

Enrolled
Senate Bill 671

Sponsored by Senators WINTERS, COURTNEY

CHAPTER

AN ACT

Relating to the Capitol Planning Commission; creating new provisions; amending ORS 244.050, 276.096 and 291.224; and repealing ORS 276.033, 276.035 and 276.041.

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

SECTION 1. Capitol Planning Commission established. (1) **The Capitol Planning Commission is established. The commission shall consist of nine members, as follows:**

- (a) **Four members shall be appointed by the Governor;**
- (b) **One member shall be the Mayor of the City of Salem or the designee of the mayor;**
- (c) **One member shall be the chairperson of the Salem Planning Commission or a member of the planning commission who is designated by the chairperson;**
- (d) **One member shall be the Director of the Oregon Department of Administrative Services or the designee of the director;**
- (e) **One member, who shall be an advisory member without vote, shall be the President of the Senate or a person serving in the Senate who is designated by the President; and**
- (f) **One member, who shall be an advisory member without vote, shall be the Speaker of the House of Representatives or a person serving in the House of Representatives who is designated by the Speaker.**

(2) **Of the four members of the commission appointed by the Governor under subsection (1) of this section:**

- (a) **At least two members must be residents of Marion County or Polk County. Of the members who are residents of Marion County or Polk County, at least one member must be a resident of the City of Salem.**
- (b) **Only one member may be employed by a public body as defined in ORS 174.109.**
- (3) **The term of office of the four members of the commission appointed by the Governor is four years, but each such member shall serve at the pleasure of the Governor.**
- (4) **A vacancy in the office of any of the four members of the commission appointed by the Governor shall be filled by the Governor by appointment for the unexpired term.**
- (5) **The commission shall elect a chairperson and a vice chairperson, who shall serve as officers for a term of two years and may be reelected.**

SECTION 2. Compensation of members. (1) **Members of the Capitol Planning Commission who are not members of the Legislative Assembly are entitled to compensation and expenses as provided in ORS 292.495. Members of the commission who are members of the Legislative Assembly shall be paid compensation and expense reimbursement as provided in ORS 171.072, payable from funds appropriated to the Legislative Assembly.**

(2) The Oregon Department of Administrative Services shall provide staffing and other resources required by the commission to carry out the commission's duties.

(3) The commission shall adopt administrative rules necessary for the performance of the commission's duties.

SECTION 3. Meetings of commission. The Capitol Planning Commission shall meet at the call of the chairperson or at such times that a majority of the commission members considers appropriate. The Governor may call the commission to meet at any time requested by the Oregon Department of Administrative Services.

SECTION 4. Duties of commission. (1) The Capitol Planning Commission:

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

(b) Shall conduct continuing studies and analyses, in cooperation with affected state agencies, of the building needs of all state agencies located within the boundaries of the cities of Salem and Keizer.

(c) Shall establish, adopt and implement a master plan for the development of the state buildings situated within the 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, between Court Street and D 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.

(2) If the commission 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.

(3) The commission shall consult with state agencies, transit districts and other local government agencies that have jurisdiction within the areas described by ORS 276.028 for the purpose of adopting a plan for facilitating coordination between state agencies and local government agencies in the development of state buildings and grounds in those areas.

(4) The commission shall coordinate with the Oregon State Capitol Foundation on all activities of the commission relating to the State Capitol, State Capitol grounds and the Capitol Mall.

SECTION 5. Existing development plans and coordination plans. Any development plan or coordination plan for the areas described by ORS 276.028 that is in effect on the effective date of this 2009 Act remains in effect until modified or repealed by the Capitol Planning Commission under section 4 of this 2009 Act.

SECTION 6. Investigation and review of proposals; advice to Oregon Department of Administrative Services and State Parks and Recreation Department. The Capitol Planning Commission shall:

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

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

(3) Advise the State Parks and Recreation Department on matters related to the State Capitol State Park and on matters related to development that is located within the State Capitol State Park; and

(4) Advise the Oregon Department of Administrative Services on:

(a) The planning and location of state 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 7. Activities requiring commission review and recommendation. (1) A state agency may not give final approval to a proposal for the purchase or erection of a state building in the areas described by ORS 276.028, or for a significant change to the use of a state building in those areas that will require an expenditure of more than \$1 million, until the Capitol Planning Commission has reviewed the proposal for compliance with development plans adopted by the commission under section 4 of this 2009 Act and has made a recommendation on the proposal. The commission shall complete the review of a proposal, and provide the agency with a written decision supporting the commission's determination, within 90 days after the proposal is submitted to the commission. If the commission fails to provide the agency with a written decision within the time allowed, the project is deemed approved by the commission.

(2) Proposals that have been reviewed by the Capitol Planning Commission under this section need not be reviewed by the Capital Projects Advisory Board established under ORS 276.227.

SECTION 8. Commission's cooperation with City of Salem. (1) The Capitol Planning Commission shall provide a report to the Legislative Assembly once every two years on plans adopted under section 4 of this 2009 Act. The report shall be made in the manner provided by ORS 192.245.

(2) The Capitol Planning Commission 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 allow the State of Oregon to maintain the state's administrative buildings in a continuous and park-like area.

(3) The Capitol Planning Commission shall provide regular updates to Salem neighborhood associations on plans developed under section 4 of this 2009 Act that may affect residents in the neighborhoods represented by those associations.

SECTION 9. ORS 276.096 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 State Parks and Recreation Department**, 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 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 an existing building within the geographical areas that is of historical, architectural or cultural significance and that 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 10. 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 Ethics 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 any pro tem judicial officer who does not otherwise serve as a judicial officer.

- (c) Any candidate for a public 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) State Fish and Wildlife Director.
 - (H) State Forester.
 - (I) State Geologist.
 - (J) Director of Human Services.
 - (K) Director of the Department of Consumer and Business Services.
 - (L) Director of the Department of State Lands.
 - (M) State Librarian.
 - (N) Administrator of Oregon Liquor Control Commission.
 - (O) Superintendent of State Police.
 - (P) Director of the Public Employees Retirement System.
 - (Q) Director of Department of Revenue.
 - (R) Director of Transportation.
 - (S) Public Utility Commissioner.
 - (T) Director of Veterans' Affairs.
 - (U) Executive Director of Oregon Government Ethics Commission.
 - (V) Director of the State Department of Energy.
 - (W) 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.
 - (j) Every member of a city or county planning, zoning or development commission.
 - (k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.
 - (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) Board of Geologic and Mineral Industries.
 - (B) Oregon Economic and Community Development Commission.
 - (C) State Board of Education.
 - (D) Environmental Quality Commission.
 - (E) Fish and Wildlife Commission of the State of Oregon.
 - (F) State Board of Forestry.
 - (G) Oregon Government Ethics Commission.
 - (H) Oregon Health Policy Commission.
 - (I) State Board of Higher Education.

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

(DD) Capitol Planning Commission.

(q) The following officers of the State Treasurer:

- (A) Chief Deputy State Treasurer.
- (B) Chief of staff for the office of 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 or 777.915 to 777.953.

(s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

(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 Oregon Government Ethics 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 deadline for the primary election, each candidate for 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 deadline for the general election, each candidate for public office described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates for public office on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.

(6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

SECTION 11. ORS 291.224 is amended to read:

291.224. (1) A capital construction program containing estimated capital construction needs, irrespective of how financed, must be included with the budget report required by ORS 291.216. The

capital construction program 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) 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 must be used by the state agencies in preparing their anticipated capital construction requirements. Each state agency is responsible for the basic assumptions that affect only its own program. The department shall prepare estimated capital construction requirements for necessary capital construction not covered by the capital construction requirements submitted by the state agencies under this section.

(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.

(4) The Governor shall consolidate the estimates, review the estimates and make revisions the Governor finds warranted.

(5) The budget report 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 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.

(6) 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.

[(6)] (7) 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 12. ORS 276.033, 276.035 and 276.041 are repealed.

SECTION 13. The section captions used in this 2009 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2009 Act.

Passed by Senate June 23, 2009

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Secretary of Senate

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President of Senate

Passed by House June 29, 2009

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Speaker of House

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