

# Senate Bill 894

Sponsored by COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

## 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**.

Removes certain exemptions from Public Contracting Code for Oregon University System.  
Becomes operative January 1, 2012.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to exemptions from the Public Contracting Code for the Oregon University System; creating  
3 new provisions; amending ORS 351.086; and declaring an emergency.

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

5 **SECTION 1.** ORS 351.086 is amended to read:

6 351.086. (1) Except as otherwise provided in this chapter and ORS chapter 352, the provisions  
7 of ORS chapters 240, 279A, 279B, 279C, 282 and 292 do not apply to the Oregon University System.

8 (2) Notwithstanding subsection (1) of this section, ORS 240.167, 240.185, 279A.065 (2), 279B.055  
9 (3), 279C.380 (1)(a) and (3), 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825, 279C.830, 279C.835,  
10 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865, 279C.870 and 292.043 apply to the Oregon  
11 University System.

12 (3) Notwithstanding any other law, the following provisions do not apply to the Oregon Uni-  
13 versity System:

14 (a) ORS 182.310 to 182.400;

15 (b) ORS 273.413 to 273.456;

16 (c) ORS 276.071 [*and 276.072*]; and

17 (d) ORS 291.038.

18 (4) Notwithstanding subsection (3)(b) of this section, ORS 273.413 to 273.456 apply to [*any*] a  
19 structure, equipment or asset owned by the Oregon University System that is encumbered by a  
20 certificate of participation.

21 (5) **Notwithstanding subsection (3)(c) of this section, ORS 279A.005 to 279A.030, 279A.050**  
22 **to 279A.075, 279A.100, 279A.105, 279A.110, 279A.120 and 279A.125 and ORS chapter 279C, except**  
23 **ORS 279C.600 to 279C.625, apply to a public improvement that the Oregon University System**  
24 **or an institution of the Oregon University System constructs, reconstructs or renovates di-**  
25 **rectly or has constructed, reconstructed or renovated under a contract, lease-purchase**  
26 **agreement or other agreement under which the State of Oregon, the Oregon University**  
27 **System or an institution of the Oregon University System will use or ultimately own the**  
28 **public improvement.**

29 [(5)] (6) In carrying out the duties, functions and powers imposed by law upon the Oregon Uni-  
30 versity System, the State Board of Higher Education or the Chancellor of the Oregon University  
31 System may contract with any public agency [*for the performance of such*] **to perform** duties, func-

**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 tions and powers [as] that the Oregon University System considers appropriate.

2 **SECTION 2.** The amendments to ORS 351.086 by section 1 of this 2011 Act apply to a  
3 contract, lease-purchase agreement or other agreement described in ORS 351.086 (5) that the  
4 Oregon University System or an institution of the Oregon University System first advertises  
5 or otherwise solicits on or after the operative date set forth in section 3 of this 2011 Act or,  
6 if the Oregon University System or institution does not advertise or solicit the contract,  
7 lease-purchase agreement or other agreement, to a contract, lease-purchase agreement or  
8 other agreement described in ORS 351.086 (5) that the Oregon University System or institu-  
9 tion enters into on or after the operative date set forth in section 3 of this 2011 Act.

10 **SECTION 3.** (1) The amendments to ORS 351.086 by section 1 of this 2011 Act become  
11 operative on January 1, 2012.

12 (2) The Chancellor of the Oregon University System may take any action before the op-  
13 erative date specified in subsection (1) of this section that is necessary to enable the  
14 chancellor to exercise, on and after the operative date specified in subsection (1) of this  
15 section, all of the duties, functions and powers conferred on the chancellor by the amend-  
16 ments to ORS 351.086 by section 1 of this 2011 Act.

17 **SECTION 4.** This 2011 Act being necessary for the immediate preservation of the public  
18 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
19 on its passage.

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