

Enrolled Senate Bill 90

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Oregon Department of Administrative Services)

CHAPTER

AN ACT

Relating to planning for state real property; creating new provisions; amending ORS 244.050, 276.010, 276.028, 276.033, 276.035, 276.041, 276.046, 276.090, 276.096, 276.102, 276.106, 276.594, 291.224 and 461.120 and section 1, chapter 989, Oregon Laws 2001, and sections 1, 27 and 30, chapter 796, Oregon Laws 2003; repealing ORS 276.008, 276.030, 276.031, 276.037, 276.039, 276.043 and 276.045; appropriating money; and declaring an emergency.

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

SECTION 1. (1) The Capitol Planning Commission is abolished. On the operative date of this section, the tenure of office of the members of the commission ceases.

(2) The duties, functions and powers of the commission are imposed upon, transferred to and vested in the Oregon Department of Administrative Services as provided in sections 1 to 9 of this 2005 Act and the amendments to and the repeal of statutes by sections 10 to 26 and 30 of this 2005 Act.

SECTION 2. (1) The chair of the Capitol Planning Commission shall:

(a) Deliver to the Director of the Oregon Department of Administrative Services the records and property within the jurisdiction of the commission; and

(b) Transfer to the Oregon Department of Administrative Services those employees engaged primarily in the exercise of the duties, functions and powers transferred by section 1 of this 2005 Act.

(2) The Director of the Oregon Department of Administrative Services 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 1 of this 2005 Act, without reduction of compensation but subject to change or termination of employment or compensation as provided by law.

(3) The Governor shall resolve a dispute that arises between the commission and the department relating to transfers of records, property and employees under this section. The decision of the Governor is final.

SECTION 3. (1) The Capitol Planning Commission Account is abolished on the operative date of section 1 of this 2005 Act.

(2) The Capitol Planning Commission shall transfer moneys remaining in the account to the Oregon Department of Administrative Services for deposit in the Oregon Department of

Administrative Services Operating Fund on or before the operative date of section 1 of this 2005 Act.

(3) The unexpended balances of amounts authorized to be expended by the commission for the biennium beginning July 1, 2005, 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 1 of this 2005 Act are transferred to and dedicated, continuously appropriated, appropriated or otherwise made available to the department for expenditure in the biennium beginning July 1, 2005, for the purpose of administering and enforcing the duties, functions and powers transferred by section 1 of this 2005 Act.

(4) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the commission remain applicable to expenditures by the department under this section.

SECTION 4. The transfer of duties, functions and powers to the Oregon Department of Administrative Services by section 1 of this 2005 Act does not affect an action, proceeding or prosecution involving or with respect to the duties, functions and powers begun before and pending at the time of the transfer, except that the department is substituted for the Capitol Planning Commission in the action, proceeding or prosecution.

SECTION 5. (1) Nothing in sections 1 to 9 of this 2005 Act and the amendments to and the repeal of statutes by sections 10 to 26 and 30 of this 2005 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by section 1 of this 2005 Act. The Oregon Department of Administrative Services may undertake the collection or enforcement of the liability, duty or obligation.

(2) The rights and obligations of the Capitol Planning Commission legally incurred under contracts, leases or business transactions executed, entered into or begun before the operative date of section 1 of this 2005 Act are transferred to the Oregon Department of Administrative Services. For the purpose of succession to these rights and obligations, the department is a continuation of the commission and not a new authority.

SECTION 6. Notwithstanding the transfer of duties, functions and powers by section 1 of this 2005 Act, the rules of the Capitol Planning Commission in effect on the operative date of section 1 of this 2005 Act continue in effect until superseded or repealed by rules of the Oregon Department of Administrative Services. References in rules of the commission to the commission or an officer or employee of the commission are considered to be references to the department or an officer or employee of the department.

SECTION 7. When, in an uncodified law or resolution of the Legislative Assembly or in a rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the Capitol Planning Commission or an officer or employee of the commission, the reference is considered to be a reference to the Oregon Department of Administrative Services or an officer or employee of the department.

SECTION 8. Section 9 of this 2005 Act is added to and made a part of ORS 276.093 to 276.097.

SECTION 9. The Oregon Department of Administrative Services shall:

(1) Adopt standards for the development of state buildings and grounds, including but not limited to landscaping requirements, setback requirements, lot coverage limitations, building height and bulk limitations, and requirements for the protection of the community environment;

(2) Develop a template for area plans for use by state agencies that own real property; and

(3) Require state agencies to develop area plans and periodically update the plans.

SECTION 10. ORS 276.010 is amended to read:

276.010. As used in ORS 276.028 to 276.062 [*and in this section, unless the context requires otherwise*]:

(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.

[(3) "Commission" means the Capitol Planning Commission.]

(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 11. ORS 276.028 is amended to read:

276.028. A special relationship exists between the City of Salem, Oregon's capitol, and state government. State lands and buildings and the functions of state government have a significant impact on the City of Salem. It is declared to be the purpose and policy of the State of Oregon to establish and effectuate a long-range plan of development of the capitol area in the City of Salem[,] **and** the areas immediately surrounding state buildings situated outside the capitol area within the boundaries of the [*Cities of Salem and Keizer, and the areas that are situated outside the boundaries of any incorporated city in Marion or Polk Counties and that are immediately surrounding state buildings situated outside of the boundaries of the cities of Salem and Keizer within the metropolitan area of the cities of Salem and Keizer; and for that purpose*] **City of Salem and** to coordinate the acquisition and disposition of real property and the construction of buildings by the state, the laying out of streets and the landscaping of grounds in [*such*] **the** areas. The purpose of the **long-range** plan [*shall be*] **is** to enhance and preserve the beauty and dignity of [*such*] **the** areas and permanently to secure [*such*] **the** areas from commercial and industrial encroachment.

SECTION 12. ORS 276.033 is amended to read:

276.033. [(1) The Capitol Planning Commission:] The Oregon Department of Administrative Services shall:

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

*[(b)] (1) [Shall conduct continuing] **Review on a continuing basis, in cooperation with other affected state agencies,** studies and analyses[, *in cooperation with affected state agencies,*] of the building needs of [*all*] state agencies located within the metropolitan area of the [*cities of Salem and Keizer*] **City of Salem.***

*[(c)] (2) [Shall establish, adopt and implement] **Establish and maintain** a master plan for the development of the capitol group of buildings situated within the **Capitol Mall.** [*area bordered by State Street on the south and D Street on the north and Winter Street on the west and 12th Street (between State Street and Court Street) and Capitol Street on the east.*]*

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

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

(3) Maintain a coordination plan for state-owned real properties identified in ORS 276.028 that describes the relationship between the properties and between the properties and the

City of Salem, including the effect of development of one or more of the properties or of the city on other properties or on the city.

[(2)(a)] **(4)(a)** *[The commission shall]* Cooperate and consult with local governmental agencies that have jurisdiction within the areas described by ORS 276.028 for the purpose of coordinating the development of state buildings and grounds in *[the]* **those** areas with community planning and development programs in those areas.

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

(5) Coordinate with the governing body and the planning commission of the City of Salem and with the state on development plans by the state for the capitol area. To carry out the coordination, the department shall adopt rules establishing a public review process for plans and projects in the areas described in ORS 276.028. The rules adopted under this subsection shall address:

(a) Utilizing the Capital Projects Advisory Board established under ORS 276.227 for project review;

(b) Including one member from the City of Salem's community development department and one member from the City of Salem's public works department as members of the board;

(c) Providing opportunity for public comment; and

(d) Establishing a special design review process for projects on the Capitol Mall.

(6) Comply with all applicable local planning and land use laws and regulations.

SECTION 13. ORS 276.035 is amended to read:

276.035. The *[Capitol Planning Commission]* **Oregon Department of Administrative Services** shall:

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

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

[(3) Advise the Oregon Department of Administrative Services on:]

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

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

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

SECTION 14. ORS 276.041 is amended to read:

276.041. (1) As the *[Capitol Planning Commission]* **Oregon Department of Administrative Services** develops *[plans]* **a master plan** under ORS 276.033, the *[commission]* **department** shall inform the governing body **and the planning commission** of the City of Salem *[and the Salem planning commission of the plans]* **of the plan.**

(2) The *[Capitol Planning Commission]* **department** shall make all possible efforts to obtain the cooperation of officers and commissions of the City of Salem for the purpose of establishing the zoning of that part of the city contiguous to the capitol area that will effectuate the purpose of the State of Oregon to maintain its administrative buildings in a continuous and parklike area.

SECTION 15. ORS 276.046 is amended to read:

276.046. (1) The Oregon Department of Administrative Services may obtain title in the name of the State of Oregon **by purchase, agreement, donation or exercise of the power of eminent domain, for development as a part of the capitol area** to all land lying **within the Capitol Mall.** *[in the area bordered by Capitol and Winter Streets on the east and west and from Court Street on the south to D Street on the north, in the City of Salem, Marion County, Oregon, by purchase, agreement, donation or exercise of the power of eminent domain, for development as a part of the capitol area.]*

(2) From time to time, when offered at proper prices and from funds available through appropriations for such purpose or through the Emergency Board, the [*Oregon Department of Administrative Services*] **department** may purchase or acquire by agreement or donation, for development as a part of the capitol area, land lying [*in the area of the City of Salem bordered by Capitol and Winter Streets on the east and west and by Court Street on the south to D Street on the north*] **within the Capitol Mall.**

(3) The department may improve and develop the land acquired in a manner to accomplish the purpose and intent of ORS 276.028.

SECTION 16. ORS 276.090, as amended by section 8, chapter 796, Oregon Laws 2003, is amended to read:

276.090. (1) The Arts Program of the Economic and Community Development Department[, *the Capitol Planning Commission*] and the Oregon Department of Administrative Services, if the construction project is located within the area [*defined*] **described** in ORS 276.028, and the Arts Program of the Economic and Community Development Department, the Oregon Department of Administrative Services and the contracting agency if the project is located outside the area [*defined*] **described** in ORS 276.028, in consultation with the architect for the particular building shall determine the amount available for each state building and shall commission by contract or shall purchase suitable works of art for each building. The agencies designated by this section are solely responsible for selection, review of design, execution, placement and acceptance of [*all*] works of art acquired pursuant to ORS 276.073 to 276.090. The designated agencies, to the extent reasonable, shall consult with appropriate local citizens groups and the occupants of the affected state building in determining the selection of the works of art.

(2) Of the amount determined to be available for a state building under subsection (1) of this section, a portion may be assessed by the Arts Program of the Economic and Community Development Department and used to reimburse the program for [*any*] costs incurred under ORS 276.073 to 276.090 as administrative expenses or as expenses for maintaining the works of art acquired. No more than 10 percent of the amount available for a state building may be assessed under this subsection.

(3) Title to [*all*] works of art acquired pursuant to ORS 276.073 to 276.090 vests with the contracting agency in the name of the state. The agencies designated by this section may [*loan*] **lend** works of art between public buildings whenever in their judgment the loan will be to the benefit of the citizens of this state. However, [*all such*] **the works of art** shall be returned to the contracting agency at its request.

SECTION 17. ORS 276.096, as amended by section 10, chapter 796, Oregon Laws 2003, is amended to read:

276.096. (1) In carrying out the duties of the Director of the Oregon Department of Administrative Services under ORS 276.095, the director shall consult with [*the Capitol Planning Commission,*] the designated State Historic Preservation Officer, the Oregon Historical Society, the Arts Program of the Economic and Community Development Department, local landmark commissions and historic societies and the chief executive officers of those units of local government in each area served by existing or proposed state offices and shall solicit the comments of [*any*] other community leaders and members of the general public that the director considers appropriate.

(2) Whenever the director undertakes a review of state building needs within a geographical area, the director shall request the cooperation of the state historic preservation officer to identify [*any*] **an** existing [*buildings*] **building** within the geographical areas that [*are*] **is** of historical, architectural or cultural significance and that [*would be*] **is** suitable, whether or not in need of repair, alteration or addition, for acquisition or purchase to meet the building needs of state government.

SECTION 18. ORS 276.102 is amended to read:

276.102. (1) **The Executive Residence Account is established separate and distinct from the General Fund. Interest earned on moneys in the account shall be credited to the account. Moneys in the account are continuously appropriated to the Oregon Department of Admin-**

istrative Services for the purpose of acquiring or constructing, remodeling, decorating, landscaping, furnishing, equipping and maintaining a state executive residence.

(2) The [*Capitol Planning Commission*] **department**, on behalf of the State of Oregon, may accept gifts, grants [*and*] **or** donations from public [*and*] **or** private sources, including gifts of real [*and*] **or** personal property, for the purpose [*of the acquisition, construction, remodeling, decoration, landscaping, furnishing, equipping and maintenance of a state executive residence. All*] **specified in subsection (1) of this section. The department shall deposit** moneys received under this section [*shall be placed in the Executive Residence Account, which account is hereby created, and continuously appropriated to the Oregon Department of Administrative Services, to be used by the department on behalf of the commission only for the purposes for which the moneys were given*] **in the account established in subsection (1) of this section.**

SECTION 19. ORS 276.102, as amended by section 12, chapter 796, Oregon Laws 2003, is amended to read:

276.102. (1) **The Executive Residence Account is established separate and distinct from the General Fund. Interest earned on moneys in the account shall be credited to the account. Moneys in the account are continuously appropriated to the Oregon Department of Administrative Services for the purpose of acquiring or constructing, remodeling, decorating, landscaping, furnishing, equipping and maintaining a state executive residence.**

(2) The [*Capitol Planning Commission*] **department**, on behalf of the State of Oregon, may accept gifts, grants [*and*] **or** donations from public [*and*] **or** private sources, including gifts of real [*and*] **or** personal property, for the purpose [*of the acquisition, construction, remodeling, decoration, landscaping, furnishing, equipping and maintenance of a state executive residence. All*] **specified in subsection (1) of this section. The department shall deposit** moneys received under this section [*shall be placed in the Executive Residence Account, which account is hereby created, and continuously appropriated to the commission, to be used by the commission only for the purposes for which the moneys were given*] **in the account established in subsection (1) of this section.**

SECTION 20. ORS 276.106 is amended to read:

276.106. [*If the Oregon Department of Administrative Services determines that architects are required to design, plan and oversee the construction of the state executive residence, the department shall select the architects in a competition that is sanctioned by the American Institute of Architects, open to all architects registered in this state and based upon specifications prepared by the department. Insofar as practicable, Oregon products shall be used*] **To the degree practicable, the Oregon Department of Administrative Services shall use or ensure the use of Oregon products** in constructing, remodeling, equipping, furnishing and decorating the state executive residence.

SECTION 21. ORS 276.106, as amended by section 14, chapter 796, Oregon Laws 2003, is amended to read:

276.106. [*If the Capitol Planning Commission determines that architects are required to design, plan and oversee the construction of the state executive residence, the commission shall select the architects in a competition that is sanctioned by the American Institute of Architects, open to all architects registered in this state and based upon specifications prepared by the Oregon Department of Administrative Services. Insofar as practicable, Oregon products shall be used*] **To the degree practicable, the Oregon Department of Administrative Services shall use or ensure the use of Oregon products** in constructing, remodeling, equipping, furnishing and decorating the state executive residence.

SECTION 22. ORS 276.594 is amended to read:

276.594. (1) Except for parking facilities located in the garage of the State Capitol and in the area immediately in front of the State Capitol, but south of Court Street, the Oregon Department of Administrative Services shall also manage and determine under what conditions the grounds and parking structures owned, leased, or being acquired through lease purchase or installment purchase agreement by any state agency, which are located in the capitol area in the City of Salem, shall be used. Such grounds and structures include those located either adjacent, on or in close proximity to, though not necessarily contiguous to, leased office quarters defined in ORS 276.420, the Supreme

Court Building, the buildings or facilities defined in ORS 276.004 and those grounds owned by the state by and through its Oregon Department of Administrative Services adjacent to the installations and facilities located in the area [*defined*] **described** in ORS 276.028 except the State Capitol. However, the department shall not exercise such authority over grounds or facilities that are owned, directly leased, or being acquired through lease purchase or installment purchase by another state agency which are outside of the capitol area in the City of Salem.

(2) Based upon its findings, the department shall adopt rules for parking of motor vehicles or other transportation uses of such grounds and facilities for which it is responsible under subsection (1) of this section. Notice of the rules shall be given by appropriate signs posted on the grounds and in the facilities. In adopting the rules, the department shall consider the state policy stated in ORS 276.591.

(3) The department may lease portions of the facilities and grounds described in subsection (1) of this section for the parking of motor vehicles and other transportation uses as it determines are appropriate. However, in such leasing, priority shall first be given to the needs of state officers and employees.

(4) The department shall furnish a space without charge to each statewide elective officer, except those with offices in the State Capitol, and shall designate certain spaces, either free or metered, for use by persons transacting business in state offices. The department may also provide free parking for disabled employees who have been issued a disabled person parking permit by the Department of Transportation and who require the use of their vehicle in traveling to and from work. Any spaces not required for leasing to state officers and employees, or for other authorized purposes, may be leased to other persons.

(5) Receipts obtained under this section shall be retained by the Oregon Department of Administrative Services, except that the net receipts from any parking facilities which are located in the capitol area in the City of Salem and which are owned, directly leased, or being acquired through lease purchase or installment purchase agreement by any agency other than the Oregon Department of Administrative Services may be returned to the agency by the department.

SECTION 23. ORS 244.050 is amended to read:

244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Standards and Practices Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except municipal judges in those cities where a majority of the votes cast in the subject city in the 1974 general election was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session), and except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for an office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each institution under the jurisdiction of the State Board of Higher Education.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

- (F) Director of Oregon Department of Administrative Services.
- (G) Director of the Oregon State Fair and Exposition Center.
- (H) State Fish and Wildlife Director.
- (I) State Forester.
- (J) State Geologist.
- (K) Director of Human Services.
- (L) Director of the Department of Consumer and Business Services.
- (M) Director of the Department of State Lands.
- (N) State Librarian.
- (O) Administrator of Oregon Liquor Control Commission.
- (P) Superintendent of State Police.
- (Q) Director of the Public Employees Retirement System.
- (R) Director of Department of Revenue.
- (S) Director of Transportation.
- (T) Public Utility Commissioner.
- (U) Director of Veterans' Affairs.
- (V) Executive Director of Oregon Government Standards and Practices Commission.
- (W) Director of the State Department of Energy.
- (X) Director and each assistant director of the Oregon State Lottery.
- (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- (i) Every elected city or county official except elected officials in those cities or counties where a majority of votes cast in the subject city or county in any election on the issue of filing statements of economic interest under this chapter was in opposition.
- (j) Every member of a city or county planning, zoning or development commission except such members in those cities or counties where a majority of votes cast in the subject city or county at any election on the issue of filing statements of economic interest under this chapter was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session).
- (k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county except such employees in those cities or counties where a majority of votes cast in the subject city or county in an election on the issue of filing statements of economic interest under this chapter was in opposition.
- (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- (m) Every member of a governing body of a metropolitan service district and the executive officer thereof.
- (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- (o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- (p) Every member of the following state boards and commissions:
 - [(A)] *Capitol Planning Commission.*
 - [(B)] **(A)** Board of Geologic and Mineral Industries.
 - [(C)] **(B)** Oregon Economic and Community Development Commission.
 - [(D)] **(C)** State Board of Education.
 - [(E)] **(D)** Environmental Quality Commission.
 - [(F)] **(E)** Fish and Wildlife Commission of the State of Oregon.
 - [(G)] **(F)** State Board of Forestry.
 - [(H)] **(G)** Oregon Government Standards and Practices Commission.
 - [(I)] **(H)** Oregon Health Policy Commission.
 - [(J)] **(I)** State Board of Higher Education.
 - [(K)] **(J)** Oregon Investment Council.
 - [(L)] **(K)** Land Conservation and Development Commission.
 - [(M)] **(L)** Oregon Liquor Control Commission.

- [(N)] **(M)** Oregon Short Term Fund Board.
- [(O)] **(N)** State Marine Board.
- [(P)] **(O)** Mass transit district boards.
- [(Q)] **(P)** Energy Facility Siting Council.
- [(R)] **(Q)** Board of Commissioners of the Port of Portland.
- [(S)] **(R)** Employment Relations Board.
- [(T)] **(S)** Public Employees Retirement Board.
- [(U)] **(T)** Oregon Racing Commission.
- [(V)] **(U)** Oregon Transportation Commission.
- [(W)] **(V)** Wage and Hour Commission.
- [(X)] **(W)** Water Resources Commission.
- [(Y)] **(X)** Workers' Compensation Board.
- [(Z)] **(Y)** Oregon Facilities Authority.
- [(AA)] **(Z)** Oregon State Lottery Commission.
- [(BB)] **(AA)** Pacific Northwest Electric Power and Conservation Planning Council.
- [(CC)] **(BB)** Columbia River Gorge Commission.
- [(DD)] **(CC)** Oregon Health and Science University Board of Directors.

(q) The following officers of the State Treasury:

- (A) Chief Deputy State Treasurer.
- (B) Executive Assistant to the State Treasurer.
- (C) Director of the Investment Division.

(r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 and 777.915 to 777.953.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(3) By April 15 next after the filing date for the primary election, each candidate for elective public office described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(4) Within 30 days after the filing date for the general election, each candidate for elective public office described in subsection (1) of this section who was not a candidate in the preceding primary election shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(5) The Legislative Assembly shall maintain a continuing review of the operation of this chapter *[and from time to time may add to or delete from the list of boards and commissions in subsections (1) to (3) of this section as in the judgment of the Legislative Assembly is consistent with the purposes of this chapter]*.

(6) Subsections (1) to (5) of this section apply only to persons who are incumbent, elected or appointed officials as of April 15 and to persons who are candidates for office on April 15. Those sections also apply to persons who do not become candidates until 30 days after the filing date for the statewide general election.

(7)(a) Failure to file the statement required by this section subjects a person to a civil penalty that may be imposed as specified in ORS 183.745, but the enforcement of this subsection does not require the Oregon Government Standards and Practices Commission to follow the procedures in ORS 244.260 before finding that a violation of this section has occurred.

(b) Failure to file the required statement in timely fashion shall be prima facie evidence of a violation of this section.

(c) If within five days after the date on which the statement is to be filed under this section the statement has not been received by the commission, the commission shall notify the public official and give the public official not less than 15 days to comply with the requirements of this section. If the public official fails to comply by the date set by the commission, the commission may impose

a civil penalty of \$5 for each day the statement is late beyond the date fixed by the commission. The maximum penalty that may be accrued under this section is \$1,000.

(d) A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions that may be imposed under ORS 244.380.

SECTION 24. ORS 291.224, as amended by section 16, chapter 796, Oregon Laws 2003, is amended to read:

291.224. (1) A capital construction program containing estimated capital construction needs, irrespective of how financed, *[shall]* **must** be included with the budget report required by ORS 291.216. The capital construction program *[shall]* **must** contain the estimated physical construction requirements for each biennium of a period to be determined by the Governor, which period may not be less than six years. The Oregon Department of Administrative Services shall assist the Governor in the preparation of the capital construction program.

(2) *[Except as otherwise provided in subsection (3) of this section and]* In accordance with regulations prescribed by the department, state agencies shall submit to the department their anticipated capital construction requirements for the period specified by the Governor. The department shall prescribe the basic assumptions relating to population changes, economic trends and other factors which might generally affect capital construction requirements and these basic assumptions *[shall]* **must** be used by the state agencies in preparing their anticipated capital construction requirements. Each state agency is responsible for the basic assumptions *[which]* **that** affect only its own program. The department shall prepare estimated capital construction requirements for *[any]* necessary capital construction not covered by the capital construction requirements submitted by the state agencies under this section.

[(3) Each state agency, including the department, required under subsection (2) of this section to submit or prepare anticipated or estimated capital construction requirements, shall submit a copy of the requirements that relate to construction or improvements within the areas described in ORS 276.028 to the Capitol Planning Commission at a time specified by the commission, but not later than August 1 of each even-numbered year. The commission shall review the capital construction requirements and, not later than November 1 of each even-numbered year, make recommendations to the department with respect to the requirements.]

[(4)] (3) In accordance with regulations prescribed by the department, each state agency shall separately submit its estimated office space requirements for the period specified by the Governor, and the department shall consolidate those needs and make an estimate for all state office buildings to be included in the capital construction program.

[(5)] (4) The Governor shall consolidate the estimates, review *[all of them and make such revisions as]* **the estimates and make revisions** the Governor finds warranted.

[(6)] (5) The budget report *[shall]* **must** include the proposed expenditures for the capital construction program for the ensuing biennium and the proposed expenditures for preliminary planning of the construction projects included in the capital construction program for the biennium following the ensuing biennium. The budget report *[shall]* also **must** include dollar estimates of the cost of the capital construction projects included in the capital construction program for the succeeding years of the period determined by the Governor under subsection (1) of this section *[and the recommendations submitted to the department pursuant to subsection (3) of this section]*.

[(7)] (6) As used in this section, “capital construction program” does not include:

- (a) The acquisition, repair, improvement, enlargement, construction or maintenance of highways and highway bridges by the Department of Transportation;
- (b) Park improvements by the State Parks and Recreation Department; or
- (c) Road infrastructure work performed under timber sale contracts entered into by the State Forester.

SECTION 25. Section 1, chapter 989, Oregon Laws 2001, as amended by sections 17 and 18, chapter 796, Oregon Laws 2003, is amended to read:

Sec. 1. (1) The State Department of Fish and Wildlife shall promptly relocate the department’s headquarters from Portland to Salem or to the immediate vicinity of Salem by the most cost-effective

means available. The department shall work in consultation with the Oregon Department of Administrative Services to minimize the costs of:

(a) Moving all appropriate staff, furnishings and equipment to leased quarters in Salem or the immediate vicinity of Salem until a permanent headquarters is provided at a site in Salem [*approved by the Capitol Planning Commission*].

(b) Disposing of the existing headquarters building in Portland as provided in ORS chapter 270. Notwithstanding ORS 270.150, the net proceeds from the sale of the existing headquarters building shall be used to pay or repay the costs incurred in the relocation of the headquarters, with any remainder returned to the General Fund.

(2) The Oregon Department of Administrative Services shall develop a suitable plan to provide, or to assist and approve the provision of, a permanent headquarters in Salem.

SECTION 26. ORS 461.120, as amended by section 287, chapter 794, Oregon Laws 2003, is amended to read:

461.120. (1)(a) Except as otherwise provided by law, the provisions of ORS chapters 279, 279A, 279B, 279C, 282 and 283 do not apply to the Oregon State Lottery Commission unless otherwise provided by this chapter.

(b) Officers and employees of the Oregon State Lottery Commission are in the exempt service for purposes of ORS chapter 240 and other related statutes.

(c) ORS 276.004 (2), 276.021, [276.037,] 276.093 to 276.097, 276.410 to 276.426, 276.428, 276.440, 291.038, 291.201 to 291.260 and 292.210 to 292.250 do not apply to the Oregon State Lottery Commission.

(d) ORS 293.075, 293.190, 293.205 to 293.225 and 293.275 do not apply to the Oregon State Lottery Commission.

(e) ORS 279A.100 and ORS chapters 659 and 659A apply to the Oregon State Lottery Commission.

(f) Notwithstanding paragraph (a) of this subsection, the provisions of ORS 282.210 shall apply to the Oregon State Lottery Commission.

(2) The commission shall, in accordance with ORS chapter 183, adopt and enforce rules to carry out the provisions of this chapter.

SECTION 27. Section 1, chapter 796, Oregon Laws 2003, is amended to read:

Sec. 1. (1) Except as provided in subsection (3) of this section, the Capitol Planning Commission may not meet between July 1, 2003, and [June 30, 2005] **January 2, 2006**.

(2) Between July 1, 2003, and [June 30, 2005] **January 2, 2006**, notwithstanding ORS 171.072, members of the commission who are members of the Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the commission. All other members of the commission are not entitled to compensation or reimbursement for expenses and serve as volunteers on the commission.

(3) The commission may meet once within 30 days after [*the effective date of this 2003 Act*] **September 22, 2003**, to take any action that:

(a) Is required by the repeal of ORS 276.042 by section 28, **chapter 796, Oregon Laws 2003** [*of this 2003 Act*]; and

(b) The commission considers appropriate to enable the Oregon Department of Administrative Services to carry out the obligations imposed on and authority granted to the department by section 27, **chapter 796, Oregon Laws 2003**, [*of this 2003 Act*] and by ORS 276.102 and 276.106 as amended by sections 11 and 13, **chapter 796, Oregon Laws 2003** [*of this 2003 Act*].

SECTION 28. Section 27, chapter 796, Oregon Laws 2003, is amended to read:

Sec. 27. (1) Between July 1, 2003, and [June 30, 2005] **January 2, 2006**, all moneys in the Capitol Planning Commission Account established under ORS 276.043 are continuously appropriated to the Oregon Department of Administrative Services. The department may use the moneys to pay:

(a) Unemployment compensation assessments attributable to employees of the Capitol Planning Commission;

(b) Vacation leave accrued by employees of the commission; and

(c) Any other obligation of the commission unpaid on [the effective date of this 2003 Act] **September 22, 2003.**

(2) Notwithstanding any other law limiting expenditures, the amount of \$36,630 is established for the biennium beginning July 1, 2003, as the maximum limit to be paid from the Capitol Planning Commission Account for the purposes described in this section.

SECTION 29. Section 30, chapter 796, Oregon Laws 2003, is amended to read:

Sec. 30. Sections 21 to 26 [of this 2003 Act], **chapter 796, Oregon Laws 2003**, and the amendments to ORS 276.037, 276.043, 276.090, 276.096, 276.102, 276.106 and 291.224 and section 1, chapter 989, Oregon Laws 2001, by sections 4, 6, 8, 10, 12, 14, 16 and 18, **chapter 796, Oregon Laws 2003**, [of this 2003 Act] become operative on [July 1, 2005] **January 2, 2006.**

SECTION 30. ORS 276.008, 276.030, 276.031, 276.037, 276.039, 276.043 and 276.045 are repealed.

SECTION 31. ORS 276.010 is added to and made a part of ORS 276.028 to 276.062.

SECTION 32. Sections 1, 2, 4, 5, 6, 7, 8 and 9 of this 2005 Act, the amendments to statutes and session law by sections 10 to 26 of this 2005 Act and the repeal of statutes by section 30 of this 2005 Act become operative on January 2, 2006.

SECTION 33. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect June 30, 2005.

Passed by Senate March 31, 2005

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Secretary of Senate
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President of Senate

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Passed by House May 26, 2005

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Speaker of House

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State