

**A-Engrossed**  
**Senate Bill 201**

Ordered by the Senate April 12  
Including Senate Amendments dated April 12

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 Senate Interim Committee on Education for Oregon Public Universities)

**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.

Provides that remuneration paid to certain employee of university with governing board who [*lives*] **resides** and performs service [*within*] **in** United States is deemed includable in employee's taxable income during **continuous** period of employment with university.

**A BILL FOR AN ACT**

1  
2 Relating to salary of employees of universities with a governing board under the Oregon Public  
3 Service Retirement Plan; and amending ORS 352.138.

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

5 **SECTION 1.** ORS 352.138, as amended by section 8, chapter 31, Oregon Laws 2016, is amended  
6 to read:

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

9 (a) A university with a governing board; and

10 (b) Any not-for-profit organization or other entity if the equity of the entity is owned or con-  
11 trolled exclusively by a university with a governing board and if the organization or entity is cre-  
12 ated by the university to advance any of the university's statutory missions.

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

17 (3) Except as otherwise provided by law, the provisions of ORS 35.550 to 35.575, 180.060, 180.210  
18 to 180.235, 184.305 to 184.345, 190.480, 190.490, 200.035, 243.696, 357.805 to 357.895 and 656.017 (2)  
19 and ORS chapters 182, 183, 240, 270, 273, 276, 278, 279A, 279B, 279C, 282, 283, 291, 292, 293, 294, 295  
20 and 297 do not apply to a university with a governing board.

21 (4)(a) Notwithstanding subsections (1) and (3) of this section and ORS 352.033, ORS 240.167,  
22 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825, 279C.827, 279C.830, 279C.835, 279C.836, 279C.838,  
23 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865, 279C.870 and 292.043 apply to a univer-  
24 sity with a governing board under the same terms as they apply to public bodies other than the  
25 state.

26 (b) Notwithstanding subsections (1) and (3) of this section, ORS 279C.800 to 279C.870 apply to

**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 an agreement under the terms of which a private entity constructs, reconstructs, renovates or paints  
2 an improvement on real property owned by a university with a governing board or by a not-for-profit  
3 organization or other entity that a university with a governing board owns or controls exclusively.

4 (5) Notwithstanding subsection (2) of this section, ORS 190.430 and 192.105 do not apply to a  
5 university with a governing board or any organization or other entity described in subsection (1)  
6 of this section.

7 (6)(a) Notwithstanding ORS 352.033, except as set forth in subsection (3) of this section, ORS  
8 243.650 to 243.782 and 276.073 to 276.090 and ORS chapters 238 and 238A apply to a university with  
9 a governing board under the same terms as they apply to the state.

10 **(b) For purposes of determining the salary of an active member of the Public Employees**  
11 **Retirement System under ORS 238A.005 (17), remuneration paid to a member in return for**  
12 **services to a university with a governing board is deemed includable in the member's taxable**  
13 **income under Oregon law during a period of continuous employment with any university with**  
14 **a governing board if:**

15 **(A) The member was hired in a qualifying position by a university with a governing board**  
16 **on or after August 29, 2003, and on or before December 31, 2016; and**

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

19 (7) ORS 350.285, 350.290, 352.198, 352.226, 352.232, 352.293, 352.296, 352.303, 352.309 and 352.313  
20 apply to a university with a governing board.

21 (8) Notwithstanding ORS 352.033, a university with a governing board and its agents and em-  
22 ployees remain subject to all statutes and administrative rules of this state that create rights, ben-  
23 efits or protections in favor of military veterans, service members and families of service members  
24 to the same extent as an agency of this state would be subject to such statutes and administrative  
25 rules.

26 (9) Notwithstanding ORS 352.033, ORS 350.540, 350.545 and 350.550 apply to a university with  
27 a governing board. A university with a governing board may not issue a tax credit certificate under  
28 ORS 350.540, 350.545 and 350.550 that will cause the General Fund to be owed more than \$8.4 million  
29 at any one time under ORS 350.540, 350.545 and 350.550.

30 (10) If state bonds are issued for the benefit of a university with a governing board under Article  
31 XI-Q of the Oregon Constitution:

32 (a) The Higher Education Coordinating Commission shall have the powers and duties of a  
33 project agency, as defined in ORS 286A.816, to the extent necessary for the issuance of the state  
34 bonds and the administration of the proceeds of the state bonds; and

35 (b) The university and the Higher Education Coordinating Commission shall enter into grant  
36 contracts or loan agreements that comply with rules adopted by the Oregon Department of Admin-  
37 istrative Services relating to:

38 (A) Disbursement of project funds by a project agency through grant contracts or loan agree-  
39 ments;

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

41 (C) Any other matters determined by the Oregon Department of Administrative Services to be  
42 necessary for the administration of the Article XI-Q bond program.

43 (11) Nothing in this section may be construed so that statutory provisions that are not set forth  
44 in this section apply to a university with a governing board.