

House Bill 2674

Sponsored by Representative GELSER; Representative CLEM (Presession filed.)

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**.

Requires public body to reserve one percent of appropriation for constructing, reconstructing or renovating park or public building for purpose of renovating or improving existing park or public building to meet current accessibility standards for persons with disabilities that are promulgated under Americans with Disabilities Act and regulations adopted pursuant to Act.

Requires public agency that receives appropriation to deposit reserved amount in accessibility improvement account and to expend moneys for purpose of meeting current accessibility standards for existing parks and public buildings. Prohibits public agency from expending moneys to renovate or improve new park or public building if in constructing, reconstructing or renovating new park or public building public agency must already meet current accessibility standards.

Requires public agency to establish and maintain inventory of parks and public buildings that do not meet current accessibility standards and to set priority for renovating and improving parks and public buildings. Requires public agency to expend moneys to renovate and improve parks and public buildings each biennium.

Becomes operative January 1, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to amounts reserved from appropriations for capital construction; and declaring an emer-
3 gency.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 276.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Park"** means a parcel of land that a public body or public agency owns or controls
8 and to which the public body or public agency permits members of the public access for the
9 purpose of recreation.

10 (b) **"Public agency"** has the meaning given that term in ORS 279C.800.

11 (c) **"Public body"** has the meaning given that term in ORS 174.109 except that,
12 notwithstanding ORS 174.108 (3), **"public body"** includes the Oregon Health and Science Uni-
13 versity, the Oregon State Bar and any intergovernmental entity that a public body forms
14 with another state or political subdivision of another state.

15 (d) **"Public building"** means a building that a public body or public agency owns or con-
16 trols, and that is:

17 (A) **Used or occupied by employees of the public body or public agency; or**

18 (B) **Used for conducting public business.**

19 (2)(a) **A public body shall reserve for the purposes specified in subsection (3) of this sec-**
20 **tion one percent of the amount of every appropriation the public body makes to construct,**
21 **reconstruct or renovate a park or public building.**

22 (b) **The public body shall require a public agency that receives an appropriation of a type**
23 **described in paragraph (a) of this subsection to deposit the reserved amount of the appro-**
24 **priation into a separate accessibility improvement account the public agency creates or**

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 designates within any fund or account the public agency uses for the public agency's capital
 2 construction or improvement expenditures. The public agency shall use moneys in the ac-
 3 cessibility improvement account for the purposes specified in subsection (3) of this section.

4 (3)(a)(A) A public agency shall expend moneys from the public agency's accessibility im-
 5 provement account solely for the purpose of renovating or otherwise improving existing
 6 parks and public buildings that the public agency owns or controls so that the parks and
 7 public buildings comply with current standards for accessibility to persons with disabilities
 8 under the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. and under regu-
 9 lations adopted pursuant to the Act. In addition to complying with the standards, the public
 10 agency shall give particular attention to renovations or improvements that enhance the
 11 ability of persons with disabilities to enter or get access to, use and exit:

- 12 (i) Parking lots;
- 13 (ii) Playground equipment and facilities; and
- 14 (iii) Paths of travel within parks and public buildings.

15 (B) A public agency may not use moneys from the public agency's accessibility improve-
 16 ment account to pay for structures, equipment, facilities or other renovations or improve-
 17 ments that are necessary for a new park or public building to meet the current standards
 18 described under subparagraph (A) of this paragraph if in constructing, reconstructing or
 19 renovating the new park or public building the public agency by law must already meet the
 20 current standards described in subparagraph (A) of this paragraph.

21 (b) A public agency shall establish and maintain an inventory of parks and public
 22 buildings that the public agency owns or controls and that do not meet the current standards
 23 described in paragraph (a)(A) of this subsection. The public agency shall set a priority as to
 24 which parks or public buildings among the inventory most immediately require renovation
 25 or improvement necessary to meet the current standards, based on the extent to which
 26 members of the public use the parks or public buildings and the degree to which the parks
 27 or public buildings do not comply with the current standards. Subject to any expenditure
 28 limitation established for the public agency's accessibility improvement account, the public
 29 agency each biennium shall expend the moneys available in the account to renovate or im-
 30 prove, in accordance with the priorities the public agency sets, parks and public buildings
 31 that the public agency owns or controls.

32 (4) A public agency that is subject to this section shall adopt rules to implement the re-
 33 quirements of this section.

34 SECTION 3. (1) Section 2 of this 2013 Act becomes operative on January 1, 2014.

35 (2) A public body or a public agency may take any action before the operative date
 36 specified in subsection (1) of this section that is necessary to enable the public body or the
 37 public agency to exercise, on and after the operative date specified in subsection (1) of this
 38 section, all of the duties, functions and powers conferred on the public body or the public
 39 agency by section 2 of this 2013 Act.

40 SECTION 4. Section 2 of this 2013 Act applies to appropriations that a public body makes
 41 on or after the operative date specified in section 3 of this 2013 Act.

42 SECTION 5. This 2013 Act being necessary for the immediate preservation of the public
 43 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
 44 on its passage.