House Bill 3581
Sponsored by Representative STOUT, Senator WEBER

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.

Authorizes State Treasurer to issue Article XI-Q general obligation bonds to finance expansion of courthouses.

A BILL FOR AN ACT
Relating to courthouses; amending sections 8 and 9, chapter 705, Oregon Laws 2013, and section 64, chapter 723, Oregon Laws 2013.

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

SECTION 1. Section 8, chapter 705, Oregon Laws 2013, as amended by section 6, chapter 121, Oregon Laws 2014, and section 2, chapter 118, Oregon Laws 2016, is amended to read:

Sec. 8. (1) Out of the amount specified in section 1 (6), chapter 705, Oregon Laws 2013, the State Treasurer may issue Article XI-Q bonds in an amount not to exceed $19 million of net proceeds for the purposes specified in subsection [(3)] (6) of this section, plus an amount estimated by the State Treasurer to pay estimated bond-related costs.

(2)(a) Bonds may not be issued pursuant to this section or section 10, chapter 685, Oregon Laws 2015, unless:

A courthouse project meets the requirements of subsection (3) or (4) of this section.

(3) Bonds may be issued pursuant to this section or section 10, chapter 685, Oregon Laws 2015, if:

(A) (a) The Chief Justice of the Supreme Court has determined that:

(ii) (A) The courthouse with respect to which the bonds will be issued has significant structural defects, including seismic defects, that present actual or potential threats to human health and safety;

(iii) (B) Replacing the courthouse, whether by acquiring and remodeling or repairing an existing building or by constructing a new building, is more cost-effective than remodeling or repairing the courthouse; and

(iii) (C) Replacing the courthouse creates an opportunity for colocation of the court with other state offices; and

(B) (b) The Oregon Department of Administrative Services has approved the project for which the bonds will be issued.

(4) Bonds may be issued pursuant to this section or section 10, chapter 685, Oregon Laws 2015, if:

(a) The Chief Justice of the Supreme Court has determined that:

(A) Expanding the courthouse, whether by acquiring and remodeling or repairing space in an existing building or by constructing new space, is a cost-effective alternative to re-
(B) The project includes the remediation of any significant structural defects, including seismic defects, that present actual or potential threats to human health and safety in the existing courthouse; and

(b) The Oregon Department of Administrative Services has approved the project for which the bonds will be issued.

((b)) (5) The Oregon Department of Administrative Services, after consultation with the Judicial Department, shall determine when net proceeds are needed for the purposes described in subsection [(3)] (6) of this section and shall consult with the Judicial Department regarding the sale of bonds to be issued pursuant to this section.

[(3)] (6) The State Treasurer shall deposit the net proceeds of bonds issued pursuant to this section and section 10, chapter 685, Oregon Laws 2015, in the Oregon Courthouse Capital Construction and Improvement Fund. The net proceeds and any interest earnings may be used solely to finance costs related to acquiring, constructing, expanding, remodeling, repairing, equipping or furnishing land, improvements, courthouses or portions of courthouses that are, or that upon completion of a project funded under this section will be, owned or operated by the State of Oregon.

((4)) (7) As used in ORS 286A.816 to 286A.826 with respect to this section:

(a) “Project agency” means the Judicial Department.

(b) “Project fund” means the Oregon Courthouse Capital Construction and Improvement Fund.

SECTION 2. Section 9, chapter 705, Oregon Laws 2013, as amended by as amended by section 7, chapter 121, Oregon Laws 2014, and section 3, chapter 118, Oregon Laws 2016, is amended to read:

Sec. 9. (1)(a) Notwithstanding ORS 1.185, a county and the state, acting by and through the Oregon Department of Administrative Services on behalf of the Judicial Department, may enter into interim agreements that provide for the funding, acquisition, development and construction of a courthouse and require the parties to negotiate in good faith and execute a long-term lease agreement or a long-term intergovernmental agreement with respect to the ownership or operation of a courthouse or portions of a courthouse that the county is required to provide under ORS 1.185, pursuant to which the state agrees to provide the property and services described in ORS 1.185 (1)(a).

(b)(A) An agreement entered into pursuant to this subsection may include a requirement that the county transfer to the Oregon Courthouse Capital Construction and Improvement Fund an amount not less than 50 percent of the total estimated costs of a project funded with bonds issued pursuant to section 8, chapter 705, Oregon Laws 2013, or section 10, chapter 685, Oregon Laws 2015, with respect to the courthouse or portions of a courthouse that are the subject of the agreement.

(B) The amount transferred by a county pursuant to this paragraph may comprise, singly or in any combination and proportion:

(i) Property tax revenues, bond proceeds or any other county moneys; 

(ii) A credit equal to the higher of the appraised value or the actual purchase price of land purchased by the county for the courthouse if the state approves of the land as the site for the courthouse; 

(iii) A credit equal to the higher of the appraised value or the actual purchase price of any space in existing buildings being converted to courthouse and state office use if the state approves of the conversion of the space for such purposes; and 

(iv) A credit for the anticipated costs to the county of relocating county offices to vacate
space being converted to courthouse and state office use.

(C) The amount required to be transferred by the county under this subsection may not be less
than 75 percent of the total estimated costs unless the project includes colocation in the courthouse
of state offices in addition to the state circuit court facilities.

(2) For purposes of section 8, chapter 705, Oregon Laws 2013, and section 10, chapter 685,
Oregon Laws 2015, the state shall be considered to operate a courthouse or portions of a courthouse
that are the subject of an agreement entered into pursuant to subsection (1) of this section if, as
applicable:

(a) The lease agreement conveys to the state a full leasehold interest, including exclusive rights
to control and use the courthouse or portions of the courthouse that are typical of a long-term lease,
for a term that is at least equal to the term during which the bonds issued pursuant to section 8,
chapter 705, Oregon Laws 2013, and section 10, chapter 685, Oregon Laws 2015, will remain out-
standing.

(b) The intergovernmental agreement grants the state the exclusive right to control and use the
courthouse or portions of the courthouse for a term that is at least equal to the term during which
the bonds issued pursuant to section 8, chapter 705, Oregon Laws 2013, and section 10, chapter 685,
Oregon Laws 2015, will remain outstanding.

SECTION 3. Section 64, chapter 723, Oregon Laws 2013, as amended by section 4, chapter 118,
Oregon Laws 2016, is amended to read:

Sec. 64. (1) The Oregon Courthouse Capital Construction and Improvement Fund is established
in the State Treasury, separate and distinct from the General Fund. Interest earned on moneys in
the Oregon Courthouse Capital Construction and Improvement Fund shall be credited to the fund.

(2) The fund consists of moneys deposited in the fund pursuant to section 8, chapter 705, Oregon
Laws 2013, and section 10, chapter 685, Oregon Laws 2015, and moneys transferred to the fund by
a county pursuant to section 9 (1)(b), chapter 705, Oregon Laws 2013, and may include fees, revenues
and other moneys appropriated by the Legislative Assembly for deposit in the fund.

(3) Moneys in the fund are continuously appropriated to the Judicial Department for:

(a) The purposes described in section 8 [(3)] (6), chapter 705, Oregon Laws 2013;

(b) Payment of the costs incurred by the department to administer the fund; and

(c) Payment of bond-related costs, as defined in ORS 286A.816.