

# Senate Bill 474

Sponsored by Senator ATKINSON

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Transfers management and control of utilization of State Capitol and immediately surrounding property from Oregon Department of Administrative Services to State Parks and Recreation Department.

## A BILL FOR AN ACT

1  
2 Relating to the State Capitol; creating new provisions; and amending ORS 276.002, 276.003, 276.004,  
3 276.010, 276.033 and 276.035.

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

5 **SECTION 1.** ORS 276.002 is amended to read:

6 276.002. (1) The Legislative Assembly, through the Legislative Administration Committee, shall  
7 exercise control over the use of the State Capitol.

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

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

12 (4) The committee has exclusive power to assign and reassign parking spaces in the garage of  
13 the State Capitol and in the area immediately in front of the State Capitol and for enforcing parking  
14 regulations in the garage and areas described in this subsection. However, the [*Oregon Department*  
15 *of Administrative Services*] **State Parks and Recreation Department** shall be responsible for col-  
16 lecting parking fees [*under ORS 292.065*].

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

19 (a) Renovate and repair the State Capitol;

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

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

22 (d) Conduct or sponsor special events; and

23 (e) Conduct or sponsor projects intended to preserve or promote the historical integrity of the  
24 State Capitol and adjacent areas.

25 **SECTION 2.** ORS 276.003 is amended to read:

26 276.003. (1) There is created in the General Fund of the State Treasury a State Capitol Operat-  
27 ing Account. Moneys credited to the account are appropriated continuously to the Legislative Ad-  
28 ministration Committee to pay the expenses of operating, maintaining, protecting and insuring the  
29 State Capitol and to reimburse the [*Oregon Department of Administrative Services*] **State Parks and**  
30 **Recreation Department** for a share of the expenses of ground maintenance, utilities and other  
31 necessary expenses.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (2) There is established the Oregon State Capitol Foundation Fund in the State Capitol Operat-  
 2 ing Account of the General Fund established under subsection (1) of this section. All moneys re-  
 3 ceived by the Legislative Administration Committee allocated to the Oregon State Capitol  
 4 Foundation shall be credited to the Oregon State Capitol Foundation Fund. All moneys credited to  
 5 the Oregon State Capitol Foundation Fund are continuously appropriated to the foundation for the  
 6 purposes of ORS 173.500.

7 (3) The Legislative Administration Committee may on behalf of the State of Oregon solicit and  
 8 accept gifts, grants and donations from public and private sources for the purposes set out in ORS  
 9 276.002. Such gifts, grants and donations shall be deposited by the committee in separate, appropri-  
 10 ate trust accounts until such time as required to meet the obligations for which the gifts, grants or  
 11 donations were intended. When so required, the committee shall deposit the amounts in the Oregon  
 12 State Capitol Foundation Fund, subject to any limitations imposed by the donors.

13 (4) A gift or donation to the Legislative Administration Committee or to the Oregon State Cap-  
 14 itol Foundation is a gift or donation to the State of Oregon.

15 **SECTION 3.** ORS 276.004 is amended to read:

16 276.004. (1) Notwithstanding any other provision of law, and except for **the Supreme Court**  
 17 **Building**, the State Capitol [*and the Supreme Court Building*] **and the grounds immediately sur-**  
 18 **rounding the State Capitol bordered by State Street on the south, Court Street on the north,**  
 19 **Cottage Street on the west and Waverly Street on the east**, the Oregon Department of Admin-  
 20 istrative Services shall manage and control the utilization of:

- 21 (a) Buildings and properties in the capitol area, including those acquired under ORS 276.046;
- 22 (b) Office buildings as defined in ORS 276.110;
- 23 (c) Vacated state institution buildings and facilities as described in ORS 276.180;
- 24 (d) The state office building and parking structure in Portland;
- 25 (e) The state office building and parking structure in Eugene;
- 26 (f) Properties being acquired through lease-purchase option or installment purchase agreement  
 27 under ORS 276.429; and
- 28 (g) Parking facilities as described in ORS 276.594.

29 (2) Except as otherwise provided in this section, the Oregon Department of Administrative Ser-  
 30 vices shall assign and reassign quarters in buildings owned by this state and specified in this sec-  
 31 tion, for such periods and under such terms as the department considers appropriate.

32 **SECTION 4.** ORS 276.010 is amended to read:

33 276.010. As used in ORS 276.028 to 276.062 and in this section, unless the context requires oth-  
 34 erwise:

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

38 (2) "Capitol group of buildings" means the state buildings in Salem in and about the Capitol  
 39 Mall, **other than the State Capitol and the area immediately surrounding the State Capitol**  
 40 **bordered by State Street on the south, Court Street on the north, Cottage Street on the west**  
 41 **and Waverly Street on the east.**

42 (3) "Commission" means the Capitol Planning Commission.

43 (4) "State agency" has the meaning given that term in ORS 358.635.

44 **SECTION 5.** ORS 276.033 is amended to read:

45 276.033. (1) The Capitol Planning Commission:

1 (a) Shall establish, adopt and implement a plan of development of the areas described by ORS  
 2 276.028 and shall recommend to the Legislative Assembly any legislation necessary to effectuate the  
 3 plan.

4 (b) Shall conduct continuing studies and analyses, in cooperation with affected state agencies,  
 5 of the building needs of all state agencies located within the metropolitan area of the cities of Salem  
 6 and Keizer.

7 (c) Shall establish, adopt and implement a master plan for the development of the capitol group  
 8 of buildings situated within the area bordered by [State] Court Street on the south and D Street on  
 9 the north and Winter Street on the west [and 12th Street (between State Street and Court Street)] and  
 10 Capitol Street on the east **and the block of land on which are located the Justice and Supreme**  
 11 **Court Buildings.**

12 (d) Shall adopt standards for the development of state buildings and grounds, including but not  
 13 limited to landscaping requirements, setback requirements, lot coverage limitations, building height  
 14 and bulk limitations and requirements for the protection of the surrounding community environment.

15 (e) May coordinate the disposition of state property only if the property is within an area plan  
 16 established under this section.

17 (2)(a) The commission shall cooperate and consult with local governmental agencies that have  
 18 jurisdiction within the areas described by ORS 276.028 for the purpose of coordinating the develop-  
 19 ment of state buildings and grounds in the areas with community planning and development pro-  
 20 grams in those areas.

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

25 **SECTION 6.** ORS 276.035 is amended to read:

26 276.035. The Capitol Planning Commission shall:

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

29 (2) Investigate, review and make recommendations on all proposals of state agencies to add to,  
 30 reduce or otherwise change a building and grounds in the areas described by ORS 276.028; and

31 (3) Advise the Oregon Department of Administrative Services **and the State Parks and Re-**  
 32 **creation Department** on:

33 (a) The planning and location of buildings in the areas described by ORS 276.028;

34 (b) The development of the areas described by ORS 276.028, including but not limited to general  
 35 design, landscaping, traffic management, monuments, statues and fountains; and

36 (c) All other matters connected with a proposed construction or development to be undertaken  
 37 by the state within the areas described by ORS 276.028.

38 **SECTION 7. The duties, functions and powers of the Oregon Department of Administra-**  
 39 **tive Services relating to managing and controlling the utilization of the State Capitol and the**  
 40 **grounds immediately surrounding the State Capitol bordered by State Street on the south,**  
 41 **Court Street on the north, Cottage Street on the west and Waverly Street on the east, are**  
 42 **imposed upon, transferred to and vested in the State Parks and Recreation Department.**

43 **SECTION 8. (1) The Director of the Oregon Department of Administrative Services shall:**

44 (a) **Deliver to the State Parks and Recreation Department all records and property within**  
 45 **the jurisdiction of the director that relate to the duties, functions and powers transferred**

1 by section 7 of this 2005 Act; and

2 (b) Transfer to the State Parks and Recreation Department those employees engaged  
3 primarily in the exercise of the duties, functions and powers transferred by section 7 of this  
4 2005 Act.

5 (2) The State Parks and Recreation Director shall take possession of the records and  
6 property, and shall take charge of the employees and employ them in the exercise of the  
7 duties, functions and powers transferred by section 7 of this 2005 Act, without reduction of  
8 compensation but subject to change or termination of employment or compensation as pro-  
9 vided by law.

10 (3) The Governor shall resolve any dispute between the Oregon Department of Adminis-  
11 trative Services and the State Parks and Recreation Department relating to transfers of re-  
12 cords, property and employees under this section, and the Governor's decision is final.

13 SECTION 9. (1) The unexpended balances of amounts authorized to be expended by the  
14 Oregon Department of Administrative Services for the biennium beginning July 1, 2005, from  
15 revenues dedicated, continuously appropriated, appropriated or otherwise made available for  
16 the purpose of administering and enforcing the duties, functions and powers transferred by  
17 section 7 of this 2005 Act are appropriated and transferred to and are available for expendi-  
18 ture by the State Parks and Recreation Department for the biennium beginning July 1, 2005,  
19 for the purpose of administering and enforcing the duties, functions and powers transferred  
20 by section 7 of this 2005 Act.

21 (2) The expenditure classifications, if any, established by Acts authorizing or limiting  
22 expenditures by the Oregon Department of Administrative Services remain applicable to  
23 expenditures by the State Parks and Recreation Department under this section.

24 SECTION 10. The transfer of duties, functions and powers to the State Parks and Re-  
25 creation Department by section 7 of this 2005 Act does not affect any action, proceeding or  
26 prosecution involving or with respect to such duties, functions and powers begun before and  
27 pending at the time of the transfer, except that the State Parks and Recreation Department  
28 is substituted for the Oregon Department of Administrative Services in the action, proceed-  
29 ing or prosecution.

30 SECTION 11. (1) Nothing in the amendments to ORS 276.002, 276.003, 276.004, 276.010,  
31 276.033 and 276.035 by sections 1 to 6 of this 2005 Act and sections 7 to 13 of this 2005 Act  
32 relieves a person of a liability, duty or obligation accruing under or with respect to the du-  
33 ties, functions and powers transferred by section 7 of this 2005 Act. The State Parks and  
34 Recreation Department may undertake the collection or enforcement of any such liability,  
35 duty or obligation.

36 (2) The rights and obligations of the Oregon Department of Administrative Services le-  
37 gally incurred under contracts, leases and business transactions executed, entered into or  
38 begun before the operative date of section 7 of this 2005 Act accruing under or with respect  
39 to the duties, functions and powers transferred by section 7 of this 2005 Act are transferred  
40 to the State Parks and Recreation Department. For the purpose of succession to these rights  
41 and obligations, the State Parks and Recreation Department is a continuation of the Oregon  
42 Department of Administrative Services and not a new authority.

43 SECTION 12. Notwithstanding the transfer of duties, functions and powers by section 7  
44 of this 2005 Act, the rules of the Oregon Department of Administrative Services with respect  
45 to such duties, functions or powers that are in effect on the operative date of section 7 of

1 this 2005 Act continue in effect until superseded or repealed by rules of the State Parks and  
2 Recreation Department. References in such rules of the Oregon Department of Adminis-  
3 trative Services to the Oregon Department of Administrative Services or an officer or em-  
4 ployee of the Oregon Department of Administrative Services are considered to be references  
5 to the State Parks and Recreation Department or an officer or employee of the State Parks  
6 and Recreation Department.

7 **SECTION 13.** Whenever, in any uncodified law or resolution of the Legislative Assembly  
8 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in  
9 the context of the duties, functions and powers transferred by section 7 of this 2005 Act,  
10 reference is made to the Oregon Department of Administrative Services, or an officer or  
11 employee of the Oregon Department of Administrative Services, whose duties, functions or  
12 powers are transferred by section 7 of this 2005 Act, the reference is considered to be a  
13 reference to the State Parks and Recreation Department or an officer or employee of the  
14 State Parks and Recreation Department who by this 2005 Act is charged with carrying out  
15 such duties, functions and powers.

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