

Enrolled
Senate Bill 699

Sponsored by COMMITTEE ON LEGISLATIVE OPERATIONS AND REFORM

CHAPTER

AN ACT

Relating to parking facilities at the State Capitol; amending ORS 276.002, 276.594 and 810.425; and declaring an emergency.

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

SECTION 1. ORS 276.002 is amended to read:

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

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

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

(4) The committee has exclusive power to assign and reassign parking spaces in the garage of the State Capitol, *[and in the area immediately in front of the State Capitol and for enforcing parking regulations in the garage and areas described in this subsection. However,]* **in the area immediately north of the State Capitol but south of and separated from Court Street by a traffic island, painted markings or other traffic control devices and in the area immediately south of the State Capitol but north of and separated from State Street by a traffic island, painted markings or other traffic control devices. The committee has exclusive power to prescribe parking regulations in the garage and the other areas described in this subsection and may prescribe fines or other penalties for violating those regulations. The committee shall give notice of any parking prohibitions or restrictions by posting appropriate signs in plain view. The Department of State Police shall enforce the regulations described in this subsection. All citations issued for violating the parking regulations described in this subsection shall conform to the requirements of ORS 810.425. Notwithstanding other provisions of this subsection,** the Oregon Department of Administrative Services *[shall be]* is responsible for collecting parking fees under ORS 292.065.

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

- (a) Renovate and repair the State Capitol;
- (b) Renovate, repair or replace State Capitol fixtures and facilities;
- (c) Make artistic or aesthetic improvements to the State Capitol and adjacent areas;
- (d) Conduct or sponsor special events; and
- (e) Conduct or sponsor projects intended to preserve or promote the historical integrity of the State Capitol and adjacent areas.

SECTION 2. 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 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.]

(1) The Oregon Department of Administrative Services shall:

(a) Manage those grounds and parking structures or facilities located in the capitol area of the City of Salem that the state owns or that any state agency leases or is acquiring through lease purchase or installment purchase agreement; and

(b) Determine the conditions under which such grounds and parking structures or facilities may be used.

(2) The grounds and parking structures or facilities described in subsection (1) of this section include those located either adjacent to, 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, properties or parking structures described in ORS 276.004 and those grounds the state owns by and through the department that are adjacent to the installations and facilities located in the area described in ORS 276.028.

(3) This section does not apply to the State Capitol, to the parking facilities located in the garage of the State Capitol, to the area immediately north of the State Capitol but south of and separated from Court Street by a traffic island, painted markings or other traffic control devices or to the area immediately south of the State Capitol but north of and separated from State Street by a traffic island, painted markings or other traffic control devices.

(4) The department may not exercise the authority described in this section over grounds and parking structures or facilities located outside the capitol area in the City of Salem that the state owns or that another state agency leases or is acquiring through lease purchase or installment purchase.

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

[(3)] **(6) The department may lease portions of the grounds and parking structures or facilities [and grounds] described in subsection (1) of this section for [the] parking [of] motor vehicles and for 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)] **(7) 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] (8) **The department shall retain** receipts obtained under this section [*shall be retained by the Oregon Department of Administrative Services*], except that the **department may return to the appropriate agency any net receipts obtained** from any parking **structures or facilities** [*which*] **that** 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.*] **that the state owns or that any agency other than the department leases or is acquiring through lease purchase or installment purchase agreement.**

(9) **As used in this section, “capitol area” has the meaning given that term in ORS 276.010.**

SECTION 3. ORS 810.425 is amended to read:

810.425. (1) In all prosecutions of the owner of a vehicle for violation of ORS 811.555 (1)(b), 811.570 (1)(b), 811.575 (1)(b) and 811.585 (1)(b), **of any parking regulations prescribed under ORS 276.002 or of** an applicable ordinance, it shall be sufficient for a police officer to charge the defendant by an unsworn written notice if the notice clearly states:

- (a) The date, place and nature of the charge.
- (b) The time and place for defendant’s appearance in court.
- (c) The name of the issuing officer.
- (d) The license number of the vehicle.

(2) The notice provided for in subsection (1) of this section shall either be delivered to the defendant or placed in a conspicuous place upon the vehicle involved in the violation. A duplicate original of the notice shall serve as the complaint in the case when it is filed with the court. In all other respects the procedure otherwise provided by law in such cases shall be followed. Notwithstanding ORS 153.042, the issuing officer need not have observed the act of parking, but need only have observed that the vehicle appeared to be parked in violation of ORS 811.555 (1)(b), 811.570 (1)(b), 811.575 (1)(b) and 811.585 (1)(b), **of any parking regulations prescribed under ORS 276.002 or of** an applicable ordinance.

(3) A circuit court and a justice court have concurrent jurisdiction over parking offenses committed within the county.

(4) This section does not apply to prosecutions under city ordinances but ORS 221.333 shall apply to such prosecutions.

SECTION 4. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by Senate April 16, 2007

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Secretary of Senate

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President of Senate

Passed by House May 14, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State