

A-Engrossed
Senate Bill 245

Ordered by the Senate May 2
Including Senate Amendments dated May 2

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 Senate Interim Committee on Education and General Government)

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.

Extends by two years sunset of Oregon School Facilities Task Force and Oregon School Facilities Task Force Fund. Establishes new timelines for submitting report on task force's study of status of public school facilities and making recommendations. **Increases task force membership and eliminates certain task force duties.**

Requires task force to submit annual reports to interim committees related to education on funding of task force.

[Appropriates moneys from General Fund for purposes of funding task force and conducting study.]

[Declares emergency, effective July 1, 2011.]

A BILL FOR AN ACT

1
2 Relating to the Oregon School Facilities Task Force; creating new provisions; and amending sections
3 1, 2, 3 and 5, chapter 755, Oregon Laws 2009.

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

5 **SECTION 1.** Section 1, chapter 755, Oregon Laws 2009, is amended to read:

6 **Sec. 1.** (1) The Oregon School Facilities Task Force is established to conduct a study on the
7 status of public school facilities and make recommendations as described in section 2 *[of this 2009*
8 *Act]*, **chapter 755, Oregon Laws 2009.**

9 (2) The task force consists of *[15]* **16** members as follows:

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

11 **(b) The Superintendent of Public Instruction, or the designee of the Superintendent of**
12 **Public Instruction.**

13 *[(b)]* **(c)** The President of the Senate shall appoint to the task force the chairperson of the Senate
14 committee on education.

15 *[(c)]* **(d)** The Speaker of the House of Representatives shall appoint to the task force the chair-
16 person of the House committee on education.

17 *[(d)]* **(e)** The Governor shall appoint to the task force the following members:

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

19 (B) One member of a district school board.

20 (C) Three school facility managers as follows:

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

22 (ii) One who represents a school district that has 3,000 or more students, but not more than
23 10,000 students; and

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

2 (D) One superintendent who was a superintendent for a school district that, within the previous
3 five years, constructed a school facility and incurred bonded indebtedness for the purpose of fi-
4 nancing the school facility.

5 (E) One civil engineer.

6 (F) One bond counsel or bond sales specialist.

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

8 (H) One public health official.

9 (I) Two members of the public.

10 (3) The State Treasurer, or the designee of the State Treasurer, **and the Superintendent of**
11 **Public Instruction, or the designee of the Superintendent of Public Instruction**, and members
12 of the Legislative Assembly who serve on the task force are nonvoting members of the task force
13 and may act in an advisory capacity only.

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

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

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

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

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

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

24 (10) The Oregon Department of Administrative Services shall provide staff support to the task
25 force. **At the request of the task force**, the Director of the Oregon Department of Administrative
26 Services may hire employees or consultants necessary for the performance of the functions of the
27 task force.

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

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

37 (13) The Oregon Department of Administrative Services may accept contributions of moneys and
38 assistance from the United States Government or its agencies or from any other source, public or
39 private, and agree to conditions placed on the moneys not inconsistent with the duties of the task
40 force. All moneys received by the department under this subsection shall be deposited into the
41 Oregon School Facilities Task Force Fund established under section 4 [of this 2009 Act], **chapter**
42 **755, Oregon Laws 2009**, to be used for the purposes of carrying out the duties of the task force.

43 [(14) *The task force shall submit a report and make recommendations to the first special session*
44 *of the Legislative Assembly occurring in 2010 or, if there is not a special session, to the regular session*
45 *of the Legislative Assembly occurring in 2011. The report shall include multiple options for conducting*

1 *the study described in section 2 of this 2009 Act. The options must vary in cost and scope.]*

2 **SECTION 2.** Section 2, chapter 755, Oregon Laws 2009, is amended to read:

3 **Sec. 2.** (1) *[Following the submission of the report described in section 1 (14) of this 2009 Act and*
4 *based on the amount of available funding,]* The Oregon School Facilities Task Force established by
5 section 1 *[of this 2009 Act]*, **chapter 755, Oregon Laws 2009**, shall conduct a study of public school
6 facilities that includes:

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

8 (A) The architectural status;

9 (B) The mechanical status;

10 (C) The electrical status;

11 (D) The structural status; **and**

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

14 *[(F) The status of implementing energy and water conservation efforts; and]*

15 *[(G) The status of making seismic upgrades.]*

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

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

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

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

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

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

25 (h) A review of other state strategies for funding school facilities for preschool through grade
26 12.

27 (i) Additional topics determined by the task force.

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

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

35 (4) The task force shall *[submit the report and]* make the recommendations described in this
36 section to the *[Seventy-sixth]* **Seventy-seventh** Legislative Assembly no later than February 1,
37 *[2011]* **2013**.

38 **SECTION 3.** Section 3, chapter 755, Oregon Laws 2009, is amended to read:

39 **Sec. 3.** Sections 1 and 2, **chapter 755, Oregon Laws 2009**, *[of this 2009 Act]* are repealed on
40 January 2, *[2012]* **2014**.

41 **SECTION 4.** (1) **The Oregon School Facilities Task Force established by section 1, chapter**
42 **755, Oregon Laws 2009, shall submit an annual report to the interim committees of the Leg-**
43 **islative Assembly related to education no later than February 1.**

44 (2) **The report required by this section must:**

45 (a) **Describe the amount of funding received by the task force to perform its duties; and**

1 **(b) Explain the consequences for school districts of any inadequate level of funding pro-**
2 **vided to the task force for the purpose of performing its duties.**

3 **(3) The task force shall submit the first report required by this section no later than**
4 **February 1, 2012.**

5 **SECTION 5.** Section 5, chapter 755, Oregon Laws 2009, is amended to read:

6 **Sec. 5.** (1) Section 4 [*of this 2009 Act*], **chapter 755, Oregon Laws 2009**, is repealed on January
7 2, [2012] **2014**.

8 (2) Any moneys remaining in the Oregon School Facilities Task Force Fund on January 2,
9 [2012] **2014**, that are unexpended, unobligated and not subject to any conditions shall revert to the
10 General Fund.

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