

TITLE 26

PUBLIC FACILITIES, CONTRACTING AND INSURANCE

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Chapter 276

2007 EDITION

Public Facilities

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GENERAL PROVISIONS

276.001 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Department" means the Oregon Department of Administrative Services.

(2) "Director" means the Director of the Oregon Department of Administrative Services. [1969 c.706 §2; 1993 c.500 §14]

STATE BUILDINGS AND GROUNDS**(Generally)**

276.002 Control of State Capitol; 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, in the area immediately north of the State Capitol but south of and separated from Court Street by a traffic island, painted markings or other traffic control devices and in the area immediately south of the State Capitol but north of and separated from State Street by a traffic island, painted markings or other traffic control devices. The committee has exclusive power to prescribe parking regulations in the garage and the other areas described in this subsection and may prescribe fines or other penalties for violating those regulations. The committee shall give notice of any parking prohibitions or restrictions by posting appropriate signs in plain view. The Department of State Police shall enforce the regulations described in this subsection. All citations issued for violating the parking regulations described in this subsection shall conform to the requirements of ORS 810.425. Notwithstanding other provisions of this subsection, the Oregon Department of Administrative Services is responsible for collecting parking fees under ORS 292.065.

(5) The committee may enter into contracts or agreements the committee considers necessary to:

(a) Renovate and repair the State Capitol;

(b) Renovate, repair or replace State Capitol fixtures and facilities;

(c) Make artistic or aesthetic improvements to the State Capitol and adjacent areas;

(d) Conduct or sponsor special events; and

(e) Conduct or sponsor projects intended to preserve or promote the historical integrity of the State Capitol and adjacent areas. [1967 c.419 §55; 1969 c.620 §15; 1977 c.116 §1; 1981 c.132 §2; 1993 c.500 §59; 1997 c.817 §2; 1999 c.285 §1; 2001 c.118 §2; 2007 c.175 §1]

276.003 State Capitol Operating Account; Oregon State Capitol Foundation Fund.

(1) 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 State Parks and Recreation Department for a share of the expenses of ground maintenance, utilities and other necessary expenses.

(2) There is established the Oregon State Capitol Foundation Fund in the State Capitol Operating Account of the General Fund established under subsection (1) of this section. All moneys received by the Legislative Administration Committee allocated to the Oregon State Capitol Foundation shall be credited to the Oregon State Capitol Foundation Fund. All moneys credited to the Oregon State Capitol Foundation Fund are continuously appropriated to the foundation for the purposes of ORS 173.500.

(3) The Legislative Administration Committee may on behalf of the State of Oregon solicit and accept gifts, grants and donations from public and private sources for the purposes set out in ORS 276.002. Such gifts, grants and donations shall be deposited by the committee in separate, appropriate trust accounts until such time as required to meet the obligations for which the gifts, grants or donations were intended. When so required, the committee shall deposit the amounts in the Oregon State Capitol Foundation Fund, subject to any limitations imposed by the donors.

(4) A gift or donation to the Legislative Administration Committee or to the Oregon State Capitol Foundation is a gift or donation to the State of Oregon. [1977 c.116 §5; 1981 c.132 §3; 1997 c.817 §3; 2001 c.118 §3; 2007 c.892 §1]

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 and grounds other than State Capitol, Supreme Court Building and State Capitol State Park. (1) Notwithstanding any other provision of law, and except for the Supreme Court Building, the State Capitol and the grounds included within the State Capitol State Park under ORS 276.053, the Oregon Department of Administrative 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 installment 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 Oregon Department of Administrative Services 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 c.71 §3; 1977 c.116 §2; 1977 c.598 §1; 1981 c.491 §1; 1993 c.500 §15; 2007 c.892 §2]

276.005 Capital Projects Fund; use; gifts, grants and donations; loaned moneys. (1) The Oregon Department of Administrative Services 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 this chapter; and

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

(2) There is 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 293.820. 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 Oregon Department of Administrative 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 Oregon Department of Administrative Services Operating Fund; use of excess amounts. (1) Moneys credited to the Oregon Department of Administrative Services Operating Fund by law are appropriated continuously to the Oregon Department of Administrative 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 Oregon Department of Administrative 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; 1993 c.500 §16]

276.008 [1973 c.568 §2; repealed by 2005 c.217 §30]

276.009 Acquisition of state office buildings by installment payments or lease purchase. (1) The Oregon Department of Administrative Services may enter into an agreement or agreements with financial institutions to fund or otherwise acquire state office buildings and parking facilities by installment 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 276.028 to 276.062. As used in ORS 276.028 to 276.062:

(1) "Capitol area" means the capitol group of buildings and the grounds owned by the state adjacent to the buildings, and includes any new buildings that may be constructed on the grounds as an addition to the capitol group of buildings.

(2) "Capitol group of buildings" means the state buildings in Salem in and about the Capitol Mall, other than the State Capitol and the grounds included within the State Capitol State Park under ORS 276.053.

(3) "Capitol Mall" means the area beginning at the northwest corner of State Street

and 12th Street in the City of Salem, Marion County, Oregon; then continuing along 12th Street in a northerly direction to Court Street; then continuing along Court Street in a westerly direction to Capitol Street; then continuing along Capitol Street in a northerly direction to D Street; then continuing along D Street in a westerly direction to Winter Street; then continuing along Winter Street in a southerly direction to Court Street; then continuing along Court Street in a westerly direction to Cottage Street; then continuing along Cottage Street in a southerly direction to State Street; then continuing along State Street in an easterly direction to the point of beginning.

(4) "State agency" has the meaning given that term in ORS 358.635. [Amended by 1969 c.706 §16; 2003 c.796 §2; 2005 c.217 §10; 2007 c.892 §3]

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 Oregon Department of Administrative 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 Oregon Department of Administrative 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]

Note: 276.013, 276.015 and 276.021 were made a part of ORS chapter 276 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

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 Oregon Department of Administrative Services determine. [1969 c.706 §39; 1977 c.598 §5]

Note: See note under 276.013.

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 Oregon Department of Administrative 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 Oregon Department of Administrative Services and enforce traffic and parking rules established by the department 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 c.28 §2; 1977 c.116 §6; 1993 c.500 §17]

Note: See note under 276.013.

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 Area Planning)

276.028 Declaration of policy concerning capitol area and other areas. A special relationship exists between the City of Salem, Oregon's capitol, and state government. State lands and buildings and the functions of state government have a significant impact on the City of Salem. 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 and the areas immediately surrounding state buildings situated outside the capitol area within the boundaries of the City of Salem and to coordinate the acquisition and disposition of real property and the construction of buildings by the state, the laying out of streets and the landscaping of grounds in the areas. The purpose of the long-range plan is to enhance and preserve the beauty and dignity of the areas and permanently to secure the areas from commercial and industrial encroachment. [Amended by 1971 c.639 §1; 1987 c.253 §1; 1999 c.748 §1; 2005 c.217 §11]

276.030 [Amended by 1973 c.129 §2; 1973 c.792 §8; 1983 c.546 §6; 1997 c.632 §4; 2003 c.53 §1; repealed by 2005 c.217 §30]

276.031 [2003 c.796 §21; repealed by 2005 c.217 §30]

276.032 [Repealed by 2003 c.796 §28]

276.033 Duties of Oregon Department of Administrative Services; rules. The Oregon Department of Administrative Services shall:

(1) Review on a continuing basis, in cooperation with other affected state agencies, studies and analyses of the building needs of state agencies located within the metropolitan area of the City of Salem.

(2) Establish and maintain a master plan for the development of the capitol group of buildings situated within the Capitol Mall.

(3) Maintain a coordination plan for state-owned real properties identified in ORS 276.028 that describes the relationship between the properties and between the properties and the City of Salem, including the effect of development of one or more of the properties or of the city on other properties or on the city.

(4)(a) 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 those areas with community planning and development programs in those areas.

(b) If the department establishes, adopts or implements a plan of development in an area that is located within the boundaries of the City of Salem, recommend to the governing body of Salem any legislation necessary to effectuate the plan.

(5) Coordinate with the governing body and the planning commission of the City of Salem and with the state on development plans by the state for the capitol area. To carry out the coordination, the department shall adopt rules establishing a public review process for plans and projects in the areas described in ORS 276.028. The rules adopted under this subsection shall address:

(a) Utilizing the Capital Projects Advisory Board established under ORS 276.227 for project review;

(b) Including one member from the City of Salem's community development department and one member from the City of Salem's public works department as members of the board;

(c) Providing opportunity for public comment; and

(d) Establishing a special design review process for projects on the Capitol Mall.

(6) Comply with all applicable local planning and land use laws and regulations. [2003 c.796 §22; 2005 c.217 §12]

276.034 [Amended by 1971 c.639 §2; 1987 c.253 §2; 1999 c.748 §2; repealed by 2003 c.796 §28]

276.035 Investigation and review of proposals relating to buildings and grounds. The Oregon Department of Administrative Services shall:

(1) Investigate the advisability of additions to, reductions of or other changes in buildings and grounds in the areas described in ORS 276.028; and

(2) Investigate, review and make recommendations on all proposals of state agencies to add to, reduce or otherwise change a building and grounds in the areas described in ORS 276.028. [2003 c.796 §23; 2005 c.217 §13]

276.036 [Amended by 1971 c.639 §3; 1973 c.129 §8; 1977 c.719 §4; 1999 c.748 §3; repealed by 2003 c.796 §28]

276.037 [1973 c.129 §7; 2003 c.796 §§3,4; repealed by 2005 c.217 §30]

276.038 [Amended by 1971 c.639 §4; repealed by 2003 c.796 §28]

276.039 [2003 c.796 §24; repealed by 2005 c.217 §30]

276.040 [Amended by 1971 c.639 §5; 1973 c.129 §4; 2003 c.14 §138; repealed by 2003 c.796 §28]

276.041 Cooperation with City of Salem. (1) As the Oregon Department of Administrative Services develops a master plan under ORS 276.033, the department shall inform the governing body and the planning commission of the City of Salem of the plan.

(2) The department shall make all possible efforts to obtain the cooperation of officers and commissions of the City of Salem for the purpose of establishing the zoning of that part of the city contiguous to the capitol area that will effectuate the purpose of the State of Oregon to maintain its administrative buildings in a continuous and parklike area. [2003 c.796 §25; 2005 c.217 §14]

276.042 [Amended by 1969 c.314 §17; 1973 c.129 §9; 1987 c.879 §11; repealed by 2003 c.796 §28]

276.043 [1971 c.6 §2; 2003 c.796 §§5,6; repealed by 2005 c.217 §30]

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

276.045 [2003 c.796 §26; repealed by 2005 c.217 §30]

(Lands and Facilities in Capitol Area)

276.046 Authority for department to acquire and improve land in capitol area.

(1) The Oregon Department of Administrative Services may obtain title in the name of the State of Oregon by purchase, agreement, donation or exercise of the power of eminent domain, for development as a part of the capitol area to all land lying within the Capitol Mall.

(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 may purchase or acquire by agreement or donation, for development as a part of the

capitol area, land lying within the Capitol Mall.

(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; 2005 c.217 §15]

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]

276.053 State Capitol State Park; boundaries; administration. (1) The State Capitol State Park is created, consisting of:

(a) The grounds immediately surrounding the State Capitol bordered by State Street on the south, Court Street on the north, Cottage Street on the west and Waverly Street on the east; and

(b) The grounds surrounding the Department of Transportation Building, the Public Service Building, the Bureau of Labor and Industries Building and the State Library, bordered by Court Street on the south, Center Street on the north, Winter Street on the west and Capitol Street on the east.

(2) Except as provided in ORS 276.002 (4) and subsection (3) of this section, the State Parks and Recreation Department shall manage and control the utilization of the State Capitol State Park.

(3) The Oregon Department of Administrative Services shall manage and control the utilization of the underground parking structures located beneath the area described in subsection (1)(b) of this section and all aboveground structures that provide access to the underground parking structures.

(4) The Oregon Department of Administrative Services shall construct one or more permanent lavatories on the grounds of the State Capitol State Park. Upon completion of construction, the State Parks and Recreation Department shall maintain and control the utilization of the lavatories. [2007 c.892 §5]

Note: 276.053 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.

276.060 [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 Oregon Department of Administrative 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 Department. The Employment Department and the Oregon Department of Administrative Services may contract for the operation, maintenance and insuring by the Oregon Department of Administrative 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 Department. [1969 c.706 §42]

(Lease Purchase)

276.071 Applicability of certain statutes to public improvements under lease purchase agreements. ORS 276.073 to 276.090, 279A.005 to 279A.030, 279A.050 to 279A.075, 279A.100, 279A.105, 279A.110, 279A.120, 279A.125, 653.268 and 653.269 and ORS chapter 279C, except ORS 279C.600 to 279C.625 apply to all public improvements that are being constructed, reconstructed or renovated for use by a state agency under a lease-purchase agreement or under any other agreement whereby ultimate state ownership is contemplated or expected. [1993 c.476 §2; 2003 c.794 §225]

Note: 276.071 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.

276.072 When written notice required for public improvement under lease purchase; public record. (1) No state agency shall influence or affect the design of any construction, reconstruction or renovation of a public improvement that the agency intends to lease-purchase without first giving written notice to the Oregon Department of Administrative Services of its intent to occupy or otherwise use the public improvement.

(2) Notice given to the department under subsection (1) of this section is a part of the public record of the state agency and the department. [1993 c.476 §1]

Note: 276.072 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.

(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) "State building" does not include the following:

(a) Any correctional facility.

(b) Motor pools, heating plants, parking lots, maintenance sheds, highways, bridges, sewers, fishponds, fishways, service facilities at state parks and highway rest areas and similar nonarchitectural structures or improvements. [1977 c.848 §2; 1989 c.978 §1; 1995 c.732 §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; administrative expenses and maintenance. (1) The Arts Program of the Economic and Community Development Department and the Oregon Department of Administrative Services, if the construction project is located within the area described in ORS 276.028, and the Arts Program of the Economic and Community Development Department, the Oregon Department of Administrative Services and the contracting agency if the project is located outside the area described 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 are solely responsible for selection, review of design, execution, placement and acceptance of 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) Of the amount determined to be available for a state building under subsection (1) of this section, a portion may be assessed by the Arts Program of the Economic and Community Development Department and used to reimburse the program for costs incurred under ORS 276.073 to 276.090 as administrative expenses or as expenses for maintaining the works of art acquired. No more than 10 percent of the amount available for a state building may be assessed under this subsection.

(3) Title to 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 lend works of art between public buildings whenever in their judgment the loan will be to the benefit of the citizens of this state. However, the works of art shall be returned to the contracting agency at its request. [1975 c.472 §3; 1977 c.848 §4; 1993 c.209 §19; 2003 c.796 §§7,8; 2005 c.217 §16]

Note: See note under 276.073.

(Public Policy for State Buildings)

276.093 Definitions for ORS 276.093 to 276.098, 276.135, 276.431 and 276.435. As used in ORS 276.093 to 276.098, 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 Oregon Department of Administrative Services.

(4) “Educational activities” includes, but is not limited to, libraries, schools, child care facilities, 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 Oregon Department of Administrative Services.

(8) “Unit of local government” means any city or county, or other political subdivision of the state. [1977 c.599 §1; 1993 c.500 §19; 1995 c.278 §31]

Note: 276.093 to 276.098 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 Public 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 ac-

quiring space to meet the office needs of state government and to accomplish the purposes of ORS 276.094, the Director of the Oregon Department of Administrative 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 276.098, 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 multipurpose public use of state buildings for the benefit of children and community activities, including commercial, cultural, educational and recreational use of such buildings, providing such use would not be disruptive to state government. [1977 c.599 §3; 1999 c.387 §1]

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 of the Oregon Department of Administrative Services under ORS 276.095, the director shall consult with the designated State Historic Preservation Officer, the Oregon Historical Society, the Arts Program of the Economic and Community Development Department, 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 other community leaders and members of the general public that the director considers 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 an existing building within the geographical areas that is of historical, architectural or cultural significance and that is 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; 1993 c.209 §20; 2001 c.104 §85; 2003 c.796 §§9,10; 2005 c.217 §17]

Note: See note under 276.093.

276.097 Public access to state offices. The Director of the Oregon Department of Administrative 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.

276.098 Standards for development of state buildings and grounds. The Oregon Department of Administrative Services shall:

(1) 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 community environment;

(2) Develop a template for area plans for use by state agencies that own real property; and

(3) Require state agencies to develop area plans and periodically update the plans. [2005 c.217 §9]

Note: See note under 276.093.

EXECUTIVE RESIDENCE

276.102 Acceptance of donations for state executive residence. (1) The Executive Residence Account is established separate and distinct from the General Fund. Interest earned on moneys in the account shall be credited to the account. Moneys in the account are continuously appropriated to the Oregon Department of Administrative Services for the purpose of acquiring or constructing, remodeling, decorating, landscaping, furnishing, equipping and maintaining a state executive residence.

(2) The department, on behalf of the State of Oregon, may accept gifts, grants or donations from public or private sources, including gifts of real or personal property, for the purpose specified in subsection (1) of this section. The department shall deposit moneys received under this section in the account established in subsection (1) of this section. [1967 c.615 §1; 1987 c.702 §1; 2003 c.796 §§11,12; 2005 c.217 §§18,19]

276.104 [1967 c.615 §2; 1969 c.314 §18; repealed by 1993 c.742 §44]

276.106 Use of Oregon products. To the degree practicable, the Oregon Department of Administrative Services shall use or ensure the use of Oregon products in constructing, remodeling, equipping, furnishing and decorating the state executive residence. [1967 c.615 §3; 1987 c.702 §2; 2003 c.796 §§13,14; 2005 c.217 §§20,21]

276.108 [1967 c.615 §4; 1977 c.598 §29; 1987 c.702 §3; repealed by 1993 c.742 §44]

ACQUISITION OF STATE OFFICE BUILDINGS WITH STATE TRUST FUNDS

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 Oregon Department of Administrative Services may:

(1) Use moneys in the Oregon Department of Administrative 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 Oregon Department of Administrative 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 Oregon Department of Administrative Services may:

(1) Accept financial assistance and grants, either in the form of land, leasehold interests, money or labor, from the United States, State of Oregon, or any of its agencies subject to the conditions imposed thereon, regardless of any conflicting state law and may accept any grant or donation of land, leasehold interest, money or other valuable property made by others. Unless enjoined by the terms of the grant or donation, the department may convert the same into money and all moneys so obtained shall be credited to the State Capital Construction Account; and

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

276.124 [1957 c.727 §9; repealed by 1969 c.706 §70]

276.126 [1957 c.727 §10; repealed by 1969 c.706 §70]

276.128 Fire and other insurance. The Director of the Oregon Department of Administrative Services, 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 Oregon Department of Administrative 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]

TRANSFER OF VACANT FACILITIES TO OREGON DEPARTMENT OF ADMINISTRATIVE SERVICES

276.180 Transfer of certain buildings, grounds and facilities when vacated; 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 Department of Human Services, Department of Corrections or the State Board of Education, are transferred to the Oregon Department of Administrative Services when so ordered by the Oregon Department of Administrative Services. Title shall vest automatically in the Oregon Department of Administrative 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 c.71 §1; 1975 c.104 §4; 1987 c.320 §152; 1993 c.500 §20; 2001 c.900 §50]

276.185 [1969 c.199 §10; 1981 c.106 §12; repealed by 1997 c.249 §83]

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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 installment 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 private persons or corporations for light, heat and power for any such public buildings.

(b) Transmitting and receiving messages by radio, telephone, telegraph or other device or system in the transaction of any or all business of the state or in which the state is interested.

(3) The department may make installment 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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 to a revolving fund hereby created. All obligations incurred under ORS 276.210 to 276.228 shall be paid from such revolving fund. [Amended by 1969 c.199 §35; 2005 c.755 §8]

276.226 Acceptance of federal funds; contracts with United States or its agencies. The Oregon Department of Administrative 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.

276.227 Statewide planning process; public review process for capital projects; advisory board; state property database; maintenance plans. (1) The State of Oregon recognizes that providing and operating state government facilities is a significant capital investment in public infrastructure. Accordingly, it is the policy of the State of Oregon to plan, finance, acquire, construct, manage and maintain state government facilities in a manner that maximizes and protects this investment.

(2) The Oregon Department of Administrative Services shall establish a statewide planning process that evaluates the needs of the state's facilities, provides comparative information on the condition of the state's facilities, establishes guidelines and standards for acquiring, managing and maintain-

ing state facilities and provides financing and budgeting strategies to allocate resources to facilities' needs.

(3)(a) The Director of the Oregon Department of Administrative Services shall establish a public review process for the proposed capital projects of all state agencies. To assist in this review, the director shall establish a Capital Projects Advisory Board consisting of seven members. Five members shall be public members knowledgeable about construction, facilities management and maintenance issues. Two members may be state employees. The director shall appoint the chairperson of the board.

(b) The director, in consultation with the board, may request that agencies submit updated long-range facility plans and funding strategies that reflect changes in technology and priorities. The director may ask the board to report on and make recommendations related to long-range plans, the condition of facilities, maintenance schedules, funding strategies and options for new facilities. The director may seek recommendations from the board regarding the needs of existing facilities, funding strategies and long-term facility goals.

(c) The review process may be applicable to capital projects meeting the definition of major construction/acquisition in the Governor's budget and to significant leases.

(d) For each state agency proposing a capital project, the review process may include an examination of the following:

(A) The effectiveness of asset protection, including maintenance, repair and other activities;

(B) The effectiveness of space utilization, including an inventory of existing occupied and unoccupied building space;

(C) The advisability of lease, purchase or other funding strategies;

(D) The condition of existing occupied and unoccupied building space;

(E) Appropriate technology;

(F) The agency's mission and long-range facilities plans; and

(G) For new facilities, expansions and additions, the ability of the agency to maintain and operate all of the agency's facilities in a cost-effective manner.

(e) The review process shall ensure that capital project decisions are approached in a cost-effective manner after considering all reasonable alternatives.

(f) With assistance from the board, the department shall provide recommendations and information to the Governor and the

Legislative Assembly on the construction, leasing and facilities management issues of state government.

(4) The department shall establish and maintain a central database of information on state-owned property of all state agencies, including land, buildings, infrastructure, improvements and leases. This database shall include an inventory of state-owned facilities as well as descriptive and technical information.

(5) State agencies shall establish and implement long-range maintenance and management plans for facilities for which this state is responsible to ensure that facilities are maintained in good repair and that the useful lives of facilities are maximized. For each new facility, a maintenance and management plan appropriate to the use and useful life of the facility shall be developed and implemented.

(6) The department may engage in cooperative projects with local government.

(7) The provisions of this section shall not apply to institutions of higher education as described in ORS 352.002, the Oregon Health and Science University or a community college as defined in ORS 341.005. [1993 c.724 §17; 1997 c.571 §1]

Note: 276.227 was added to and made a part of ORS chapter 276 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

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 Oregon Department of Administrative Services for its approval and, on approval, shall be audited and paid as other claims and demands against the state.

276.229 Four-year major construction budgets for state agencies; maintenance plans and budgets; application to certain agencies. (1) State agencies shall develop four-year major construction budgets. Projects included in these budgets may be accelerated or deferred upon approval of the Emergency Board.

(2) State agencies shall include the biennial costs associated with maintenance, major repairs or building alterations in their regular budget presentation to the Legislative Assembly. Agencies shall include in their budget presentations short-term and long-term plans to reduce or eliminate any existing backlog of deferred maintenance.

(3) The provisions of this section shall not apply to an institution of higher education as described in ORS 352.002, the Oregon Health and Science University, or a community college as defined in ORS 341.005. [1997 c.571 §3]

276.230 [Repealed by 1953 c.259 §4]

(Water)

276.232 [Amended by 1953 c.259 §1; repealed by 2005 c.22 §198]

276.234 Providing water and water power for public buildings and institutions. (1) The Oregon Department of Administrative 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 Oregon Department of Administrative Services 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 Oregon Department of Administrative Services, 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 276.234 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 Oregon Department of Administrative Services 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 Oregon Department of Administrative 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 Oregon Department of Administrative Services 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 Oregon Department of Administrative Services may:

(1) Go upon lands or premises in the manner provided by ORS 35.220 to make surveys and to make 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. [Amended by 2003 c.477 §14]

(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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 Oregon Department of Administrative Services. [1991 c.897 §2]

(Financing Construction, Maintenance and Repair)

276.280 Definitions for ORS 276.285. As used in ORS 276.285:

(1) "Construction" means the building, installation or assembly of a new facility; the addition, expansion, alteration, conversion or replacement of an existing facility; or the relocation of a facility from one location to another. "Construction" includes the installation of equipment made a part of the facility and related site preparation.

(2) "Facility" means a building, structure, utility and other support systems, or other improvement upon real property.

(3) "Improvement" means additions to buildings, structures or other facilities that are intended to be permanent.

(4) "Maintenance" means activities to keep facilities in an efficient operating condition and that do not add to the value or extend the economic life of the facilities.

(5) "Operations" means activities to run and use a facility for its purpose.

(6) "Real property" means land and all buildings, structures and improvements thereon. "Real property" includes fixtures erected on, above or under the land, and includes landscaping, crops, fencing and other support elements.

(7) "Repair" means work done to restore worn or damaged real property or facilities to normal operating condition.

(8) "Replace" means to exchange or substitute a facility component for another component performing the same function at the same or higher level of performance or economy and in compliance with then current building code requirements. [1995 c.452 §9]

276.285 Maintenance, preservation and development of state-owned property; dedicated accounts; rental program. (1) It is the policy of the State of Oregon, in keeping with the benchmark relating to public infrastructure and development adopted by the Oregon Progress Board, to facilitate and encourage state agencies that own real property and operate facilities to manage and develop these properties in an effective and businesslike manner. The maintenance, preservation and development of state-owned real property and facilities, including, but not limited to, educational institutions, hospitals, parks, roads, libraries and fish hatcheries is essential to enable the State of Oregon to meet the needs of its citizens now and in the future. The purpose of chapter 452, Oregon Laws 1995, is to maintain and protect the investment of the State of Oregon in its public infrastructure.

(2) Any state agency that owns and operates real property or facilities is authorized to establish a separate dedicated account in the State Treasury for the purpose of paying the expenses of constructing, operating, maintaining, repairing, replacing, equipping, improving, acquiring and disposing of such real property and facilities. All moneys in an account established pursuant to this subsection are appropriated continuously to the agency for the purposes described in this subsection. All interest earned on moneys in the account shall be retained in and credited to the account.

(3) Any state agency that owns or operates real property or facilities may establish a rental program for the purpose of recovering and paying for the costs, including debt service, of constructing, operating, maintaining, repairing, replacing, equipping, improving and disposing of real property and facilities consistent with the statutory authority of the state agency. All revenues from such rental programs shall be deposited in the account established pursuant to subsection (2) of this section.

(4) Whenever a state agency that owns and operates real property and facilities, and that has an established account under subsection (2) of this section sells or leases real property, the proceeds from the sale or lease shall be credited to the account established pursuant to subsection (2) of this section, unless disposition of the proceeds is otherwise provided by law.

(5) If a state agency that owns and operates real property and facilities has other statutory authority to provide funding for real property and facility operation and management, the agency may use that authority in lieu of or in addition to the provisions of this section.

(6) When a state agency establishes an account pursuant to subsection (2) of this section, the agency shall provide a report of the revenues to and expenditures from the account as part of its budget submission to the Governor and the Legislative Assembly under ORS chapter 291. The establishment by state agencies of rental rates for real property or facilities pursuant to this section shall be on a biennial basis as part of the budget development process, but modification of the rates may be made during the interim between legislative sessions after a report to the Emergency Board of the proposed rate modification. [1995 c.452 §10]

Note: Legislative Counsel has substituted "chapter 452, Oregon Laws 1995," for the words "this Act" in section 10, chapter 452, Oregon Laws 1995, compiled as 276.285. Specific ORS references have not been substituted pursuant to 173.160. These sections may be determined by referring to the 1995 Comparative Section Table located in Volume 20 of ORS.

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

276.385 Rentals for buildings other than State Capitol or Supreme Court Building. (1) Notwithstanding any other provision of law, the Oregon Department of Administrative 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;

(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 Oregon Department of Administrative Services 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 Oregon Department of Administrative Services Operating 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; 1993 c.500 §21; 2005 c.755 §9]

276.390 Approval of rent schedule by Emergency Board; appropriations to cover rental costs; rent schedule for State Capitol and Supreme Court Building. (1) Not later than June 30 of each even-numbered year, the Oregon Department of Administrative Services shall submit to the Emergency Board a schedule of rentals proposed for the biennium beginning on July 1 of the next calendar year. Any changes in an existing schedule of rentals, or rentals for new buildings or facilities, are subject to approval by the Emergency Board. The Emergency Board shall recommend to the next regular session of the Legislative Assembly that it appropriate for each agency occupying space in such a building or facility an amount sufficient to pay rentals required under the schedule as approved by the Emergency Board.

(2) The Emergency Board shall adopt a schedule of rentals for each biennium with respect to the State Capitol and the Supreme Court Building. [1969 c.706 §11; 1977 c.598 §13]

276.410 Assignment of quarters to officers and state agencies. (1) The Oregon Department of Administrative 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 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; 1993 c.500 §22]

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

(2) Moneys so collected shall be deposited in the Oregon Department of Administrative Services Operating Fund.

(3) This section applies to quarters occupied by the Department of State Lands and to quarters leased with option to purchase or under installment 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; 2005 c.755 §10]

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 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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 quar-

ters 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 Oregon Department of Administrative Services prior to execution.

(2) The Oregon Department of Administrative 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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 Oregon Department of Administrative 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 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. Moneys collected therefor shall be placed in the Oregon Department of Administrative Services Operating Fund established in ORS 283.076 and used 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 in excess of \$100,000 under any provision of law other than ORS 283.085 to 283.092.

(5) The title to properties acquired through lease-purchase options authorized in subsection (1) of this section shall vest automatically in the Oregon Department of Administrative 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; 2005 c.755 §11; 2007 c.783 §90]

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 Oregon Department of Administrative Services, as custodian of the capitol area and state office buildings, with the advice of the occupying agency, 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 Oregon Department of Administrative Services Operating Fund. [See 276.430; 1983 c.690 §1; 1993 c.500 §23; 2005 c.755 §12]

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 Oregon Department of Administrative Services 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 that may be rented for private concessions. Receipts from rentals to other than state agencies shall be placed in the Oregon Department of Administrative Services Operating Fund. [See 276.162; 1993 c.500 §24; 2005 c.755 §13]

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 Oregon Department of Administrative 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 of the Oregon Department of Administrative Services 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 Oregon Department of Administrative 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 [Repealed by 1993 c.741 §147]

276.550 [Repealed by 1993 c.741 §147]

276.552 [Amended by 1967 c.419 §66; repealed by 1993 c.741 §147]

276.554 [Repealed by 1993 c.741 §147]

276.556 [Amended by 1953 c.252 §2; repealed by 1993 c.741 §147]

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 DEPARTMENT 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 Department, 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 Department, occupying space in the building described in section 6, chapter 528, Oregon Laws 1971, shall pay to the Oregon Department of Administrative 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 Department, the Oregon Department of Administrative 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]

Note: Legislative Counsel has substituted "chapter 528, Oregon Laws 1971," for the words "this Act" in section 10, chapter 528, Oregon Laws 1971, compiled as 276.585. Specific ORS references have not been substituted pursuant to 173.160. These sections may be determined by referring to the 1971 Comparative Section Table located in Volume 20 of ORS.

SUPREME COURT BUILDING

276.587 Control through State 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 Oregon Department of Administrative Services to provide for insurance, operating, maintenance and security services for the Supreme Court Building. [1981 c.132 §1]

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

PARKING FACILITIES; CAR POOLS

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 installment 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 Management of grounds and parking structures or facilities in capitol area; exemptions and limitations; fees; rules. (1) The Oregon Department of Administrative Services shall:

(a) Manage those grounds and parking structures or facilities located in the capitol area of the City of Salem that the state owns or that any state agency leases or is acquiring through lease purchase or installment purchase agreement; and

(b) Determine the conditions under which such grounds and parking structures or facilities may be used.

(2) The grounds and parking structures or facilities described in subsection (1) of this section include those located either adjacent to, 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, properties or parking structures described in ORS 276.004 and those grounds the state owns by and through the department that are adjacent to the installations and facilities located in the area described in ORS 276.028.

(3) This section does not apply to the State Capitol, to the parking facilities located in the garage of the State Capitol, to the area immediately north of the State Capitol but south of and separated from Court Street by a traffic island, painted markings or other traffic control devices or to the area immediately south of the State Capitol but north of and separated from State Street by a traffic island, painted markings or other traffic control devices.

(4) The department may not exercise the authority described in this section over grounds and parking structures or facilities located outside the capitol area in the City of Salem that the state owns or that another state agency leases or is acquiring through lease purchase or installment purchase.

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

(6) The department may lease portions of the grounds and parking structures or facilities described in subsection (1) of this section for parking motor vehicles and for 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.

(7) 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 employees with disabilities who have been issued a disabled person parking permit by the Department of Transportation 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.

(8) The department shall retain receipts obtained under this section, except that the department may return to the appropriate agency any net receipts obtained from any parking structures or facilities that are located in the capitol area in the City of Salem and that the state owns or that any agency other than the department leases or is acquiring through lease purchase or installment purchase agreement.

(9) As used in this section, "capitol area" has the meaning given that term in

ORS 276.010. [1977 c.598 §25; 1981 c.591 §2; 1989 c.224 §38; 1991 c.67 §67; 2005 c.217 §22; 2007 c.70 §60; 2007 c.175 §2]

276.595 Operation of facilities under control of agencies other than department; rules. (1) Each state agency, other than the Oregon Department of Administrative Services, shall manage and determine under what conditions the grounds and parking structures owned, directly leased or being acquired through lease purchase or installment 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 employees with disabilities who have been issued a disabled person parking permit by the Department of Transportation 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; 2007 c.70 §61]

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 Oregon Department of Administrative Services 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 installment

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, Department of Human Services 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, Department of Human Services 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 jurisdictions. 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; 1995 c.79 §94]

276.614 [Repealed by 1969 c.597 §281]

OPTIONS

276.625 Authority to acquire options; contingency; legislative review agency approval. The Oregon Department of Administrative 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]

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]

COMMUNITY HOUSES

276.732 Community houses in cities; constructing; financing; use. Any incorporated city may purchase a necessary site within its boundaries and erect and maintain thereon a community house for the benefit of the soldiers, sailors and marines of the Army and Navy of the United States, or persons who have been inducted into the service of such army or navy. For that purpose the city may levy taxes or issue and sell bonds of such city when empowered so to do by the 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, renovated and operated so as to minimize the use of nonrenewable energy resources and to serve as models of energy efficiency. [1979 c.734 §1; 1989 c.556 §1; 2001 c.683 §1]

Note: 276.900 to 276.915 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.

276.905 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.

(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 reduce the use of nonrenewable energy resources 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; 2001 c.683 §2]

Note: See note under 276.900.

276.915 Energy design requirements; rules; fees; waiver. (1) 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 State 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 State Department of Energy during the design development phase of the facility design. The State 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 State Department of Energy, in consultation with the Oregon Department of Administrative Services and the Oregon University System, 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 State 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. The State Department of Energy may provide for a waiver of fees and reviews if the authorized state agency demonstrates that the facility will be designed and constructed in a manner that incorporates only cost-effective energy conservation measures or in a manner that exceeds the energy conservation provisions of the state building code by 20 percent or more.

(d) Periodically define highly efficient facilities. A facility constructed or renovated after June 30, 2001, shall exceed the energy conservation provisions of the state building code by 20 percent or more, unless otherwise required by rules adopted under this section.

(e) Require an authorized state agency to reduce the amount of use of nonrenewable energy by at least 10 percent from the amount used by the state agency in the 2000 calendar year. The State Department of Energy shall require state agencies that fail to achieve and maintain a 10-percent reduction on and after June 30, 2003, to submit biennial energy conservation plans to the State Department of Energy. The State Department of Energy shall specify the form and content of the energy conservation plans.

(4) The State Department of Energy, the Oregon Department of Administrative Services and the Oregon University System

shall jointly prepare a biennial report summarizing the progress toward achieving the goals of this section. The biennial report shall be made available to the public. [1979 c.734 §3; 1989 c.556 §3; 1995 c.551 §18; 2001 c.683 §3]

Note: See note under 276.900.

PENALTIES

276.990 Penalties. (1) Subject to ORS 153.022, a person who violates any rule lawfully promulgated under this chapter commits a Class 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; 1999 c.1051 §170]

CHAPTER 277

[Reserved for expansion]

