

A-Engrossed
Senate Bill 118

Ordered by the Senate April 24
Including Senate Amendments dated April 24

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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.

Allows State Board of Higher Education to delegate any of board's powers, duties or functions to Chancellor of Oregon University System, to president of institution of higher education in Oregon University System or to committee of board. **Creates exception.**

Allows chancellor to delegate any of chancellor's powers, duties or functions to employee of Oregon University System.

A BILL FOR AN ACT

1
2 Relating to delegation of authority within Oregon University System; creating new provisions; and
3 amending ORS 351.060, 351.085, 351.210 and 351.240.

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

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 351.**

6 **SECTION 2. (1) Except for the power to prescribe enrollment fees under ORS 351.070**
7 **(3)(c), the State Board of Higher Education may delegate any of the powers, duties or func-**
8 **tions of the board to the Chancellor of the Oregon University System or to a president of a**
9 **state institution of higher education within the Oregon University System.**

10 **(2) Except for the power to prescribe enrollment fees under ORS 351.070 (3)(c) and the**
11 **power to adopt rules, the State Board of Higher Education may delegate any of the powers,**
12 **duties or functions of the board to a committee of the board.**

13 **SECTION 3. ORS 351.060 is amended to read:**

14 351.060. The State Board of Higher Education may:

15 (1) Control and provide for, subject to the conditions of this section, the custody and occupation
16 of the grounds, buildings, books, papers and documents belonging to each and all the institutions,
17 departments or activities under the control of the State Board of Higher Education.

18 (2) Manage, control and apply all property of whatever nature given to or appropriated for the
19 use, support or benefit of any or all of the institutions, departments or activities under the control
20 of the State Board of Higher Education, according to the terms and conditions of such gift or ap-
21 propriation. Moneys received under this section shall be deposited with the State Treasurer in an
22 account or fund separate and distinct from the General Fund. Interest earned by the account or fund
23 shall be credited to the account or fund.

24 (3) Erect, improve, repair, maintain, equip and furnish buildings, structures and lands for higher
25 education.

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 (4) Acquire, receive, hold, control, convey, sell, manage, operate, lease, lend, invest, improve and
2 develop any and all property, real or personal:

3 (a) Given to any of the institutions, departments or activities under the control of the State
4 Board of Higher Education by private donors, whether such gifts are made to the State Board of
5 Higher Education or to the State of Oregon; or

6 (b) Acquired by any other method or from any source by the State Board of Higher Education
7 for the benefit of any of the institutions, departments or activities under the control of the board,
8 except for any structure, equipment or asset encumbered by a certificate of participation.

9 (5) Manage mineral and geothermal resource rights and proceeds therefrom acquired or held for
10 the state by the board pursuant to this chapter and ORS chapter 567. This includes leasing mineral
11 and geothermal resource rights consistent with ORS 273.785.

12 (6) Take and hold mortgages on real and personal property acquired by way of gift or arising
13 out of transactions entered into in accordance with the powers, duties and authority given to the
14 board by this section, ORS 351.070 and 351.150.

15 (7) Institute, maintain and participate in suits and actions and other judicial proceedings, in the
16 name of the State of Oregon, for the foreclosure of such mortgages or for the purpose of carrying
17 into effect any and all of the powers, duties and authority given to the State Board of Higher Edu-
18 cation by this section and ORS 351.070 and 351.150.

19 (8) Acquire, receive, hold, control, sell, manage, operate, lease or lend any goods, supplies, ma-
20 terials, equipment, services and information technology, for the use, support or benefit of any of the
21 institutions, departments or activities under the control of the board.

22 *[(9) Delegate any of the powers, duties or functions granted to the board under this section to any*
23 *state institution of higher education within the Oregon University System.]*

24 **SECTION 4.** ORS 351.210 is amended to read:

25 351.210. (1) The State Board of Higher Education may sell or otherwise dispose of any worn out,
26 obsolete or otherwise unsuitable equipment, goods, supplies, material or information technology, the
27 disposal of which would in the board's judgment be to the financial benefit of the institutions under
28 the board's control. This section does not apply to any equipment, goods, supplies, material or in-
29 formation technology encumbered by a certificate of participation.

30 *[(2) The board may delegate any of its duties, functions or powers granted to the board under this*
31 *section to the Chancellor of the Oregon University System or any state institution of higher education*
32 *within the Oregon University System.]*

33 *[(3)]* (2) The proceeds from any sales or disposals made pursuant to authority granted in this
34 section shall be deposited in the State Treasury to the credit of the Department of Higher Education
35 and may be expended by the board for any purpose authorized by law in the same manner as the
36 board is authorized to make other expenditures. Any moneys deposited in the State Treasury under
37 this section are continuously appropriated to the department.

38 **SECTION 5.** ORS 351.240 is amended to read:

39 351.240. *[(1)]* The State Board of Higher Education may determine the terms and conditions of
40 any transaction authorized by ORS 351.220 to 351.250 and need not require competitive bids in
41 connection therewith. No formal publicity or advertising is required regarding property for the de-
42 velopment of which the board wishes to contract, but the board shall make reasonable efforts to
43 disseminate such information in appropriate research and industrial circles.

44 *[(2) The board may delegate any of the duties, functions and powers granted to the board under*
45 *ORS 351.220 to 351.250 to any state institution of higher education within the Oregon University Sys-*

1 *tem.]*

2 **SECTION 6.** ORS 351.085 is amended to read:

3 351.085. (1) The Chancellor of the Oregon University System shall exercise, under the direction
4 of the State Board of Higher Education, the administrative authority necessary to carry out the
5 policies of the board with respect to the institutions, departments or activities under the control of
6 the board.

7 (2) In carrying out the duties of the chancellor, the chancellor shall:

8 [(1)] (a) Act as administrative officer of the State Board of Higher Education.

9 [(2)] (b) Maintain a centralized service program for all institutions, departments and activities,
10 including but not limited to, accounting, statistical services, capital construction, management
11 analysis, legal services, academic affairs and educational research.

12 [(3)] (c) Collect and compile information and statistics relative to the operation of the insti-
13 tutions, departments and activities of the State Board of Higher Education.

14 [(4)] (d) Prepare and submit to the State Board of Higher Education an annual operating budget
15 for all institutions, departments and activities of the board.

16 [(5)] (e) Oversee the preparation and submission to the State Board of Higher Education of the
17 biennial budget requests of the institutions, departments and activities for consideration by the
18 board as the budget request to the Governor under ORS 351.090. The chancellor shall provide ana-
19 lyses of the budget requests of the institutions, departments and activities, including in such ana-
20 lyses alternative considerations as may be necessary or desirable for the board in the adoption of
21 its budget request.

22 [(6)] (f) Appoint, subject to the State Personnel Relations Law, and with the approval of the
23 State Board of Higher Education, such personnel as may be necessary for the performance of the
24 duties of the chancellor.

25 [(7)] (g) Designate, if the chancellor wishes, one or more suitable persons to sign or countersign
26 warrants, vouchers, certificates, or other papers and documents requiring the signature of the
27 chancellor.

28 [(8)] (h) Prepare the agendas for State Board of Higher Education meetings and provide an
29 analysis of proposals made to the board, including such alternatives as may be necessary or desir-
30 able for their consideration, and make recommendations thereon.

31 [(9)] (i) Prepare and submit to the State Board of Higher Education on or about December 31
32 of each year an annual report in which the chancellor describes the principal activities of the De-
33 partment of Higher Education during the fiscal year ending June 30. The report shall include a
34 statement of all funds received, the source or sources from which received, the expenditure and
35 disbursement of all funds and the purposes for which they were expended. The report shall contain
36 a statement of the number of students enrolled in each institution, department or activity, the
37 number of degrees conferred, the improvements made and new courses of instruction added, together
38 with a statement showing in a general way the status of all activities and functions of the State
39 Board of Higher Education.

40 [(10)] (j) Keep a record of the transactions of the State Board of Higher Education.

41 [(11)] (k) Have the custody of all books, papers, documents and other property belonging to the
42 State Board of Higher Education.

43 [(12)] (l) Give such instructions as may be necessary to carry out the directives of the State
44 Board of Higher Education and forward them to the various institution presidents and heads of de-
45 partments and activities.

1 [(13)] (m) Provide for meetings of the presidents and principal executives of the institutions,
2 departments and activities, at such times as the State Board of Higher Education may direct, such
3 meetings to be open to any member of the board. At such meetings, the executives of the Depart-
4 ment of Higher Education may propose policies or policy changes or statements for consideration
5 by the board and develop recommendations concerning allocations of funds.

6 [(14)] (n) Perform such other administrative assistance and consider other administrative mat-
7 ters as the State Board of Higher Education may require.

8 **(3) The chancellor may delegate any of the powers, duties or functions described in this**
9 **section to an employee of the Oregon University System.**

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