

Chapter 354

1993 EDITION

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EDUCATION AND CULTURAL FACILITIES

STATE RADIO STATIONS

354.010 [Repealed by 1983 c.286 §1]

354.020 [Repealed by 1983 c.286 §1]

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

PUBLIC BROADCASTING

Note: Sections 1 to 12, chapter 208, Oregon Laws 1993, provide:

Sec. 1. (1) The Oregon Commission on Public Broadcasting is abolished. Subject to the provisions of this Act, the following are transferred to the private, not-for-profit corporation known as Oregon Public Broadcasting:

- (a) All assets of the commission;
- (b) All licenses issued by the Federal Communications Commission that are held by the state on behalf of the commission or by the commission; and
- (c) All rights and obligations of the commission legally incurred or acquired under leases, contracts and business transactions, executed or entered into with owners of real property, independent contractors, other broadcasting or production entities and public bodies, before the effective date of this Act [June 30, 1993].

(2) All public agencies, as defined in ORS 279.011, shall consent to the assignment, to the private, not-for-profit corporation known as Oregon Public Broadcasting, of leases, contracts or business transactions described in subsection (1)(c) of this section, which shall continue to be effective in accordance with their terms.

(3) To the extent consistent with federal law and regulations and with agreements established by the Oregon Commission on Public Broadcasting, the transfers accomplished by this section are made on the condition that the assets, licenses and rights transferred to the private, not-for-profit corporation known as Oregon Public Broadcasting shall continue to be used by the corporation throughout their terms or useful lives, for the purposes of continuing and advancing public broadcasting in Oregon. If the corporation dissolves or discontinues public broadcasting operations in Oregon, the corporation shall in good faith take all reasonable measures to transfer or assign the assets, licenses and rights to a public or private entity that has the authority to continue and to advance public broadcasting in Oregon. [1993 c.208 §1]

Sec. 2. The state and persons employed by the Oregon Commission on Public Broadcasting possess and retain necessary authority to perform all acts necessary to carry out the transfer described in section 1 of this Act, including the authority to convey property and assign contracts. [1993 c.208 §2]

Sec. 3. (1) All funds in the Commission on Public Broadcasting Donation Fund and in the Commission on Public Broadcasting Account shall be transferred to the custody and control of the private, not-for-profit corporation known as Oregon Public Broadcasting.

(2) Notwithstanding any other provision of law, all unexpended moneys appropriated or otherwise lawfully available to the Oregon Commission on Public Broadcasting, including the unexpended balances of amounts appropriated or authorized to be expended for the biennium beginning July 1, 1991, from moneys and revenues dedicated, continuously appropriated or otherwise made available for the purpose of administering the functions transferred by this Act, are transferred and appropriated to the private, not-for-profit corporation known as Oregon Public Broadcasting. [1993 c.208 §3]

Sec. 4. (1) The state and persons described in section 2 of this Act shall perform all acts necessary to transfer any licenses held by the state on behalf of the Oregon Commission on Public Broadcasting or by the commission to the private, not-for-profit corporation known as Oregon Public Broadcasting at a time that is sufficiently in advance of the time for renewal thereof to allow Oregon Public Broadcasting to make timely application for transfer and renewal of the licenses.

(2) Transfer of rights and interests described in this section is not subject to ORS chapter 279 relating to public contracts and purchasing. [1993 c.208 §4]

Sec. 5. (1) All persons employed by the Oregon Commission on Public Broadcasting on the effective date of this Act [June 30, 1993] are transferred to and become employees of the private, not-for-profit corporation known as Oregon Public Broadcasting. The transfer of these persons shall be made in accordance with ORS 236.605 to 236.650.

(2) Notwithstanding any other provision of law, the transferred employees shall retain all rights and privileges of state employees, including but not limited to the payment of their wages or salaries by the state, up to and including June 30, 1993. [1993 c.208 §5]

Sec. 6. Persons described in section 2 of this Act who administer the transition authorized by this Act and who become employees of the private, not-for-profit corporation known as Oregon Public Broadcasting shall not be considered to be in violation of ORS 244.040 by reason of their activities during the transition period. [1993 c.208 §6]

Sec. 7. The transfer of documents required to complete the transition authorized by this Act is not subject to ORS chapter 279. [1993 c.208 §7]

Sec. 8. The state acting by and through the Oregon Department of Administrative Services may enter into contracts with the private, not-for-profit corporation known as Oregon Public Broadcasting necessary to carry out the transition authorized by this Act. [1993 c.208 §8]

Sec. 9. The chief executive officer of the Oregon Commission on Public Broadcasting shall deliver to the officers or representatives of the private, not-for-profit corporation known as Oregon Public Broadcasting all records and property within the jurisdiction of the commission that relate to the functions being transferred under this Act. However, such records retain their identity as public records subject to ORS 192.410 to 192.505. [1993 c.208 §9]

Sec. 10. Any proceeding, action, prosecution or other business or matter undertaken or commenced before the effective date of this Act [June 30, 1993] by the Oregon Commission on Public Broadcasting, with respect to the duties, functions or powers transferred by this Act, and still pending on the effective date of this Act, may be conducted and completed by the private, not-for-profit corporation known as Oregon Public Broadcasting in the same manner, under the same terms and conditions and with the same effect as though undertaken, conducted or completed by the commission before the transfer. However, actions and claims that are subject to ORS 30.260 to 30.300 and in which the alleged loss or injury, as used in ORS 30.275 (8), has

occurred prior to the effective date of this Act shall continue to be subject to ORS 30.260 to 30.300 and shall be covered by the Insurance Fund established by ORS 278.425. [1993 c.208 §10]

Sec. 11. (1) As a condition of this Act's becoming operative, the private, not-for-profit corporation known as Oregon Public Broadcasting shall include in its bylaws the power of the Governor to appoint at least 20 percent of the members of the corporation's board of directors.

(2) If the bylaws of the not-for-profit organization known as Oregon Public Broadcasting allow the Governor to make appointments to its board of directors, the Governor is directed to make such appointments. [1993 c.208 §11]

Sec. 12. The state recognizes a continuing obligation to contribute to the support of the not-for-profit organization known as Oregon Public Broadcasting. The state recognizes that a continued financial partnership with Oregon Public Broadcasting, the citizens of Oregon and the Corporation for Public Broadcasting is essential to the preservation of statewide access to the public broadcasting service, statewide educational and public affairs programming services and broadcast services for the disabled. State financial support for Oregon Public Broadcasting shall be directed to include but not be limited to the funding of these services. [1993 c.208 §12]

354.105 [1979 c.657 §3; 1985 c.505 §1; repealed by 1993 c.208 §13]

354.115 [1979 c.657 §4; 1981 c.518 §1; repealed by 1993 c.208 §13]

354.125 [1979 c.657 §6; repealed by 1993 c.208 §13]

354.135 [1979 c.657 §5; 1981 c.518 §2; 1985 c.505 §2; repealed by 1993 c.208 §13]

354.145 [1979 c.657 §7; repealed by 1993 c.208 §13]

354.155 [1979 c.657 §8; repealed by 1993 c.208 §13]

354.165 [1979 c.657 §9; repealed by 1993 c.208 §13]

354.175 [1979 c.657 §10; repealed by 1981 c.518 §9]

354.180 [1981 c.518 §6; repealed by 1993 c.208 §13]

354.185 [1979 c.657 §13; repealed by 1993 c.208 §13]

354.195 [1979 c.657 §15; repealed by 1993 c.208 §13]

354.205 [1981 c.518 §5; 1989 c.966 §41; repealed by 1993 c.208 §13]

354.210 [1957 c.694 §1; repealed by 1979 c.657 §1]

354.215 [1981 c.518 §4; repealed by 1993 c.208 §13]

354.220 [1957 c.694 §3; repealed by 1979 c.657 §1]

354.225 [1985 c.505 §3; repealed by 1993 c.208 §13]

354.230 [1957 c.694 §4; repealed by 1979 c.657 §1]

354.235 [1987 c.703 §7; repealed by 1993 c.208 §13]

354.290 [1957 c.694 §2; repealed by 1979 c.657 §1]

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

EDUCATIONAL TELEVISION, RADIO AND DISTANCE LEARNING

354.410 Definitions for ORS 354.410 to 354.430. As used in ORS 354.410 to 354.430, unless the context requires otherwise:

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

providers approved by the State Board of Education.

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

(3) "Instructional enrichment" means instruction by means of educational television or radio or live interactive transmission which is designed to improve, supplement, complement, or strengthen instruction in a subject or course of study which is a part of the public school curriculum. [1961 c.535 §2; 1989 c.285 §1]

354.420 Purpose of ORS 354.410 to 354.430. (1) The purpose of ORS 354.410 to 354.430 is to encourage the development of and provide means for making educational television and radio and distance learning programs of direct instruction and instructional enrichment for pupils available to the public schools of the state and to provide for the authorization and approval of such programs by the State Board of Education.

(2) Educational television and radio and distance learning are declared to be and authorized as suitable means of instruction in the public schools of Oregon to the extent that may be approved by the state board and accepted by local school district officials. [1961 c.535 §§1,3; 1965 c.100 §453; 1989 c.285 §2; 1989 c.491 §59]

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

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

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

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

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

(5) To employ personnel and pay expenses for services, materials, equipment and supplies necessary for the administration of ORS 354.410 to 354.430.

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

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

(8) All moneys received under subsection (7) of this section shall be deposited in the State Treasury to the credit of the Department of Education and shall be used exclusively for the purposes authorized by this section. [1961 c.535 §5; 1965 c.100 §454; 1967 c.570 §1; 1989 c.285 §3]

354.435 Distance learning course outlines: Distance learning course outlines shall be submitted by the course providers to the Department of Education for review and evaluation. [1991 c.710 §5]

354.440 [1961 c.535 §§4,6; 1965 c.100 §455; 1989 c.285 §4; 1989 c.491 §60; repealed by 1991 c.710 §4]

OREGON ED-NET

354.505 Definitions for ORS 354.510 to 354.550. As used in ORS 354.510 to 354.550:

(1) "Board" means the Oregon Ed-Net Board.

(2) "Director" means the Director of Oregon Ed-Net.

(3) "Oregon Ed-Net" means an integrated statewide educational telecommunications network. As used in this subsection:

(a) "Integrated" means an electronic system capable of transmitting video, voice and data communications to support delivery of educational services, courses, staff development, data sharing, conferencing and meetings.

(b) "Statewide" means the entire state may be included in the broadcast area. [1989 c.972 §1]

354.510 Oregon Ed-Net; purpose: There is created Oregon Ed-Net, an integrated statewide educational telecommunications network for the purpose of promoting education and economic development by providing educational programs, worker training and retraining services and a telecommunications system throughout the state. [1989 c.972 §2; 1993 c.292 §1]

354.515 Oregon Ed-Net Board; members; term; expenses. (1) There is established an Oregon Ed-Net Board consisting of nine members. Six members shall be ap-

pointed by the Governor. In making appointments under this subsection, the Governor shall give consideration to geographic balance and adequate representation of Oregon Ed-Net users and providers and the general public.

(2) In addition to the members appointed by the Governor, the board shall include the following:

(a) The Superintendent of Public Instruction or the superintendent's designee.

(b) The Chancellor of the State System of Higher Education or the chancellor's designee.

(c) The Commissioner for Community College Services or the commissioner's designee.

(3) The term of office of each member is three years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the board is entitled to travel expenses as provided in ORS 292.495. [1989 c.972 §§3, 6; 1993 c.292 §2]

354.520 Board powers. (1) The Oregon Ed-Net Board shall have the authority to carry out the provisions of ORS 354.505 to 354.550 by:

(a) Contracting for technical operations and administrative support;

(b) Assuring that Ed-Net has access to properly licensed communications facilities;

(c) Establishing policies and procedures for managing and financing Oregon Ed-Net services;

(d) Encouraging the establishment of or cooperation with an independent nonprofit corporation as defined in section 501(c)(3) of the federal Internal Revenue Code in order to facilitate receipt of grants and contracts from foundations and other persons;

(e) Purchasing, leasing, owning and selling property necessary for the proper administration of Oregon Ed-Net;

(f) Conducting business of the board through Oregon Ed-Net systems; and

(g) Cooperating with business and industry, the Department of Education, the State System of Higher Education, the Office of Community College Services, Oregon Public Broadcasting and the Oregon Department of Administrative Services.

(2) The board shall report to the Governor through the Director of the Oregon Department of Administrative Services on the

activities under subsection (1) of this section. [1989 c.972 §5; 1993 c.292 §3; 1993 c.500 §46]

354.525 Competition with telecommunications utilities prohibited; user fees; uses. (1) Oregon Ed-Net shall not compete with telecommunications utilities for transmission of noneducational communications.

(2) Any user fees established by the board shall be designed to cover the long run incremental costs of the network. [1989 c.972 §5a]

354.530 Board officers; quorum; meetings. (1) The board shall select one of its members as chairperson and another as vice-chairperson for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at least once every three months at a place, day and hour determined by the board. The board also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the board. [1989 c.972 §7]

354.535 Director; appointment vacancy; term; compensation; other board employees. (1) The Governor shall appoint a Director of Oregon Ed-Net to serve for a term of four years unless sooner removed by the Governor. In the event of a vacancy, the board shall recommend up to three candidates to the Governor for the position of director.

(2) The director shall receive such salary as may be fixed by the board. In addition to salary, subject to applicable law regulating travel and other expenses of state officers, the director shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties.

(3) The board may delegate to the director any of the administrative authority, powers and duties granted to or imposed upon it by law.

(4) Subject to any applicable provisions of the Personnel Relations Law, the director shall appoint all subordinate officers and employees of the board, prescribe their duties and fix their compensation. [1989 c.972 §8; 1993 c.292 §4]

354.540 Rulemaking. In accordance with applicable provisions of ORS 183.310 to 183.550, the board may adopt rules necessary for the administration of ORS 354.505 to 354.550. [1989 c.972 §9]

354.545 Advisory and technical committees. (1) To aid and advise the board in the performance of the functions of the board, the board may establish such advisory

and technical committees as the board considers necessary. These committees may be continuing or temporary. The board shall determine the representation, membership, terms and organization of the committees and shall appoint their members. The director is ex officio a member of each committee.

(2) Members of the committees are not entitled to compensation, but in the discretion of the board may be reimbursed from funds available to the board for actual and necessary travel and other expenses incurred by them in the performance of their official duties, subject to ORS 292.495.

(3) The membership of any advisory or technical committee established pursuant to this section shall be composed of individuals from the interests listed in ORS 354.515 (1). [1989 c.972 §10]

354.550 Oregon Ed-Net Fund. (1) The Oregon Ed-Net Fund is established in the State Treasury separate and distinct from the General Fund. Except for moneys otherwise designated by statute, all fees, assessments, federal apportionments or contributions and other moneys received by the board shall be paid into the State Treasury and credited to the fund. All moneys in the fund are appropriated continuously and shall be used by the board for purposes authorized by law.

(2) The board shall keep a record of all moneys deposited in the fund. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged. [1989 c.972 §11]

TRANSLATOR DISTRICTS

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

(1) "County board" means the governing body of the county in which a district is principally situated.

(2) "District" means a translator district formed under ORS 354.605 to 354.715.

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

(4) "Translator" means any UHF facility or Federal Communications Commission approved equipment owned by a district which serves the district by receiving, amplifying and transmitting signals broadcast by one or more television stations and public service signals which are allowed by Federal Communications Commission regulations intended for the general public but the term does not include VHF equipment for transmitting those signals. [1975 c.286 §1; 1979 c.108 §7]

354.615 Application of ORS 354.605 to 354.715. Except as provided in ORS 354.690 (5), nothing in ORS 354.605 to 354.715 shall apply to the construction or operation of community antenna systems or the redistribution of any signals, writings, images, sounds or intelligence of any nature by cable. [1975 c.286 §2 (2); 1979 c.108 §8; 1985 c.445 §3]

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

(2) The boundaries of any district organized under ORS 354.605 to 354.715 shall be determined pursuant to the provisions of ORS 198.720. [1975 c.286 §2 (1), (3); 1979 c.108 §9]

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

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

(b) The maximum service charge that may be charged by the district.

(2) The petition shall be addressed to and filed with the county board of the principal county and the proceeding conducted as provided in ORS 198.705 to 198.845. [1975 c.286 §3; 1979 c.108 §10]

354.645 When election on formation and first board to be held. The formation and changes of organization of a district shall take place in the manner provided in ORS 198.705 to 198.955. [1975 c.286 §4; 1979 c.108 §11]

354.650 Election laws applicable. (1) ORS chapter 255 governs the following:

(a) The nomination and election of district board members.

(b) The conduct of district elections.

(2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [1983 c.350 §216]

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

board shall consist of five members, each of whom shall be an elector of the district. The terms of office for the district board members first elected shall be determined by lot. The terms of two shall expire June 30 next following the first regular district election and the terms of three shall expire June 30 next following the second regular district election.

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

(3) Except as provided in subsection (1) of this section, the term of office of each district board member is four years.

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

(5) The district board shall fill any vacancy on the board in the manner provided in ORS 198.320. [1975 c.286 §5; 1979 c.108 §12; 1983 c.83 §78; 1983 c.350 §214]

354.665 Board duties. A district board shall:

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

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

(3) Establish reasonable rules for the administration of the district. [1975 c.286 §6]

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

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

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

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

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

(5) Make contracts of any lawful nature, employ personnel, including any technical or professional consultants necessary to carry out the provisions of ORS 354.605 to 354.715.

(6) Apply for, accept and hold any licenses or permits required under federal or state law. [1975 c.286 §7; 1979 c.108 §13]

354.680 Use of commercial matter; solicitation of financial support. (1) A district shall not delete television commercial matter in the signals it transmits, without written permission from the broadcasting television station, or in any manner finance its operation through the sale of commercial matter in its transmissions.

(2) A district may, without elector approval but with permission from the broadcasting television station, generate revenue in its transmissions through the acknowledgment or solicitation of financial support considered necessary for the continued operation of the translator. [1979 c.108 §3]

354.685 Methods of finance. When authorized by its electors, a district board may finance the acquisition, purchase, lease, operation or maintenance of the district by any of the following methods:

(1) Imposition of a service charge upon property within the district for use of the translator signals as provided in ORS 354.690. A district created before May 7, 1979, shall be considered to have received elector authorization for imposition of the service charge.

(2) Issuance of revenue bonds. The revenue bonds shall be issued in the same manner and form as are general obligation bonds under ORS 287.014 to 287.026 but they shall be payable both as to principal and interest from revenues only. The revenue bonds shall not be subject to the percentage limitation applicable to general obligation bonds and shall not be a lien on any of the taxable property within the limits of the district and shall be payable solely from such part of revenues of the district as remains after the payment of obligations having a priority and of all expenses of operation and maintenance of the district. All revenue bonds shall contain a provision that both the principal and interest are payable solely from the operating revenues of the district remaining after paying such obligations and expenses. [1975 c.286 §8; 1979 c.108 §14]

354.690 Liability for service charge; notice; exemption; collection of delinquent charges. (1) When a district broadcasts television signals through a translator on a regular basis and any property within the district receives those signals, the owner of the property receiving the signal shall be liable to the district for the service charges.

(2) When a district broadcasts television signals through a translator on a regular basis, if any person residing on or occupying property located in an excluded area inten-

tionally receives and uses those signals, the owner of that property is liable to the district for a service charge. The owner of the property shall be deemed to have contracted with the district for use of the translator signals.

(3) The district shall determine which property is receiving the signal, the amount of any service charge and the method of payment by property owners. The district may classify property within excluded areas and within the district according to the uses of district signals. For property within an excluded area, the district shall prepare a verified report which shall disclose that the property has been physically inspected and that there are reasonable grounds to believe that the property is intentionally receiving and using the signal.

(4) The district shall notify each owner of property it has determined is liable for a service charge at least 30 days prior to imposition of any service charge. The notice shall be by mail and shall include a written declaration which the owner may verify by signing and return to the district office stating that the owner is exempt from the service charge for one of the following reasons:

(a) The property already receives adequate regional television signals from another source and is not using district signals;

(b) The property is so situated as to preclude use of the signals; or

(c) A television is not used on the property and there are no plans to do so.

(5) If property within an excluded area or within the district is owned, rented or leased by a community antenna television company which carries a district's television signals by cable to subscribers because of Federal Communications Commission requirements, that property shall be exempt from any district service charge.

(6) A verified declaration returned to the district under subsection (4) of this section shall exempt the property in question and shall be valid for one year from its signing, unless the owner of the property informs the district of a change of circumstances which should subject the owner to a service charge.

(7) The district may determine which service charges are delinquent. Delinquent charges, plus interest, shall be collected by the district.

(8) As used in this section, "excluded area" means territory that is within a city or other area excluded from a district but surrounded by the territory of the district and that is not served by a community antenna system regulated by the Federal Communications Commission or not otherwise

within a district. If the property is located in an area which enables the property to receive signals from more than one district, the property shall be liable for a service charge from one district only.

(9) The district board may enter into an agreement with the owner of property that is not within the district for the payment of service charges for use of the translator signals of the district when:

(a) The electors of the district, at an election called for that purpose, have authorized the district board to make such agreements; and

(b) The property is within a city that is surrounded by the district and is served by a community antenna system regulated by the Federal Communications Commission. [1979 c.108 §2; 1985 c.445 §1; 1991 c.459 §385a]

354.695 [1975 c.286 §9; repealed by 1979 c.108 §17]

354.700 Limit on broadcast of signals. A district shall broadcast only signals originating for public consumption or satellite transmission within 500 miles of the district and any United States Congressional proceedings. [1979 c.108 §4]

354.705 Referral of increase in minimum tax rate to voters. (1) Subject to limitations of the Oregon Constitution, the district board may refer to the electors of the district any proposal to increase the maximum service charge as provided in ORS

354.635 to maintain the financial stability of the district in an emergency. The proposal shall state that an emergency exists and specify with distinctness the facts and reasons constituting the emergency.

(2) The district board may refer to the electors of the district proposed additional or alternate means of financing allowed under ORS 354.685. [1975 c.286 §10; 1979 c.108 §15; 1983 c.350 §217]

354.715 Dissolution, liquidation and transfer proceedings. Dissolution, liquidation and transfer proceedings shall be conducted in the manner provided by ORS 198.920 to 198.955. [1975 c.286 §11]

PENALTIES

354.990 Penalties. Any property owner who knowingly makes any false verified declaration in order to obtain a service charge exemption under the provisions of ORS 354.690 is guilty of unsworn falsification and upon conviction shall be punished as provided in ORS 162.085. [1975 c.286 §12; 1979 c.108 §16; 1985 c.445 §2]

CHAPTERS 355 and 356

[Reserved for expansion]

EDUCATION AND CULTURAL FACILITIES
