

Senate Bill 632

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 State Capitol; creating new provisions; and amending ORS 276.002, 276.003, 276.004,
3 276.010 and 390.111.

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:

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

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

41 (3) "Capitol Mall" means the area beginning at the northwest corner of State Street and 12th
 42 Street in the City of Salem, Marion County, Oregon; then continuing along 12th Street in a northerly
 43 direction to Court Street; then continuing along Court Street in a westerly direction to Capitol
 44 Street; then continuing along Capitol Street in a northerly direction to D Street; then continuing
 45 along D Street in a westerly direction to Winter Street; then continuing along Winter Street in a

1 southerly direction to Court Street; then continuing along Court Street in a westerly direction to
2 Cottage Street; then continuing along Cottage Street in a southerly direction to State Street; then
3 continuing along State Street in an easterly direction to the point of beginning.

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

5 **SECTION 5.** ORS 390.111 is amended to read:

6 390.111. (1) The State Parks and Recreation Department is created. The department consists of
7 the State Parks and Recreation Commission, the State Parks and Recreation Director and all other
8 officers and employees of the department.

9 (2) Except as may be provided by an agreement to the contrary between the State Parks and
10 Recreation Commission and the county, city or political subdivision thereof which exercised juris-
11 diction and authority over the park, ground or place prior to acquisition by the state, the depart-
12 ment has complete jurisdiction and authority over all state parks, waysides and scenic, historic or
13 state recreation areas, recreational grounds or places acquired by the state for scenic, historic, na-
14 tural, cultural or recreational purposes except as otherwise provided by law.

15 (3) **The department shall manage and control the utilization of the State Capitol and the**
16 **grounds immediately surrounding the State Capitol bordered by State Street on the south,**
17 **Court Street on the north, Cottage Street on the west and Waverly Street on the east.**

18 **SECTION 6.** The duties, functions and powers of the Oregon Department of Administra-
19 tive Services relating to managing and controlling the utilization of the State Capitol and the
20 grounds immediately surrounding the State Capitol bordered by State Street on the south,
21 Court Street on the north, Cottage Street on the west and Waverly Street on the east are
22 imposed upon, transferred to and vested in the State Parks and Recreation Department.

23 **SECTION 7.** (1) The Director of the Oregon Department of Administrative Services shall:

24 (a) Deliver to the State Parks and Recreation Department all records and property within
25 the jurisdiction of the director that relate to the duties, functions and powers transferred
26 by section 6 of this 2007 Act; and

27 (b) Transfer to the State Parks and Recreation Department those employees engaged
28 primarily in the exercise of the duties, functions and powers transferred by section 6 of this
29 2007 Act.

30 (2) The State Parks and Recreation Director shall take possession of the records and
31 property, and shall take charge of the employees and employ them in the exercise of the
32 duties, functions and powers transferred by section 6 of this 2007 Act, without reduction of
33 compensation but subject to change or termination of employment or compensation as pro-
34 vided by law.

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

38 **SECTION 8.** (1) The unexpended balances of amounts authorized to be expended by the
39 Oregon Department of Administrative Services for the biennium beginning July 1, 2007, from
40 revenues dedicated, continuously appropriated, appropriated or otherwise made available for
41 the purpose of administering and enforcing the duties, functions and powers transferred by
42 section 6 of this 2007 Act are transferred to and are available for expenditure by the State
43 Parks and Recreation Department for the biennium beginning July 1, 2007, for the purpose
44 of administering and enforcing the duties, functions and powers transferred by section 6 of
45 this 2007 Act.

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

4 **SECTION 9.** The transfer of duties, functions and powers to the State Parks and Recreation
5 Department by section 6 of this 2007 Act does not affect any action, proceeding or
6 prosecution involving or with respect to such duties, functions and powers begun before and
7 pending at the time of the transfer, except that the State Parks and Recreation Department
8 is substituted for the Oregon Department of Administrative Services in the action, proceeding
9 or prosecution.

10 **SECTION 10.** (1) Nothing in the amendments to ORS 276.002, 276.003, 276.004 and 276.010
11 by sections 1 to 5 of this 2007 Act and sections 6 to 12 of this 2007 Act relieves a person of
12 a liability, duty or obligation accruing under or with respect to the duties, functions and
13 powers transferred by section 6 of this 2007 Act. The State Parks and Recreation Department
14 may undertake the collection or enforcement of any such liability, duty or obligation.

15 (2) The rights and obligations of the Oregon Department of Administrative Services legally
16 incurred under contracts, leases and business transactions executed, entered into or
17 begun before the operative date of section 6 of this 2007 Act accruing under or with respect
18 to the duties, functions and powers transferred by section 6 of this 2007 Act are transferred
19 to the State Parks and Recreation Department. For the purpose of succession to these rights
20 and obligations, the State Parks and Recreation Department is a continuation of the Oregon
21 Department of Administrative Services and not a new authority.

22 **SECTION 11.** Notwithstanding the transfer of duties, functions and powers by section 6
23 of this 2007 Act, the rules of the Oregon Department of Administrative Services with respect
24 to such duties, functions or powers that are in effect on the operative date of section 6 of
25 this 2007 Act continue in effect until superseded or repealed by rules of the State Parks and
26 Recreation Department. References in such rules of the Oregon Department of Administrative
27 Services to the Oregon Department of Administrative Services or an officer or employee of the
28 Oregon Department of Administrative Services are considered to be references
29 to the State Parks and Recreation Department or an officer or employee of the State Parks
30 and Recreation Department.

31 **SECTION 12.** Whenever, in any uncodified law or resolution of the Legislative Assembly
32 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
33 the context of the duties, functions and powers transferred by section 6 of this 2007 Act,
34 reference is made to the Oregon Department of Administrative Services, or an officer or
35 employee of the Oregon Department of Administrative Services, whose duties, functions or
36 powers are transferred by section 6 of this 2007 Act, the reference is considered to be a
37 reference to the State Parks and Recreation Department or an officer or employee of the
38 State Parks and Recreation Department who by this 2007 Act is charged with carrying out
39 such duties, functions and powers.

40