Enrolled
Senate Bill 489

Sponsored by Senators COURTNEY, DUNCAN; Senator BURDICK, Representatives BACKLUND, ROSENBAUM, WITT

CHAPTER .....

AN ACT

Relating to the Oregon State Capitol Foundation; creating new provisions; amending ORS 276.002 and 276.003; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) There is established within the legislative department the Oregon State Capitol Foundation. The foundation shall be composed of not fewer than nine and not more than 25 voting members, who shall each serve a term of four years. The President of the Senate shall appoint three voting members from members of the Senate. The Speaker of the House of Representatives shall appoint three voting members from members of the House of Representatives. The Legislative Administration Committee shall appoint the remaining voting members. A member is eligible for reappointment. At all times there shall be appointed to the foundation an odd number of voting members. The foundation may appoint honorary, nonvoting members to the foundation.

(2) The Oregon State Capitol Foundation shall:

(a) Advise the Legislative Administration Committee on the terms and conditions of contracts or agreements entered into under ORS 276.002.

(b) Recommend to the committee renovations, repairs and additions to the State Capitol.

(c) Recommend to the committee exhibits and events for the State Capitol.

(d) Deposit gifts, grants, donations and moneys converted from gifts or donations of other than money into separate trust accounts reserved for the purposes of the gifts, grants and donations.

(e) Develop, maintain and implement plans to:

(A) Enhance and embellish the State Capitol in keeping with the design and purpose of the building and adjacent areas; and

(B) Preserve the history of activities of state government that have occurred in the State Capitol and of persons who have participated in state government in the State Capitol.

(f) Adopt rules to guide the foundation and implement the foundation's responsibilities under this subsection and the foundation's authority under subsections (3) to (5) of this section.

(g) Consult with any advisory committees the Legislative Administration Committee may designate before the foundation makes a recommendation required by this subsection.

(3) The Oregon State Capitol Foundation may:

(a) Solicit and accept gifts, grants and donations from public and private sources in the name of the foundation.

(b) Under guidelines adopted by the Legislative Administration Committee, expend moneys from the Oregon State Capitol Foundation Fund for the purposes set out in subsection (2) of this section, including but not limited to the reasonable and necessary operating expenses of the foundation.

(c) Convert gifts or donations other than money into moneys.

(d) Become or create an organization under section 501(c)(3) of the Internal Revenue Code.

(4)(a) As used in this subsection, "community foundation" has the meaning given that term in ORS 348.580.

(b) The Oregon State Capitol Foundation may enter into agreements with a person, including a community foundation in Oregon, for the person to assume the management of the moneys in the Oregon State Capitol Foundation Fund. The Oregon State Capitol Foundation may transfer to the person any moneys in the fund.

(c) The Oregon State Capitol Foundation shall include in any agreement entered into under this subsection a requirement that:

(A) The person conduct a periodic independent financial audit of the moneys transferred to the person.

(B) The person prepare an annual financial report according to generally accepted accounting principles.

(C) The person submit an annual financial report to the Oregon State Capitol Foundation, the Legislative Administration Committee and the Oregon Investment Council.

(d) If a provision of an agreement entered into under this subsection would cause the person to be out of compliance with a federal law, the Oregon State Capitol Foundation may waive the provision.

(5) The Oregon State Capitol Foundation may, through the Legislative Administrator, enter into contracts or agreements to implement the foundation's responsibilities and authority. ORS chapter 279 does not apply to a contract or agreement entered into by the foundation.

(6) The Oregon State Capitol Foundation may take action under this section upon a majority vote of a quorum of members. A majority of the voting members of the foundation constitutes a quorum for the transaction of business.

SECTION 2. ORS 276.002 is amended to read:

276.002. (1) The Legislative Assembly, through the Legislative Administration Committee, shall exercise control over the use of the State Capitol.

(2) The committee has exclusive power to assign and reassign quarters in the State Capitol for such periods and under such terms, including rental rates, as the committee considers appropriate.

(3) All rentals for quarters and for parking shall be credited to the State Capitol Operating Account.

(4) The committee has exclusive power to assign and reassign parking spaces in the garage of the State Capitol and in the area immediately in front of the State Capitol and for enforcing parking regulations in the garage and areas described in this subsection. However, the Oregon Department of Administrative Services shall be responsible for collecting parking fees under ORS 292.065.

(5) The committee[, *from balances in the Oregon State Capitol Foundation Fund, or as otherwise provided by law*,] may enter into contracts or agreements [*deemed*] **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.

[*(6) The committee shall establish the Oregon State Capitol Foundation. The foundation shall make recommendations and advise the committee on State Capitol renovations, repairs, and artistic and other special projects to preserve the historical integrity of the State Capitol and adjacent areas. The foundation shall be composed of not fewer than nine and not more than 25 members, who shall serve a term of four years. Three members of the Senate shall be appointed by the President of the Senate, three members of the House of Representatives shall be appointed by the Speaker of the House and the remaining members shall be appointed by the Legislative Administration Committee. A member is eligible for reappointment. At all times there shall be appointed to the foundation an odd number of members.*]

SECTION 3. ORS 276.003 is amended to read:

276.003. (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 Oregon Department of Administrative Services 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 276.002 (5) and (6)*] **section 1 of this 2001 Act**.

(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 [*(5) and (6)*]. 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.

SECTION 4. Members of the Oregon State Capitol Foundation appointed under ORS 276.002 (6) (1999 Edition) continue as members of the foundation for the terms specified in section 2, chapter 285, Oregon Laws 1999.

SECTION 5. This 2001 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2001 Act takes effect on its passage.

Passed by Senate February 22, 2001

Repassed by Senate March 30, 2001

.....
Secretary of Senate

.....
President of Senate

Passed by House March 28, 2001

.....
Speaker of House

Received by Governor:

.....M.,....., 2001

Approved:

.....M.,....., 2001

.....
Governor

Filed in Office of Secretary of State:

.....M.,....., 2001

.....
Secretary of State