remodeling, decoration, landscaping, furnishing, equipping and maintenance of a state executive residence. All moneys received under this section shall be placed in the Executive Residence Account, which account is hereby created, and continuously appropriated, to be used only for the purposes for which the moneys were given. [1967 c.615 §1; 1987 c.702 §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, if the Capitol Planning Commission determines that architects are required to design, plan and oversee the construction of the state executive residence, such architects shall 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. Insofar as practicable, the Legislative Assembly intends that Oregon products shall be used in constructing, remodeling, equipping, furnishing and decorating the state executive residence. [1967 c.615 §3; 1987 c.702 §2]

**276.108 Certification that moneys available; Department of General Services to construct and furnish residence.** Notwithstanding ORS 276.010, 276.028 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 or acquisition of the state executive residence, it shall so certify to the Department of General Services. The Department of General Services may cause to have acquired, constructed, remodeled, 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; 1987 c.702 §3]

### 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 ORS 293.701 (2), 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 the capacity of 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 General Services Operating 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 ac-

complish 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, shall insure the office buildings against fire and other hazards in such sums as required to protect the value of buildings. Such insurance shall be provided under the provisions of ORS chapter 278. [1957 c.727 §11; 1977 c.720 §1; 1985 c.731 §26]

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 and  
Developmental Disability Services  
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 and Developmental Disability Services Division, Department of Corrections, 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; 1987 c.320 §152]

**(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 Operating Fund may be used, the General Services Operating 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 Treas-

urer 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 Operating Fund created by ORS 283.076. [1969 c.199 §10; 1981 c.106 §12]

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; terms; pledging operating funds.** (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, conditional bill of sale, lease purchase or instalment purchase. 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 and the terms and conditions for repayment shall be as determined by the department. The department may pledge, on behalf of the State of Oregon, for the retirement of such indebtedness, such reasonable sums from operating appropriations or service charges as is required for:

(a) The purchase or securing of steam heat, electrical current or energy from pri-

vate 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 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. In the case of telecommunications systems and all related equipment, repayment may be from service charges paid by agencies for the operation of the systems. [Amended by 1969 c.199 §33; 1983 c.424 §2]

**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 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 Court of Appeals 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. [Amended by 1979 c.562 §11]

**276.242 Proceedings in name of state; pleadings; conveyances and contracts.** All actions and proceedings shall be brought in the name of the state, and the pleadings shall be signed 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; 1979 c.284 §129]

**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 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]

**276.265 Apprenticeship programs; state agency as training agent.** (1) It is the policy of this state to encourage public agencies to participate in apprenticeship

programs. Every public agency employing five or more persons in the same apprenticeable occupation for the improvement or maintenance, not including routine maintenance, of a public facility shall be encouraged to register as a training agent with the appropriate apprenticeship committees and shall be expected to employ at least one apprentice for that apprenticeable occupation, subject to the public agency's available and legislatively approved budget resources. The public agency shall be subject in its capacity as a training agent to the rules and policies of the responsible apprenticeship committees and the State Apprenticeship and Training Council.

(2) For purposes of this section:

(a) "Apprenticeable occupation" has the meaning defined in ORS 660.010.

(b) "Employing five or more persons" means the employment of five or more persons at any time during the current or immediately prior fiscal year; provided, however, that a public agency may petition the State Apprenticeship and Training Council for exemption from the requirements of this section on the grounds that the public agency's circumstances have so changed since the immediately prior fiscal year as to make application of this section contrary to the interests of current or potential apprentices.

(c) "Improvement or maintenance, not including routine maintenance" means construction, reconstruction and major renovation of or to and painting of public facilities and includes the remodeling, alteration and emergency repair of buildings, other structures, real property, highways and roads. "Improvement or maintenance, not including routine maintenance" does not include minor alteration, ordinary repair or maintenance necessary in order to preserve a public facility.

(d) "Public agency" means the State of Oregon or any political subdivision thereof or any county, city, district, authority, public corporation or entity and any of their instrumentalities organized and existing under law or charter.

(e) "Public facility" means the works, buildings and grounds owned, leased or rented by a public agency and which are situated within the State of Oregon, and shall include any such works, buildings or grounds governed, managed or administered by the Department of General Services. [1991 c.897 §2]

### 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 General Services Operating 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 suf-

ficient 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 may acquire and hold office space necessary to meet identified space needs, including such costs as are incurred by the department to assure availability of office space, and shall coordinate with the Executive Department to assure conformity with statewide management objectives and fiscal policies, including the development of space utilization standards.

(4) In carrying out its duties under subsection (3) of this section, the department shall allocate and collect from state agencies the costs for vacancies experienced in acquiring such space. [Amended by 1967 c.419 §62; 1977 c.598 §14; 1981 c.492 §1]

**276.412 Payment of rent by state agencies.** (1) Each month the Department of General Services may bill state agencies to which quarters in any state building have been assigned an amount fixed by the Department of General Services as rent for the preceding month for the quarters assigned to such agencies.

(2) Moneys so collected shall be deposited in the General Services Operating 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 and to quarters leased with option to purchase or under instalment purchase agreement under ORS 276.429 (1). [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; 1981 c.491 §2]

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; cost policy; report to legislative review agency.** (1) The Department of General Services may enter into, as appropriate, leases, including lease with option to purchase, installment purchases and rental agreements, as lessee, for office quarters for state agencies. In determining which method of acquiring office quarters is most appropriate under the circumstances, the department shall consider cost and the long-term best interests of the state. It is the policy of the state, in fulfilling the objectives set forth in ORS 276.426, to acquire office quarters in the most cost-effective manner feasible.

(2) The costs to the department incurred for the purpose of making such office space ready for occupancy, including professional services, remodeling, equipment acquisition and other similar costs paid to others or incurred by the department, may be advanced out of the General Services Operating Fund. The fund shall be reimbursed for costs so advanced from charges paid to the department by the agency leasing the space as a tenant. Where more than one agency occupies the space, the charges shall be assessed and collected from the agencies in the manner determined by the department.

(3) Immediately following each monthly rental period, the Department of General Services shall bill 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. Moneys collected therefor shall be placed in the General Services Operating Fund established in ORS 283.076 and such moneys are appropriated for the payment of the rental and operating expenses of such office quarters.

(4) Prior to entering into any lease purchase or installment purchase agreement or before exercising any purchase option in agreements made under subsection (1) of this section, the department shall report to the legislative review agency established in ORS 291.371. However, the department shall not enter into any lease purchase or installment purchase agreement under any provision of law other than ORS 283.085 to 283.092, 286.515 and 286.525.

(5) 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; 1981 c.106 §13; 1981 c.491 §3; 1981 c.492 §2; 1985 c.276 §3; 1991 c.642 §3]

**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 rules adopted by the director, and shall contain terms and conditions necessary to protect the public interest.

(3) The moneys collected under this section shall be deposited in the General Services Operating Fund and are appropriated for the purposes of that fund. [See 276.430; 1983 c.690 §1]

**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 General Services Operating 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 General Services Operating 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]

**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

## PARTICULAR STATE BUILDINGS (State Highway Building)

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 Department of General Services all maintenance costs and necessary service charges arising out of its occupancy of the building. [1971 c.528 §9]

**276.585 Assignment of excess space; rental and additional charges.** Whenever space in the office building authorized by chapter 528, Oregon Laws 1971, exceeds current requirements of the Employment Division, the 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]

### (Supreme Court Building)

**276.587 Control through Supreme Court Administrator; contract for operation.** (1) The Supreme Court, acting through the State Court Administrator, shall exercise control over the use of the Supreme Court Building.

(2) The State Court Administrator may enter into a contract with the Department of General Services to provide for insurance, operating, maintenance and security services for the Supreme Court Building. [1981 c.132 §1]

### PARKING FACILITIES; CAR POOLS

**276.590** [1971 c.528 §11; 1977 c.598 §23; repealed by 1981 c.591 §6]

**276.591 Parking policy.** It shall be the state policy in regard to state controlled grounds and facilities used for parking:

(1) That each state agency that owns or controls through direct lease, lease purchase

or instalment purchase agreement grounds or facilities used for parking shall regulate their use and impose on users, whether or not state employees, equitable charges consistent with the state policy for such parking.

(2) That use of alternative modes of transportation be encouraged.

(3) That traffic congestion and energy waste be minimized.

(4) That charges for use of grounds and facilities used for parking be established in a manner which recognizes the agency's cost to provide such facilities, local market conditions for commercial or other paid parking and community standards; and does not cause community hardship or eliminate the demand for state provided parking. However, the charges imposed shall not produce revenues in excess of amounts required to operate, maintain and improve the grounds and facilities, to cover required depreciation and debt service expenditures, to offset any revenues lost through the provision of car or van pool incentive rates under ORS 276.601, and to provide reasonable funds for alternative modes of transportation and capital development. Pricing policy should also discourage the use of single occupant vehicles and recognize the desirability and degree of quality of the parking. [1981 c.591 §1; 1989 c.990 §1]

**276.592 Taxation of parking facilities used by private individuals.** 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; 1981 c.591 §5]

**276.594 Parking facilities; use; fees.** (1) Except for parking facilities located in the garage of the State Capitol and in the area immediately in front of the State Capitol, but south of Court Street, the Department of General Services shall also manage and determine under what conditions the grounds and parking structures owned, leased, or being acquired through lease purchase or instalment purchase agreement by any state agency, which are located in the capitol area in the City of Salem shall be used. Such grounds and structures 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 Supreme Court Building, the buildings or facilities defined in ORS 276.004 and those grounds owned by the state by and through its Department of General Services adjacent to the installations and facilities located in the area defined in ORS 276.028 except the

State Capitol. However, the department shall not exercise such authority over grounds or facilities that are owned, directly leased, or being acquired through lease purchase or instalment purchase by another state agency which are outside of the capitol area in the City of Salem.

(2) Based upon its findings, the department shall adopt rules for parking of motor vehicles or other transportation uses of such grounds and facilities for which it is responsible under subsection (1) of this section. Notice of the rules shall be given by appropriate signs posted on the grounds and in the facilities. In adopting the rules, the department shall consider the state policy stated in ORS 276.591.

(3) 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 as it determines are appropriate. However, in such leasing, priority shall first be given to the needs of state officers and employees.

(4) The department shall furnish a space without charge to each statewide elective 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 disabled employees who have been issued a disabled person parking permit 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 employees, or for other authorized purposes, may be leased to other persons.

(5) Receipts obtained under this section shall be retained by the Department of General Services, except that the net receipts from any parking facilities which are located in the capitol area in the City of Salem and which are owned, directly leased, or being acquired through lease purchase or instalment purchase agreement by any agency other than the Department of General Services may be returned to the agency by the department. [1977 c.598 §25; 1981 c.591 §2; 1989 c.224 §38; 1991 c.67 §67]

**276.595 Operation of facilities under control of agencies other than Department of General Services.** (1) Each state agency, other than the Department of General Services, shall manage and determine under what conditions the grounds and parking structures owned, directly leased or being acquired through lease purchase or instalment purchase by it, which are outside the capitol area in the City of Salem, may be used by owners and operators of motor vehicles and for other transportation purposes.

(2) Based upon its findings, the state agency shall adopt rules for parking of motor vehicles or other transportation uses of such grounds and facilities for which it is responsible under subsection (1) of this section. Notice of the rules shall be given by appropriate signs posted on the grounds and in the facilities. In adopting the rules, the state agency shall consider the state policy stated in ORS 276.591.

(3) The state agency 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 as it determines is appropriate. However, in such leasing, priority shall first be given to the needs of state officers and employees. The agency shall designate certain spaces, either free or metered, for use by persons transacting business in state offices. The state agency may also provide free parking for disabled employees who have been issued a disabled person parking permit 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 employees, or for other authorized purposes, may be leased to other persons. [1981 c.591 §3; 1989 c.224 §39; 1991 c.67 §68]

**276.596** [1977 c.598 §25a; repealed by 1981 c.591 §6]

**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 by state employees 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 employees 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; 1981 c.490 §5]

**276.601 Base rate set by agencies; reductions and special fees; disposition of receipts.** Consistent with the policies stated in ORS 276.591:

(1) The base rate for leasing parking spaces described in ORS 276.594 and 276.595 shall be set by the agency responsible for leasing the space. However, the agency may apply a reduction schedule to the base rate, based upon the number of participating riders, to encourage the use of car pools or van pools.

(2) In order to qualify for the reduced fees authorized under subsection (1) of this section, car pool or van pool participants must register and have validated participation in a car pool or van pool.

(3) Notwithstanding subsection (1) of this section, the agency responsible for leasing the space to users may:

(a) Furnish parking spaces free or at reduced rates in designated areas for those employees participating in a program which encourages the use of parking spaces in noncongested areas or where conditions show no or a reduced market for paid parking;

(b) Establish fees in excess of the base rate where reserved parking is provided, space is leased to other than state employees and officers or for other than state purposes, or where debt service payments or the cost to provide the parking require a higher rate schedule;

(c) Establish fees less than the base rate where the agency determines that community hardship or significant reduction in demand for the parking is deemed likely to occur; and

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

(4) Except as otherwise provided by state or federal law, the receipts obtained under this section shall be retained by the state agency which owns, or controls through direct lease, lease purchase or instalment purchase agreement, the grounds or facilities for which such receipts were collected. [1981 c.591 §4]

## **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 Department of Corrections, Mental Health and Developmental Disability

Services 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; 1987 c.320 §153]

**276.612 Determining buildings to be constructed, altered, repaired, furnished and equipped.** The Department of Corrections, Mental Health and Developmental Disability Services 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. [Amended by 1969 c.597 §52; 1987 c.320 §154; 1991 c.703 §4]

**276.614** [Repealed by 1969 c.597 §281]

### OPTIONS

**276.625 Authority to acquire options; contingency; legislative review agency approval.** The Department of General Services may acquire options, enter into earnest money agreements and enter into similar arrangements to obtain the right to acquire real property, any improvements erected upon the property and any appurtenances connected with the property. However, the department's exercise of any rights under such an option, agreement or arrangement, shall be made contingent upon the department first obtaining the approval of the legislative review agency established in ORS 291.371. Before removing the contingency, the department shall first obtain the approval of the proposed purchase from the legislative review agency established in ORS 291.371. [1985 c.276 §2]

### COMMUNITY HOUSES

**276.710** [Repealed by 1981 c.126 §6]

**276.712** [Repealed by 1981 c.126 §6]

**276.714** [Repealed by 1981 c.126 §6]

**276.716** [Repealed by 1981 c.126 §6]

**276.718** [Repealed by 1981 c.126 §6]

**276.720** [Repealed by 1981 c.126 §6]

**276.722** [Repealed by 1981 c.126 §6]

**276.724** [Repealed by 1981 c.126 §6]

**276.726** [Repealed by 1981 c.126 §6]

**276.728** [Repealed by 1981 c.126 §6]

**276.730** [Repealed by 1981 c.126 §6]

**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 per-

sons 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 electors 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 electors.** 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 electors of the city at any regular or special election held within such city. At the election the electors 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.

**276.800** [1975 c.280 §1; repealed by 1989 c.97 §1]

**276.805** [1975 c.280 §3; repealed by 1989 c.97 §1]

**276.810** [1975 c.280 §2; repealed by 1989 c.97 §1]

**276.815** [1975 c.280 §4; repealed by 1989 c.97 §1]

**276.820** [1975 c.280 §5; repealed by 1989 c.97 §1]

**276.825** [1975 c.280 §6; 1983 c.389 §1; 1985 c.731 §23; repealed by 1989 c.97 §1]

**276.830** [1975 c.280 §7; repealed by 1989 c.97 §1]

**276.840** [1975 c.280 §8; repealed by 1989 c.97 §1]

**276.845** [1975 c.280 §9; repealed by 1989 c.97 §1]

**276.850** [1975 c.280 §10; repealed by 1989 c.97 §1]

**276.855** [1975 c.280 §11; repealed by 1989 c.97 §1]

**276.860** [1975 c.280 §12; repealed by 1989 c.97 §1]

**276.865** [1975 c.280 §13; repealed by 1989 c.97 §1]

**276.870** [1975 c.280 §14; repealed by 1989 c.97 §1]

**276.875** [1975 c.280 §15; repealed by 1989 c.97 §1]

**276.880** [1975 c.280 §16; repealed by 1989 c.97 §1]

**276.885** [1975 c.280 §§17, 18; repealed by 1989 c.97 §1]

**276.890** [1975 c.280 §19; repealed by 1989 c.97 §1]

### STATE AGENCY FACILITY ENERGY DESIGN

**276.900 Policy.** It is the policy of the State of Oregon that facilities to be constructed or purchased by authorized state

agencies be designed, constructed or renovated in a manner that will minimize the consumption of energy in their operation and maintenance. [1979 c.734 §1; 1989 c.556 §1]

**276.905 Definitions for ORS 276.900 to 276.915.** As used in ORS 276.900 to 276.915, unless the context requires otherwise:

(1) "Alternative energy system" means solar, wind, geothermal, heat recovery or other systems which use a renewable resource and are environmentally sound.

(2) "Authorized state agency" means any state agency, board, commission, department or division that is authorized to finance the construction, purchase or renovation of buildings or other structures to be used by the State of Oregon. "Authorized state agency" includes but is not limited to the Department of General Services, the Department of Corrections, the Mental Health and Developmental Disability Services Division, the State Board of Education and the State Board of Higher Education.

(3) "Cost-effective" means that an energy resource, facility or conservation measure during its life cycle results in delivered power costs to the ultimate consumer no greater than the comparable incremental cost of the least cost alternative new energy resource, facility or conservation measure. Cost comparison shall include, but need not be limited to:

(a) Cost escalations and future availability of fuels;

(b) Waste disposal and decommissioning costs;

(c) Transmission and distribution costs;

(d) Geographic, climatic and other differences in the state; and

(e) Environmental impact.

(4) "Energy conservation measure" means a measure primarily designed to improve the efficiency of energy use in a state-owned facility.

(5) "Energy consumption analysis" means the evaluation of all energy systems and components by demand and type of energy including the internal energy load imposed on a major facility by its occupants, equipment and components and the external energy load imposed on a major facility by the climatic conditions of its location. "Energy consumption analysis" includes, but is not limited to:

(a) The comparison of a range of alternatives that is likely to include all reasonable, cost-effective energy conservation measures and alternative energy systems;

(b) The simulation of each system over the entire range of operation of a major facility for a year's operating period;

(c) The evaluation of energy consumption of component equipment in each system considering the operation of such components at other than full or rated outputs; and

(d) The consideration of alternative energy systems.

(6) "Energy systems" means all utilities, including but not limited to heating, air conditioning, ventilating, lighting and the supply of domestic hot water.

(7) "Major facility" means any state-owned building having 10,000 square feet or more of usable floor space.

(8) "Renovation" means any addition to, alteration of or repair of a facility which will involve addition to or alteration of the facility's energy systems, provided that the affected energy systems account for 50 percent or more of the facility's total energy use. [1979 c.734 §2; 1987 c.320 §155; 1989 c.556 §2]

**276.915 Energy design requirements; rules; fees; exemptions.** (1) Except as provided in subsection (4) of this section, on and after October 3, 1989, an authorized state agency may construct or renovate a facility only if the authorized state agency determines that the design incorporates all reasonable cost-effective energy conservation measures and alternative energy systems. The determination by the authorized state agency shall include consideration of indoor air quality issues and operation and maintenance costs.

(2) Whenever an authorized state agency determines that any major facility is to be constructed or renovated the agency shall cause to be included in the design phase of the construction or renovation a provision that requires an energy consumption analysis identifying all reasonable cost-effective energy conservation measures and alternative energy systems to be prepared for the facility under the direction of a professional engineer or licensed architect. The authorized agency and the Department of Energy shall agree to the list of energy conservation measures and alternative energy systems to be analyzed. The analysis and facility design shall be delivered to the Department of Energy during the design development phase of the facility design. The Department of Energy shall review the analysis and forward its findings to the authorized state agency within 10 working days after receiving the analysis, if practicable.

(3) The Department of Energy shall adopt rules to carry out the provisions of ORS 276.900 to 276.915. These rules shall:

(a) Include a simplified and usable method for determining which energy conservation measures and alternative energy systems are cost-effective. The method shall reflect the energy costs of the utility serving the facility.

(b) Prescribe procedures for determining if a facility design incorporates all reasonable cost-effective energy conservation measures and alternative energy systems.

(c) Establish fees through which an authorized state agency will reimburse the Department of Energy for its review of energy consumption analyses and facility designs and its reporting tasks. Such fees imposed shall not exceed 0.2 percent of the capital construction cost of the facility. The fees shall be included in the energy consumption analysis required in subsection (2) of this section.

(4) Any facility that is in the design development phase and for which principal decisions have been fixed or set on or before the effective date of rules adopted under subsection (3) of this section shall be exempt from the amendments to ORS 276.900, 276.905 and this section by chapter 556, Oregon Laws 1989. Any facility for which the Sixty-fifth Legislative Assembly does not appropriate funds for the purposes of complying with the provisions of subsection (1) of this section shall be exempt from subsection (1) of this section.

(5) On October 1, 1990, and biennially thereafter, the Department of Energy shall

submit a report to the Energy Policy Review Committee evaluating the compliance of the authorized agencies with the objectives of ORS 276.900, 276.905 and this section. [1979 c.734 §3; 1989 c.556 §3]

### PENALTIES

**276.990 Penalties.** (1) A person who violates any rule lawfully promulgated under ORS 276.001 to 276.736 and this section 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]

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### CHAPTER 277

[Reserved for expansion]

**PUBLIC FACILITIES; ECONOMIC DEVELOPMENT**

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