

# Senate Bill 671

Sponsored by Senators WINTERS, COURTNEY

## 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 **as introduced**.

Establishes Capitol Planning Commission. Prescribes membership of commission. Provides for compensation of members. Specifies duties of commission.

Requires commission approval for certain projects in capitol area.

Establishes Capitol Planning Commission Account. Requires that Oregon Department of Administrative Services deposit in account sufficient amounts to fund expenses of commission. Provides that deposits be made from Oregon Department of Administrative Services Operating Fund.

## A BILL FOR AN ACT

1  
2 Relating to the Capitol Planning Commission; creating new provisions; amending ORS 244.050,  
3 276.096 and 291.224; repealing ORS 276.033, 276.035 and 276.041; and appropriating money.

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

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

7 (a) **Four members shall be appointed by the Governor;**

8 (b) **One member shall be the Mayor of the City of Salem or the designee of the mayor;**

9 (c) **One member shall be the chairperson of the Salem Planning Commission or a member**  
10 **of the planning commission who is designated by the chairperson;**

11 (d) **One member shall be the Director of the Oregon Department of Administrative Ser-**  
12 **vices or the designee of the director;**

13 (e) **One member, who shall be an advisory member without vote, shall be the President**  
14 **of the Senate or a person serving in the Senate who is designated by the President; and**

15 (f) **One member, who shall be an advisory member without vote, shall be the Speaker of**  
16 **the House of Representatives or a person serving in the House of Representatives who is**  
17 **designated by the Speaker.**

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

20 (a) **Not more than two members may be residents of Marion County or Polk County; and**

21 (b) **Only one member may be employed by a public body as defined in ORS 174.109.**

22 (3) **The term of office of the four members of the commission appointed by the Governor**  
23 **is four years, but each such member shall serve at the pleasure of the Governor.**

24 (4) **A vacancy in the office of any of the four members of the commission appointed by**  
25 **the Governor shall be filled by the Governor by appointment for the unexpired term.**

26 (5) **The commission shall elect a chairperson and a vice chairperson, who shall serve as**  
27 **officers for a term of one year and may be reelected.**

28 **SECTION 2. Compensation of members; executive director. (1) Members of the Capitol**  
29 **Planning Commission who are not members of the Legislative Assembly are entitled to**

**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 compensation and expenses as provided in ORS 292.495. Members of the commission who are  
 2 members of the Legislative Assembly shall be paid compensation and expense reimbursement  
 3 as provided in ORS 171.072, payable from funds appropriated to the Legislative Assembly.

4 (2) The commission may employ a full-time executive director and obtain, through ser-  
 5 vice contract or employment, the clerical assistants and professional consultants that the  
 6 commission considers necessary to carry out the responsibilities imposed on the commission  
 7 by law.

8 **SECTION 3. Meetings of commission.** The Capitol Planning Commission shall meet at the  
 9 call of the chairperson or at such times that a majority of the commission members con-  
 10 sider appropriate. The Governor may call the commission to meet at any time requested  
 11 by the Oregon Department of Administrative Services.

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

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

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

19 (c) Shall establish, adopt and implement a master plan for the development of the capitol  
 20 group of buildings situated within the area bordered by State Street on the south and D  
 21 Street on the north, and Winter Street on the west and 12th Street, between State Street  
 22 and Court Street, and Capitol Street on the east.

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

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

29 (2)(a) The commission shall cooperate and consult with local governmental agencies that  
 30 have jurisdiction within the areas described by ORS 276.028 for the purpose of coordinating  
 31 the development of state buildings and grounds in the areas with community planning and  
 32 development programs in those areas.

33 (b) If the commission establishes, adopts or implements a plan of development in an area  
 34 that is located within the boundaries of the City of Salem or the City of Keizer, the com-  
 35 mission shall recommend to the governing body of Salem or Keizer any legislation necessary  
 36 to effectuate the plan.

37 **SECTION 5. Investigation and review of proposals; advice to Oregon Department of Ad-**  
 38 **ministrative Services.** The Capitol Planning Commission shall:

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

41 (2) Investigate, review and make recommendations on all proposals of state agencies to  
 42 add to, reduce or otherwise change a building and grounds in the areas described by ORS  
 43 276.028; and

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

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

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

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

5       **SECTION 6. Activities requiring commission review and recommendation.** (1) A state  
 6 **agency or officer may not give final approval to a proposal for the purchase or erection of**  
 7 **a public building in the areas described by ORS 276.028 unless the Capitol Planning Commis-**  
 8 **sion has reviewed and recommended the proposal, as provided in ORS 291.224, for compliance**  
 9 **with development plans adopted by the commission pursuant to section 4 of this 2009 Act.**

10       **(2) A state agency may not expend moneys for a construction or improvement project**  
 11 **within the areas described by ORS 276.028 unless the commission has reviewed and recom-**  
 12 **ended the project.**

13       **SECTION 7. Commission's cooperation with City of Salem.** (1) The Capitol Planning  
 14 **Commission shall provide regular updates to the governing body of the City of Salem and the**  
 15 **Salem Planning Commission as the Capitol Planning Commission develops plans under sec-**  
 16 **tion 4 of this 2009 Act.**

17       **(2) The Capitol Planning Commission shall make all possible efforts to obtain the coop-**  
 18 **eration of officers and commissions of the City of Salem for the purpose of establishing the**  
 19 **zoning of that part of the city contiguous to the capitol area that will effectuate the purpose**  
 20 **of the State of Oregon to maintain its administrative buildings in a continuous and park-like**  
 21 **area.**

22       **SECTION 8. Capitol Planning Commission Account.** There is established in the General  
 23 **Fund an account to be known as the Capitol Planning Commission Account. All moneys re-**  
 24 **ceived by the Capitol Planning Commission or by the Oregon Department of Administrative**  
 25 **Services on behalf of the commission shall be paid into the account. Moneys in the account**  
 26 **are continuously appropriated to the commission for the purpose of paying the expenses of**  
 27 **the commission under sections 1 to 9 of this 2009 Act.**

28       **SECTION 9. Continuous appropriation for payment of Capitol Planning Commission ex-**  
 29 **penses. At least twice each calendar year, the Oregon Department of Administrative Services**  
 30 **shall deposit in the Capitol Planning Commission Account sufficient moneys for payment of**  
 31 **expenses of the Capitol Planning Commission. Deposits under this section shall be made from**  
 32 **the Oregon Department of Administrative Services Operating Fund.**

33       **SECTION 10.** ORS 276.096 is amended to read:

34       276.096. (1) In carrying out the duties of the Director of the Oregon Department of Administra-  
 35 **tive Services under ORS 276.095, the director shall consult with the Capitol Planning Commission,**  
 36 **the designated State Historic Preservation Officer, the Oregon Historical Society, the Arts Program**  
 37 **of the Economic and Community Development Department, local landmark commissions and historic**  
 38 **societies and the chief executive officers of those units of local government in each area served by**  
 39 **existing or proposed state offices and shall solicit the comments of other community leaders and**  
 40 **members of the general public that the director considers appropriate.**

41       **(2) Whenever the director undertakes a review of state building needs within a geographical**  
 42 **area, the director shall request the cooperation of the state historic preservation officer to identify**  
 43 **an existing building within the geographical areas that is of historical, architectural or cultural**  
 44 **significance and that is suitable, whether or not in need of repair, alteration or addition, for acqui-**  
 45 **sition or purchase to meet the building needs of state government.**

**SECTION 11.** 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.

- 1 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 2 (m) Every member of a governing body of a metropolitan service district and the executive of-
- 3 ficer thereof.
- 4 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 5 (o) The chief administrative officer and the financial officer of each common and union high
- 6 school district, education service district and community college district.
- 7 (p) Every member of the following state boards and commissions:
- 8 (A) Board of Geologic and Mineral Industries.
- 9 (B) Oregon Economic and Community Development Commission.
- 10 (C) State Board of Education.
- 11 (D) Environmental Quality Commission.
- 12 (E) Fish and Wildlife Commission of the State of Oregon.
- 13 (F) State Board of Forestry.
- 14 (G) Oregon Government Ethics Commission.
- 15 (H) Oregon Health Policy Commission.
- 16 (I) State Board of Higher Education.
- 17 (J) Oregon Investment Council.
- 18 (K) Land Conservation and Development Commission.
- 19 (L) Oregon Liquor Control Commission.
- 20 (M) Oregon Short Term Fund Board.
- 21 (N) State Marine Board.
- 22 (O) Mass transit district boards.
- 23 (P) Energy Facility Siting Council.
- 24 (Q) Board of Commissioners of the Port of Portland.
- 25 (R) Employment Relations Board.
- 26 (S) Public Employees Retirement Board.
- 27 (T) Oregon Racing Commission.
- 28 (U) Oregon Transportation Commission.
- 29 (V) Wage and Hour Commission.
- 30 (W) Water Resources Commission.
- 31 (X) Workers' Compensation Board.
- 32 (Y) Oregon Facilities Authority.
- 33 (Z) Oregon State Lottery Commission.
- 34 (AA) Pacific Northwest Electric Power and Conservation Planning Council.
- 35 (BB) Columbia River Gorge Commission.
- 36 (CC) Oregon Health and Science University Board of Directors.
- 37 **(DD) Capitol Planning Commission.**
- 38 (q) The following officers of the State Treasurer:
- 39 (A) Chief Deputy State Treasurer.
- 40 (B) Chief of staff for the office of the State Treasurer.
- 41 (C) Director of the Investment Division.
- 42 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 43 or 777.915 to 777.953.
- 44 (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 45 (2) By April 15 next after the date an appointment takes effect, every appointed public official

1 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-  
2 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070  
3 and 244.090.

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

7 (4) Within 30 days after the filing deadline for the general election, each candidate for public  
8 office described in subsection (1) of this section who was not a candidate in the preceding primary  
9 election, or who was nominated for public office described in subsection (1) of this section at the  
10 preceding primary election by write-in votes, shall file with the commission a statement of economic  
11 interest as required under ORS 244.060, 244.070 and 244.090.

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

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

21 **SECTION 12.** ORS 291.224 is amended to read:

22 291.224. (1) A capital construction program containing estimated capital construction needs, ir-  
23 respective of how financed, must be included with the budget report required by ORS 291.216. The  
24 capital construction program must contain the estimated physical construction requirements for  
25 each biennium of a period to be determined by the Governor, which period may not be less than six  
26 years. The Oregon Department of Administrative Services shall assist the Governor in the prepara-  
27 tion of the capital construction program.

28 (2) In accordance with regulations prescribed by the department, state agencies shall submit to  
29 the department their anticipated capital construction requirements for the period specified by the  
30 Governor. The department shall prescribe the basic assumptions relating to population changes,  
31 economic trends and other factors which might generally affect capital construction requirements  
32 and these basic assumptions must be used by the state agencies in preparing their anticipated cap-  
33 ital construction requirements. Each state agency is responsible for the basic assumptions that af-  
34 fect only its own program. The department shall prepare estimated capital construction  
35 requirements for necessary capital construction not covered by the capital construction require-  
36 ments submitted by the state agencies under this section.

37 (3) In accordance with regulations prescribed by the department, each state agency shall sepa-  
38 rately submit its estimated office space requirements for the period specified by the Governor, and  
39 the department shall consolidate those needs and make an estimate for all state office buildings to  
40 be included in the capital construction program.

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

43 (5) The budget report must include the proposed expenditures for the capital construction pro-  
44 gram for the ensuing biennium and the proposed expenditures for preliminary planning of the con-  
45 struction projects included in the capital construction program for the biennium following the

1 ensuing biennium. The budget report also must include dollar estimates of the cost of the capital  
2 construction projects included in the capital construction program for the succeeding years of the  
3 period determined by the Governor under subsection (1) of this section.

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

12 [(6)] (7) As used in this section, "capital construction program" does not include:

13 (a) The acquisition, repair, improvement, enlargement, construction or maintenance of highways  
14 and highway bridges by the Department of Transportation;

15 (b) Park improvements by the State Parks and Recreation Department; or

16 (c) Road infrastructure work performed under timber sale contracts entered into by the State  
17 Forester.

18 **SECTION 13. ORS 276.033, 276.035 and 276.041 are repealed.**

19 **SECTION 14. The section captions used in this 2009 Act are provided only for the con-**  
20 **venience of the reader and do not become part of the statutory law of this state or express**  
21 **any legislative intent in the enactment of this 2009 Act.**

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