

## Chapter 354

### 1999 EDITION

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**354.010** [Repealed by 1983 c.286 s.1]

**354.020** [Repealed by 1983 c.286 s.1]

## STATE RADIO STATIONS

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

**354.105** [1979 c.657 s.3; 1985 c.505 s.1; repealed by 1993 c.208 s.13]

**354.115** [1979 c.657 s.4; 1981 c.518 s.1; repealed by 1993 c.208 s.13]

**354.125** [1979 c.657 s.6; repealed by 1993 c.208 s.13]

**354.135** [1979 c.657 s.5; 1981 c.518 s.2; 1985 c.505 s.2; repealed by 1993 c.208 s.13]

**354.145** [1979 c.657 s.7; repealed by 1993 c.208 s.13]

**354.155** [1979 c.657 s.8; repealed by 1993 c.208 s.13]

**354.165** [1979 c.657 s.9; repealed by 1993 c.208 s.13]

**354.175** [1979 c.657 s.10; repealed by 1981 c.518 s.9]

**354.180** [1981 c.518 s.6; repealed by 1993 c.208 s.13]

**354.185** [1979 c.657 s.13; repealed by 1993 c.208 s.13]

**354.195** [1979 c.657 s.15; repealed by 1993 c.208 s.13]

**354.205** [1981 c.518 s.5; 1989 c.966 s.41; repealed by 1993 c.208 s.13]

**354.210** [1957 c.694 s.1; repealed by 1979 c.657 s.1]

**354.215** [1981 c.518 s.4; repealed by 1993 c.208 s.13]

**354.220** [1957 c.694 s.3; repealed by 1979 c.657 s.1]

**354.225** [1985 c.505 s.3; repealed by 1993 c.208 s.13]

**354.230** [1957 c.694 s.4; repealed by 1979 c.657 s.1]

**354.235** [1987 c.703 s.7; repealed by 1993 c.208 s.13]

**354.290** [1957 c.694 s.2; repealed by 1979 c.657 s.1]

**354.300** [1957 c.694 s.5; repealed by 1961 c.238 s.1]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 s.2; 1989 c.285 s.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 ss.1,3; 1965 c.100 s.453; 1989 c.285 s.2; 1989 c.491 s.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 s.5; 1965 c.100 s.454; 1967 c.570 s.1; 1989 c.285 s.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 s.5]

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

**354.505** [1989 c.972 s.1; repealed by 1997 c.684 s.1]

**354.510** [1989 c.972 s.2; 1993 c.292 s.1; repealed by 1997 c.684 s.1]

**354.515** [1989 c.972 ss.3, 6; 1993 c.292 s.2; repealed by 1997 c.684 s.1]

**354.520** [1989 c.972 s.5; 1993 c.292 s.3; 1993 c.500 s.46; 1995 c.162 s.79; repealed by 1997 c.684 s.1]

**354.525** [1989 c.972 s.5a; repealed by 1997 c.684 s.1]

**354.530** [1989 c.972 s.7; repealed by 1997 c.684 s.1]

**354.535** [1989 c.972 s.8; 1993 c.292 s.4; repealed by 1997 c.684 s.1]

**354.540** [1989 c.972 s.9; repealed by 1997 c.684 s.1]

**354.545** [1989 c.972 s.10; repealed by 1997 c.684 s.1]

**354.550** [1989 c.972 s.11; repealed by 1997 c.684 s.1]

## 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. When the district transmits signals through VHF equipment, the district shall provide for an automatic encoder to prevent signal deviation. [1975 c.286 s.1; 1979 c.108 s.7; 1997 c.518 s.1]

**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 s.2 (2); 1979 c.108 s.8; 1985 c.445 s.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 s.2 (1), (3); 1979 c.108 s.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 s.3; 1979 c.108 s.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 s.4; 1979 c.108 s.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 s.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 s.5; 1979 c.108 s.12; 1983 c.83 s.78; 1983 c.350 s.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 s.6]

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

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

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

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

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

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

(6) Apply for, accept and hold any licenses or permits required under federal or state law. [1975 c.286 s.7; 1979 c.108 s.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 s.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 287.022 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 s.8; 1979 c.108 s.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 area entirely surrounded by the district intentionally 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 outside and within the district according to the uses of district signals. For property entirely surrounded by the district, 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 outside 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) By July 15 of any year, the district shall determine which service charges are delinquent and shall certify such charges, together with interest at the rate of two-thirds of one percent per month from the date due, to the assessor of the county in which the property of the person against whom delinquent service charges are assessed is located. The assessor shall enter the charges and interest thereon upon the next assessment and tax roll prepared after July 15. The charges and interest, when entered upon the assessment and tax roll, shall be a charge upon, and lien against, the real property of the person against whom they are assessed. After the service charges are certified and presented to the assessor, the payment for the service charges must be made to the tax collector pursuant to ORS 311.370. Such payment shall be made by the person responsible for the delinquent service charge or by the television translator district that has received payment for the delinquent service charge. The charges shall thereupon be collected and paid over in the same manner as other taxes are certified, assessed, collected and paid over, except that, when the tax collector receives the assessor's certificate pursuant to ORS 311.115, the tax collector shall deduct 10 percent of the amount of the delinquent service charges imposed in determining the television translator district's distribution percentage computed pursuant to ORS 311.390. The amount deducted shall be included in determining the distribution percentage of the county, in order to defray the costs incurred by the county in collecting the delinquent service charges.

(8) 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 s.2; 1985 c.445 s.1; 1991 c.459 s.385a; 1995 c.726 s.1; 1997 c.518 s.2]

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

**354.700** [1979 c.108 s.4; repealed by 1997 c.518 s.3]

**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 s.10; 1979 c.108 s.15; 1983 c.350 s.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 s.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 s.12; 1979 c.108 s.16; 1985 c.445 s.2]

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## CHAPTERS 355 AND 356

[Reserved for expansion]