

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO  
A-ENGROSSED SENATE BILL 201**

1 On page 2 of the printed A-engrossed bill, after line 44, insert:

2 **“SECTION 2. If Senate Bill 54 becomes law, section 1 of this 2017**  
3 **Act (amending ORS 352.138) is repealed and ORS 352.138, as amended**  
4 **by section 8, chapter 31, Oregon Laws 2016, and section 23, chapter \_\_,**  
5 **Oregon Laws 2017 (Enrolled Senate Bill 54), is amended to read:**

6 “352.138. (1) The following entities are not subject to any provision of law  
7 enacted after January 1, 2013, that is unique to governmental entities unless  
8 the following entities are expressly named:

9 “(a) A public university listed in ORS 352.002; and

10 “(b) Any not-for-profit organization or other entity if the equity of the  
11 entity is owned or controlled exclusively by a public university and if the  
12 organization or entity is created by the university to advance any of the  
13 university’s statutory missions.

14 “(2) Notwithstanding subsection (1) of this section and ORS 352.033, the  
15 provisions of ORS 30.260 to 30.460, 33.710, 33.720, 200.005 to 200.025, 200.045  
16 to 200.090, 236.605 to 236.640, 279.835, 279.840, 279.850 and 297.040 and ORS  
17 chapters 35, 190, 192 and 244 apply to a public university listed in ORS  
18 352.002 under the same terms as they apply to public bodies other than the  
19 state.

20 “(3) Except as otherwise provided by law, the provisions of ORS 35.550 to  
21 35.575, 180.060, 180.210 to 180.235, 184.305 to 184.345, 190.480, 190.490, 200.035,

1 243.696, 357.805 to 357.895 and 656.017 (2) and ORS chapters 182, 183, 240, 270,  
2 273, 276, 278, 279A, 279B, 279C, 282, 283, 291, 292, 293, 294, 295 and 297 do not  
3 apply to a public university listed in ORS 352.002.

4 “(4)(a) Notwithstanding subsections (1) and (3) of this section and ORS  
5 352.033, ORS 240.167, 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825,  
6 279C.827, 279C.830, 279C.835, 279C.836, 279C.838, 279C.840, 279C.845, 279C.850,  
7 279C.855, 279C.860, 279C.865, 279C.870 and 292.043 apply to a public univer-  
8 sity listed in ORS 352.002 under the same terms as they apply to public  
9 bodies other than the state.

10 “(b) Notwithstanding subsections (1) and (3) of this section, ORS 279C.800  
11 to 279C.870 apply to an agreement under the terms of which a private entity  
12 constructs, reconstructs, renovates or paints an improvement on real prop-  
13 erty owned by a public university listed in ORS 352.002 or by a not-for-profit  
14 organization or other entity that a public university owns or controls ex-  
15 clusively.

16 “(5) Notwithstanding subsection (2) of this section, ORS 190.430 and  
17 192.105 do not apply to a public university listed in ORS 352.002 or any or-  
18 ganization or other entity described in subsection (1) of this section.

19 “(6)(a) Notwithstanding ORS 352.033, except as set forth in subsection (3)  
20 of this section, ORS 243.650 to 243.782 and 276.073 to 276.090 and ORS chap-  
21 ters 238 and 238A apply to a public university listed in ORS 352.002 under  
22 the same terms as they apply to the state.

23 “(b) **For purposes of determining the salary of an active member**  
24 **of the Public Employees Retirement System under ORS 238A.005 (17),**  
25 **remuneration paid to a member in return for services to a public**  
26 **university listed in ORS 352.002 is deemed includable in the member’s**  
27 **taxable income under Oregon law during a period of continuous em-**  
28 **ployment with any public university listed in ORS 352.002 if:**

29 “(A) **The member was hired in a qualifying position by a public**  
30 **university listed in ORS 352.002 on or after August 29, 2003, and on or**

1 **before December 31, 2016; and**

2 **“(B) The member resided and performed services in the United**  
3 **States during the period of continuous employment.**

4 “(7) ORS 350.285, 350.290, 352.198, 352.226, 352.232, 352.293, 352.296, 352.303,  
5 352.309 and 352.313 apply to a public university listed in ORS 352.002.

6 “(8) Notwithstanding ORS 352.033, a public university listed in ORS  
7 352.002 and its agents and employees remain subject to all statutes and ad-  
8 ministrative rules of this state that create rights, benefits or protections in  
9 favor of military veterans, service members and families of service members  
10 to the same extent as an agency of this state would be subject to such stat-  
11 utes and administrative rules.

12 “(9) Notwithstanding ORS 352.033, ORS 350.540, 350.545 and 350.550 apply  
13 to a public university listed in ORS 352.002. A public university may not is-  
14 sue a tax credit certificate under ORS 350.540, 350.545 and 350.550 that will  
15 cause the General Fund to be owed more than \$8.4 million at any one time  
16 under ORS 350.540, 350.545 and 350.550.

17 “(10) If state bonds are issued for the benefit of a public university listed  
18 in ORS 352.002 under Article XI-Q of the Oregon Constitution:

19 “(a) The Higher Education Coordinating Commission shall have the pow-  
20 ers and duties of a project agency, as defined in ORS 286A.816, to the extent  
21 necessary for the issuance of the state bonds and the administration of the  
22 proceeds of the state bonds; and

23 “(b) The university and the Higher Education Coordinating Commission  
24 shall enter into grant contracts or loan agreements that comply with rules  
25 adopted by the Oregon Department of Administrative Services relating to:

26 “(A) Disbursement of project funds by a project agency through grant  
27 contracts or loan agreements;

28 “(B) Submission of a request for project funds to the commission under  
29 ORS 350.095; and

30 “(C) Any other matters determined by the Oregon Department of Admin-

1 istrative Services to be necessary for the administration of the Article XI-Q  
2 bond program.

3 “(11) Nothing in this section may be construed so that statutory pro-  
4 visions that are not set forth in this section apply to a public university  
5 listed in ORS 352.002.”.

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