

**A-Engrossed**  
**House Bill 2295**

Ordered by the House May 27  
Including House Amendments dated May 27

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim Committee on Judiciary)

**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 Court Facilities Task Force. Directs task force to study issues relating to state court facilities and to make recommendations on minimum standards for suitable and sufficient court facilities. **Appropriates moneys from General Fund to Oregon Department of Administrative Services for purpose of paying expenses of department and task force relating to duties of task force.** Sunsets task force on January 2, 2008.

*[Increases unitary assessment for violations by \$\_\_\_\_\_ for period commencing September 1, 2005, and ending June 30, 2007, for purpose of funding expenses of task force.]*

**Authorizes use of lottery funds and certificates of participation to finance construction or renovation of courthouse facilities.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to court facilities; creating new provisions; amending ORS 283.085, 461.540 and 461.547;  
3 appropriating money; and declaring an emergency.

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

5 **SECTION 1. (1) The State Court Facilities Task Force is created. The task force consists**  
6 **of 10 members to be appointed as follows:**

7 (a) **The President of the Senate shall appoint two members who are Senators at the time**  
8 **of appointment and who are not from the same political party. The Speaker of the House of**  
9 **Representatives shall appoint two members who are Representatives at the time of appoint-**  
10 **ment and who are not from the same political party. A member appointed under this para-**  
11 **graph ceases to be a member of the task force upon ceasing to be a member of the**  
12 **Legislative Assembly.**

13 (b) **The Chief Justice of the Supreme Court shall appoint two members.**

14 (c) **The Association of Oregon Counties shall appoint two members.**

15 (d) **The Board of Governors of the Oregon State Bar shall appoint two members.**

16 (2) **The task force shall first meet not later than September 1, 2005.**

17 (3) **The task force shall elect one of its members to serve as chairperson and one member**  
18 **to serve as vice chairperson, to perform such functions as the task force may prescribe.**

19 (4) **Legislative members of the task force are entitled to payment of compensation and**  
20 **expense reimbursement under ORS 171.072, payable from funds appropriated to the Legisla-**  
21 **tive Assembly.**

22 (5) **The Oregon Department of Administrative Services shall provide staff support and**  
23 **administrative services as needed by the task force.**

**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       **(6) The task force may accept contributions of funds and assistance from the United**  
2 **States or its agencies or from any other source, public or private, and agree to conditions**  
3 **thereon not inconsistent with the purposes of the task force. All such funds are to aid in**  
4 **financing the functions of the task force and shall be deposited in the General Fund of the**  
5 **State Treasury to the credit of separate accounts for the task force and shall be disbursed**  
6 **for the purpose for which contributed in the same manner as funds appropriated for the task**  
7 **force.**

8       **SECTION 2. (1) The State Court Facilities Task Force shall study and make recommen-**  
9 **dations relating to:**

10       **(a) Whether additional state court facilities will be required to meet the needs of the**  
11 **judicial system in the coming years and what modifications or new construction may be re-**  
12 **quired to meet those needs;**

13       **(b) Changes in state court facility utilization that might alleviate the need for additional**  
14 **state court facilities;**

15       **(c) The costs of implementing needed changes in state court facilities;**

16       **(d) Options for ownership or leasing of state court facilities by the Judicial Department,**  
17 **and the costs of ownership or leasing of state court facilities;**

18       **(e) Whether the state should have responsibility for maintaining state court facilities, for**  
19 **improving, replacing and expanding circuit court facilities and for leasing or constructing**  
20 **new state court facilities; and**

21       **(f) Other matters pertaining to state court facilities.**

22       **(2) The State Court Facilities Task Force shall study and make recommendations on**  
23 **minimum standards for suitable and sufficient state court facilities. In developing recom-**  
24 **mendations, the task force shall consider the financial circumstances of the community in**  
25 **which the state court facilities are located and the physical condition of other facilities in**  
26 **the building in which the state court facilities are located. The task force shall identify the**  
27 **costs of complying with the recommended minimum standards in each county and shall**  
28 **identify a funding source in addition to county funds for paying the costs of complying with**  
29 **the recommended minimum standards. Each county and each circuit court trial court ad-**  
30 **ministrator shall cooperate with the task force in assessing the physical condition of state**  
31 **court facilities in the county and in identifying the costs of complying with the recommended**  
32 **minimum standards.**

33       **SECTION 3. The State Court Facilities Task Force shall make a report to the Seventy-**  
34 **fourth Legislative Assembly in the manner provided by ORS 192.245. The report shall contain**  
35 **all findings and recommendations made by the task force under section 2 of this 2005 Act.**

36       **SECTION 4. ORS 461.540 is amended to read:**

37       461.540. (1) There hereby is established in the General Fund of the State Treasury the Admin-  
38 istrative Services Economic Development Fund. All moneys transferred from the State Lottery Fund,  
39 interest earnings credited to this fund and other moneys authorized to be transferred to this fund  
40 from whatever source are appropriated continuously for any of the following public purposes:

41       (a) Creating jobs;

42       (b) Furthering economic development in Oregon; or

43       (c) Financing public education.

44       (2) Moneys shall be transferred from the Administrative Services Economic Development Fund  
45 to the Education Stability Fund established under ORS 348.696 as described in section 4, Article XV

1 of the Oregon Constitution.

2 (3) As used in this section and section 4, Article XV of the Oregon Constitution:

3 (a) "Creating jobs" includes, but is not limited to:

4 (A) Supporting the creation of new jobs in Oregon;

5 (B) Helping prevent the loss of existing jobs in Oregon;

6 (C) Assisting with work transition to new jobs in Oregon; or

7 (D) Training or retraining workers.

8 (b) "Education" includes, but is not limited to, the Education Stability Fund established under  
9 ORS 348.696 and specific programs that support the following:

10 (A) Prekindergartens;

11 (B) Elementary and secondary schools;

12 (C) Community colleges;

13 (D) Higher education;

14 (E) Continuing education;

15 (F) Workforce training and education programs; or

16 (G) Financial assistance to Oregon students.

17 (c) "Furthering economic development" includes, but is not limited to, providing:

18 (A) Services or financial assistance to for-profit and nonprofit businesses located or to be lo-  
19 cated in Oregon;

20 (B) Services or financial assistance to business or industry associations to promote, expand or  
21 prevent the decline of their businesses;

22 (C) **Services or financial assistance for construction or renovation of state courthouse**  
23 **facilities;** or

24 [(C)] (D) Services or financial assistance for facilities, physical environments or infrastructure  
25 projects, as defined in ORS 285B.410, that benefit Oregon's economy.

26 **SECTION 5.** ORS 461.547 is amended to read:

27 461.547. (1) The Oregon State Lottery Commission shall transfer an amount allocated by law,  
28 but not to exceed 2.5 percent of the net receipts from video lottery games, from the State Lottery  
29 Fund to counties for economic development activities. However, if net receipts from video lottery  
30 games in any biennium decrease to the point that 2.5 percent of those receipts is less than the  
31 amount allocated for the biennium beginning July 1, 2003, the commission shall transfer an amount  
32 equal to 2.5 percent of the net receipts from video lottery games for that biennium from the State  
33 Lottery Fund to counties for economic development activities. Ninety percent of the moneys shall  
34 be distributed to each county in proportion to the gross receipts from video lottery games from each  
35 county. Ten percent of the moneys shall be distributed in equal amounts to each county.

36 (2) **Amounts received by counties under this section may be used for construction or**  
37 **renovation of state courthouse facilities.**

38 [(2)] (3) As used in this section:

39 (a) "Gross receipts from video lottery games" means the amount of money inserted into video  
40 lottery games plus the value of any free game prizes used by players for subsequent games.

41 (b) "Net receipts from video lottery games" means the amount of money that is received from  
42 the operation of video lottery games after the payment of prizes but prior to any other payment.

43 **SECTION 6.** ORS 461.547, as amended by section 10a, chapter 734, Oregon Laws 2003, is  
44 amended to read:

45 461.547. (1) The Oregon State Lottery Commission shall transfer an amount equal to 2.5 percent

1 of the net receipts from video lottery games from the State Lottery Fund to counties for economic  
2 development activities. Ninety percent of the moneys shall be distributed to each county in propor-  
3 tion to the gross receipts from video lottery games from each county. Ten percent of the moneys  
4 shall be distributed in equal amounts to each county.

5 **(2) Amounts received by counties under this section may be used for construction or**  
6 **renovation of state courthouse facilities.**

7 [(2)] (3) As used in this section:

8 (a) “Gross receipts from video lottery games” means the amount of money inserted into video  
9 lottery games plus the value of any free game prizes used by players for subsequent games.

10 (b) “Net receipts from video lottery games” means the amount of money that is received from  
11 the operation of video lottery games after the payment of prizes but prior to any other payment.

12 **SECTION 7.** ORS 283.085 is amended to read:

13 283.085. As used in ORS 283.085 to 283.092, 286.515 and 286.525:

14 (1) “Available funds” means funds appropriated or otherwise made available by the Legislative  
15 Assembly to pay amounts due under a financing agreement for the fiscal period in which the pay-  
16 ments are due, together with any unexpended proceeds of the financing agreement, and any reserves  
17 or other amounts which have been deposited in trust to pay amounts due under the financing  
18 agreement.

19 (2) “Credit enhancement agreement” means any agreement or contractual relationship between  
20 the state and any bank, trust company, insurance company, surety bonding company, pension fund  
21 or other financial institution providing additional credit on or security for a financing agreement  
22 or certificates of participation authorized by ORS 283.085 to 283.092, 286.515 and 286.525.

23 (3) “Director” means the Director of the Oregon Department of Administrative Services.

24 (4)(a) “Financing agreement” means a lease purchase agreement, an installment sale agreement,  
25 a loan agreement or any other agreement:

26 (A) To finance real or personal property that is or will be owned and operated by the state or  
27 any of its agencies;

28 (B) To finance infrastructure related to a facility that is owned and operated by the state;

29 (C) To finance infrastructure components that are owned or operated by a local government  
30 agency of this state if the director determines that financing the infrastructure will facilitate the  
31 construction or operation of an adult or juvenile corrections facility or a public safety training fa-  
32 cility owned and operated by the state or any of its agencies;

33 (D) To finance all or a portion of the state’s pension liabilities for retirement, health care or  
34 disability benefits, in an amount that produces net proceeds that do not exceed the State Treasurer’s  
35 estimate of those liabilities based on information provided to the State Treasurer by the Public  
36 Employees Retirement System;

37 **(E) To finance all or a portion of the costs of construction or renovation of state court-**  
38 **house facilities; or**

39 [(E)] (F) To refinance previously executed financing agreements.

40 (b) As used in this subsection, “infrastructure” includes, but is not limited to, sewer and water  
41 systems and road improvements.

42 (5) “Personal property” means tangible personal property, software and fixtures.

43 (6) “Property rights” means, with respect to personal property, the rights of a secured party  
44 under ORS chapter 79, and, with respect to real property, the rights of a trustee or lender under a  
45 lease authorized by ORS 283.089 (5).

1 (7) "Software" means software and training and maintenance contracts related to the operation  
2 of computing equipment.

3 (8) "Treasurer" means the State Treasurer.

4 **SECTION 8. There is appropriated to the Oregon Department of Administrative Services,**  
5 **for the biennium beginning July 1, 2005, out of the General Fund, the amount of**  
6 **\$\_\_\_\_\_ for the purpose of paying the expenses of the department and the State Court**  
7 **Facilities Task Force in carrying out sections 1, 2 and 3 of this 2005 Act.**

8 **SECTION 9. Sections 1, 2 and 3 of this 2005 Act are repealed January 2, 2008.**

9 **SECTION 10. This 2005 Act being necessary for the immediate preservation of the public**  
10 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**  
11 **on its passage.**

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