

Senate Bill 220

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of Higher Education)

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 Board of Higher Education, Chancellor of Oregon University System and presidents of state institutions of higher education to employ or retain attorneys outside Department of Justice.

Exempts interstate and international agreements by Oregon University System from review for legal sufficiency by Attorney General.

A BILL FOR AN ACT

1
2 Relating to legal services for the Oregon University System; creating new provisions; and amending
3 ORS 351.086.

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

5 **SECTION 1. Notwithstanding ORS 180.060, 180.220, 180.230 and 180.235, the State Board**
6 **of Higher Education, the Chancellor of the Oregon University System or the presidents of**
7 **the state institutions of higher education within the Oregon University System may employ**
8 **or retain attorneys to provide legal services required for the administration of the board,**
9 **system or institutions.**

10 **SECTION 2.** ORS 351.086 is amended to read:

11 351.086. (1) Except as otherwise provided in this chapter and ORS chapter 352, the provisions
12 of ORS chapters 240, 279, 282 and 292 do not apply to the Oregon University System.

13 (2) Notwithstanding subsection (1) of this section, ORS 240.167, 240.185, 279.015 (8), 279.029 (4)
14 and (5), 279.321, 279.348, 279.350, 279.352, 279.354, 279.355, 279.356, 279.357, 279.361, 279.363, 279.365,
15 279.370, 279.375, 279.526 to 279.542, 279.835 to 279.855 and 292.043 apply to the Oregon University
16 System.

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

19 (a) ORS 182.310 to 182.400;

20 **(b) ORS 190.430 and 190.490;**

21 *[(b)]* **(c) ORS 273.413 to 273.456;**

22 *[(c)]* **(d) ORS 276.071 and 276.072; and**

23 *[(d)]* **(e) ORS 291.038 and 291.047.**

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

27 (5) In carrying out the duties, functions and powers imposed by law upon the Oregon University
28 System, the State Board of Higher Education or the Chancellor of the Oregon University System

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 may contract with any public agency for the performance of such duties, functions and powers as
 2 the Oregon University System considers appropriate.

3 **SECTION 3.** ORS 351.086, as amended by section 259a, chapter 794, Oregon Laws 2003, is
 4 amended to read:

5 351.086. (1) Except as otherwise provided in this chapter and ORS chapter 352, the provisions
 6 of ORS chapters 240, 279, 279A, 279B, 279C, 282 and 292 do not apply to the Oregon University
 7 System.

8 (2) Notwithstanding subsection (1) of this section, ORS 240.167, 240.185, 279.835 to 279.855,
 9 279A.065 (2), 279B.055 (3), 279C.380 (1)(a) and (3), 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825,
 10 279C.830, 279C.835, 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865, 279C.870 and 292.043
 11 apply to the Oregon 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 190.430 and 190.490;**

16 [(b)] (c) ORS 273.413 to 273.456;

17 [(c)] (d) ORS 276.071 and 276.072; and

18 [(d)] (e) ORS 291.038 **and 291.047.**

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

22 (5) In carrying out the duties, functions and powers imposed by law upon the Oregon University
 23 System, the State Board of Higher Education or the Chancellor of the Oregon University System
 24 may contract with any public agency for the performance of such duties, functions and powers as
 25 the Oregon University System considers appropriate.

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