

A-Engrossed Senate Bill 632

Ordered by the Senate April 27
Including Senate Amendments dated April 27

Sponsored by Senator ATKINSON; Senator COURTNEY

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.

Creates State Capitol State Park. Transfers management and control of utilization of [*State Capitol and immediately surrounding property*] **grounds within park** from Oregon Department of Administrative Services to State Parks and Recreation Department. **Requires Oregon Department of Administrative Services to manage and control utilization of underground parking structures beneath park and related aboveground access structures. Directs Oregon Department of Administrative Services to construct one or more permanent lavatories on park grounds and, upon completion, maintain and control utilization of lavatories.**

A BILL FOR AN ACT

Relating to State Capitol; creating new provisions; and amending ORS 276.003, 276.004, 276.010 and 390.111.

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

SECTION 1. 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*] **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.

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.

SECTION 2. ORS 276.004 is amended to read:

276.004. (1) Notwithstanding any other provision of law, and except for the **Supreme Court Building, the State Capitol [and the Supreme Court Building] and the grounds included within the State Capitol State Park under section 5 of this 2007 Act**, 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.

SECTION 3. ORS 276.010 is amended to read:

276.010. 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 section 5 of this 2007 Act.**

(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.

SECTION 4. ORS 390.111 is amended to read:

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

(2) Except as may be provided by an agreement to the contrary between the State Parks and Recreation Commission and the county, city or political subdivision thereof which exercised jurisdiction and authority over the park, ground or place prior to acquisition by the state, the department has complete jurisdiction and authority over all state parks, waysides and scenic, historic or state recreation areas, recreational grounds or places acquired by the state for scenic, historic, natural, cultural or recreational purposes except as otherwise provided by law.

(3) **The department shall manage and control the utilization of the grounds included within the State Capitol State Park under section 5 of this 2007 Act.**

SECTION 5. (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.

SECTION 6. Except as provided in ORS 276.002 (4) and section 5 of this 2007 Act, the duties, functions and powers of the Oregon Department of Administrative Services relating to managing and controlling the utilization of the grounds included within the State Capitol State Park under section 5 of this 2007 Act are imposed upon, transferred to and vested in the State Parks and Recreation Department.

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

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

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

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

(3) The Governor shall resolve any dispute between the Oregon Department of Administrative Services and the State Parks and Recreation Department relating to transfers of records, property and employees under this section, and the Governor's decision is final.

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

1 of administering and enforcing the duties, functions and powers transferred by section 6 of
2 this 2007 Act.

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

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

12 SECTION 10. (1) Nothing in the amendments to ORS 276.003, 276.004 and 276.010 by
13 sections 1 to 4 of this 2007 Act and sections 5 to 12 of this 2007 Act relieves a person of a
14 liability, duty or obligation accruing under or with respect to the duties, functions and pow-
15 ers transferred by section 6 of this 2007 Act. The State Parks and Recreation Department
16 may undertake the collection or enforcement of any such liability, duty or obligation.

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

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

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