

Enrolled House Bill 2013

Sponsored by Representative HUNT, Senator DEVLIN; Representatives BAILEY, BOONE, CANNON, DEMBROW, C EDWARDS, D EDWARDS, GALIZIO, GELSER, HOLVEY, JENSON, KOMP, READ, RILEY, ROBLAN, STIEGLER, VANORMAN, Senators MORRISETTE, PROZANSKI

CHAPTER

AN ACT

Relating to task force on public school facilities; appropriating money; limiting expenditures; and declaring an emergency.

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

SECTION 1. (1) The Oregon School Facilities Task Force is established to conduct a study on the status of public school facilities and make recommendations as described in section 2 of this 2009 Act.

(2) The task force consists of 15 members as follows:

(a) The State Treasurer, or the designee of the State Treasurer.

(b) The President of the Senate shall appoint to the task force the chairperson of the Senate committee on education.

(c) The Speaker of the House of Representatives shall appoint to the task force the chairperson of the House committee on education.

(d) The Governor shall appoint to the task force the following members:

(A) One architect who specializes in designing school facilities.

(B) One member of a district school board.

(C) Three school facility managers as follows:

(i) One who represents a school district that has fewer than 3,000 students;

(ii) One who represents a school district that has 3,000 or more students, but not more than 10,000 students; and

(iii) One who represents a school district that has more than 10,000 students.

(D) One superintendent who was a superintendent for a school district that, within the previous five years, constructed a school facility and incurred bonded indebtedness for the purpose of financing the school facility.

(E) One civil engineer.

(F) One bond counsel or bond sales specialist.

(G) One general contractor who constructed a school facility within the previous five years.

(H) One public health official.

(I) Two members of the public.

(3) The State Treasurer, or the designee of the State Treasurer, and members of the Legislative Assembly who serve on the task force are nonvoting members of the task force and may act in an advisory capacity only.

(4) A majority of the voting members of the task force constitutes a quorum for the transaction of business.

(5) Official action by the task force requires the approval of a majority of the voting members of the task force.

(6) The task force shall elect one of its members to serve as chairperson.

(7) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(8) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the members of the task force.

(9) The task force may adopt rules necessary for the operation of the task force.

(10) The Oregon Department of Administrative Services shall provide staff support to the task force. The Director of the Oregon Department of Administrative Services may hire employees or consultants necessary for the performance of the functions of the task force.

(11) Members of the task force are not entitled to compensation, but members of the task force who are not members of the Legislative Assembly may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to the Oregon Department of Administrative Services for purposes of the task force.

(12) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

(13) The Oregon Department of Administrative Services may accept contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the task force. All moneys received by the department under this subsection shall be deposited into the Oregon School Facilities Task Force Fund established under section 4 of this 2009 Act to be used for the purposes of carrying out the duties of the task force.

(14) The task force shall submit a report and make recommendations to the first special session of the Legislative Assembly occurring in 2010 or, if there is not a special session, to the regular session of the Legislative Assembly occurring in 2011. The report shall include multiple options for conducting the study described in section 2 of this 2009 Act. The options must vary in cost and scope.

SECTION 2. (1) Following the submission of the report described in section 1 (14) of this 2009 Act and based on the amount of available funding, the Oregon School Facilities Task Force established by section 1 of this 2009 Act shall conduct a study of public school facilities that includes:

(a) An evaluation of the existing condition of school facilities, including:

(A) The architectural status;

(B) The mechanical status;

(C) The electrical status;

(D) The structural status;

(E) The environmental and health quality status, including lighting, air quality, ventilation, regulation of temperature and humidity and health and safety hazards;

(F) The status of implementing energy and water conservation efforts; and

(G) The status of making seismic upgrades.

(b) Minimum facility standards based on the educational requirements for the grades using the school facility.

(c) Modernizations, upgrades and other improvements required to be made to existing school facilities.

(d) An assessment of the current and projected capacity of school facilities.

(e) An assessment of the needs of school facilities based on the educational requirements for the grades that will be using the school facilities.

(f) The amount of money required to upgrade, rebuild or expand existing school facilities.

(g) The local financial capacity of school districts to meet capital needs for school facilities.

(h) A review of other state strategies for funding school facilities for preschool through grade 12.

(i) Additional topics determined by the task force.

(2) Based on the study conducted under subsection (1) of this section, the task force shall recommend funding mechanisms that will meet the capital needs of public school facilities, including identifying state and local financial contributions required to meet capital needs and proposing a statewide distribution formula that would provide funding for school facility improvement and development.

(3) The task force may appoint advisory committees for the purpose of performing the functions of the task force.

(4) The task force shall submit the report and make the recommendations described in this section to the Seventy-sixth Legislative Assembly no later than February 1, 2011.

SECTION 3. Sections 1 and 2 of this 2009 Act are repealed on January 2, 2012.

SECTION 4. The Oregon School Facilities Task Force Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon School Facilities Task Force Fund shall be credited to the fund. All moneys in the Oregon School Facilities Task Force Fund are continuously appropriated to the Oregon Department of Administrative Services for the purposes of the Oregon School Facilities Task Force established under section 1 of this 2009 Act.

SECTION 5. (1) Section 4 of this 2009 Act is repealed on January 2, 2012.

(2) Any moneys remaining in the Oregon School Facilities Task Force Fund on January 2, 2012, that are unexpended, unobligated and not subject to any conditions shall revert to the General Fund.

SECTION 6. If House Bill 2012 becomes law, the lottery ending balance, as defined in section 1, chapter __, Oregon Laws 2009 (Enrolled House Bill 2012), for the 2007-2009 biennium shall be allocated to the Oregon Department of Administrative Services for the purpose of funding:

(1) The Oregon School Facilities Task Force, as established under section 1 of this 2009 Act; and

(2) The study conducted by the Oregon School Facilities Task Force, as described in section 2 of this 2009 Act.

SECTION 7. Notwithstanding any other law limiting expenditures, the amount of \$35,000 is established for the biennium beginning July 1, 2009, as the maximum limit for payment of expenses from lottery moneys allocated from the Administrative Services Economic Development Fund to the Oregon Department of Administrative Services for the Oregon School Facilities Task Force established under section 1 of this 2009 Act.

SECTION 8. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by House June 25, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 27, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State