

Senate Bill 29

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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**.

Transfers authority to manage State Capitol State Park from State Parks and Recreation Department to Oregon Department of Administrative Services. Appropriates moneys to Oregon Department of Administrative Services for this purpose.

Becomes operative January 1, 2022.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the State Capitol State Park; creating new provisions; amending ORS 276.003, 276.004,
3 276.053, 276.058 and 390.111; and prescribing an effective date.

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

TRANSFER

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8 **SECTION 1. The duties, functions and powers of the State Parks and Recreation De-**
9 **partment relating to the State Capitol State Park are imposed upon, transferred to and**
10 **vested in the Oregon Department of Administrative Services.**

RECORDS, PROPERTY, EMPLOYEES

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14 **SECTION 2. (1) The State Parks and Recreation Director shall deliver to the Oregon**
15 **Department of Administrative Services all records and property within the jurisdiction of the**
16 **director that relate to the duties, functions and powers transferred by section 1 of this 2021**
17 **Act.**

18 **(2) The Director of the Oregon Department of Administrative Services shall take pos-**
19 **session of the records and property, and shall take charge of the employees and employ them**
20 **in the exercise of the duties, functions and powers transferred by section 1 of this 2021 Act,**
21 **without reduction of compensation but subject to change or termination of employment or**
22 **compensation as provided by law.**

23 **(3) The Governor shall resolve any dispute between the State Parks and Recreation De-**
24 **partment and the Oregon Department of Administrative Services relating to transfers of**
25 **records, property and employees under this section, and the Governor's decision is final.**

UNEXPENDED REVENUES

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27
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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 **SECTION 3. (1) The unexpended balances of amounts authorized to be expended by the**
 2 **State Parks and Recreation Department for the biennium beginning July 1, 2021, from re-**
 3 **venues dedicated, continuously appropriated, appropriated or otherwise made available for**
 4 **the purpose of administering and enforcing the duties, functions and powers transferred by**
 5 **section 1 of this 2021 Act are transferred to and are available for expenditure by the Oregon**
 6 **Department of Administrative Services for the biennium beginning July 1, 2021, for the pur-**
 7 **pose of administering and enforcing the duties, functions and powers transferred by section**
 8 **1 of this 2021 Act.**

9 **(2) The expenditure classifications, if any, established by Acts authorizing or limiting**
 10 **expenditures by the State Parks and Recreation Department remain applicable to expen-**
 11 **ditures by the Oregon Department of Administrative Services under this section.**

12
 13 **ACTION, PROCEEDING, PROSECUTION**
 14

15 **SECTION 4. The transfer of duties, functions and powers to the Oregon Department of**
 16 **Administrative Services by section 1 of this 2021 Act does not affect any action, proceeding**
 17 **or prosecution involving or with respect to the duties, functions and powers begun before**
 18 **and pending at the time of the transfer, except that the Oregon Department of Administra-**
 19 **tive Services is substituted for the State Parks and Recreation Department in the action,**
 20 **proceeding or prosecution.**

21
 22 **LIABILITY, DUTY, OBLIGATION**
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24 **SECTION 5. (1) Nothing in sections 1 to 7 of this 2021 Act or the amendments to ORS**
 25 **276.003, 276.004, 276.053, 276.058 and 390.111 by sections 8 to 12 of this 2021 Act relieves a**
 26 **person of a liability, duty or obligation accruing under or with respect to the duties, func-**
 27 **tions and powers transferred by section 1 of this 2021 Act. The Oregon Department of Ad-**
 28 **ministrative Services may undertake the collection or enforcement of any such liability, duty**
 29 **or obligation.**

30 **(2) The rights and obligations of the State Parks and Recreation Department legally in-**
 31 **curring under contracts, leases and business transactions executed, entered into or begun**
 32 **before the operative date of section 1 of this 2021 Act accruing under or with respect to the**
 33 **duties, functions and powers transferred by section 1 of this 2021 Act are transferred to the**
 34 **Oregon Department of Administrative Services. For the purpose of succession to these rights**
 35 **and obligations, the Oregon Department of Administrative Services is a continuation of the**
 36 **State Parks and Recreation Department and not a new authority.**

37
 38 **RULES**
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40 **SECTION 6. Notwithstanding the transfer of duties, functions and powers by section 1**
 41 **of this 2021 Act, the rules of the State Parks and Recreation Department with respect to**
 42 **such duties, functions or powers that are in effect on the operative date of section 1 of this**
 43 **2021 Act continue in effect until superseded or repealed by rules of the Oregon Department**
 44 **of Administrative Services. References in the rules of the State Parks and Recreation De-**
 45 **partment to the State Parks and Recreation Department or an officer or employee of the**

1 **State Parks and Recreation Department are considered to be references to the Oregon De-**
 2 **partment of Administrative Services or an officer or employee of the Oregon Department of**
 3 **Administrative Services.**

4 **SECTION 7. Whenever, in any uncodified law or resolution of the Legislative Assembly**
 5 **or in any rule, document, record or proceeding authorized by the Legislative Assembly, in**
 6 **the context of the duties, functions and powers transferred by section 1 of this 2021 Act,**
 7 **reference is made to the State Parks and Recreation Department, or an officer or employee**
 8 **of the State Parks and Recreation Department, whose duties, functions or powers are**
 9 **transferred by section 1 of this 2021 Act, the reference is considered to be a reference to the**
 10 **Oregon Department of Administrative Services or an officer or employee of the Oregon De-**
 11 **partment of Administrative Services who by this 2021 Act is charged with carrying out the**
 12 **duties, functions and powers.**

14 UPDATES TO STATUTES

15
 16 **SECTION 8.** ORS 276.053 is amended to read:

17 276.053. (1) The State Capitol State Park is created, consisting of:

18 (a) The grounds immediately surrounding the State Capitol bordered by State Street on the
 19 south, Court Street on the north, Cottage Street on the west and Waverly Street on the east; and

20 (b) The grounds surrounding the Department of Transportation Building, the Public Service
 21 Building, the Bureau of Labor and Industries Building and the State Library, bordered by Court
 22 Street on the south, Center Street on the north, Winter Street on the west and Capitol Street on the
 23 east.

24 (2) Except as provided in ORS 276.002 (4), [*and subsection (3) of this section, the State Parks and*
 25 *Recreation Department shall manage and control the utilization of the State Capitol State Park.*]

26 [(3) *The*] **the** Oregon Department of Administrative Services shall manage and control the
 27 [*utilization of*] **State Capitol State Park, including** the underground parking structures located
 28 beneath the area described in subsection (1)(b) of this section and all aboveground structures that
 29 provide access to the underground parking structures.

30 [(4)] (3) The [*Oregon Department of Administrative Services*] **department** shall construct **and**
 31 **maintain** one or more permanent lavatories on the grounds of the State Capitol State Park. [*Upon*
 32 *completion of construction, the State Parks and Recreation Department shall maintain and control the*
 33 *utilization of the lavatories.*]

34 [(5)(a)] (4)(a) To commemorate and honor Indian tribes, the [*State Parks and Recreation De-*
 35 *partment*] **department** shall plan, erect and maintain one or more monuments or other suitable
 36 markers that are sited within, and are compatible with, the Walk of the Flags on the grounds of the
 37 State Capitol State Park.

38 (b) The department shall consult with the Oregon State Capitol Foundation, the Commission on
 39 Indian Services and each of the federally recognized Indian tribes in Oregon in carrying out its
 40 duties under this section.

41 (c) The department shall carry out its duties under [*subsection (5)(a) of this section*] **paragraph**
 42 **(a) of this subsection** only after obtaining funding from private sources.

43 **SECTION 9.** ORS 276.003 is amended to read:

44 276.003. (1) There is created in the General Fund of the State Treasury a State Capitol Operat-
 45 ing Account. Moneys credited to the account are appropriated continuously to the Legislative Ad-

1 ministration Committee to pay the expenses of operating, maintaining, protecting and insuring the
 2 State Capitol and to reimburse the [*State Parks and Recreation Department*] **Oregon Department**
 3 **of Administrative Services** for a share of the expenses of ground maintenance, utilities and other
 4 necessary expenses.

5 (2) The Legislative Administration Committee may on behalf of the State of Oregon solicit and
 6 accept gifts, grants and donations from public and private sources for the purposes set out in ORS
 7 276.002. Such gifts, grants and donations shall be deposited by the committee in separate, appropri-
 8 ate trust accounts until such time as required to meet the obligations for which the gifts, grants or
 9 donations were intended.

10 (3) A gift or donation to the Legislative Administration Committee is a gift or donation to the
 11 State of Oregon.

12 **SECTION 10.** ORS 276.004 is amended to read:

13 276.004. (1) Notwithstanding any other provision of law, and except for the Supreme Court
 14 Building[,] **and** the State Capitol [*and the grounds included within the State Capitol State Park under*
 15 *ORS 276.053*], the Oregon Department of Administrative Services shall manage and control the
 16 utilization of:

17 (a) Buildings and properties in the capitol area, including those acquired under ORS 276.046;

18 **(b) The grounds within the State Capitol State Park under ORS 276.053;**

19 [(b)] **(c)** Office buildings as defined in ORS 276.110;

20 [(c)] **(d)** Vacated state institution buildings and facilities as described in ORS 276.180;

21 [(d)] **(e)** The state office building and parking structure in Portland;

22 [(e)] **(f)** The state office building and parking structure in Eugene;

23 [(f)] **(g)** Properties being acquired through lease-purchase option or installment purchase agree-
 24 ment under ORS 276.429; and

25 [(g)] **(h)** Parking facilities as described in ORS 276.594.

26 (2) Except as otherwise provided in this section, the Oregon Department of Administrative Ser-
 27 vices shall assign and reassign quarters in buildings owned by this state and specified in this sec-
 28 tion, for such periods and under such terms as the department considers appropriate.

29 **SECTION 11.** ORS 276.058 is amended to read:

30 276.058. The Capitol Planning Commission shall:

31 (1) Investigate the advisability of additions to, reductions of or other changes in state buildings
 32 and grounds in the areas described by ORS 276.054;

33 (2) Investigate, review and make recommendations on all proposals of state agencies to add to,
 34 reduce or otherwise change the use of a state building or grounds in the areas described by ORS
 35 276.054;

36 (3) Advise the [*State Parks and Recreation Department*] **Oregon Department of Administrative**
 37 **Services** on matters related to the State Capitol State Park and on matters related to development
 38 that is located within the State Capitol State Park; and

39 (4) Advise the [*Oregon Department of Administrative Services*] **department** on:

40 (a) The planning and location of state buildings in the areas described by ORS 276.054;

41 (b) The development of the areas described by ORS 276.054, including but not limited to general
 42 design, landscaping, traffic management, monuments, statues and fountains; and

43 (c) All other matters connected with a proposed construction or development to be undertaken
 44 by the state within the areas described by ORS 276.054.

45 **SECTION 12.** ORS 390.111 is amended to read:

1 390.111. (1) The State Parks and Recreation Department is created. The department consists of
 2 the State Parks and Recreation Commission, the State Parks and Recreation Director and all other
 3 officers and employees of the department.

4 (2) Except as may be provided by an agreement to the contrary between the State Parks and
 5 Recreation Commission and the county, city or political subdivision thereof which exercised juris-
 6 diction and authority over the park, ground or place prior to acquisition by the state, the depart-
 7 ment has complete jurisdiction and authority over all state parks, waysides and scenic, historic or
 8 state recreation areas, recreational grounds or places acquired by the state for scenic, historic, na-
 9 tural, cultural or recreational purposes except as otherwise provided by law.

10 *[(3) The department shall manage and control the utilization of the grounds included within the*
 11 *State Capitol State Park under ORS 276.053.]*

12
 13 **APPROPRIATION**

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 15 **SECTION 13.** In addition to and not in lieu of any other appropriation, there is appro-
 16 priated to the Oregon Department of Administrative Services, for the biennium beginning
 17 July 1, 2021, out of the General Fund, the amount of \$3,500,000, to perform the duties trans-
 18 ferred to the department under sections 1 to 7 of this 2021 Act.

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 20 **OPERATIVE DATES**

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 22 **SECTION 14.** (1) Sections 1 to 7 of this 2021 Act and the amendments to ORS 276.003,
 23 276.004, 276.053, 276.058 and 390.111 by sections 8 to 12 of this 2021 Act become operative on
 24 January 1, 2022.

25 (2) The Oregon Department of Administrative Services and the State Parks and Recre-
 26 ation Department may take any action before January 1, 2022, that is necessary to enable
 27 the Oregon Department of Administrative Services to exercise, on and after January 1, 2022,
 28 all of the duties, functions and powers conferred on the department by sections 1 to 7 of this
 29 2021 Act and the amendments to ORS 276.003, 276.004, 276.053, 276.058 and 390.111 by sections
 30 8 to 12 of this 2021 Act.

31 **SECTION 15.** The amendments to ORS 276.003 by section 9 of this 2021 Act do not pro-
 32 hibit the Legislative Administration Committee from using moneys in the State Capitol Op-
 33 erating Account to reimburse qualifying expenses of the State Parks and Recreation
 34 Department made before January 1, 2022.

35
 36 **UNIT CAPTIONS**

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 38 **SECTION 16.** The unit captions used in this 2021 Act are provided only for the conven-
 39 ience of the reader and do not become part of the statutory law of this state or express any
 40 legislative intent in the enactment of this 2021 Act.

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 42 **EFFECTIVE DATE**

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 44 **SECTION 17.** This 2021 Act takes effect on the 91st day after the date on which the 2021
 45 regular session of the Eighty-first Legislative Assembly adjourns sine die.

