

House Bill 2942

Sponsored by Representative ESQUIVEL

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**.

Repeals requirement to use one percent of contract price for constructing or altering state building for acquiring art.

A BILL FOR AN ACT

Relating to acquiring art for state buildings; creating new provisions; amending ORS 276.071 and 351.086; and repealing ORS 276.073, 276.075, 276.080 and 276.090.

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

SECTION 1. ORS 276.071 is amended to read:

276.071. ORS [276.073 to 276.090,] 279A.005 to 279A.030, 279A.050 to 279A.075, 279A.100, 279A.105, 279A.110, 279A.120, 279A.125, 653.268 and 653.269 and ORS chapter 279C, except ORS 279C.600 to 279C.625 apply to *[all]* public improvements that are being constructed, reconstructed or renovated for use by a state agency under a lease-purchase agreement or under any other agreement whereby ultimate state ownership is contemplated or expected.

SECTION 2. ORS 351.086, as amended by section 48, chapter 104, Oregon Laws 2012, is amended to read:

351.086. (1) Except as otherwise provided in this chapter and ORS chapter 352, the provisions of ORS chapters 182, 240, 270, 273, 276, 278, 279A, 279B, 279C, 282, 283, 291 and 292 and ORS 180.060, 180.160, 180.210, 180.220, 180.225 and 180.230 do not apply to the Oregon University System.

(2) Notwithstanding subsection (1) of this section, the provisions of ORS 182.100, 182.109, 240.167, [276.073 to 276.090,] 279A.065 (2), 279B.055 (3), 279C.380 (1)(a) and (3), 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825, 279C.830, 279C.835, 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865, 279C.870, 283.085 to 283.092, 291.200, 291.201 to 291.222, 291.223, 291.224 (2) and (6), 291.226, 291.272 to 291.278, 291.322 to 291.334, 291.405, 291.407, 291.445, 292.043 and 292.044 apply to the Oregon University System.

(3) Notwithstanding subsection (1) of this section, ORS 273.413 to 273.456 apply to any structure, equipment or asset owned by the Oregon University System that is encumbered by a certificate of participation.

(4) Notwithstanding subsection (6) of this section:

(a) The provisions of ORS chapters 35, 190, 192, 244 and 297 and ORS 30.260 to 30.460, 184.480, 184.483, 184.486, 184.488, 200.005 to 200.025, 200.045 to 200.090, 200.100 to 200.120, 200.160 to 200.200, 236.605 to 236.640, 243.650 to 243.782, 243.800, 243.820, 243.830, 243.850, 243.910 to 243.945, 307.090 and 307.112 apply to the Oregon University System under the same terms as they apply to other public bodies other than the State of Oregon.

(b) The provisions of ORS chapter 286A and ORS 293.115, 293.117, 293.130, 293.169, 293.171,

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.

1 293.205 to 293.225, 293.250, 293.265 to 293.280, 293.285, 293.295, 293.321, 293.353, 293.375, 293.406,
 2 293.465 to 293.485, 293.490, 293.495, 293.525, 293.701 to 293.820, 293.875, 293.880 and 293.990 apply to
 3 the Oregon University System under the same terms as they apply to state agencies with moneys
 4 held by the State Treasurer, to the Oregon University System Fund established in ORS 351.506 and
 5 to any other moneys deposited with or held by the State Treasurer for the Oregon University Sys-
 6 tem.

7 (5) Notwithstanding subsections (1) and (6) of this section, the Oregon University System and
 8 [its] **the agents and employees of the Oregon University System** remain subject to all statutes and
 9 administrative rules of this state that create rights, benefits or protections in favor of military vet-
 10 erans, service members and families of service members to the same extent as an agency of this
 11 state would be subject to such statutes and administrative rules.

12 (6)(a) Except as provided by paragraph (b) of this subsection, the Oregon University System, as
 13 a distinct governmental entity, is not subject to any provision of law enacted after January 1, 2011,
 14 with respect to any governmental entity, that is unique to governmental entities, unless the pro-
 15 vision specifically provides that [it] **the provision** applies to the Oregon University System.

16 (b) To the same extent as state agencies that borrow through the State Treasurer or that have
 17 moneys held in the State Treasury, the Oregon University System is subject to any provision of law
 18 enacted after January 1, 2011, that relates to or affects the borrowings of the Oregon University
 19 System through the State Treasurer or the deposit, payment or investment of moneys held in the
 20 Oregon University System Fund or any other moneys held for the Oregon University System in the
 21 State Treasury.

22 (7) 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
 25 [as] **that** the board or chancellor considers appropriate.

26 **SECTION 3. ORS 276.073, 276.075, 276.080 and 276.090 are repealed.**

27 **SECTION 4. The amendments to ORS 276.071 and 351.086 by sections 1 and 2 of this 2013**
 28 **Act and the repeal of ORS 276.073, 276.075, 276.080 and 276.090 by section 3 of this 2013 Act**
 29 **apply to appropriations for constructing or altering state buildings and to public contracts**
 30 **for constructing or altering state buildings that a contracting agency enters into on or after**
 31 **the effective date of this 2013 Act.**