

Enrolled Senate Bill 242

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CHAPTER

AN ACT

Relating to education; creating new provisions; amending ORS 30.264, 131.594, 182.122, 182.415, 183.635, 184.475, 184.477, 190.610, 192.501, 205.450, 205.455, 238.005, 238.148, 238.300, 238.350, 238.580, 238.608, 238A.005, 238A.140, 243.105, 243.107, 243.778, 243.910, 243.956, 244.050, 270.100, 273.155, 273.785, 276.227, 276.229, 276.612, 279A.025, 283.305, 283.310, 284.633, 284.701, 285B.168, 285B.174, 286A.615, 286A.700, 291.038, 291.055, 292.043, 292.044, 310.155, 315.237, 326.075, 326.543, 326.587, 329.757, 329.765, 329.775, 329.780, 329.822, 329.840, 332.114, 332.155, 336.057, 337.500, 337.511, 338.115, 339.885, 340.005, 340.085, 341.009, 341.527, 341.531, 342.144, 342.147, 342.360, 342.390, 342.443, 344.259, 344.557, 345.015, 345.017, 348.005, 348.040, 348.050, 348.070, 348.095, 348.115, 348.117, 348.180, 348.183, 348.186, 348.205, 348.210, 348.230, 348.250, 348.260, 348.265, 348.270, 348.280, 348.282, 348.283, 348.290, 348.310, 348.320, 348.330, 348.340, 348.350, 348.360, 348.370, 348.390, 348.394, 348.427, 348.429, 348.436, 348.444, 348.448, 348.500, 348.505, 348.510, 348.520, 348.530, 348.540, 348.550, 348.560, 348.563, 348.570, 348.580, 348.590, 348.592, 348.597, 348.601, 348.603, 348.604, 348.605, 348.606, 348.607, 348.608, 348.609, 348.611, 348.612, 348.615, 348.616, 348.618, 348.621, 348.625, 348.630, 348.635, 348.640, 348.655, 348.660, 348.665, 348.670, 348.675, 348.685, 348.690, 348.696, 348.890, 348.900, 348.910, 351.001, 351.010, 351.020, 351.050, 351.060, 351.062, 351.065, 351.067, 351.070, 351.072, 351.075, 351.077, 351.085, 351.086, 351.088, 351.094, 351.097, 351.110, 351.117, 351.130, 351.140, 351.150, 351.155, 351.203, 351.205, 351.210, 351.230, 351.240, 351.300, 351.310, 351.317, 351.320, 351.340, 351.450, 351.460, 351.506, 351.590, 351.628, 351.638, 351.642, 351.643, 351.644, 351.646, 351.647, 351.649, 351.653, 351.656, 351.658, 351.700, 351.704, 351.840, 351.870, 351.885, 352.002, 352.004, 352.008, 352.010, 352.015, 352.017, 352.021, 352.223, 352.360, 352.370, 352.375, 352.380, 352.385, 352.390, 352.510, 352.669, 352.720, 352.730, 352.740, 352.750, 353.080, 353.200, 353.260, 353.440, 353.600, 353.603, 357.004, 399.245, 399.255, 399.265, 399.275, 408.095, 411.894, 418.658, 431.690, 433.090, 442.535, 442.540, 442.545, 461.543, 541.375, 634.660, 657.665, 659.855, 660.312, 660.315, 660.358, 678.425, 679.020, 680.515, 684.040, 685.060, 696.182, 743.550 and 759.445 and section 9, chapter 802, Oregon Laws 2007; repealing ORS 348.599, 351.005, 351.007, 351.090, 351.200 and 351.315; appropriating money; and declaring an emergency.

Whereas the Legislative Assembly declares its intent to promote a system of higher education in which:

- (1) Institutions of higher education have the flexibility to make effective and efficient use of human, physical and financial resources;
- (2) Education beyond high school is accessible, regardless of each student's geographic or socioeconomic position;

- (3) High-quality research and scholarship by faculty and students is coordinated;
- (4) Funding and metrics of accountability are aligned and measured against statewide goals and benchmarks; and
- (5) Citizens of all ages, backgrounds and income levels are enabled to participate in the search for knowledge and individual development.

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

HIGHER EDUCATION COORDINATING COMMISSION

SECTION 1. (1) There is established a Higher Education Coordinating Commission, consisting of 15 members appointed by the Governor.

(2) The Governor shall appoint:

- (a) One student at a public university listed in ORS 352.002;
 - (b) One student at a community college in this state;
 - (c) At least one member from each congressional district in this state;
 - (d) At least four members who represent employers in Oregon, at least two of whom represent small employers and at least two of whom represent large employers; and
 - (e) At least one member who serves on a district school board as defined in ORS 332.002.
- (3) The Governor shall solicit recommendations from the Speaker of the House of Representatives for at least three members and from the President of the Senate for at least three members.

(4) The Governor may appoint members who satisfy more than one of the qualifications for membership listed in subsection (2) of this section.

(5) The term of office of each member is four years, except that the term of office for the two student members is two years. A member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(6) The appointment of the commission is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(7) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 2. Notwithstanding the term of office specified by section 1 of this 2011 Act, of the members first appointed to the Higher Education Coordinating Commission:

- (1) Five, including the two student members, shall serve for a term ending June 30, 2014.
- (2) Five shall serve for a term ending June 30, 2015.
- (3) Five shall serve for a term ending June 30, 2016.

SECTION 3. (1) The members of the Higher Education Coordinating Commission must be residents of this state who are well informed on the principles of higher education.

(2) A member of the State Board of Higher Education, Oregon Health and Science University Board of Directors or the governing board of a community college district may not serve as a member of the Higher Education Coordinating Commission.

SECTION 4. (1) The Higher Education Coordinating Commission shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the commission determines.

(2) A majority of the members of the commission constitutes a quorum for the transaction of business.

(3) The commission shall meet at least once every three months at a place, day and hour determined by the chairperson. The commission may also meet at other times and places specified by the call of the chairperson or of a majority of the members of the commission.

SECTION 5. (1) The Higher Education Coordinating Commission shall appoint an executive officer to serve at the pleasure of the commission.

(2) The appointment of the executive officer must be by written order, filed with the Secretary of State.

(3) Subject to any applicable provisions of ORS chapter 240, the executive officer shall appoint all subordinate officers and employees of the commission, prescribe their duties and fix their compensation.

SECTION 6. In accordance with applicable provisions of ORS chapter 183, the Higher Education Coordinating Commission may adopt rules necessary for the administration of the laws that the commission is charged with administering.

SECTION 7. (1) The Higher Education Coordinating Commission may establish such advisory and technical committees as it considers necessary to aid and advise the commission in the performance of its functions. These committees may be continuing or temporary committees. The commission shall determine the representation, membership, terms and organization of the committees and shall appoint their members.

(2) Members of the committees are not entitled to compensation, but at the discretion of the commission may be reimbursed from funds available to the commission for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided in ORS 292.495.

SECTION 8. The Higher Education Coordinating Commission shall:

(1) Develop state goals and associated accountability measures for the state post-secondary education system, including community colleges and public universities listed in ORS 352.002, and for the Oregon Student Access Commission.

(2) Develop a strategic plan for achieving state higher education goals, identifying priority areas for attention and taking into consideration the contributions of this state's independent institutions and other organizations dedicated to helping Oregonians reach state goals. Goals should include, but need not be limited to:

(a) Increasing the educational attainment of the population;

(b) Increasing this state's global economic competitiveness and the quality of life of its citizens;

(c) Ensuring affordable access for qualified Oregon students at each college or public university; and

(d) Ensuring that public higher education in this state is provided in a cost-effective manner.

(3) Evaluate and recommend changes to statutory goals and missions described for community colleges in ORS 341.009 and for public universities in ORS 351.003 and 351.009 after receiving recommendations from the appropriate governing board. The appropriate governing board shall have decision-making authority over program offerings to implement established goals and missions.

(4) Develop a finance model for higher education aligned with the goals in the system strategic plan, including:

(a) Recommended biennial appropriations to institutions, including a component specifically tied to institutional contributions to state educational priorities;

(b) Recommended limits regarding the setting of tuition rates at public universities listed in ORS 352.002 in accordance with criteria set by the State Board of Higher Education, with the goal of encouraging tuition affordability for students;

(c) Tuition rates set by each community college governing board for community colleges in this state;

(d) Recommended biennial appropriations for student financial aid; and

(e) Recommended biennial appropriations for any future statewide higher education initiatives.

(5) Each biennium, recommend to the Governor and the Legislative Assembly a consolidated higher education budget request consistent with the finance model, including appropriations for:

- (a) Ongoing operations of the Oregon Student Access Commission;
- (b) Ongoing operations for the Oregon University System;
- (c) Ongoing operations for community colleges;
- (d) Needed new facilities or programs; and
- (e) Capital improvements.

(6) Design and maintain a statewide educational data system, in collaboration with the State Board of Education.

(7) Coordinate with the Oregon Student Access Commission to maximize the effectiveness of student financial assistance programs, including the Oregon Opportunity Grant program under ORS 348.260.

(8) Approve and authorize degrees for the Oregon University System.

(9) Authorize degrees to be offered in this state in accordance with ORS 348.594 to 348.615, and adopt any rules to implement that authority.

SECTION 8a. The Higher Education Coordinating Commission may delegate any of the actions listed in section 8 of this 2011 Act to its executive director.

ABOLITION OF OFFICE OF DEGREE AUTHORIZATION

SECTION 9. (1) The Office of Degree Authorization within the Oregon Student Assistance Commission is abolished.

(2) All the duties, functions and powers of the Office of Degree Authorization are imposed upon, transferred to and vested in the Higher Education Coordinating Commission.

SECTION 10. (1) The Office of Degree Authorization shall:

(a) Deliver to the Higher Education Coordinating Commission all records and property within the jurisdiction of the Office of Degree Authorization that relate to the duties, functions and powers transferred by section 9 of this 2011 Act; and

(b) Transfer to the Higher Education Coordinating Commission those employees engaged primarily in the exercise of the duties, functions and powers transferred by section 9 of this 2011 Act.

(2) The executive officer of the Higher Education Coordinating Commission shall take possession of the records and property, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers transferred by section 9 of this 2011 Act, without reduction of compensation but subject to change or termination of employment or compensation as provided by law.

(3) The Governor shall resolve any dispute between the Office of Degree Authorization and the Higher Education Coordinating Commission relating to transfers of records, property and employees under this section, and the Governor's decision is final.

SECTION 11. (1) The unexpended balances of amounts authorized to be expended by the Office of Degree Authorization for the biennium beginning July 1, 2011, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 9 of this 2011 Act are transferred to and are available for expenditure by the Higher Education Coordinating Commission for the biennium beginning July 1, 2011, for the purpose of administering and enforcing the duties, functions and powers transferred by section 9 of this 2011 Act.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the Office of Degree Authorization remain applicable to expenditures by the Higher Education Coordinating Commission under this section.

SECTION 12. The transfer of duties, functions and powers to the Higher Education Coordinating Commission by section 9 of this 2011 Act does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Higher Education Coordinating Commission is substituted for the Office of Degree Authorization in the action, proceeding or prosecution.

SECTION 13. (1) Nothing in sections 9 to 16 of this 2011 Act or the repeal of ORS 348.599 by section 291 of this 2011 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by section 9 of this 2011 Act. The Higher Education Coordinating Commission may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the Office of Degree Authorization, or the Oregon Student Assistance Commission on behalf of the Office of Degree Authorization, legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date specified in section 292 of this 2011 Act are transferred to the Higher Education Coordinating Commission. For the purpose of succession to these rights and obligations, the Higher Education Coordinating Commission is a continuation of the Office of Degree Authorization and not a new authority.

SECTION 14. Notwithstanding the transfer of duties, functions and powers by section 9 of this 2011 Act, the rules of the Office of Degree Authorization in effect on the operative date specified in section 292 of this 2011 Act continue in effect until superseded or repealed by rules of the Higher Education Coordinating Commission. References in rules of the Office of Degree Authorization, or an officer or employee of that office, are considered to be references to the Higher Education Coordinating Commission or an officer or employee of the Higher Education Coordinating Commission.

SECTION 15. Whenever, in any uncodified law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the Office of Degree Authorization or an officer or employee of that office, the reference is considered to be a reference to the Higher Education Coordinating Commission or an officer or employee of the Higher Education Coordinating Commission.

SECTION 16. (1) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Office of Degree Authorization" or its officers or employees, wherever they occur in statutory law, words designating the "Higher Education Coordinating Commission" or its officers or employees.

(2)(a) The amendments to ORS 348.601 by section 179 of this 2011 Act are intended to change the name of the Office of Degree Authorization Account to the Degree Authorization Account.

(b) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Office of Degree Authorization Account," wherever they occur in statutory law, words designating the "Degree Authorization Account."

OREGON UNIVERSITY SYSTEM

SECTION 17. The Legislative Assembly finds that public higher education is necessary to accomplish the findings in ORS 351.001 and recognizes the following as fundamental goals of public higher education in this state:

(1) Creating an educated citizenry to support responsible roles in a democratic society and provide a globally competitive workforce to drive this state's economy, while ensuring access for all qualified Oregonians to a high-quality post-secondary education;

- (2) Ensuring a high-quality learning environment that allows students to succeed;
- (3) Creating original knowledge and advancing innovation; and
- (4) Contributing positively to the economic, civic and cultural life of communities in all regions of Oregon.

SECTION 18. Sections 19 to 21b and 23 of this 2011 Act are added to and made a part of ORS 351.010 to 351.070.

SECTION 19. The Oregon University System is established as a public university system, consisting of the office of the Chancellor of the Oregon University System, the public universities listed in ORS 352.002 and any related offices, departments or activities. The State Board of Higher Education, on behalf of the Oregon University System, shall exercise and carry out all of the powers, rights and duties that are expressly conferred upon the board or that are implied by law or incident to such powers, rights and duties. The Oregon University System is an instrumentality of the state and a government entity performing governmental functions and exercising governmental powers. Notwithstanding the status of the Oregon University System as an instrumentality of the state, the Oregon University System is not eligible to request or receive legal services from the Attorney General and the Department of Justice pursuant to ORS chapter 180, except as otherwise expressly provided by law. The Oregon University System is not considered a unit of local or municipal government.

SECTION 20. (1) The State Board of Higher Education shall set enrollment fees for each public university listed in ORS 352.002. Enrollment fees include tuition for education and services and any other charges found by the State Board of Higher Education to be necessary to carry out the educational program of the Oregon University System.

(2) The State Board of Higher Education shall, by rule, establish a process under which each public university may develop and submit proposed enrollment fees for board consideration. The process must provide for participation of enrolled students and the recognized student government of the public university.

(3) Each public university listed in ORS 352.002 is authorized to offer fee remissions to its students, including remissions offered on the basis of need, from any authorized source of revenue. Moneys appropriated from the General Fund may not be used to fund fee remissions to students of the public university.

SECTION 20a. The Higher Education Coordinating Commission may set limits on the enrollment fees established by the State Board of Higher Education under section 20 (1) of this 2011 Act.

SECTION 21. (1) For the purposes of this section, “performance compact” means an agreement between the State Board of Higher Education and the State of Oregon to achieve certain performance targets in order to enhance the success of Oregon University System students in exchange for consideration of the appropriations sought in a funding request submitted by the State Board of Higher Education to the Oregon Department of Administrative Services.

(2)(a) On or before May 1 of each even-numbered year, the State Board of Higher Education shall submit a draft funding request to the Higher Education Coordinating Commission for the Oregon University System, applicable to the biennium beginning on July 1 of the following year. The draft funding request must include a performance compact.

(b) If the Higher Education Coordinating Commission approves the draft funding request and performance compact, or approves the draft funding request and performance compact with modifications, the commission shall take such action prior to August 15 of the same even-numbered year.

(c) If the Higher Education Coordinating Commission rejects the draft funding request and performance compact, the commission shall take such action prior to June 15 of the same even-numbered year. In returning the rejected draft funding request and performance

compact to the State Board of Higher Education, the commission shall give specific direction to the board regarding the changes necessary to earn commission approval.

(3) On or before September 1 of each even-numbered year, the State Board of Higher Education shall submit the funding request and performance compact to the Oregon Department of Administrative Services for the Oregon University System.

(4) The Governor's biennial budget submitted to the Legislative Assembly may include the State Board of Higher Education's funding request submitted to the Oregon Department of Administrative Services for the Oregon University System. Any funding request approved by the Legislative Assembly must specify that the moneys be appropriated to the Oregon Department of Administrative Services for allocation to the Oregon University System.

(5) The funding request must include, in addition to the performance compact, a report on performance from the previous biennium's performance compact.

(6) The State Board of Higher Education shall, by rule, establish a framework for the development of a performance compact that must accompany the funding request to the Oregon Department of Administrative Services. The framework must address, among other issues, the issue of tuition affordability for students.

SECTION 21a. The State Board of Higher Education is authorized to:

(1) Request, as part of the funding request under section 21 of this 2011 Act, appropriations for budgetary items, including but not limited to education and general operations, statewide public services, state funded debt service, capital improvements and other special initiatives and investments; and

(2) Allocate moneys, from funds appropriated to the board and other available moneys, among the office of the Chancellor of the Oregon University System, public universities listed in ORS 352.002 and offices, departments and activities under the control of the board.

SECTION 21b. The State Board of Higher Education is not required to seek expenditure limitation approval from the Legislative Assembly to spend any available moneys, including but not limited to moneys from enrollment fees collected pursuant to section 20 of this 2011 Act.

SECTION 22. Sections 21 and 21a of this 2011 Act apply to biennia beginning on or after July 1, 2015.

SECTION 22a. (1) On or before September 1, 2012, the State Board of Higher Education shall submit a funding request and performance compact for the biennium beginning July 1, 2013, to the Oregon Department of Administrative Services for the Oregon University System.

(2) The Governor's biennial budget submitted to the Legislative Assembly for the biennium beginning July 1, 2013, may include the State Board of Higher Education's funding request submitted to the Oregon Department of Administrative Services for the Oregon University System. Any funding request approved by the Legislative Assembly must specify that the moneys be appropriated to the Oregon Department of Administrative Services for allocation to the Oregon University System.

(3) The State Board of Higher Education shall, by rule, establish a framework for the development of the performance compact that must accompany the funding request to the Oregon Department of Administrative Services for the biennium beginning July 1, 2013. The framework must address, among other issues, the issue of tuition affordability for students.

(4) The State Board of Higher Education is authorized to:

(a) Request, as part of the funding request under subsection (1) of this section, appropriations for budgetary items, including but not limited to education and general operations, statewide public services, state funded debt service, capital improvements and other special initiatives and investments; and

(b) Allocate moneys, from funds appropriated to the board and other available moneys, among the office of the Chancellor of the Oregon University System, public universities listed in ORS 352.002 and offices, departments and activities under the control of the board.

SECTION 23. The State Board of Higher Education shall:

- (1) Review all mission statements of the public universities listed in ORS 352.002; and
- (2) Approve all academic programs offered at the public universities, and shall ensure that the academic programs:
 - (a) Are consistent with the mission statement of the respective public university;
 - (b) Do not unnecessarily duplicate academic programs offered by other public universities listed in ORS 352.002; and
 - (c) Are allocated among the public universities in the Oregon University System to maximize the achievement of statewide needs and requirements.

SECTION 23a. The State Board of Higher Education shall forward all mission statements of the public universities listed in ORS 352.002 to the Higher Education Coordinating Commission for approval.

SECTION 24. As used in sections 24 to 28 of this 2011 Act:

- (1) "Bond-related costs" means:
 - (a) The costs and expenses of issuing, administering and maintaining higher education revenue bonds including, but not limited to, the costs of:
 - (A) Paying or redeeming higher education revenue bonds.
 - (B) Paying amounts due in connection with credit enhancement devices or agreements for exchange of interest rates.
 - (C) Paying the fees, administrative costs and expenses of the State Treasurer and the Oregon University System, including the costs of consultants or advisers retained by the State Treasurer or the Chancellor of the Oregon University System, for the higher education revenue bonds.
 - (b) The costs of funding reserves for the higher education revenue bonds.
 - (c) Capitalized interest for the higher education revenue bonds.
 - (d) Rebates or penalties due to the United States in connection with the higher education revenue bonds.
 - (e) Any other costs or expenses that the State Treasurer or the chancellor determines are necessary or desirable in connection with issuing and maintaining the higher education revenue bonds.
- (2) "Higher education revenue bonds" means revenue bonds issued pursuant to section 25 of this 2011 Act.
- (3) "Higher education revenues" includes:
 - (a) Tuition, fees and charges imposed or collected by the Oregon University System, or by one of the public universities in the system; and
 - (b) Moneys appropriated, allocated or otherwise made available to the Oregon University System, or to one of its universities, by the Legislative Assembly, if those moneys are lawfully available to pay the bond-related costs of higher education revenue bonds.

SECTION 25. (1) At the request of the Chancellor of the Oregon University System, the State Treasurer may issue, as provided in ORS chapter 286A, higher education revenue bonds from time to time, the net proceeds of which must be used to:

- (a) Finance projects that the State Board of Higher Education determines will assist the Oregon University System in carrying out its statutory powers;
 - (b) Refund bonds issued for the projects; and
 - (c) Pay bond-related costs.
- (2)(a) Before pledging all or a portion of higher education revenues, pursuant to ORS 286A.102, to secure higher education revenue bonds, higher education credit enhancement devices or agreements for exchange of interest rates related to such revenue bonds or credit enhancement devices, the chancellor shall reserve sufficient funds each biennium to satisfy any payment or reserve requirements relating to:
- (A) General obligation bonds or certificates of participation issued for the benefit of the Oregon University System;

(B) Credit enhancement devices or agreements for exchange of interest rates entered into in connection with obligations related to general obligation bonds or certificates of participation issued for the benefit of the Oregon University System; and

(C) Loans to the Oregon University System funded by state general obligation bonds.

(b) Pursuant to ORS 286A.010, the Oregon University System shall provide cash flow projections and other information requested by the State Treasurer to determine the sufficiency of higher education revenues to satisfy the requirements of paragraph (a) of this subsection and any proposed revenue bonds.

(c) For purposes of the issuance of bonds and ORS chapter 286A, the Oregon University System shall be considered a related agency as defined in ORS 286A.001 (9).

(d) The chancellor shall identify the specific higher education revenues that will be pledged to secure each series of higher education revenue bonds and specify the status of the lien of each pledge.

(3) The chancellor may enter into covenants, pursuant to ORS 286A.025 (4)(c), on behalf of the State of Oregon for the benefit of holders of higher education revenue bonds, providers of credit enhancement for higher education revenue bonds and counterparties to agreements for exchange of interest rates to:

(a) Adjust the rates, charges or fees that produce higher education revenues so that higher education revenues equal or exceed specified levels during specified periods.

(b) Create only those pledges or liens on higher education revenues that are permitted by the covenants authorized by this section.

(c) Budget and apply higher education revenues, or otherwise allow higher education revenues to be applied, in amounts that, when added to other moneys lawfully available for the purpose, will be sufficient:

(A) To pay in full and when due the principal, interest and premium on outstanding higher education revenue bonds;

(B) To pay amounts due in connection with agreements for exchange of interest rates and credit enhancement devices for higher education revenue bonds; and

(C) To maintain the balance required by covenants in any debt service reserves established for the higher education revenue bonds.

(4) The chancellor shall operate the properties of the Oregon University System in compliance with the higher education revenue bond covenants until all higher education revenue bonds are paid or defeased.

(5) Higher education revenue bonds are not a general obligation of the State of Oregon, and neither the full faith and credit nor the taxing power of the State of Oregon may be pledged to secure or pay the higher education revenue bonds.

(6) The State Treasurer and the Oregon University System do not have an obligation to pay bond-related costs except as provided in sections 24 to 28 of this 2011 Act. A holder of higher education revenue bonds issued under this section does not have the right to compel the exercise of the taxing power of the State of Oregon to pay bond-related costs.

(7) As long as any higher education revenue bonds issued under this section are outstanding, covenants related to the higher education revenue bonds are deemed to be contracts between the State of Oregon and holders of the higher education revenue bonds. The State of Oregon may not give force or effect to a statute or initiative or referendum measure approved by the electors of this state if doing so would unconstitutionally impair existing covenants made with the holders of existing higher education revenue bonds or would unconstitutionally impair other obligations or agreements regarding the security of higher education revenue bonds to which the moneys deposited in the accounts established by sections 26, 27 and 28 of this 2011 Act are pledged and assigned.

(8) The principal, interest and any premium and any issuance costs on a financing agreement under ORS 283.085 to 283.092, any general obligation bond, any revenue bond and any related credit enhancement device or interest rate exchange agreement shall be paid

from the sources specified in the laws and documents authorizing the financing agreement, bond, credit enhancement device or interest rate exchange agreement. The Oregon University System shall pay any other expenses and liabilities, including but not limited to legal expenses, costs of settling claims, judgments, federal arbitrage rebates and penalties and expenses arising from an inquiry, audit or other action by a federal or state regulatory body, unless the expense or liability results solely from the negligence or willful misconduct of a state agency.

(9) Pursuant to ORS chapter 180, on behalf of the State Treasurer or any other state agency, the Attorney General shall appear, commence, prosecute or defend any action, suit, matter, cause or proceeding arising from any financing agreement under ORS 283.085 to 283.092, any bond issued for the benefit of the Oregon University System and any related credit enhancement device or interest rate exchange agreement.

SECTION 26. An account in the Oregon University System Fund established by ORS 351.506 is designated for the purposes described in section 25 (1) of this 2011 Act. The account consists of net proceeds of higher education revenue bonds issued under section 25 of this 2011 Act and other moneys made available for the purposes described in section 25 (1) of this 2011 Act. Moneys in the account may be invested as provided in ORS 293.701 to 293.820, and interest earned by the account must be credited to the account. Moneys in the account are continuously appropriated to the Oregon University System for the purposes described in section 25 (1) of this 2011 Act.

SECTION 27. (1) An account in the Oregon University System Fund established by ORS 351.506 is designated for the purposes of paying, when due, the principal of, the interest on and the premium, if any, on outstanding higher education revenue bonds. Moneys in the account may be invested as provided in ORS 293.701 to 293.820, and interest earned by the account must be credited to the account. Moneys in the account are continuously appropriated to the Oregon University System for the purposes described in this section.

(2) The Oregon University System shall deposit in the account:

(a) Capitalized or accrued interest on higher education revenue bonds;

(b) Amounts appropriated or otherwise made available by the Legislative Assembly for deposit in the account; and

(c) Reserves established for the payment of higher education revenue bonds.

SECTION 28. (1) An account in the Oregon University System Fund established by ORS 351.506 is designated for the purpose of paying bond-related costs under sections 24 to 28 of this 2011 Act. Moneys in the account may be invested as provided in ORS 293.701 to 293.820, and interest earned by the account must be credited to the account. Moneys in the account are continuously appropriated to the Oregon University System for payment of bond-related costs under sections 24 to 28 of this 2011 Act.

(2) The Oregon University System shall deposit in the account:

(a) Proceeds of higher education revenue bonds that were issued to pay bond-related costs; and

(b) Amounts appropriated or otherwise made available by the Legislative Assembly for deposit in the account.

SECTION 29. Except for risk management and insurance functions, the State Board of Higher Education and the Oregon University System shall assume responsibility, in accordance with agreements entered into with the Department of Justice and the State Treasurer, for the indemnity and defense of their officers, agents and employees or other persons designated by the board or the system to carry out or further their missions with regard to claims asserted and actions commenced as of the operative date of this section.

SECTION 29a. For risk management and insurance functions, the State Board of Higher Education and the Oregon University System shall assume responsibility, in accordance with agreements entered into with the Oregon Department of Administrative Services regarding its risk management function and the manager of the Insurance Fund established in ORS

278.425, for the indemnity and defense of their officers, agents and employees or other persons designated by the board or the system to carry out or further their missions with regard to claims asserted and actions commenced as of the operative date of this section.

SECTION 29b. Before the operative date of section 29 of this 2011 Act or the operative date of section 29a of this 2011 Act, the State Board of Higher Education and the Oregon University System shall enter into an agreement, as applicable, with the Department of Justice, the Oregon Department of Administrative Services regarding its risk management function, the State Treasurer and the manager of the Insurance Fund established in ORS 278.425 with regard to:

(1) The transfer of duties and responsibilities concerning legal actions and liabilities in existence before the operative date of section 29 of this 2011 Act or the operative date of section 29a of this 2011 Act, as applicable;

(2) The reimbursement of reasonable costs and expenses associated with the legal representation of the State Treasurer for bonds issued for the board and the system on and after the operative date of section 29 of this 2011 Act or the operative date of section 29a of this 2011 Act, as applicable; and

(3) Any other topic necessary for the orderly transfer of duties and responsibilities incident to the previous statutory duty of the Department of Justice to provide legal representation to the board and the system and the responsibility of the Department of Administrative Services to insure the board and the system.

SECTION 30. Except as otherwise provided by law, all liabilities, known and unknown, of the State Board of Higher Education and the Oregon University System existing on or arising after the operative date of this section or, for liabilities related to risk management or insurance functions, arising after the operative date of section 29a of this 2011 Act, are the sole responsibility of the board and system. Damages, costs and other expenses arising out of and related to liabilities of the board and the system after the operative date of this section shall be payable from the Oregon University System Fund or from insurance purchased, a self-insurance program established or another insurance equivalent arranged for under section 36a of this 2011 Act.

SECTION 30a. The State Board of Higher Education is a continuation of the former State Board of Higher Education with respect to its duties, liabilities, functions and powers, and is not a new authority, for the purpose of succession to all rights and obligations of the former State Board of Higher Education as constituted as of the effective date of this 2011 Act, except as otherwise provided by law.

SECTION 31. ORS 351.001 is amended to read:

351.001. The Legislative Assembly finds that:

(1) For its **survival and** political well-being, Oregon needs wise and effective leadership and an informed citizenry.

(2) For its **survival and** economic well-being, Oregon needs able and imaginative men and women for the direction and operation of all its institutions, for the production of goods and services and for the management of its fiscal affairs. Oregon also needs alert and informed consumers.

(3) For its cultural advancement, Oregon needs creative talent as well as appreciative and discriminating readers, viewers and listeners. Oregon also needs people who understand the diverse patterns of behavior, communication and belief that make up the common cultures of the various communities in which we all must function.

(4) For its survival, Oregon needs citizens who understand the interdependence of human beings and our shared dependence on the resources provided by our natural environment.

(5) Oregon needs people who, in the roles of parents and teachers and in other capacities, are able to transmit the state's and the nation's ideals and heritage to future generations.

(6) For their personal well-being, individual Oregonians need to cultivate an advanced literacy essential to leading productive and rewarding lives. This includes the capacity to think logically and critically; to internalize and exemplify humane values; to write, speak and figure clearly and accu-

rately; to understand, in some depth, a variety of psychological, historical, cultural, aesthetic and scientific concepts and theories; and to master a range of occupational, professional, avocational, social and personal skills.

SECTION 32. ORS 351.010 is amended to read:

351.010. The Oregon University System *[is established and is organized as described in ORS 352.002. The system]* shall be conducted under the control of a board of *[12]* **15** directors, to be known as the State Board of Higher Education. **Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.** The board shall consist of:

(1) Two students~~[,]~~ who at the time of their appointment to the board~~[,]~~ are *[admitted at]* **attending** different public *[institutions of higher education in Oregon]* **universities** listed in ORS 352.002.

(2) One member of the faculty at Oregon State University, Portland State University or University of Oregon.

(3) One member of the faculty at Eastern Oregon University, Oregon Institute of Technology, Southern Oregon University or Western Oregon University.

(4) *[Eight]* **Eleven** members of the general public who are not students or faculty **members** at the time of *[their]* appointment.

SECTION 33. (1) **The directors added to the State Board of Higher Education by the amendments to ORS 351.010 in section 32 of this 2011 Act shall be appointed for terms beginning July 1, 2012.**

(2) **Notwithstanding the term of office specified in ORS 351.040, of the directors added to the board by the amendments to ORS 351.010 in section 32 of this 2011 Act:**

(a) **One shall serve for a term ending June 30, 2014;**

(b) **One shall serve for a term ending June 30, 2015; and**

(c) **One shall serve for a term ending June 30, 2016.**

SECTION 34. ORS 351.020 is amended to read:

351.020. (1) The directors of the State Board of Higher Education *[shall]* **must** be residents of Oregon and *[shall be]* **are** appointed by the Governor. The *[appointment is]* **appointments are** subject to the confirmation of the Senate in the manner provided by ORS 171.562 and 171.565. No director who is not a student or faculty member at the time of appointment may be an employee of any of the *[institutions or departments]* **public universities or offices, departments or activities** under the control of the State Board of Higher Education~~], nor shall more than seven graduates of or students admitted at these institutions, nor more than three graduates of or students admitted at any one of these institutions or departments, be members of the board at any time].~~ The faculty members appointed under this section may not participate in any discussions or action by the board or attend any executive session of the board involving collective bargaining issues that affect faculty at any public *[institution of higher education]* **university listed in ORS 352.002.**

(2) To assist the Governor in making appointments of the student members as provided in ORS 351.010, the duly organized and recognized entities of student government at each *[state institution of higher education]* **public university** shall submit a list of nominees to the Governor. The entities are entitled to no more than three nominees per *[school]* **public university.** The Governor shall consider these lists in the selection of the student members to be appointed to the State Board of Higher Education.

(3) To assist the Governor in making appointments of the faculty members as provided in ORS 351.010, a duly organized and recognized association of faculty members may submit a list of nominees to the Governor. The Governor shall consider any submitted list in the selection of the faculty members to be appointed to the State Board of Higher Education.

(4) When making an appointment of the faculty **or student** members as provided in ORS 351.010, the Governor shall rotate the appointments among representatives from various public *[institutions of higher education]* **universities** to ensure equal representation among the *[institutions]* **public universities.**

SECTION 35. ORS 351.050 is amended to read:

351.050. The board shall elect one of its members as president who shall serve for the fiscal year for which the president is elected. The board shall meet [*regularly once every three months*] **at least four times each fiscal year** at such times and places as the president may determine. [*Special meetings may be called by the president upon the written request of any six members of the board.* Six] **Eight** members shall constitute a quorum for the transaction of business.

SECTION 36. ORS 351.060 is amended to read:

351.060. The State Board of Higher Education may:

(1) Control and provide for, subject to the conditions of this section, the custody and occupation of the grounds, buildings, books, papers and documents belonging to each and all of the [*institutions*] **public universities and offices**, departments or activities under the control of the State Board of Higher Education.

(2) Manage, control and apply all property of whatever nature given to or appropriated for the use, support or benefit of any or all of the [*institutions*] **public universities or offices**, departments or activities under the control of the State Board of Higher Education, according to the terms and conditions of such gift or appropriation. Moneys received under this section shall be deposited in a designated account in the Oregon University System Fund established by ORS 351.506. Interest earned by the account shall be credited to the account.

(3) **Design, acquire**, erect, improve, repair, maintain, **lease, renovate, demolish**, equip, [*and*] furnish **and dispose of** buildings, structures and lands [*for higher education*] **necessary for carrying out its powers, rights and duties.**

(4) Acquire, receive, hold, control, convey, sell, manage, operate, lease, lend, **license**, improve and develop any and all property, real or personal:

(a) Given to any of the [*institutions*] **public universities or offices**, departments or activities under the control of the State Board of Higher Education by private donors, whether such gifts are made to the State Board of Higher Education or to the State of Oregon; or

(b) Acquired by any other method or from any source by the State Board of Higher Education for the benefit of any of the [*institutions*] **public universities or offices**, departments or activities under the control of the board, except for any structure, equipment or asset encumbered by a certificate of participation.

[*(5) Manage mineral and geothermal resource rights and proceeds therefrom acquired or held for the state by the board pursuant to this chapter and ORS chapter 567. This includes leasing mineral and geothermal resource rights consistent with ORS 273.785.*]

(5) **Exercise the power of eminent domain for the condemnation of property of any kind and all water rights, easements and appurtenances thereto that the State Board of Higher Education considers necessary for carrying out the powers, rights and duties of the board.**

(6) Take and hold mortgages on real and personal property acquired by way of gift or arising out of transactions entered into in accordance with the powers, **rights and duties** [*and authority given to the board by this section, ORS 351.070 and 351.150*] **of the State Board of Higher Education.**

(7) Institute, maintain and participate in suits and actions and other judicial proceedings, in the name of the State of Oregon, for the foreclosure of such mortgages or for the purpose of carrying into effect any and all of the powers, **rights and** duties [*and authority given to the State Board of Higher Education by this section and ORS 351.070 and 351.150.*] **of the State Board of Higher Education. Except as otherwise provided by ORS 30.260 to 30.300, the board has the authority to defend and indemnify its employees, officers and agents when they are acting in good faith within the course and scope of their duties for public purposes.**

(8) Acquire, receive, hold, control, sell, manage, operate, lease, **license** or lend any goods, supplies, materials, equipment, services and information technology, for the use, support or benefit of any of the [*institutions*] **public universities or offices**, departments or activities under the control of the **State Board of Higher Education.**

[(9) Delegate any of the powers, duties or functions granted to the board under this section to any state institution of higher education within the Oregon University System.]

(9) With the approval of the State Treasurer, request that the Oregon Department of Administrative Services enter into financing agreements in accordance with ORS 283.085 to 283.092 on behalf of the Oregon University System. The Oregon University System shall be considered a state agency for purposes of ORS 286A.730.

(10) Own, control and operate Oregon University System motor vehicles for use by public universities and offices, departments and activities under the control of the State Board of Higher Education. The board shall, by rule, establish requirements governing the use and operation of Oregon University System motor vehicles.

(11) Hire or retain attorneys for the provision of legal services, including but not limited to general advice, representation in litigation and representation in appellate matters. The State Board of Higher Education shall reimburse the State Treasurer for legal fees incurred in connection with borrowings done at the request of the Oregon University System.

SECTION 36a. The State Board of Higher Education may purchase any insurance, operate a self-insurance program or otherwise arrange for the equivalent of insurance coverage of any nature.

SECTION 37. ORS 351.062 is amended to read:

351.062. Except for the power to prescribe enrollment fees under *[ORS 351.070 (3)(c)]* **section 20 of this 2011 Act** and the power to adopt rules, the State Board of Higher Education may delegate any of the powers, duties or functions of the board to a committee of the board, **the Chancellor of the Oregon University System or a president of a public university listed in ORS 352.002.**

SECTION 38. ORS 351.070 is amended to read:

351.070. (1) The *[Oregon University System, in accordance with rules adopted by the]* State Board of Higher Education[,] shall, **by rule,** implement a personnel system **for the Oregon University System** and may engage in collective bargaining with *[its]* **the** employees. All collective bargaining with any certified or recognized exclusive employee representative shall be under the direction and supervision of the Chancellor of the Oregon University System. **The board and** the Oregon University System shall have payroll authority *[pursuant to ORS 292.043 to 292.180].*

(2)(a) The board shall establish competitive procedures for the purchasing, procurement and contracting of goods, services and information technology, for the benefit of the Oregon University System and all the *[institutions, departments and activities therein]* **public universities and offices, departments and activities under the control of the board.** The board may also establish exemptions from the competitive procedures when appropriate.

(b) The board shall ensure that the hourly rate of wage paid by any contractor upon all public improvements contracts undertaken for the board shall not be less than the same rate of wage as determined by the Bureau of Labor and Industries for an hour's work in the same trade or occupation in the locality where such labor is performed. Claims or disputes arising under this subsection shall be decided by the Commissioner of the Bureau of Labor and Industries.

(c) The board shall adopt policies and procedures that achieve results equal to or better than the standards existing on July 17, 1995, regarding affirmative action, pay equity for comparable work, recycling, the provision of workers' compensation insurance to workers on contract and the participation of emerging small businesses and businesses owned by minorities and women.

(3) The board may, for each *[institution]* **public university listed in ORS 352.002** *[under its control]:*

(a) Appoint and employ a president and the requisite number of *[professors, teachers and]* employees[,] and prescribe their compensation and tenure of office or employment.

(b) Demand and receive the interest mentioned in ORS 352.510 and all sums due and accruing *[to the institutions of higher education]* for admission and tuition *[therein]*, and apply the same, or so much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this subsection and the other current expenses *[of the institutions].*

[(c) Prescribe fees for enrollment into the institutions. Such enrollment fees shall include tuition for education and general services and such other charges found by the board to be necessary to carry out its educational programs. The board may award student aid from any fund other than the General Fund.]

[(d)] (c) Prescribe incidental fees for programs under the supervision or control of the board found by the board, upon its own motion or upon recommendation of the recognized student government [of the institution concerned], to be advantageous to the cultural or physical development of students. Fees realized in excess of amounts allocated and exceeding required reserves shall be considered surplus incidental fees and shall be allocated for programs under the control of the board and found to be advantageous to the cultural or physical development of students by the [institution] president upon the recommendation of the recognized student government [at the institution concerned].

*[(e)] (d) Upon recommendation of the recognized student government, collect optional fees [authorized by the institution executive,] for student activities not included in paragraph (c) [or (d)] of this subsection **or section 20 of this 2011 Act as authorized by the president.** The payment of such optional fees [shall be] **is** at the option and selection of the student and [shall not be] **is not** a prerequisite of enrollment.*

*[(f)] (e) Confer, **consistent with the mission and programs of each public university and** on the recommendation of the faculty of [any such institution] **the public university,** such degrees as usually are conferred by [such institutions] **public universities,** or as [they deem] **the faculty deems** appropriate.*

[(g)] (f) Prescribe the qualifications for admission [into such institutions].

(4) Subject to such delegation as the board may decide to make to the [institutions, divisions and departments] **public universities and offices, departments and activities** under its control, the board, for each [institution, division and department] **public university, office, department or activity** under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

(c) Shall maintain cultural and physical development services and facilities therefor and, in connection therewith, may cooperate and enter into agreements with any person or governmental agency.

(d) May contract to provide health services at student health centers.

(e) Shall provide health services at student health centers to students.

(f) May provide health services at student health centers to any of the following:

(A) Dependents of students.

(B) Staff.

(C) Faculty.

(g) Shall prescribe and collect charges.

(h) Shall adopt rules relating to the creation, use, custody and disclosure, including access, of student education records [of the institutions] that are consistent with the requirements of applicable state and federal law. Whenever a student has attained 18 years of age or is attending [an institution of post-secondary education] **a public university listed in ORS 352.002,** the permission or consent required of and the rights accorded to a parent of the student regarding education records shall thereafter be required of and accorded to only the student.

(5) For each [institution under its jurisdiction] **public university listed in ORS 352.002,** the board shall provide opportunities for part-time students to obtain complete undergraduate degrees at unconventional times, which include but are not limited to early morning and noon hours, evenings and weekends. In administering these degree programs, the [institution] **public university** may use any educational facility available for the use of the [institution] **public university.**

(6) For all *[institutions of higher education]* **public universities** listed in ORS 352.002, the board shall, *[no later than October 1, 2010, and]* to the extent feasible and cost beneficial, develop and *[begin implementation of]* **implement** a common admissions process that permits applicants to be considered for admission to more than one *[institution]* **public university**.

SECTION 39. ORS 351.075 is amended to read:

351.075. *[(1)]* The State Board of Higher Education shall appoint a chief executive officer who shall be known as the Chancellor of the Oregon University System and who shall serve at the pleasure of the board. *[The board may appoint one or more assistants as may be necessary.]*

[(2)] *The chancellor and the assistants of the chancellor shall be persons who by training and experience are well qualified to perform the duties of their offices and to assist in carrying out the functions of the board under ORS 351.010 to 351.070, 351.075 to 351.260, 351.310 to 351.615, 351.770 to 351.840, 352.002 to 352.006, 352.010 to 352.053, 352.230, 352.360, 352.370, 352.390, 352.400 and 352.510 to 352.760.]*

[(3)] *The State Board of Higher Education shall fix the compensation of the chancellor and the assistants of the chancellor.]*

SECTION 40. ORS 351.085 is amended to read:

351.085. The Chancellor of the Oregon University System shall exercise, under the direction of the State Board of Higher Education, the administrative **and management** authority necessary to carry out the policies **and directives** of the board with respect to the *[institutions, departments or activities]* **public universities and offices, departments and activities** under the control of the board. In carrying out the duties of the chancellor, the chancellor shall:

(1) *[Act as]* **Serve as chief executive officer of the Oregon University System** and administrative officer of the State Board of Higher Education.

(2) **Supervise the presidents of the public universities listed in ORS 352.002 and recommend the terms and conditions of their employment to the board, including but not limited to appointment, compensation and termination.**

[(2)] (3) Maintain a centralized service program for all *[institutions, departments]* **public universities and offices, departments** and activities **under the control of the board**, including but not limited to[,] accounting, statistical services, capital construction, management analysis, legal services, academic affairs and educational research.

[(3)] (4) Collect and compile information and statistics relative to the operation of the *[institutions, departments]* **public universities and offices, departments** and activities **under the control** of the *[State]* board *[of Higher Education]*.

[(4)] (5) Prepare and submit to the *[State]* board *[of Higher Education]* an annual operating budget for all *[institutions, departments]* **public universities and offices, departments** and activities **under the control** of the board, **including but not limited to budget allocations to the public universities and offices, departments and activities.**

[(5)] (6) Oversee the preparation and submission to the *[State Board of Higher Education of the biennial budget requests of the institutions, departments and activities]* **board of the funding request for the Oregon University System** for consideration by the board as the *[budget]* **funding request** *[to the Governor]* under *[ORS 351.090]* **section 21 of this 2011 Act.** *[The chancellor shall provide analyses of the budget requests of the institutions, departments and activities, including in such analyses alternative considerations as may be necessary or desirable for the board in the adoption of its budget request.]*

[(6)] (7) Appoint[, *subject to the State Personnel Relations Law, and with the approval of the State Board of Higher Education,*] such personnel as may be necessary for the performance of the duties of the chancellor.

[(7)] (8) Designate, if the chancellor wishes, one or more suitable persons to sign or countersign warrants, vouchers, certificates[,] or other papers and documents requiring the signature of the chancellor.

[(8)] (9) Prepare the agendas for [State] board [of Higher Education] meetings and provide an analysis of proposals made to the board, including such alternatives as may be necessary or desirable for their consideration, and make recommendations thereon.

[(9)] (10) Prepare and submit to the [State] board [of Higher Education] on or about December 31 of each year an annual report in which the chancellor describes the principal activities of the Oregon University System during the fiscal year ending June 30. [The report shall include a statement of all funds received, the source or sources from which received, the expenditure and disbursement of all funds and the purposes for which they were expended. The report shall contain a statement of the number of students enrolled in each institution, department or activity, the number of degrees conferred, the improvements made and new courses of instruction added, together with a statement showing in a general way the status of all activities and functions of the State Board of Higher Education.]

[(10)] (11) Keep a record of the transactions of the [State] board [of Higher Education].

[(11)] (12) Have the custody of all books, papers, documents and other property belonging to the [State] board [of Higher Education].

[(12)] (13) Give such instructions as may be necessary to carry out the directives of the [State] board [of Higher Education] and forward them to the various institution presidents and heads of offices, departments and activities.

[(13)] (14) Provide for meetings of the presidents and principal executives of the [institutions, departments] **public universities and offices, departments** and activities **under the control of the board**, at such times as the [State] board [of Higher Education] may direct[, such meetings to]. **The meetings shall** be open to any member of the board. [At such meetings, the executives of the Oregon University System may propose policies or policy changes or statements for consideration by the board and develop recommendations concerning allocations of funds.]

[(14)] (15) Perform such other administrative **or management** assistance and consider other administrative **or management** matters as the [State] board [of Higher Education] may require.

SECTION 41. ORS 351.086 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, ORS [240.167, 240.185] **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, [and] 292.043 and 292.044** apply to the Oregon University System.

[(3) Notwithstanding any other law, the following provisions do not apply to the Oregon University System:]

[(a) ORS 182.310 to 182.400;]

[(b) ORS 273.413 to 273.456;]

[(c) ORS 276.071 and 276.072; and]

[(d) ORS 291.038.]

[(4)] (3) Notwithstanding subsection [(3)(b)] (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, 286A, 295 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 293.115, 293.117, 293.130, 293.169, 293.171, 293.205 to 293.225, 293.250, 293.265 to 293.280, 293.285, 293.295, 293.321, 293.353, 293.375, 293.406, 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 the Oregon University System under the same terms as they apply to state agencies with moneys held by the State Treasurer, to the Oregon University System Fund established in ORS 351.506 and to any other moneys deposited with or held by the State Treasurer for the Oregon University System.

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

(6) The Oregon University System, as a distinct governmental entity, is not subject to any provision of law enacted after January 1, 2011, with respect to any governmental entity, that is unique to governmental entities, unless the provision specifically provides that it applies to the Oregon University System.

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

SECTION 41a. Notwithstanding ORS 351.086 (1) as amended by section 41 of this 2011 Act, ORS chapter 278 and ORS 283.100, 283.110, 283.120, 283.130, 283.140, 283.143, 283.305 to 283.350, 283.415 to 283.425, 283.500 to 283.520 and 283.524 apply to the Oregon University System prior to July 1, 2012.

SECTION 42. ORS 351.094 is amended to read:

351.094. (1) [Notwithstanding any other provision of law, the Oregon University System] **The State Board of Higher Education** shall provide group insurance to [its] employees **of the Oregon University System** through the Public Employees' Benefit Board[, but] or may elect[, at the discretion of the State Board of Higher Education,] to provide alternative **group health and welfare insurance** benefit plans to [its] employees[, should] **of the Oregon University System** if the same level of benefits [be] is available at a lower cost than through the Public Employees' Benefit Board.

(2) For the purposes of ORS 243.555 to 243.575, if the State Board of Higher Education chooses not to participate in the benefit plans offered through the Public Employees' Benefit Board, the State Board of Higher Education may have the authority granted to the Public Employees' Benefit Board under ORS 243.555 to 243.575 for the administration of an appropriate expense reimbursement plan.

(3) The [Oregon University System] **State Board of Higher Education** shall offer [a] **one or more** deferred compensation [plan for its] **plans** to employees **of the Oregon University System**. The Oregon University System shall, at the discretion of the board, choose whether to offer its employees the state deferred compensation plan established under ORS 243.401 to 243.507 or another deferred compensation plan that the board elects to make available to the employees of the Oregon University System.

SECTION 43. (1) **The State Board of Higher Education shall establish a committee consisting of representatives of public university management and of employees, both represented and unrepresented, to evaluate options for:**

(a) **An optional retirement plan as described in ORS 243.800; and**

(b) **Continued participation in the Public Employees' Benefit Board, transfer of employee participation to the Oregon Educators Benefit Board or participation in other, alternative group health and welfare insurance benefit plans.**

(2) **The State Board of Higher Education shall make a report based upon the recommendations of the committee to the Legislative Assembly prior to October 1, 2012. The State Board of Higher Education may not make any changes to retirement plans based on the re-**

port until July 1, 2013. The State Board of Higher Education must make any changes to group health and welfare insurance benefit plans between January 1, 2013, and May 1, 2013, to become effective on January 1, 2014.

SECTION 44. ORS 351.110 is amended to read:

351.110. All relationships and negotiations between the Legislative Assembly and its various committees and *[the institutions of higher education shall]* **a public university listed in ORS 352.002 must** be carried on through the **office of the Chancellor of the Oregon University System.** *[A subordinate official]* **An employee** representing any of the *[separate institutions]* **public universities** may not appear before the Legislative Assembly or any committee except upon the written authority of the State Board of Higher Education **or the chancellor.**

SECTION 45. ORS 351.130 is amended to read:

351.130. (1) The State Board of Higher Education shall encourage gifts and donations to *[institutions of higher education within the Oregon University System by faithfully devoting]* **the board and the Oregon University System. For purposes of the public universities listed in ORS 352.002, the board, to encourage gifts and donations, shall faithfully devote** the gifts or donations to the *[institution]* **public university** for which the gift or donation is intended.

(2) The Higher Education Donation Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys in the Higher Education Donation Fund are continuously appropriated to the State Board of Higher Education for the purpose for which the moneys were donated. Moneys in the fund may be invested as provided in ORS 293.701 to 293.820, subject to the terms or restrictions of any gifts or donations. Any interest or other income derived from the investment of the fund shall be credited to the fund.

(3) All gifts and donations received shall be used in accordance with the terms of the gift or donation. Gifts or donations may be deposited in the Oregon University System Fund established by ORS 351.506 or in the Higher Education Donation Fund. The board shall consider the amount, nature and purpose of, and any restriction placed on, gifts and donations, and determine whether to deposit the gift or donation in the Oregon University System Fund or the Higher Education Donation Fund. Gifts and donations may be split or transferred between the Oregon University System Fund and the Higher Education Donation Fund.

(4) The interest, income, dividends or profits received on any property or funds of the State Board of Higher Education or the Oregon University System derived from gifts and donations, including legacies, devises, bequests or endowments, are continuously appropriated to the use, maintenance and support of the Oregon University System in the same manner as the principal or corpus of each such gift or donation in accordance with the terms of the gift or donation.

(5) As used in this section, "gifts or donations" includes funds donated to the State Board of Higher Education or the Oregon University System to which by agreement the donor receives consideration in return for the gift or donation or retains a reversionary interest but does not include grant or contract funds received from government sources.

SECTION 46. ORS 351.140 is amended to read:

351.140. (1) The State Board of Higher Education may purchase such real property as in its sole discretion may be necessary for the present or future development of any of the *[schools or institutions under its jurisdiction]* **public universities and offices, departments and activities under its control.** The board may enter into contracts of purchase or agreements *[which it]* **that the board** deems necessary in carrying out this authorization.

(2) The board may apply any funds coming into its hands, and applicable thereto, toward the purchase of property authorized under this section. The board may also mortgage or pledge any property so purchased, or its contracts to purchase, or in relation thereto, together with the income from such property, to secure the payment of the purchase price thereof.

(3) The State Board of Higher Education is authorized, without seeking specific approval from the Legislative Assembly, to purchase real property or undertake capital construction projects that do not require the use of moneys appropriated from state funds or obtained

through general obligation bonds, for purposes consistent with the promotion and enhancement of public higher education.

SECTION 47. ORS 351.150 is amended to read:

351.150. (1) As used in this section, “**university lands**” means lands granted to this state under the Act of February 14, 1859 (11 Stat. 383), for the support and maintenance of the University of Oregon.

(2) Legal title to all real property acquired by any of the [*institutions*] **public universities** under the control of the State Board of Higher Education shall be taken and held in the name of the State of Oregon. Legal title to all real property heretofore or hereafter conveyed to any [*such institutions shall be*] **of the public universities** is deemed to be conveyed to and vested in the State of Oregon. Authorized conveyances of all real property, **other than university lands**, acquired by or vested in the State of Oregon for the use or benefit of any [*such institutions, other than the university lands referred to in ORS 273.251,*] **of the public universities** shall be executed in the name of the State of Oregon by the president and secretary of the board [*of higher education*]. Nothing in this section or in ORS 351.060 shall be considered as exempting such property from taxation.

(3) **The Oregon University System shall have custody and control of and shall care for all real property used for public university purposes. Management, maintenance and preservation of all real property used for public university purposes is the responsibility of the Oregon University System.**

SECTION 48. ORS 351.155 is amended to read:

351.155. Notwithstanding the applicable provisions of ORS 279.835 to 279.855, 279A.140 to 279A.155, 279A.250 to 279A.290, 279A.990, 279B.200 to 279B.240, 279B.270, 279B.275, 279B.280, 279C.360, 279C.365, 279C.370, 279C.375, 279C.380, 279C.385, 279C.500 to 279C.530, 279C.540, 279C.545, 279C.600 to 279C.625, 279C.650 to 279C.670 and 279C.800 to 279C.870, the State Board of Higher Education may, in the management of all forestlands under its control and supervision, sell the forest products on such lands in the same manner as is provided in ORS 530.059, and for that purpose the [*State*] board [*of Higher Education*] shall have the same powers with respect to experimental or research projects in the field of forestland management or for forest product utilization on forestlands under its control as the State Forester has pursuant to the provisions of ORS 530.050 and 530.059. [*In the management of its forestlands, the State Board of Higher Education may lease mineral and geothermal resource rights as provided in ORS 351.060 (5)*].

SECTION 49. ORS 351.210 is amended to read:

351.210. (1) The State Board of Higher Education may sell or otherwise dispose of any worn out, obsolete or otherwise unsuitable equipment, goods, supplies, material or information technology, the disposal of which would in the board’s judgment be to the financial benefit of the [*institutions*] **public universities** under the board’s control. This section does not apply to any equipment, goods, supplies, material or information technology encumbered by a certificate of participation.

[(2) *The board may delegate any of its duties, functions or powers granted to the board under this section to the Chancellor of the Oregon University System or any state institution of higher education within the Oregon University System.*]

[(3)] (2) The proceeds from any sales or disposals made pursuant to authority granted in this section shall be deposited in a designated account in the Oregon University System Fund established by ORS 351.506 and may be expended by the board for any purpose authorized by law in the same manner as the board is authorized to make other expenditures.

SECTION 50. ORS 351.240 is amended to read:

351.240. [(1)] The State Board of Higher Education may determine the terms and conditions of any transaction authorized by ORS 351.220 to 351.250 and need not require competitive bids in connection therewith. No formal publicity or advertising is required regarding property for the development of which the board wishes to contract, but the board shall make reasonable efforts to disseminate such information in appropriate research and industrial circles.

[2) *The board may delegate any of the duties, functions and powers granted to the board under ORS 351.220 to 351.250 to any state institution of higher education within the Oregon University System.*]

SECTION 51. ORS 351.317 is amended to read:

351.317. An obligation incurred under ORS 351.140 [or 351.315] is not an indebtedness of the State of Oregon and does not create a general indebtedness of the [State Board of Higher Education. A bond issued by the State Treasurer at the request of the board may be paid only from the property, income or revenues pledged to secure its payment] **Oregon University System.**

SECTION 52. ORS 351.450, as amended by section 6, chapter 2, Oregon Laws 2011 (Enrolled House Bill 3338), is amended to read:

351.450. (1) Except as provided in ORS 351.460, the [moneys] **net proceeds** realized from sales of bonds authorized by Article XI-F(1) and Article XI-G of the Oregon Constitution for the Oregon University System shall be credited to a designated account in the Oregon University System Fund established by ORS 351.506.

(2) The account designated by this section shall have:

(a) A separate subaccount for the credit of [moneys] **net proceeds** realized from sales of bonds issued pursuant to Article XI-F(1) of the Oregon Constitution and ORS 351.350; **and**

(b) A separate subaccount for the credit of [moneys] **net proceeds** realized from sales of bonds issued pursuant to Article XI-G of the Oregon Constitution and ORS 351.345.[: and]

[c) *A separate subaccount for the credit of moneys realized from the sales of revenue bonds issued pursuant to ORS chapter 286A.*]

(3) The moneys in the account designated by this section shall be invested as provided in ORS 286A.025.

NOTE: Section 53 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 54. ORS 351.460, as amended by section 8, chapter 2, Oregon Laws 2011 (Enrolled House Bill 3338), is amended to read:

351.460. (1) The State Board of Higher Education shall maintain an account within the Oregon University System Fund established by ORS 351.506 to provide for the payment of the principal of and the interest upon:

(a) The bonds issued under authority of Article XI-F(1) of the Oregon Constitution and ORS 351.350;

(b) The bonds issued under authority of Article XI-G of the Oregon Constitution and ORS 351.345; **and**

[c) *Revenue bonds authorized by ORS 351.315; and*]

[d)] (c) Amounts due under financial agreements entered into under ORS 351.356.

(2) The account maintained under this section comprises one subaccount for each of the purposes of the account identified in subsection (1) of this section.

(3) Income and interest derived from moneys in the subaccounts of the account maintained under this section are credited to the appropriate subaccount.

(4) The sources of moneys for the account maintained under this section are:

(a) All moneys received from ad valorem taxes levied pursuant to ORS 291.445;

(b) All moneys that the Legislative Assembly may provide in lieu of [such] **ad valorem** taxes;

(c) The revenues transferred to the account maintained under this section pursuant to subsection (6) of this section;

(d) All moneys received as accrued interest upon bonds sold;

(e) All earnings from investments of the account;

(f) Net proceeds of the sale of refunding bonds; and

(g) All moneys that the State of Oregon has agreed to hold in the account to pay amounts due under financial agreements entered into under ORS 351.356.

(5) The board may credit the account maintained under this section with moneys received from either a sale or interfund transfer of buildings, structures, land or other projects. When the buildings, structures, land or other projects are sold or the use of the buildings, structures, land or

other projects is rededicated so that a transfer from one subaccount to another subaccount is appropriate, the moneys received shall be credited to the appropriate subaccount.

(6)(a) The board shall transfer revenues to the account maintained under this section in amounts sufficient to pay, when due, the principal of and the interest and any premium upon the bonds issued under authority of Article XI-F(1) of the Oregon Constitution [*and upon revenue bonds authorized by ORS 351.315*]. Revenues not required for the account as described in this subsection shall be transferred to other accounts and subaccounts within the Oregon University System Fund that are designated by the Chancellor of the Oregon University System. The portion of student building fees that are imposed under ORS 351.170 to provide the funds with which to amortize the principal of and pay the interest on bonds issued under Article XI-F(1) of the Oregon Constitution shall be applied only to pay those bonds.

(b) For purposes of this subsection, "revenues" includes all funds available to the board except:

(A) Amounts appropriated by the Legislative Assembly from the General Fund; and

(B) Lottery funds allocated for debt service.

(7)(a) The board may not use the account maintained under this section for any purpose other than the purposes for which the account was created.

(b) Notwithstanding paragraph (a) of this subsection, if the balance in any subaccount exceeds the amount required to pay debt service during a fiscal period, the board may transfer the surplus in the subaccount to other accounts in the Oregon University System Fund. This paragraph does not apply to any surplus consisting of General Fund moneys appropriated for debt service or lottery funds allocated for debt service. Any surplus consisting of General Fund moneys appropriated for debt service shall revert to the General Fund as provided in ORS 293.190.

SECTION 55. ORS 351.506 is amended to read:

351.506. (1) The Oregon University System Fund is established in the State Treasury, separate and distinct from the General Fund. Any interest or other investment income derived from moneys in the Oregon University System Fund is credited to the fund. [*Except when otherwise specified by a statute establishing an account, the interest or other investment income credited to the Oregon University System Fund that was derived from tuition and fees, facility and administrative cost recoveries, sales and services revenues, housing fees, food service fees, parking fees and General Fund appropriations shall be transferred to the General Fund by the State Board of Higher Education.*]

(2) Except for moneys otherwise designated by statute or federal law, all moneys received by the State Board of Higher Education or the Oregon University System shall be paid into the State Treasury and credited to the Oregon University System Fund. All moneys in the fund are continuously appropriated to the State Board of Higher Education for purposes authorized by law.

(3) The moneys in the Oregon University System Fund may be invested as provided in ORS 293.701 to 293.820.

(4) The board may establish accounts and subaccounts within the Oregon University System Fund when the board determines that accounts or subaccounts are necessary or desirable. Except when otherwise specified by a statute establishing an account, the board may credit any interest or income derived from moneys in the fund to any account or subaccount within the fund.

(5) The board shall keep a record of all moneys deposited into the **Oregon University System** Fund. The record shall indicate by separate cumulative accounts and subaccounts the sources from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

SECTION 56. ORS 351.638 is amended to read:

351.638. (1) An account in the Oregon University System Fund established by ORS 351.506 is designated for the purpose of attracting new, outstanding faculty members to the [*institutions in the Oregon University System*] **public universities listed in ORS 352.002**. This purpose includes payment of costs incurred in relocating new faculty, retraining necessary teaching assistants for new faculty, acquisition of equipment such as laboratory equipment and facilities to support research by new faculty, payment of other costs incurred in recruiting new faculty and payment of costs asso-

ciated with committing salary supplements to newly recruited faculty over a period of more than one year.

(2) The State Board of **Higher Education** shall seek funds from private sources for deposit to the credit of the account designated by this section. [*Funds from other sources may not be transferred or credited to the account without prior authorization of the appropriate legislative review agency as described in ORS 291.375 (1)*].

SECTION 57. ORS 351.704 is amended to read:

351.704. (1) **Subject to ORS 351.094 and any group health and welfare insurance benefit plan developed under ORS 351.094**, a part-time faculty member at a public institution of higher education is eligible for the same health care benefits as full-time faculty members if the part-time faculty member is eligible for membership in the Public Employees Retirement System **or another plan authorized under ORS chapter 238 or 238A** by teaching either at a single public institution of higher education or in aggregate at multiple public institutions of higher education during the prior year.

(2) A part-time faculty member at a public institution of higher education shall pay all insurance premiums for health care benefits unless otherwise provided for by the policy of the institution or by collective bargaining at the institution.

[*(3) The Oregon Educators Benefit Board and the Public Employees' Benefit Board shall each adopt rules to implement subsections (1) and (2) of this section.*]

SECTION 58. ORS 352.002 is amended to read:

352.002. The Oregon University System **established in section 19 of this 2011 Act** consists of the [*programs, activities and institutions of higher education*] **following public universities** under the jurisdiction of the State Board of Higher Education [*including the following*]:

- (1) University of Oregon.
- (2) Oregon State University.
- (3) Portland State University.
- (4) Oregon Institute of Technology.
- (5) Western Oregon University.
- (6) Southern Oregon University.
- (7) Eastern Oregon University.

SECTION 59. ORS 352.010 is amended to read:

352.010. The president and professors constitute the faculty of each of the [*state institutions of higher education*] **public universities listed in ORS 352.002** and as such have the immediate government and discipline of [*it*] **the public university** and the students therein, **except as otherwise provided by statute or action of the State Board of Higher Education**. The faculty may, subject to the supervision of the [*State*] board [*of Higher Education*] under ORS 351.070, prescribe the course of study to be pursued in the [*institution*] **public university** and the textbooks to be used.

MISCELLANEOUS PROVISIONS

SECTION 60. ORS 30.264 is amended to read:

30.264. (1) The State Board of Higher Education may authorize [*higher education institutions under the control of the board*] **public universities listed in ORS 352.002** to provide liability insurance coverage for students involved in off-campus experiential activities, including, but not limited to, student teaching, internships, clinical experiences, capstone projects and related activities.

(2) If commercial liability insurance coverage is not available to [*higher education institutions*] **the public universities**, students participating in the activities described in subsection (1) of this section shall be considered to be acting within the course and scope of state employment duties for purposes of ORS 30.260 to 30.300.

SECTION 61. ORS 131.594 is amended to read:

131.594. (1) After the seizing agency distributes property under ORS 131.588, and when the seizing agency is not the state, the seizing agency shall dispose of and distribute property as follows:

(a) The seizing agency shall pay costs first from the property or its proceeds. As used in this subsection, "costs" includes the expenses of publication, service of notices, towing, storage and servicing or maintaining the seized property under ORS 131.564.

(b) After costs have been paid, the seizing agency shall distribute to the victim any amount the seizing agency was ordered to distribute under ORS 131.588 (4).

(c) After costs have been paid and distributions under paragraph (b) of this subsection have been made, the seizing agency shall distribute the rest of the property to the general fund of the political subdivision that operates the seizing agency.

(2) Of the property distributed under subsection (1)(c) of this section, the political subdivision shall distribute:

(a) Three percent to the Asset Forfeiture Oversight Account established in ORS 131A.460;

(b) Seven percent to the Illegal Drug Cleanup Fund established in ORS 475.495 for the purposes specified in ORS 475.495 (5) and (6); and

(c) Ten percent to the state General Fund.

(3) Of the property distributed under subsection (1)(c) of this section that remains in the general fund of the political subdivision after the distributions required by subsection (2) of this section have been made:

(a) Fifty percent must be for official law enforcement use; and

(b) Fifty percent must be used for substance abuse treatment pursuant to a plan developed under ORS 430.420.

(4) Except as otherwise provided by intergovernmental agreement, the seizing agency may:

(a) Sell, lease, lend or transfer the property or proceeds to any federal, state or local law enforcement agency or district attorney.

(b) Sell the forfeited property by public or other commercially reasonable sale and pay from the proceeds the expenses of keeping and selling the property.

(c) Retain the property.

(d) With written authorization from the district attorney for the seizing agency's jurisdiction, destroy any firearms or controlled substances.

(5) A political subdivision may sell as much property as may be needed to make the distributions required by subsections (1) and (2) of this section. A political subdivision shall make distributions to the Asset Forfeiture Oversight Account, the Illegal Drug Cleanup Fund and the state General Fund that are required by subsection (2) of this section once every three months. The distributions are due within 20 days of the end of each quarter. Interest does not accrue on amounts that are paid within the period specified by this subsection.

(6) A seizing agency may donate growing equipment and laboratory equipment that was used, or intended for use, in manufacturing of controlled substances to a public school, community college or [state institution of higher education] **public university listed in ORS 352.002.**

(7) This section applies only to criminal forfeiture proceeds arising out of prohibited conduct.

SECTION 62. ORS 182.122 is amended to read:

182.122. (1) As used in this section:

(a) "Executive department" has the meaning given that term in ORS 174.112.

(b) "Information systems" means computers, hardware, software, storage media, networks, operational procedures and processes used in the collection, processing, storage, sharing or distribution of information within, or with any access beyond ordinary public access to, the state's shared computing and network infrastructure.

(2) The Oregon Department of Administrative Services has responsibility for and authority over information systems security in the executive department, including taking all measures reasonably necessary to protect the availability, integrity or confidentiality of information systems or the information stored in information systems. The Oregon Department of Administrative Services shall, after consultation and collaborative development with agencies, establish a state information systems security plan and associated standards, policies and procedures.

(3) The Oregon Department of Administrative Services, in its sole discretion, shall:

(a) Review and verify the security of information systems operated by or on behalf of agencies;

(b) Monitor state network traffic to identify and react to security threats; and

(c) Conduct vulnerability assessments of agency information systems for the purpose of evaluating and responding to the susceptibility of information systems to attack, disruption or any other event that threatens the availability, integrity or confidentiality of information systems or the information stored in information systems.

(4) The Oregon Department of Administrative Services shall contract with qualified, independent consultants for the purpose of conducting vulnerability assessments under subsection (3) of this section.

(5) In collaboration with agencies, the Oregon Department of Administrative Services shall develop and implement policies for responding to events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems, whether those systems are within, interoperable with or outside the state's shared computing and network infrastructure. In the policies, the department shall prescribe actions reasonably necessary to:

(a) Promptly assemble and deploy in a coordinated manner the expertise, tools and methodologies required to prevent or mitigate the damage caused or threatened by an event;

(b) Promptly alert other persons of the event and of the actions reasonably necessary to prevent or mitigate the damage caused or threatened by the event;

(c) Implement forensic techniques and controls developed under subsection (6) of this section;

(d) Evaluate the event for the purpose of possible improvements to the security of information systems; and

(e) Communicate and share information with agencies, using preexisting incident response capabilities.

(6) After consultation and collaborative development with agencies, the Oregon Department of Administrative Services shall implement forensic techniques and controls for the security of information systems, whether those systems are within, interoperable with or outside the state's shared computing and network infrastructure. The techniques and controls must include the use of specialized expertise, tools and methodologies, to investigate events that damage or threaten the availability, integrity or confidentiality of information systems or the information stored in information systems. The department shall consult with the Oregon State Police, the Office of Emergency Management, the Governor and others as necessary in developing forensic techniques and controls under this section.

(7) The Oregon Department of Administrative Services shall ensure that reasonably appropriate remedial actions are undertaken when the department finds that such actions are reasonably necessary by reason of vulnerability assessments of information systems under subsection (3) of this section, evaluation of events under subsection (5) of this section and other evaluations and audits.

(8)(a) Agencies are responsible for the security of computers, hardware, software, storage media, networks, operational procedures and processes used in the collection, processing, storage, sharing or distribution of information outside the state's shared computing and network infrastructure following information security standards, policies and procedures established by the Oregon Department of Administrative Services and developed collaboratively with agencies. Agencies may establish plans, standards and measures that are more stringent than the standards established by the department to address specific agency needs if those plans, standards and measures do not contradict or contravene the state information systems security plan. Independent agency security plans shall be developed within the framework of the state information systems security plan.

(b) An agency shall report the results of any vulnerability assessment, evaluation or audit conducted by the agency to the department for the purposes of consolidating statewide security reporting and, when appropriate, to prompt a state incident response.

(9) This section does not apply to:

(a) Research and student computer systems used by or in conjunction with the State Board of Higher Education or any [state institution of higher education within the Oregon University System] **public university listed in ORS 352.002**; and

(b)(A) Gaming systems and networks operated by the Oregon State Lottery or its contractors;
or

(B) The results of Oregon State Lottery reviews, evaluations and vulnerability assessments of computer systems outside the state's shared computing and network infrastructure.

(10) The Oregon Department of Administrative Services shall adopt rules to carry out its responsibilities under this section.

SECTION 63. ORS 182.415 is amended to read:

182.415. As used in ORS 182.415 to 182.435 unless the context requires otherwise:

(1) "Furnishings" includes furniture usually used in connection with occupancy of a household but does not include rugs, draperies, ranges, refrigerators, washers, dryers or any item of furnishings received by the state or one of its agencies as a gift, nor does it include any furniture purchased for the state-owned residence required in relation to the official duties of an institutional executive or the Chancellor of the Oregon University System prior to September 9, 1971.

(2) "Housing" includes single and multiple family dwellings, apartments, and manufactured dwellings and manufactured dwelling pads, available on a monthly tenancy but does not include guard stations maintained by the State Forestry Department or dormitory facilities at any state institution or at any [state institution of higher education] **public university listed in ORS 352.002**.

(3) "Dormitory" includes any facility that houses students and those facilities used primarily for sleeping purposes by the employees of the Department of Human Services or the Oregon Health Authority.

(4) "State agency" has the meaning given that term in ORS 291.002.

SECTION 64. ORS 183.635 is amended to read:

183.635. (1) Except as provided in this section, all agencies must use administrative law judges assigned from the Office of Administrative Hearings established under ORS 183.605 to conduct contested case hearings, without regard to whether those hearings are subject to the procedural requirements for contested case hearings.

(2) The following agencies need not use administrative law judges assigned from the office:

- (a) Attorney General.
- (b) Boards of stewards appointed by the Oregon Racing Commission.
- (c) Bureau of Labor and Industries and the Commissioner of the Bureau of Labor and Industries.
- (d) Department of Corrections.
- (e) Department of Education, State Board of Education and Superintendent of Public Instruction.
- (f) Department of Human Services for vocational rehabilitation services cases under 29 U.S.C. 722(c) and disability determination cases under 42 U.S.C. 405.
- (g) Department of Revenue.
- (h) Department of State Police.
- (i) Employment Appeals Board.
- (j) Employment Relations Board.
- (k) Energy Facility Siting Council.
- (L) Fair Dismissal Appeals Board.
- (m) Governor.
- (n) Land Conservation and Development Commission.
- (o) Land Use Board of Appeals.
- (p) Local government boundary commissions created pursuant to ORS 199.430.
- (q) Oregon University System and [institutions of higher education] **public universities** listed in ORS 352.002.
- (r) Oregon Youth Authority.
- (s) Psychiatric Security Review Board.
- (t) Public Utility Commission.

- (u) State Accident Insurance Fund Corporation.
- (v) State Apprenticeship and Training Council.
- (w) State Board of Parole and Post-Prison Supervision.
- (x) State Land Board.
- (y) State Treasurer.
- (z) Wage and Hour Commission.

(3) The Workers' Compensation Board is exempt from using administrative law judges assigned from the office for any hearing conducted by the board under ORS chapters 147, 654 and 656. Except as specifically provided in this subsection, the Department of Consumer and Business Services must use administrative law judges assigned from the office only for contested cases arising out of the department's powers and duties under:

- (a) ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59;
- (b) ORS chapter 455;
- (c) ORS chapter 674;
- (d) ORS chapters 706 to 716;
- (e) ORS chapter 717;
- (f) ORS chapters 723, 725 and 726; and
- (g) ORS chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750.

(4) Notwithstanding any other provision of law, in any proceeding in which an agency is required to use an administrative law judge assigned from the office, an officer or employee of the agency may not conduct the hearing on behalf of the agency.

(5) Notwithstanding any other provision of ORS 183.605 to 183.690, an agency is not required to use an administrative law judge assigned from the office if:

- (a) Federal law requires that a different administrative law judge or hearing officer be used;
- (b) Use of an administrative law judge from the office could result in a loss of federal funds.

(6) Notwithstanding any other provision of this section, the Department of Environmental Quality must use administrative law judges assigned from the office only for contested case hearings conducted under the provisions of ORS 183.413 to 183.470.

SECTION 65. ORS 184.475 is amended to read:

184.475. (1) The purposes of information technology portfolio-based management are to:

- (a) Ensure that state agencies link their information technology investments with business plans;
- (b) Facilitate risk assessment of information technology projects and investments;
- (c) Ensure that state agencies justify information technology investments on the basis of sound business cases;
- (d) Ensure that state agencies facilitate development and review of information technology performance related to business operations;
- (e) Identify projects that can cross agency and program lines to leverage resources; and
- (f) Assist in state government-wide planning for common, shared information technology infrastructure.

(2) The Oregon Department of Administrative Services shall integrate state agency strategic and business planning, technology planning and budgeting and project expenditure processes into the department's information technology portfolio-based management.

(3) In cooperation with state agencies, the department shall conduct and maintain a continuous inventory of each state agency's current and planned investments in information technology, a compilation of information about those assets and the total life cycle cost of those assets. The department shall develop and implement state government-wide standards, processes and procedures for the required inventory and for the management of the state government-wide information technology portfolio. State agencies shall participate in the information technology portfolio-based management and shall comply with the standards, processes and procedures established by the department under this subsection. The provisions of this subsection do not relieve any state agency from accountability for equipment, materials, supplies and tangible and intangible personal property under its control.

(4) The department shall ensure that state agencies implement portfolio-based management of information technology resources in accordance with this section and with rules adopted by the Director of the Oregon Department of Administrative Services.

(5) This section does not apply to competitive research grants and contracts at [*institutions of higher education*] **public universities** listed in ORS 352.002.

(6) In implementing the provisions of this section, the department shall submit state government-wide policies for review to the Joint Legislative Committee on Information Management and Technology.

SECTION 66. ORS 184.477 is amended to read:

184.477. (1) The purpose of enterprise management is to create a plan and implement a state government-wide approach for managing distributed information technology assets to minimize total ownership costs from acquisition through retirement, while realizing maximum benefits for transacting the state's business and delivering services to its citizens.

(2) With input and recommendations from state agencies, the Oregon Department of Administrative Services shall develop a plan for the state government-wide management of distributed information technology assets. The plan shall prescribe the state government-wide infrastructure and services for managing these assets. The plan shall be submitted to the Joint Legislative Committee on Information Management and Technology for review.

(3) Following review by the Joint Legislative Committee on Information Management and Technology, the department shall ensure state agency implementation of the plan, including the development of appropriate standards, processes and procedures.

(4) State agencies shall participate in the enterprise management of information technology assets and shall comply with the standards, processes and procedures of the department.

(5) This section does not apply to competitive research grants and contracts at [*institutions of higher education*] **public universities** listed in ORS 352.002.

SECTION 67. ORS 190.610 is amended to read:

190.610. The State Board of Higher Education shall establish a program at one or more of the [*institutions*] **public universities** under its control, designed to perform the duties imposed upon it by ORS 190.510 to 190.610.

SECTION 68. ORS 192.501 is amended to read:

192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(b) The offense with which the arrested person is charged;

(c) The conditions of release pursuant to ORS 135.230 to 135.290;
(d) The identity of and biographical information concerning both complaining party and victim;
(e) The identity of the investigating and arresting agency and the length of the investigation;
(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and
(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent that such information is in a form which would permit identification of the individual concern or enterprise. This exemption does not include records submitted by long term care facilities as defined in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for patient care. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.

(6) Information relating to the appraisal of real estate prior to its acquisition.

(7) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections.

(8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825, until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under ORS 659A.850.

(9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and 663.180.

(10) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732.

(11) Information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist facility or attraction.

(12) A personnel discipline action, or materials or documents supporting that action.

(13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or endangered species.

(14) Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted or patented.

(15) Computer programs developed or purchased by or for any public body for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from such computer system, and any associated documentation and source material that explain how to operate the computer program. "Computer program" does not include:

(a) The original data, including but not limited to numbers, text, voice, graphics and images;

(b) Analyses, compilations and other manipulated forms of the original data produced by use of the program; or

(c) The mathematical and statistical formulas which would be used if the manipulated forms of the original data were to be produced manually.

(16) Data and information provided by participants to mediation under ORS 36.256.

(17) Investigatory information relating to any complaint or charge filed under ORS chapter 654, until a final administrative determination is made or, if a citation is issued, until an employer receives notice of any citation.

(18) Specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.

(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this paragraph, "audit or audit report" means any external or internal audit or audit report pertaining to a telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order; and

(b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier, as defined in ORS 133.721.

(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967.

(21) The following records, communications and information submitted to a housing authority as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants for and recipients of loans, grants and tax credits:

(a) Personal and corporate financial statements and information, including tax returns;

(b) Credit reports;

(c) Project appraisals;

(d) Market studies and analyses;

(e) Articles of incorporation, partnership agreements and operating agreements;

(f) Commitment letters;

(g) Project pro forma statements;

(h) Project cost certifications and cost data;

(i) Audits;

(j) Project tenant correspondence requested to be confidential;

(k) Tenant files relating to certification; and

(L) Housing assistance payment requests.

(22) Records or information that, if disclosed, would allow a person to:

(a) Gain unauthorized access to buildings or other property;

(b) Identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; or

(c) Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body.

(23) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:

(a) An individual;

(b) Buildings or other property;

(c) Information processing, communication or telecommunication systems, including the information contained in the systems; or

(d) Those operations of the Oregon State Lottery the security of which are subject to study and evaluation under ORS 461.180 (6).

(24) Personal information held by or under the direction of officials of the Oregon Health and Science University or the Oregon University System about a person who has or who is interested in donating money or property to the university, the system or a *[state institution of higher education]* **public university listed in ORS 352.002**, if the information is related to the family of the person, personal assets of the person or is incidental information not related to the donation.

(25) The home address, professional address and telephone number of a person who has or who is interested in donating money or property to the Oregon University System.

(26) Records of the name and address of a person who files a report with or pays an assessment to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

(27) Information provided to, obtained by or used by a public body to authorize, originate, receive or authenticate a transfer of funds, including but not limited to a credit card number, payment card expiration date, password, financial institution account number and financial institution routing number.

(28) Social Security numbers as provided in ORS 107.840.

(29) The electronic mail address of a student who attends a *[state institution of higher education]* **public university** listed in ORS 352.002 or Oregon Health and Science University.

(30) The name, home address, professional address or location of a person that is engaged in, or that provides goods or services for, medical research at Oregon Health and Science University that is conducted using animals other than rodents. This subsection does not apply to Oregon Health and Science University press releases, websites or other publications circulated to the general public.

(31) If requested by a public safety officer, as defined in ORS 181.610:

(a) The home address and home telephone number of the public safety officer contained in the voter registration records for the public safety officer.

(b) The home address and home telephone number of the public safety officer contained in records of the Department of Public Safety Standards and Training.

(c) The name of the public safety officer contained in county real property assessment or taxation records. This exemption:

(A) Applies only to the name of the public safety officer and any other owner of the property in connection with a specific property identified by the officer in a request for exemption from disclosure;

(B) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(C) Applies until the public safety officer requests termination of the exemption;

(D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(E) May not result in liability for the county if the name of the public safety officer is disclosed after a request for exemption from disclosure is made under this subsection.

(32) Unless the public records request is made by a financial institution, as defined in ORS 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage broker licensed under ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59, or title company for business purposes, records described in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought by an individual described in paragraph (b) of this subsection using the procedure described in paragraph (c) of this subsection:

(a) The home address, home or cellular telephone number or personal electronic mail address contained in the records of any public body that has received the request that is set forth in:

(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction, substitution of trustee, easement, dog license, marriage license or military discharge record that is in the possession of the county clerk; or

(B) Any public record of a public body other than the county clerk.

(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy district attorney, the Attorney General or an assistant attorney general, the United States Attorney for the District of Oregon or an assistant United States attorney for the District of Oregon, a city attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages in the prosecution of criminal matters.

(c) The individual claiming the exemption from disclosure must do so by filing the claim in writing with the public body for which the exemption from disclosure is being claimed on a form prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall list the public records in the possession of the public body to which the exemption applies. The exemption applies until the individual claiming the exemption requests termination of the exemption or ceases to qualify for the exemption.

(33) Land management plans required for voluntary stewardship agreements entered into under ORS 541.423.

(34) Sensitive business records or financial or commercial information of the State Accident Insurance Fund Corporation that is not customarily provided to business competitors. This exemption does not:

(a) Apply to the formulas for determining dividends to be paid to employers insured by the State Accident Insurance Fund Corporation;

(b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;

(c) Apply to group insurance contracts or to documents relating to the formation of such contracts, except that employer account records shall remain exempt from disclosure as provided in ORS 192.502 (35); or

(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the applicable rules of civil procedure.

(35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181.662 or 181.878 (6), until the department issues the report described in ORS 181.662 or 181.878.

(36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.

SECTION 69. ORS 192.501, as amended by section 3, chapter 455, Oregon Laws 2005, section 7, chapter 608, Oregon Laws 2007, section 2, chapter 687, Oregon Laws 2007, section 2, chapter 48, Oregon Laws 2008, section 3, chapter 57, Oregon Laws 2009, section 2, chapter 135, Oregon Laws 2009, section 4, chapter 222, Oregon Laws 2009, and section 2, chapter 769, Oregon Laws 2009, is amended to read:

192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed,

or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(b) The offense with which the arrested person is charged;

(c) The conditions of release pursuant to ORS 135.230 to 135.290;

(d) The identity of and biographical information concerning both complaining party and victim;

(e) The identity of the investigating and arresting agency and the length of the investigation;

(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent that such information is in a form which would permit identification of the individual concern or enterprise. This exemption does not include records submitted by long term care facilities as defined in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for patient care. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.

(6) Information relating to the appraisal of real estate prior to its acquisition.

(7) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections.

(8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825, until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under ORS 659A.850.

(9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and 663.180.

(10) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732.

(11) Information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist facility or attraction.

(12) A personnel discipline action, or materials or documents supporting that action.

(13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or endangered species.

(14) Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted or patented.

(15) Computer programs developed or purchased by or for any public body for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from such computer system, and any associated documentation and source material that explain how to operate the computer program. "Computer program" does not include:

(a) The original data, including but not limited to numbers, text, voice, graphics and images;

(b) Analyses, compilations and other manipulated forms of the original data produced by use of the program; or

(c) The mathematical and statistical formulas which would be used if the manipulated forms of the original data were to be produced manually.

(16) Data and information provided by participants to mediation under ORS 36.256.

(17) Investigatory information relating to any complaint or charge filed under ORS chapter 654, until a final administrative determination is made or, if a citation is issued, until an employer receives notice of any citation.

(18) Specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.

(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this paragraph, "audit or audit report" means any external or internal audit or audit report pertaining to a telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order; and

(b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier, as defined in ORS 133.721.

(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967.

(21) The following records, communications and information submitted to a housing authority as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants for and recipients of loans, grants and tax credits:

(a) Personal and corporate financial statements and information, including tax returns;

(b) Credit reports;

(c) Project appraisals;

(d) Market studies and analyses;

(e) Articles of incorporation, partnership agreements and operating agreements;

(f) Commitment letters;

(g) Project pro forma statements;

(h) Project cost certifications and cost data;

(i) Audits;

(j) Project tenant correspondence requested to be confidential;

(k) Tenant files relating to certification; and

(L) Housing assistance payment requests.

(22) Records or information that, if disclosed, would allow a person to:

(a) Gain unauthorized access to buildings or other property;

(b) Identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; or

(c) Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body.

(23) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:

(a) An individual;

- (b) Buildings or other property;
- (c) Information processing, communication or telecommunication systems, including the information contained in the systems; or
- (d) Those operations of the Oregon State Lottery the security of which are subject to study and evaluation under ORS 461.180 (6).

(24) Personal information held by or under the direction of officials of the Oregon Health and Science University or the Oregon University System about a person who has or who is interested in donating money or property to the university, the system or a *[state institution of higher education]* **public university listed in ORS 352.002**, if the information is related to the family of the person, personal assets of the person or is incidental information not related to the donation.

(25) The home address, professional address and telephone number of a person who has or who is interested in donating money or property to the Oregon University System.

(26) Records of the name and address of a person who files a report with or pays an assessment to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

(27) Information provided to, obtained by or used by a public body to authorize, originate, receive or authenticate a transfer of funds, including but not limited to a credit card number, payment card expiration date, password, financial institution account number and financial institution routing number.

(28) Social Security numbers as provided in ORS 107.840.

(29) The electronic mail address of a student who attends a *[state institution of higher education]* **public university** listed in ORS 352.002 or Oregon Health and Science University.

(30) If requested by a public safety officer, as defined in ORS 181.610:

(a) The home address and home telephone number of the public safety officer contained in the voter registration records for the public safety officer.

(b) The home address and home telephone number of the public safety officer contained in records of the Department of Public Safety Standards and Training.

(c) The name of the public safety officer contained in county real property assessment or taxation records. This exemption:

(A) Applies only to the name of the public safety officer and any other owner of the property in connection with a specific property identified by the officer in a request for exemption from disclosure;

(B) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(C) Applies until the public safety officer requests termination of the exemption;

(D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(E) May not result in liability for the county if the name of the public safety officer is disclosed after a request for exemption from disclosure is made under this subsection.

(31) Unless the public records request is made by a financial institution, as defined in ORS 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage broker licensed under ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59, or title company for business purposes, records described in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought by an individual described in paragraph (b) of this subsection using the procedure described in paragraph (c) of this subsection:

(a) The home address, home or cellular telephone number or personal electronic mail address contained in the records of any public body that has received the request that is set forth in:

(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction, substitution of trustee, easement, dog license, marriage license or military discharge record that is in the possession of the county clerk; or

(B) Any public record of a public body other than the county clerk.

(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy district attorney, the Attorney General or an assistant attorney general, the United States Attorney for the District of Oregon or an assistant United States attorney for the District of Oregon, a city attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages in the prosecution of criminal matters.

(c) The individual claiming the exemption from disclosure must do so by filing the claim in writing with the public body for which the exemption from disclosure is being claimed on a form prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall list the public records in the possession of the public body to which the exemption applies. The exemption applies until the individual claiming the exemption requests termination of the exemption or ceases to qualify for the exemption.

(32) Land management plans required for voluntary stewardship agreements entered into under ORS 541.423.

(33) Sensitive business records or financial or commercial information of the State Accident Insurance Fund Corporation that is not customarily provided to business competitors. This exemption does not:

(a) Apply to the formulas for determining dividends to be paid to employers insured by the State Accident Insurance Fund Corporation;

(b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;

(c) Apply to group insurance contracts or to documents relating to the formation of such contracts, except that employer account records shall remain exempt from disclosure as provided in ORS 192.502 (35); or

(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the applicable rules of civil procedure.

(34) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181.662 or 181.878 (6), until the department issues the report described in ORS 181.662 or 181.878.

(35) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.

SECTION 70. ORS 205.450 is amended to read:

205.450. As used in ORS 205.450 to 205.470:

(1) "Encumbrance" means a claim, lien, charge or liability attached to and binding property.

(2) "Encumbrance claimant" means a person who purportedly benefits from the filing of an encumbrance.

(3) "Federal official or employee" has the meaning given the term "employee of the government" in the Federal Tort Claims Act (28 U.S.C. 2671).

(4) "Filing" includes filing or recording.

(5) "Invalid claim of encumbrance" means a claim of encumbrance that is not a valid claim of encumbrance.

(6) "Property" includes, but is not limited to, real and personal property.

(7) "State or local official or employee" means an appointed or elected official, employee or agent of:

(a) A branch of government of this state or a state agency, board, commission or department of a branch of government of this state;

(b) A [*state institution of higher education*] **public university listed in ORS 352.002**;

(c) A community college or local school district in this state;

(d) A city, county or other political subdivision in this state; or

(e) A public corporation in this state.

(8) "Valid claim of encumbrance" is an encumbrance that:

(a) Is an encumbrance authorized by statute;

(b) Is a consensual encumbrance recognized under the laws of this state; or

(c) Is an equitable, constructive or other encumbrance imposed by a court of competent jurisdiction.

SECTION 71. ORS 205.455 is amended to read:

205.455. (1) No person or county shall accept for filing an invalid claim of encumbrance.

(2) No person or county shall accept for filing a claim of encumbrance against the property of a federal official or employee or a state or local official or employee based on the performance or nonperformance of the official duties of the official or employee unless accompanied by an order from a court of competent jurisdiction authorizing the filing of the encumbrance.

(3) A claim of encumbrance against the property of a federal official or employee or a state or local official or employee based on the performance or nonperformance of the official duties of the official or employee that is not accompanied by an order from a court of competent jurisdiction is an invalid claim of encumbrance and has no legal effect.

(4) If an invalid claim of encumbrance against the property of a federal official or employee or against the property of a state or local official or employee is accepted for filing, the filing officer shall accept for filing a notice of invalid encumbrance signed and submitted by:

(a) The assistant United States attorney representing the federal agency of which the individual is an official or employee;

(b) The assistant attorney general representing the state official, employee or agent, or the state agency, board, commission, department or [state institution of higher education] **public university listed in ORS 352.002** of which the individual is an official, employee or agent; or

(c) The attorney representing the community college or local school district, political subdivision or public corporation of which the individual is an official, employee or agent.

(5) A notice of invalid encumbrance shall be in substantially the following form:

NOTICE OF INVALID ENCUMBRANCE
FILED AGAINST

_____ (Insert name)
(ORS 205.455)

_____ IS A _____
(Name) (Title)

NOTICE is hereby given that the document entitled _____, purporting to create an obligation against or an interest in the real or personal property of the person named above, filed and/or signed by _____ (insert name), and filed or recorded in book/reel/volume No. _____ on page _____ or document/fee/file/ instrument/microfilm No. _____ in the _____ (insert name of office where document was filed or recorded), is an invalid claim of encumbrance under ORS 205.450 and 205.455.

No order from a court of competent jurisdiction authorizing the filing of such encumbrance accompanied the filing and, pursuant to ORS 205.455, the encumbrance has no legal effect and is invalid.

A copy of this Notice of Invalid Encumbrance has been mailed this day by depositing a true copy of the notice in the United States mail, addressed to _____ (name and address of encumbrance claimant), the last-known address of _____ (insert name of encumbrance claimant).

DATED this ____ day of _____, ____.

Attorney for _____

SUBSCRIBED AND SWORN to before me this ____ day of _____, ____.

NOTARY PUBLIC FOR OREGON
My commission expires: _____

(6) A copy of the notice of invalid encumbrance filed under this section shall be posted at the county courthouse and mailed by the attorney to the encumbrance claimant at the encumbrance claimant's last-known address, if available.

(7) No person or county shall be liable under this section for accepting for filing an invalid claim of encumbrance or for accepting for filing a notice of invalid encumbrance.

(8) Filing a notice of invalid encumbrance under this section shall clear title to all property that is affected by the claim of encumbrance that is the subject of the notice of invalid encumbrance from all claims, liens, charges or liabilities attached to the property under the claim of encumbrance.

SECTION 72. ORS 238.005, as amended by section 8, chapter 1, Oregon Laws 2010, is amended to read:

238.005. For purposes of this chapter:

(1) "Annuity" means payments for life derived from contributions made by a member as provided in this chapter.

(2) "Board" means the Public Employees Retirement Board.

(3) "Calendar year" means 12 calendar months commencing on January 1 and ending on December 31 following.

(4) "Continuous service" means service not interrupted for more than five years, except that such continuous service shall be computed without regard to interruptions in the case of:

(a) An employee who had returned to the service of the employer as of January 1, 1945, and who remained in that employment until having established membership in the Public Employees Retirement System.

(b) An employee who was in the armed services on January 1, 1945, and returned to the service of the employer within one year of the date of being otherwise than dishonorably discharged and remained in that employment until having established membership in the Public Employees Retirement System.

(5) "Creditable service" means any period of time during which an active member is being paid a salary by a participating public employer and for which benefits under this chapter are funded by employer contributions and earnings on the fund. For purposes of computing years of "creditable service," full months and major fractions of a month shall be considered to be one-twelfth of a year and shall be added to all full years. "Creditable service" includes all retirement credit received by a member.

(6) "Earliest service retirement age" means the age attained by a member when the member could first make application for retirement under the provisions of ORS 238.280.

(7) "Employee" includes, in addition to employees, public officers, but does not include:

(a) Persons engaged as independent contractors.

(b) Seasonal, emergency or casual workers whose periods of employment with any public employer or public employers do not total 600 hours in any calendar year.

(c) Persons, other than workers in the Oregon Industries for the Blind under ORS 346.190, provided sheltered employment or made-work by a public employer in an employment or industries program maintained for the benefit of such persons.

(d) Persons employed and paid from federal funds received under the Emergency Job and Unemployment Assistance Act of 1974 (Public Law 93-567) or any other federal program intended primarily to alleviate unemployment. However, any such person shall be considered an "employee" if not otherwise excluded by paragraphs (a) to (c) of this subsection and the public employer elects to have the person so considered by an irrevocable written notice to the board.

(e) Persons who are employees of a railroad, as defined in ORS 824.020, and who, as such employees, are included in a retirement plan under federal railroad retirement statutes. This paragraph shall be deemed to have been in effect since the inception of the system.

(8) "Final average salary" means whichever of the following is greater:

(a) The average salary per calendar year paid by one or more participating public employers to an employee who is an active member of the system in three of the calendar years of membership before the effective date of retirement of the employee, in which three years the employee was paid the highest salary. The three calendar years in which the employee was paid the largest total salary may include calendar years in which the employee was employed for less than a full calendar year. If the number of calendar years of active membership before the effective date of retirement of the employee is three or fewer, the final average salary for the employee is the average salary per calendar year paid by one or more participating public employers to the employee in all of those years, without regard to whether the employee was employed for the full calendar year.

(b) One-third of the total salary paid by a participating public employer to an employee who is an active member of the system in the last 36 calendar months of active membership before the effective date of retirement of the employee.

(9) "Firefighter" does not include a volunteer firefighter, but does include:

(a) The State Fire Marshal, the chief deputy fire marshal and deputy state fire marshals; and

(b) An employee of the State Forestry Department who is certified by the State Forester as a professional wildland firefighter and whose primary duties include the abatement of uncontrolled fires as described in ORS 477.064.

(10) "Fiscal year" means 12 calendar months commencing on July 1 and ending on June 30 following.

(11) "Fund" means the Public Employees Retirement Fund.

(12) "Institution of higher education" means a public university listed in ORS 352.002, the Oregon Health and Science University and a community college, as defined in ORS 341.005.

[(12)(a)] **(13)(a)** "Member" means a person who has established membership in the system and whose membership has not been terminated as described in ORS 238.095. "Member" includes active, inactive and retired members.

(b) "Active member" means a member who is presently employed by a participating public employer in a qualifying position and who has completed the six-month period of service required by ORS 238.015.

(c) "Inactive member" means a member who is not employed in a qualifying position, whose membership has not been terminated in the manner described by ORS 238.095, and who is not retired for service or disability.

(d) "Retired member" means a member who is retired for service or disability.

[(13)(a)] **(14)(a)** "Member account" means the regular account and the variable account.

(b) "Regular account" means the account established for each active and inactive member under ORS 238.250.

(c) "Variable account" means the account established for a member who participates in the Variable Annuity Account under ORS 238.260.

[(14)] **(15)** "Normal retirement age" means:

(a) For a person who establishes membership in the system before January 1, 1996, as described in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or firefighter or 58 years of age if the employee retires at that age as other than a police officer or firefighter.

(b) For a person who establishes membership in the system on or after January 1, 1996, as described in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or firefighter or 60 years of age if the employee retires at that age as other than a police officer or firefighter.

[(15)] **(16)** "Pension" means annual payments for life derived from contributions by one or more public employers.

[(16)] **(17)** "Police officer" includes:

(a) Employees of institutions defined in ORS 421.005 as Department of Corrections institutions whose duties, as assigned by the Director of the Department of Corrections, include the custody of persons committed to the custody of or transferred to the Department of Corrections and employees

of the Department of Corrections who were classified as police officers on or before July 27, 1989, whether or not such classification was authorized by law.

(b) Employees of the Department of State Police who are classified as police officers by the Superintendent of State Police.

(c) Employees of the Oregon Liquor Control Commission who are classified as enforcement officers by the administrator of the commission.

(d) Sheriffs and those deputy sheriffs or other employees of a sheriff whose duties, as classified by the sheriff, are the regular duties of police officers or corrections officers.

(e) Police chiefs and police personnel of a city who are classified as police officers by the council or other governing body of the city.

(f) Parole and probation officers employed by the Department of Corrections, parole and probation officers who are transferred to county employment under ORS 423.549 and adult parole and probation officers, as defined in ORS 181.610, who are classified as police officers for the purposes of this chapter by the county governing body. If a county classifies adult parole and probation officers as police officers for the purposes of this chapter, and the employees so classified are represented by a labor organization, any proposal by the county to change that classification or to cease to classify adult parole and probation officers as police officers for the purposes of this chapter is a mandatory subject of bargaining.

(g) Police officers appointed under ORS 276.021 or 276.023.

(h) Employees of the Port of Portland who are classified as airport police by the Board of Commissioners of the Port of Portland.

(i) Employees of the State Department of Agriculture who are classified as livestock police officers by the Director of Agriculture.

(j) Employees of the Department of Public Safety Standards and Training who are classified by the department as other than secretarial or clerical personnel.

(k) Investigators of the Criminal Justice Division of the Department of Justice.

(L) Corrections officers as defined in ORS 181.610.

(m) Employees of the Oregon State Lottery Commission who are classified by the Director of the Oregon State Lottery as enforcement agents pursuant to ORS 461.110.

(n) The Director of the Department of Corrections.

(o) An employee who for seven consecutive years has been classified as a police officer as defined by this section, and who is employed or transferred by the Department of Corrections to fill a position designated by the Director of the Department of Corrections as being eligible for police officer status.

(p) An employee of the Department of Corrections classified as a police officer on or prior to July 27, 1989, whether or not that classification was authorized by law, as long as the employee remains in the position held on July 27, 1989. The initial classification of an employee under a system implemented pursuant to ORS 240.190 does not affect police officer status.

(q) Employees of a school district who are appointed and duly sworn members of a law enforcement agency of the district as provided in ORS 332.531 or otherwise employed full-time as police officers commissioned by the district.

(r) Employees at youth correction facilities and juvenile detention facilities under ORS 419A.050, 419A.052 and 420.005 to 420.915 who are required to hold valid Oregon teaching licenses and who have supervisory, control or teaching responsibilities over juveniles committed to the custody of the Department of Corrections or the Oregon Youth Authority.

(s) Employees at youth correction facilities as defined in ORS 420.005 whose primary job description involves the custody, control, treatment, investigation or supervision of juveniles placed in such facilities.

(t) Employees of the Oregon Youth Authority who are classified as juvenile parole and probation officers.

[(17)] **(18)** "Public employer" means the state, one of its agencies, any city, county, or municipal or public corporation, any political subdivision of the state or any instrumentality thereof, or an

agency created by one or more such governmental organizations to provide governmental services. For purposes of this chapter, such agency created by one or more governmental organizations is a governmental instrumentality and a legal entity with power to enter into contracts, hold property and sue and be sued.

[(18)] **(19)** "Prior service credit" means credit provided under ORS 238.442 or under ORS 238.225 (2) to (6) (1999 Edition).

[(19)] **(20)** "Qualifying position" means one or more jobs with one or more participating public employers in which an employee performs 600 or more hours of service in a calendar year, excluding any service in a job for which a participating public employer does not provide benefits under this chapter pursuant to an application made under ORS 238.035.

[(20)] **(21)** "Retirement credit" means a period of time that is treated as creditable service for the purposes of this chapter.

[(21)(a)] **(22)(a)** "Salary" means the remuneration paid an employee in cash out of the funds of a public employer in return for services to the employer, plus the monetary value, as determined by the Public Employees Retirement Board, of whatever living quarters, board, lodging, fuel, laundry and other advantages the employer furnishes the employee in return for services.

(b) "Salary" includes but is not limited to:

(A) Payments of employee and employer money into a deferred compensation plan, which are deemed salary paid in each month of deferral;

(B) The amount of participation in a tax-sheltered or deferred annuity, which is deemed salary paid in each month of participation;

(C) Retroactive payments described in section 7, chapter 1, Oregon Laws 2010; and

(D) Wages of a deceased member paid to a surviving spouse or dependent children under ORS 652.190.

(c) "Salary" or "other advantages" does not include:

(A) Travel or any other expenses incidental to employer's business which is reimbursed by the employer;

(B) Payments for insurance coverage by an employer on behalf of employee or employee and dependents, for which the employee has no cash option;

(C) Payments made on account of an employee's death;

(D) Any lump sum payment for accumulated unused sick leave;

(E) Any accelerated payment of an employment contract for a future period or an advance against future wages;

(F) Any retirement incentive, retirement severance pay, retirement bonus or retirement gratuitous payment;

(G) Payments for periods of leave of absence after the date the employer and employee have agreed that no future services qualifying pursuant to ORS 238.015 (3) will be performed, except for sick leave and vacation;

(H) Payments for instructional services rendered to [*institutions*] **public universities** of the Oregon University System or the Oregon Health and Science University when such services are in excess of full-time employment subject to this chapter. A person employed under a contract for less than 12 months is subject to this subparagraph only for the months to which the contract pertains; or

(I) Payments made by an employer for insurance coverage provided to a domestic partner of an employee.

[(22)] **(23)** "School year" means the period beginning July 1 and ending June 30 next following.

[(23)] **(24)** "System" means the Public Employees Retirement System.

[(24)] **(25)** "Vested" means being an active member of the system in each of five calendar years.

[(25)] **(26)** "Volunteer firefighter" means a firefighter whose position normally requires less than 600 hours of service per year.

SECTION 72a. ORS 238.148 is amended to read:

238.148. (1) A member of the Public Employees Retirement System who is a police officer is entitled to receive retirement credit as provided in subsection (2) of this section if:

(a) The member was employed as a public safety officer by another state, or political subdivision of another state, before being employed in a position that entitled the member to credit in the system; and

(b) The member makes the payment required by subsection (2) of this section within the time specified by that subsection.

(2) Except as provided in subsection (3) of this section, a member of the system employed as a police officer who meets the requirements of subsection (1) of this section is entitled to receive retirement credit for the period of the member's service with another state, or political subdivision of another state, not to exceed a maximum of four years, if the member within 90 days of the member's effective date of retirement:

(a) Applies in writing to the Public Employees Retirement Board for such retirement credit;

(b) Provides written verification to the board from the other state, or political subdivision of the other state, that employed the member, verifying the period of time that the member served as a public safety officer in the other state; and

(c) Pays to the board, in a lump sum, for each year of retirement credit applied for under this section, an amount determined by the board to represent the full cost to the system of providing the retirement credit to the member, including all administrative costs incurred by the system in processing the application for acquisition of the retirement credit.

(3) A member may not receive retirement credit under the provisions of this section for any period of service with another state, or political subdivision of another state, if the member is entitled to a pension or retirement allowance by reason of that service under a public plan or system offered by the other state or by a political subdivision of the other state.

(4) For the purposes of this section, "public safety officer" means a person who serves in a position with another state, or political subdivision of another state, that is the other state's equivalent of a position described in ORS 238.005 [(16)] (17).

SECTION 73. ORS 238.300 is amended to read:

238.300. Upon retiring from service at normal retirement age or thereafter, a member of the system shall receive a service retirement allowance which shall consist of the following annuity and pensions:

(1) A refund annuity which shall be the actuarial equivalent of accumulated contributions, if any, by the member and interest thereon credited at the time of retirement, which annuity shall provide an allowance payable during the life of the member and at death a lump sum equal in amount to the difference between accumulated contributions at the time of retirement and the sum of the annuity payments actually made to the member during life shall be paid to such person, if any, as the member nominates by written designation duly acknowledged and filed with the board or shall otherwise be paid according to the provisions of this chapter for disposal of an amount credited to the member account of a member at the time of death in the event the member designates no beneficiary to receive the amount or no such beneficiary is able to receive the amount. If death of the member occurs before the first payment is due, the member account of the member shall be treated as though death had occurred before retirement.

(2)(a) A life pension (nonrefund) for current service provided by the contributions of employers, which pension, subject to paragraph (b) of this subsection, shall be an amount which, when added to the sum of the annuity, if any, under subsection (1) of this section and the annuity, if any, provided on the same basis and payable from the Variable Annuity Account, both annuities considered on a refund basis, results in a total of:

(A) For service as a police officer or firefighter, two percent of final average salary multiplied by the number of years of membership in the system as a police officer or firefighter before the effective date of retirement.

(B) For service as other than a police officer or firefighter, including service as a member of the Legislative Assembly, 1.67 percent of final average salary multiplied by the number of years of

membership in the system as other than a police officer or firefighter before the effective date of retirement.

(b) A pension under this subsection shall be at least:

(A) For a member who first establishes membership in the system before July 1, 2003, the actuarial equivalent of the annuity provided by the accumulated contributions of the member. A person establishes membership in the system before July 1, 2003, for the purposes of this subparagraph if:

(i) The person is a member of the system, or a judge member of the system, on the day immediately before July 1, 2003; or

(ii) The person performed any period of service for a participating public employer before July 1, 2003, that is credited to the six-month period of employment required of an employee under ORS 238.015 before an employee may become a member of the system.

(B) For a member who made contributions before August 21, 1981, the equivalent of a pension computed pursuant to this subsection as it existed immediately before that date.

(c) As used in this subsection, "number of years of membership" means the number of full years of creditable service plus any remaining fraction of a year of creditable service. Except as otherwise provided in this paragraph, in determining a remaining fraction a full month shall be considered as one-twelfth of a year and a major fraction of a month shall be considered as a full month. Membership of a school district employee, an employee of [*the State Board of Higher Education*] **an institution of higher education** engaged in teaching or other school activity [*at an institution of higher education*] or an employee of the Department of Human Services, the Oregon Youth Authority, the Department of Corrections or the State Board of Education engaged in teaching or other school activity at an institution supervised by the authority, board or department, for all portions of a school year in a calendar year in which the district school, institution of higher education or school activity at an institution so supervised in which the member is employed is normally in session shall be considered as a full one-half year of membership. The number of years of membership of a member who received a refund of contributions as provided in ORS 237.976 (2) is limited to the number of years after the day before the date on which the refund was received. The number of years of membership of a member who is separated, for any reason other than death or disability, from all service entitling the member to membership in the system, who withdraws the amount credited to the member account of the member in the fund during absence from such service and who thereafter reenters the service of an employer participating in the system but does not repay the amount so withdrawn as provided in this chapter, is limited to the number of years after the day before the date of so reentering.

(3) An additional life pension (nonrefund) for prior service credit, including military service, credited to the member at the time of first becoming a member of the system, as elsewhere provided in this chapter, which pension shall be provided by the contributions of the employer.

SECTION 74. ORS 238.350 is amended to read:

238.350. (1)(a) Upon the request by a public employer that its employees be compensated for accumulated unused sick leave with pay in the form of increased retirement benefits upon service or disability retirement, the board shall establish a procedure for adding to the gross amount of salary used in determining final average salary the monetary value of one-half of the accumulated unused sick leave with pay of each retiring employee of the requesting public employer and shall establish benefits of the retiring employee on the basis of a final average salary reflecting that addition.

(b) For employees of a common school district, a union high school district, an education service district or [*a community college, or employees of the State Board of Higher Education*] **an institution of higher education** engaged in teaching or other school activity [*at an institution of higher education*], or employees of the school operated under ORS 346.010 engaged in teaching or other school activity, who are employed under contract for a period of less than 12 consecutive months and who are entitled to sick leave with pay of less than 96 hours for a year, each hour of accumulated unused sick leave with pay shall be valued on the basis of the actual number of contract hours of employ-

ment during the last year of contributing membership of an employee before retiring and the salary of the employee during the same period. This paragraph does not apply to any employee who is employed under contract for 12 consecutive months in any of the three or less years used in determining the final average salary of the employee.

(c) For the purpose of this subsection, accumulated unused sick leave with pay includes unused sick leave with pay accumulated by an active member of the system while in the service of any public employer participating in the system that has the request described in paragraph (a) of this subsection in effect at the time of the member's separation from the service of the employer, whether that employer is or is not the employer of the member at the time of the member's retirement.

(d) The board shall establish rules requiring all public employers participating in the system to transmit to the board reports of unused sick leave with pay accumulated by their employees who are members of the system and to provide timely notification to each of those employees of unused sick leave with pay accumulated by the employee and reported to the board.

(2) Accumulated unused sick leave with pay may be considered for the purpose of subsection (1) of this section only in accordance with the following requirements:

(a) Sick leave not credited at the rate actually provided by the public employer may not be considered. The amount of sick leave exceeding an amount credited at the lowest rate in effect for any employee of the public employer who is normally entitled to sick leave, and in any event exceeding an amount credited at a rate of eight hours for each full month worked, may not be considered.

(b) Sick leave credited for periods when an employee was absent from employment on sabbatical leave, educational leave or any leave without pay may not be considered.

(c) Any period during which an employee was absent from employment for illness or injury that was charged against sick leave not qualified for consideration shall be deducted from sick leave qualified for consideration.

(d) Sick leave for any period for which the public employer provides no sick leave with pay for its employees may not be considered.

(e) Sick leave accumulated on and after July 1, 1973, may be considered only to the extent it is supported by records of accumulation and use pursuant to a plan adopted formally by the public employer.

(f) Accumulated unused sick leave for periods before July 1, 1973, may be considered as follows:

(A) If any department, bureau or other organizational unit of a public employer maintained formal records of accumulation and use even though the public employer did not require that those records be maintained, the accumulated unused sick leave shall be considered according to those records.

(B) Where the public employer provided sick leave before July 1, 1973, but formal records of accumulation and use were not required or if required, are unavailable or incomplete, or the sick leave was subject to administrative limitations on total accumulation or transfer between public employers, accumulated unused sick leave for periods before July 1, 1973, may be considered as equal to 2.675 hours for each full month worked or an amount per month equal to the average monthly accumulation by an employee during the period beginning July 1, 1973, and ending at the time of retirement, whichever amount is greater, but reduced by the amount of any accumulated unused sick leave credited to the employee on July 1, 1973.

(g) The written certification of a member or former member of the Legislative Assembly shall constitute a formal record of accumulation and use in determining the amount of accumulated unused sick leave of an employee of the Legislative Assembly, either of its houses or any of its committees or officers for periods of employment before July 1, 1981. Sick leave accumulated on and after July 1, 1981, by employees of the Legislative Assembly, either of its houses or any of its committees or officers may be considered only to the extent it is supported by records of accumulation and use maintained by the Legislative Administration Committee, or any statutory, standing, special or interim committee of the Legislative Assembly or either house thereof, or any constitutional or

statutory office of the Legislative Assembly or either house thereof, pursuant to a plan adopted formally by the committee or officer.

(3)(a) As used in this subsection, "legislative employee" means any person employed by the Legislative Assembly, either of its houses or any of its committees or officers, but does not include a regular employee of a statutory committee or statutory office of the Legislative Assembly described in ORS 173.005 (1).

(b) Upon the request of a retiring legislative employee who is a member of the system, and the request of the public employer of the legislative employee, that the legislative employee be compensated for accumulated unused vacation with pay for periods of legislative employment in the form of increased retirement benefits upon service or disability retirement, the board shall add to the gross amount of salary used in determining final average salary of the legislative employee the monetary value of one-half of the accumulated unused vacation with pay of the legislative employee and shall establish the benefits of the legislative employee on the basis of a final average salary reflecting that addition.

(c) Accumulated unused vacation with pay may be considered for the purposes of paragraph (b) of this subsection only in accordance with the following requirements:

(A) Vacation not credited at the rate actually provided by the public employer may not be considered.

(B) Amounts of vacation exceeding amounts creditable to employees in the classified service of the state service pursuant to ORS 240.515 (1), and rules adopted pursuant thereto, in effect on June 30, 1981, shall not be considered.

(C) Vacation accumulated before, on and after July 1, 1981, may be considered only to the extent it is supported by records of accumulation and use pursuant to a plan adopted formally by the public employer. However, the written certification of a member or former member of the Legislative Assembly shall constitute a formal record of accumulation and use in determining the amount of accumulated unused vacation of a legislative employee for periods of legislative employment before July 1, 1981.

(4) Employers with plans providing payments on account of sickness in lieu of sick leave with pay may request the board to consider the monetary value of accumulated unused payments on account of sickness as if such payments were an equivalent amount of accumulated unused sick leave with pay under the same terms and conditions specified in subsections (1) and (2) of this section.

SECTION 74a. ORS 238.580 is amended to read:

238.580. (1) ORS 238.005 (3) and [(21)] **(22)**, 238.025, 238.078, 238.082, 238.092, 238.115 (1), 238.250, 238.255, 238.260, 238.350, 238.380, 238.410, 238.415, 238.420, 238.445, 238.458, 238.460, 238.465, 238.475, 238.600, 238.605, 238.610, 238.618, 238.630, 238.635, 238.645, 238.650, 238.655, 238.660, 238.665, 238.670 and 238.705 and the increases provided by ORS 238.385 for members of the system who are serving as other than police officers or firefighters apply in respect to service as a judge member.

(2) This chapter applies in respect to persons described in ORS 238.505 (1) and in respect to service as a judge member only as specifically provided in ORS 238.500 to 238.585.

SECTION 74b. ORS 238.608 is amended to read:

238.608. (1) The Public Employees Retirement Board shall conduct a study of the life expectancy of members of the Public Employees Retirement System in the categories described in subsection (2) of this section. If the board determines that members in the categories described in subsection (2) of this section have a life expectancy that is substantially shorter than the life expectancy of members of the system generally, the board shall adopt and use separate actuarial equivalency factor tables under ORS 238.607 for the purpose of computing the payments to be made to members in the categories described in subsection (2) of this section and to the beneficiaries and alternate payees of those members. Any actuarial equivalency factor tables adopted under this section shall first become effective January 1, 2005.

(2) The provisions of this section apply to members of the system who are defined as firefighters under ORS 238.005 (9) or as police officers under ORS 238.005 [(16)(a)] **(17)(a)**, (b), (d), (e), (f), (k), (L), (n), (o) or (p).

SECTION 75. ORS 238A.005, as amended by section 9, chapter 1, Oregon Laws 2010, and section 1, chapter 82, Oregon Laws 2010, is amended to read:

238A.005. For the purposes of this chapter:

(1) "Active member" means a member of the pension program or the individual account program of the Oregon Public Service Retirement Plan who is actively employed in a qualifying position.

(2) "Actuarial equivalent" means a payment or series of payments having the same value as the payment or series of payments replaced, computed on the basis of interest rate and mortality assumptions adopted by the board.

(3) "Board" means the Public Employees Retirement Board.

(4) "Eligible employee" means a person who performs services for a participating public employer, including elected officials other than judges. "Eligible employee" does not include:

(a) Persons engaged as independent contractors;

(b) Aliens working under a training or educational visa;

(c) Persons, other than workers in the Industries for the Blind Program under ORS 346.190, provided sheltered employment or make-work by a public employer;

(d) Persons categorized by a participating public employer as student employees;

(e) Any person who is an inmate of a state institution;

(f) Employees of foreign trade offices of the Oregon Business Development Department who live and perform services in foreign countries under the provisions of ORS 285A.075 (1)(g);

(g) An employee actively participating in an alternative retirement program established under ORS 353.250 or an optional retirement plan established under ORS 341.551;

(h) Employees of the Oregon University System who are actively participating in an optional retirement plan offered under ORS 243.800;

(i) Any employee who belongs to a class of employees that was not eligible on August 28, 2003, for membership in the system under the provisions of ORS chapter 238 or other law;

(j) Any person who belongs to a class of employees who are not eligible to become members of the Oregon Public Service Retirement Plan under the provisions of ORS 238A.070 (2);

(k) Any person who is retired under ORS 238A.100 to 238A.245 or ORS chapter 238 and who continues to receive retirement benefits while employed; and

(L) Judges.

(5) "Firefighter" means:

(a) A person employed by a local government, as defined in ORS 174.116, whose primary job duties include the fighting of fires;

(b) The State Fire Marshal, the chief deputy state fire marshal and deputy state fire marshals; and

(c) An employee of the State Forestry Department who is certified by the State Forester as a professional wildland firefighter and whose primary duties include the abatement of uncontrolled fires as described in ORS 477.064.

(6) "Fund" means the Public Employees Retirement Fund.

(7)(a) "Hour of service" means:

(A) An hour for which an eligible employee is directly or indirectly paid or entitled to payment by a participating public employer for performance of duties in a qualifying position; and

(B) An hour of vacation, holiday, illness, incapacity, jury duty, military duty or authorized leave during which an employee does not perform duties but for which the employee is directly or indirectly paid or entitled to payment by a participating public employer for services in a qualifying position, as long as the hour is within the number of hours regularly scheduled for the performance of duties during the period of vacation, holiday, illness, incapacity, jury duty, military duty or authorized leave.

(b) "Hour of service" does not include any hour for which payment is made or due under a plan maintained solely for the purpose of complying with applicable workers' compensation laws or unemployment compensation laws.

(8) "Inactive member" means a member of the pension program or the individual account program of the Oregon Public Service Retirement Plan whose membership has not been terminated, who is not a retired member and who is not employed in a qualifying position.

(9) "Individual account program" means the defined contribution individual account program of the Oregon Public Service Retirement Plan established under ORS 238A.025.

(10) "Institution of higher education" means a public university listed in ORS 352.002, the Oregon Health and Science University or a community college, as defined in ORS 341.005.

[(10)] (11) "Member" means an eligible employee who has established membership in the pension program or the individual account program of the Oregon Public Service Retirement Plan and whose membership has not been terminated under ORS 238A.110 or 238A.310.

[(11)] (12) "Participating public employer" means a public employer as defined in ORS 238.005 that provides retirement benefits for employees of the public employer under the system.

[(12)] (13) "Pension program" means the defined benefit pension program of the Oregon Public Service Retirement Plan established under ORS 238A.025.

[(13)] (14) "Police officer" means a police officer as described in ORS 238.005.

[(14)] (15) "Qualifying position" means one or more jobs with one or more participating public employers in which an eligible employee performs 600 or more hours of service in a calendar year, excluding any service in a job for which benefits are not provided under the Oregon Public Service Retirement Plan pursuant to ORS 238A.070 (2).

[(15)] (16) "Retired member" means a pension program member who is receiving a pension as provided in ORS 238A.180 to 238A.195.

[(16)(a)] (17)(a) "Salary" means the remuneration paid to an active member in return for services to the participating public employer, including remuneration in the form of living quarters, board or other items of value, to the extent the remuneration is includable in the employee's taxable income under Oregon law. Salary includes the additional amounts specified in paragraph (b) of this subsection, but does not include the amounts specified in paragraph (c) of this subsection, regardless of whether those amounts are includable in taxable income.

(b) "Salary" includes the following amounts:

(A) Payments of employee and employer money into a deferred compensation plan that are made at the election of the employee.

(B) Contributions to a tax-sheltered or deferred annuity that are made at the election of the employee.

(C) Any amount that is contributed to a cafeteria plan or qualified transportation fringe benefit plan by the employer at the election of the employee and that is not includable in the taxable income of the employee by reason of 26 U.S.C. 125 or 132(f)(4), as in effect on December 31, 2009.

(D) Any amount that is contributed to a cash or deferred arrangement by the employer at the election of the employee and that is not included in the taxable income of the employee by reason of 26 U.S.C. 402(e)(3), as in effect on December 31, 2009.

(E) Retroactive payments described in section 7, chapter 1, Oregon Laws 2010.

(F) The amount of an employee contribution to the individual account program that is paid by the employer and deducted from the compensation of the employee, as provided under ORS 238A.335 (1) and (2)(a).

(G) The amount of an employee contribution to the individual account program that is not paid by the employer under ORS 238A.335.

(H) Wages of a deceased member paid to a surviving spouse or dependent children under ORS 652.190.

(c) "Salary" does not include the following amounts:

(A) Travel or any other expenses incidental to employer's business which is reimbursed by the employer.

(B) Payments made on account of an employee's death.

(C) Any lump sum payment for accumulated unused sick leave, vacation leave or other paid leave.

(D) Any severance payment, accelerated payment of an employment contract for a future period or advance against future wages.

(E) Any retirement incentive, retirement bonus or retirement gratuitous payment.

(F) Payment for a leave of absence after the date the employer and employee have agreed that no future services in a qualifying position will be performed.

(G) Payments for instructional services rendered to *[institutions]* **public universities** of the Oregon University System or the Oregon Health and Science University when those services are in excess of full-time employment subject to this chapter. A person employed under a contract for less than 12 months is subject to this subparagraph only for the months covered by the contract.

(H) The amount of an employee contribution to the individual account program that is paid by the employer and is not deducted from the compensation of the employee, as provided under ORS 238A.335 (1) and (2)(b).

(I) Any amount in excess of \$200,000 for a calendar year. If any period over which salary is determined is less than 12 months, the \$200,000 limitation for that period shall be multiplied by a fraction, the numerator of which is the number of months in the determination period and the denominator of which is 12. The board shall adopt rules adjusting this dollar limit to incorporate cost-of-living adjustments authorized by the Internal Revenue Service.

[(17)] **(18)** "System" means the Public Employees Retirement System.

SECTION 75a. ORS 238A.140 is amended to read:

238A.140. (1) An active member of the pension program accrues one year of retirement credit for each complete year of service and one-twelfth of a year of retirement credit for each full month and each major fraction of a month of service.

(2) An active member who is a school employee shall be credited with at least six months of retirement credit if the member performs service for a major fraction of each month of a school year that falls between January 1 and June 30, and at least six months of retirement credit if the member performs service for a major fraction of each month of a school year that falls between July 1 and December 31.

(3) When an eligible employee becomes a member under ORS 238A.100, the board shall credit the eligible employee with retirement credit for the period of employment required of the employee under ORS 238A.100.

(4) A member may not accrue more than one full year of retirement credit in any calendar year.

(5) For purposes of this section, "school employee" means:

(a) A person who is employed by a common school district, a union high school district or an education service district;

(b) An employee of *[the State Board of Higher Education or the Oregon Health and Science University]* **an institution of higher education** who is engaged in teaching or other school activity *[at an institution of higher education]; and*

(c) An employee of the Department of Human Services, the Oregon Youth Authority, the Department of Corrections or the State Board of Education who is engaged in teaching or other school activity at an institution supervised by the authority, board or department[; *and*]

[(d) An employee of a community college district other than an academic employee].

SECTION 76. ORS 243.105 is amended to read:

243.105. As used in ORS 243.105 to 243.285, unless the context requires otherwise:

(1) "Benefit plan" includes, but is not limited to:

(a) Contracts for insurance or other benefits, including medical, dental, vision, life, disability and other health care recognized by state law, and related services and supplies;

(b) Comparable benefits for employees who rely on spiritual means of healing; and

(c) Self-insurance programs managed by the Public Employees' Benefit Board.

(2) "Board" means the Public Employees' Benefit Board.

(3) "Carrier" means an insurance company or health care service contractor holding a valid certificate of authority from the Director of the Department of Consumer and Business Services, or two or more companies or contractors acting together pursuant to a joint venture, partnership or

other joint means of operation, or a board-approved guarantor of benefit plan coverage and compensation.

(4)(a) "Eligible employee" means an officer or employee of a state agency who elects to participate in one of the group benefit plans described in ORS 243.135. The term includes state officers and employees in the exempt, unclassified and classified service, and state officers and employees, whether or not retired, who:

(A) Are receiving a service retirement allowance, a disability retirement allowance or a pension under the Public Employees Retirement System or are receiving a service retirement allowance, a disability retirement allowance or a pension under any other retirement or disability benefit plan or system offered by the State of Oregon for its officers and employees;

(B) Are eligible to receive a service retirement allowance under the Public Employees Retirement System and have reached earliest retirement age under ORS chapter 238;

(C) Are eligible to receive a pension under ORS 238A.100 to 238A.245, and have reached earliest retirement age as described in ORS 238A.165; or

(D) Are eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by the State of Oregon and have attained earliest retirement age under the plan or system.

(b) "Eligible employee" does not include individuals:

(A) Engaged as independent contractors;

(B) Whose periods of employment in emergency work are on an intermittent or irregular basis;

(C) Who are employed on less than half-time basis unless the individuals are employed in positions classified as job-sharing positions, unless the individuals are defined as eligible under rules of the board;

(D) Appointed under ORS 240.309;

(E) Provided sheltered employment or make-work by the state in an employment or industries program maintained for the benefit of such individuals; or

(F) Provided student health care services in conjunction with their enrollment as students at *[the state institutions of higher education]* **a public university listed in ORS 352.002.**

(5) "Family member" means an eligible employee's spouse and any unmarried child or stepchild within age limits and other conditions imposed by the board with regard to unmarried children or stepchildren.

(6) "Payroll disbursing officer" means the officer or official authorized to disburse moneys in payment of salaries and wages of employees of a state agency.

(7) "Premium" means the monthly or other periodic charge for a benefit plan.

(8) "State agency" means every state officer, board, commission, department or other activity of state government.

SECTION 77. ORS 243.107 is amended to read:

243.107. A person employed by a *[state institution of higher education]* **public university listed in ORS 352.002** or the Oregon Health and Science University may be considered an eligible employee for participation in one of the group benefit plans described in ORS 243.135 if the State Board of Higher Education, or the Oregon Health and Science University Board of Directors for Oregon Health and Science University employees, determines that funds are available therefor and if:

(1) Notwithstanding ORS 243.105 (4)(b)(F), the person is a student enrolled in an institution of higher education and is employed as a graduate teaching assistant, graduate research assistant or a fellow at the institution and elects to participate; or

(2) Notwithstanding ORS 243.105 (4)(b)(B) or (C), the person is employed on a less than half-time basis in an unclassified instructional or research support capacity and elects to participate.

SECTION 78. ORS 243.778 is amended to read:

243.778. (1) When an appropriate bargaining unit includes members of the faculty of *[an institution of higher education]* **a public university listed in ORS 352.002**, the duly organized and recognized entity of student government at that *[institution]* **university** may designate three

representatives to meet and confer with the public employer of those members of the faculty and the exclusive representative of that appropriate bargaining unit prior to collective bargaining.

(2) During the course of collective bargaining between the public employer and the exclusive representative described in subsection (1) of this section, the representatives of student government designated under subsection (1) of this section shall:

(a) Be allowed to attend and observe all meetings between the public employer and the exclusive representative at which collective bargaining occurs;

(b) Have access to all written documents pertaining to the collective bargaining negotiations exchanged by the public employer and the exclusive representative, including copies of any prepared written transcripts of the bargaining session;

(c) Be allowed to comment in good faith during the bargaining sessions upon matters under consideration; and

(d) Be allowed to meet and confer with the exclusive representative and the public employer regarding the terms of an agreement between them prior to the execution of a written contract incorporating that agreement.

(3) Rules regarding confidentiality and release of information shall apply to student representatives in the same manner as employer and employee bargaining unit representatives.

(4) As used in this section,[:]

[*(a) "Institution of higher education" means an institution under the control of the State Board of Higher Education.*]

[*(b) "meet and confer" means the performance of the mutual obligation of the representatives of student government designated under subsection (1) of this section, the exclusive representative and the public employer, or any two of them, to meet at the request of one of them at reasonable times at a place convenient to all to conduct in good faith an interchange of views concerning the duties of each under this section, employment relations of the faculty, the negotiation of an agreement and the execution of a written agreement.*]

SECTION 79. ORS 243.910 is amended to read:

243.910. As used in ORS 243.910 to 243.945:

(1) "Board" means the State Board of Higher Education for all [*institutions under the jurisdiction of that board as set forth*] **public universities listed** in ORS 352.002, and for the Oregon Health and Science University means the Oregon Health and Science University Board of Directors.

(2) "Employees" means the persons appointed or employed by or under the authority of the board who hold academic rank as determined by the board.

(3) "System" means the Public Employees Retirement System established by ORS 238.600.

SECTION 80. ORS 243.956 is amended to read:

243.956. (1) A person is eligible for an award of benefits from the Public Safety Memorial Fund if the person:

(a)(A) Is a family member, parent or designee of a public safety officer who has suffered a qualifying death or disability; or

(B) Is a public safety officer who has suffered a qualifying disability; and

(b) Has submitted an initial application for an award of benefits under ORS 243.958.

(2) Notwithstanding subsection (1) of this section, a person is not eligible for an award of benefits if:

(a) The person's actions were a substantial contributing factor to the qualifying death or disability of the public safety officer;

(b) The public safety officer's intentional misconduct caused the qualifying death or disability;

(c) The public safety officer intended to bring about the officer's qualifying death or disability;

(d) The public safety officer was voluntarily intoxicated at the time of the injury that caused the qualifying death or disability; or

(e) The public safety officer was performing the officer's duties in a grossly negligent manner at the time of the injury that caused the qualifying death or disability.

(3) If a person who is eligible for an award of benefits under subsection (1) of this section is younger than 18 years of age or is incompetent, another person may file the application for an award of benefits on behalf of the eligible person.

(4) Within 14 days after receipt of a notice under ORS 243.974 or entry of an order under ORS 243.964 awarding benefits based on an initial application, whichever occurs later, the Public Safety Memorial Fund Board shall pay a lump sum amount of \$25,000:

(a) If a designation of beneficiary form has been completed under ORS 243.974 (1), to the designee of a public safety officer who suffered a qualifying death;

(b) If a designation of beneficiary form has not been completed, in the manner described under ORS 243.969, to a family member or parent of a public safety officer who suffered a qualifying death; or

(c) To the public safety officer who suffered a qualifying disability.

(5) If alternative coverage is not provided, the board may award benefits to the family members of a public safety officer or, if a designation of beneficiary form has been completed under ORS 243.974 (1), to the designee, children and dependents of a public safety officer who has suffered a qualifying death or disability in an amount sufficient to allow the recipients to purchase health and dental insurance comparable to that provided by the public safety officer:

(a) For five years or until the spouse remarries, whichever occurs first;

(b) Until a child or a dependent attains 18 years of age or, if the child or the dependent is attending school, 23 years of age; and

(c) For five years for a designee who is not a person described in paragraph (a) or (b) of this subsection, or until the designee marries, whichever occurs first.

(6) If alternative coverage is not provided, the board may award benefits for five years to a public safety officer who has suffered a qualifying disability in an amount sufficient to allow the public safety officer to purchase health and dental insurance comparable to the health and dental insurance coverage that the public safety officer had immediately prior to the qualifying disability.

(7) The board may award benefits to an eligible spouse or designee of a public safety officer who has suffered a qualifying death or to a public safety officer who has suffered a qualifying disability in an amount up to the equivalent of 12 monthly mortgage payments on the residence of the public safety officer or the spouse or designee of the public safety officer if there is no mortgage insurance to cover the cost.

(8)(a) The board may award scholarships for a graduate program of higher education to:

(A) A family member of a public safety officer who has suffered a qualifying death or disability;

(B) If a designation of beneficiary form has been completed under ORS 243.974 (1), to the designee, children and dependents of a public safety officer who suffered a qualifying death or disability; or

(C) To a public safety officer who has suffered a qualifying disability.

(b) In determining the amount of a scholarship, the board shall consider the person's financial need, the funds available in the Public Safety Memorial Fund and the anticipated demands on the fund. The board may not grant a scholarship in an amount exceeding the highest tuition charged by a [state institution of higher education] **public university listed in ORS 352.002** for a graduate program.

(9) A family member, a designee or a public safety officer is eligible to apply for a scholarship under subsection (8) of this section only if the family member, designee or public safety officer:

(a) Has exhausted the education benefits available under 28 C.F.R., Part 32, subpart B;

(b) Applies for the scholarship within one year from the date of exhaustion of the education benefits under paragraph (a) of this subsection; and

(c) Has applied for other available public education benefits.

(10) If a person described in subsection (8) of this section is ineligible to receive education benefits under 28 C.F.R., Part 32, subpart B, if funds for education benefits are unavailable under those provisions or if the education benefit program under those provisions no longer exists, the person may apply to the board for a scholarship for an undergraduate program. Scholarships for

only undergraduate degrees may be awarded to a person under this subsection. The board may not grant a scholarship under this subsection in an amount exceeding the highest tuition charged by a [state institution of higher education] **public university listed in ORS 352.002** for an undergraduate program.

(11)(a) A person may apply for a scholarship under subsection (10) of this section at any time up to:

(A) Five years after the date on which the applicant graduated from high school if:

(i) The applicant was a minor at the time the public safety officer suffered a qualifying death or disability; and

(ii) An application for an award of some type of benefits was filed by a person described in subsection (8) of this section;

(B) The date the applicant remarries, if the applicant is the surviving spouse of a public safety officer who suffered a qualifying death, or the date the applicant divorces the public safety officer, if the applicant is the spouse of a public safety officer who suffered a qualifying disability; or

(C) Five years after the date of the injury that caused the disability, if the applicant is a public safety officer who suffered a qualifying disability or is a designee who is not a family member.

(b) The board may extend the time period for applying for a scholarship under subsection (10) of this section.

(12) If the family member, designee or public safety officer who is awarded a scholarship under this section is receiving other public education benefits, the amount of the scholarship awarded to the family member, designee or public safety officer shall be reduced by the amount of the other public education benefits.

SECTION 81. ORS 244.050 is amended to read:

244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each [institution under the jurisdiction of the State Board of Higher Education] **public university listed in ORS 352.002**.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

(H) State Forester.

(I) State Geologist.

(J) Director of Human Services.

(K) Director of the Department of Consumer and Business Services.

(L) Director of the Department of State Lands.

(M) State Librarian.

- (N) Administrator of Oregon Liquor Control Commission.
- (O) Superintendent of State Police.
- (P) Director of the Public Employees Retirement System.
- (Q) Director of Department of Revenue.
- (R) Director of Transportation.
- (S) Public Utility Commissioner.
- (T) Director of Veterans' Affairs.
- (U) Executive director of Oregon Government Ethics Commission.
- (V) Director of the State Department of Energy.
- (W) Director and each assistant director of the Oregon State Lottery.
- (X) Director of the Department of Corrections.
- (Y) Director of the Oregon Department of Aviation.
- (Z) Executive director of the Oregon Criminal Justice Commission.
- (AA) Director of the Oregon Business Development Department.
- (BB) Director of the Office of Emergency Management.
- (CC) Director of the Employment Department.
- (DD) Chief of staff for the Governor.
- (EE) Administrator of the Office for Oregon Health Policy and Research.
- (FF) Director of the Housing and Community Services Department.
- (GG) State Court Administrator.
- (HH) Director of the Department of Land Conservation and Development.
- (II) Board chairperson of the Land Use Board of Appeals.
- (JJ) State Marine Director.
- (KK) Executive director of the Oregon Racing Commission.
- (LL) State Parks and Recreation Director.
- (MM) Public defense services executive director.
- (NN) Chairperson of the Public Employees' Benefit Board.
- (OO) Director of the Department of Public Safety Standards and Training.
- [*PP) Chairperson of the Oregon Student Assistance Commission.*]
- (PP) Chairperson of the Oregon Student Access Commission.**
- (QQ) Executive director of the Oregon Watershed Enhancement Board.
- (RR) Director of the Oregon Youth Authority.
- (SS) Director of the Oregon Health Authority.
- (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- (i) Every elected city or county official.
- (j) Every member of a city or county planning, zoning or development commission.
- (k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.
- (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- (m) Every member of a governing body of a metropolitan service district and the executive officer thereof.
- (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- (o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- (p) Every member of the following state boards and commissions:
 - (A) Board of Geologic and Mineral Industries.
 - (B) Oregon Business Development Commission.
 - (C) State Board of Education.
 - (D) Environmental Quality Commission.
 - (E) Fish and Wildlife Commission of the State of Oregon.
 - (F) State Board of Forestry.
 - (G) Oregon Government Ethics Commission.

- (H) Oregon Health Policy Board.
- (I) State Board of Higher Education.
- (J) Oregon Investment Council.
- (K) Land Conservation and Development Commission.
- (L) Oregon Liquor Control Commission.
- (M) Oregon Short Term Fund Board.
- (N) State Marine Board.
- (O) Mass transit district boards.
- (P) Energy Facility Siting Council.
- (Q) Board of Commissioners of the Port of Portland.
- (R) Employment Relations Board.
- (S) Public Employees Retirement Board.
- (T) Oregon Racing Commission.
- (U) Oregon Transportation Commission.
- (V) Wage and Hour Commission.
- (W) Water Resources Commission.
- (X) Workers' Compensation Board.
- (Y) Oregon Facilities Authority.
- (Z) Oregon State Lottery Commission.
- (AA) Pacific Northwest Electric Power and Conservation Planning Council.
- (BB) Columbia River Gorge Commission.
- (CC) Oregon Health and Science University Board of Directors.
- (DD) Capitol Planning Commission.
- (q) The following officers of the State Treasurer:
 - (A) Chief Deputy State Treasurer.
 - (B) Chief of staff for the office of the State Treasurer.
 - (C) Director of the Investment Division.
- (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.
 - (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- (2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
- (3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
- (4) Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
- (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.
- (6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

SECTION 81a. ORS 244.050, as amended by section 81 of this 2011 Act, is amended to read:

244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

(H) State Forester.

(I) State Geologist.

(J) Director of Human Services.

(K) Director of the Department of Consumer and Business Services.

(L) Director of the Department of State Lands.

(M) State Librarian.

(N) Administrator of Oregon Liquor Control Commission.

(O) Superintendent of State Police.

(P) Director of the Public Employees Retirement System.

(Q) Director of Department of Revenue.

(R) Director of Transportation.

(S) Public Utility Commissioner.

(T) Director of Veterans' Affairs.

(U) Executive director of Oregon Government Ethics Commission.

(V) Director of the State Department of Energy.

(W) Director and each assistant director of the Oregon State Lottery.

(X) Director of the Department of Corrections.

(Y) Director of the Oregon Department of Aviation.

(Z) Executive director of the Oregon Criminal Justice Commission.

(AA) Director of the Oregon Business Development Department.

(BB) Director of the Office of Emergency Management.

(CC) Director of the Employment Department.

(DD) Chief of staff for the Governor.

(EE) Administrator of the Office for Oregon Health Policy and Research.

(FF) Director of the Housing and Community Services Department.

(GG) State Court Administrator.

(HH) Director of the Department of Land Conservation and Development.

(II) Board chairperson of the Land Use Board of Appeals.

(JJ) State Marine Director.

(KK) Executive director of the Oregon Racing Commission.

- (LL) State Parks and Recreation Director.
- (MM) Public defense services executive director.
- (NN) Chairperson of the Public Employees' Benefit Board.
- (OO) Director of the Department of Public Safety Standards and Training.
- (PP) Chairperson of the Oregon Student Access Commission.
- (QQ) Executive director of the Oregon Watershed Enhancement Board.
- (RR) Director of the Oregon Youth Authority.
- (SS) Director of the Oregon Health Authority.
- (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- (i) Every elected city or county official.
- (j) Every member of a city or county planning, zoning or development commission.
- (k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.
- (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- (m) Every member of a governing body of a metropolitan service district and the executive officer thereof.
- (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- (o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- (p) Every member of the following state boards and commissions:
 - (A) Board of Geologic and Mineral Industries.
 - (B) Oregon Business Development Commission.
 - (C) State Board of Education.
 - (D) Environmental Quality Commission.
 - (E) Fish and Wildlife Commission of the State of Oregon.
 - (F) State Board of Forestry.
 - (G) Oregon Government Ethics Commission.
 - (H) Oregon Health Policy Board.
 - (I) State Board of Higher Education.
 - (J) Oregon Investment Council.
 - (K) Land Conservation and Development Commission.
 - (L) Oregon Liquor Control Commission.
 - (M) Oregon Short Term Fund Board.
 - (N) State Marine Board.
 - (O) Mass transit district boards.
 - (P) Energy Facility Siting Council.
 - (Q) Board of Commissioners of the Port of Portland.
 - (R) Employment Relations Board.
 - (S) Public Employees Retirement Board.
 - (T) Oregon Racing Commission.
 - (U) Oregon Transportation Commission.
 - (V) Wage and Hour Commission.
 - (W) Water Resources Commission.
 - (X) Workers' Compensation Board.
 - (Y) Oregon Facilities Authority.
 - (Z) Oregon State Lottery Commission.
 - (AA) Pacific Northwest Electric Power and Conservation Planning Council.
 - (BB) Columbia River Gorge Commission.
 - (CC) Oregon Health and Science University Board of Directors.
 - (DD) Capitol Planning Commission.
 - (EE) Higher Education Coordinating Commission.**
- (q) The following officers of the State Treasurer:

- (A) Chief Deputy State Treasurer.
- (B) Chief of staff for the office of the State Treasurer.
- (C) Director of the Investment Division.

(r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.

(s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(4) Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.

(6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

SECTION 82. ORS 270.100 is amended to read:

270.100. (1)(a) Before offering for sale any real property or equitable interest therein owned by the state, the state agency acting for the state in such transaction shall report its intent of sale or transfer to the Oregon Department of Administrative Services. The department, or the agency specifically designated by the department, shall notify other state agencies authorized to own real property of the intended sale or transfer to determine whether acquisition of the real property or interest therein would be advantageous to another state agency.

(b) The department shall give political subdivisions, as defined in ORS 271.005, the first opportunity after other state agencies to acquire, purchase, exchange or lease real property to be sold or disposed of by the State of Oregon. The state agency responsible for selling or transferring the property may require at the time of the sale or transfer that any state real property sold or transferred to a political subdivision, as defined in ORS 271.005, shall be for use for a public purpose or benefit, and not be for resale to a private purchaser.

(c) If property is not disposed of under paragraph (a) or (b) of this subsection, in accordance with rules adopted by the department, the state agency desiring to sell or transfer the property shall cause it to be appraised by one or more competent and experienced appraisers. Except as provided in ORS 273.825, if such property has an appraised value exceeding \$5,000 it shall not be sold to any private person except after notice calling for such proposals as set forth in ORS 270.130.

(d) The department shall adopt rules to carry out the provisions of this section.

(2) Before acquisition of any real property or interest therein by any state agency, except for highway right of way acquired by the Department of Transportation and park properties acquired by the State Parks and Recreation Department and property within the approved projected campus boundaries for *[institutions]* **public universities** of the Oregon University System, the state agency shall report its intent of acquisition to the Oregon Department of Administrative Services. The department shall notify other state agencies owning land of the intended acquisition to determine

whether another state agency desires to sell or transfer property which would meet the needs of the purchasing agency. In accordance with rules adopted by the Oregon Department of Administrative Services, if no other state agency desires to sell or transfer property which would meet the needs of the agency, the agency may acquire the real property or interest therein, consistent with applicable provisions of law.

(3) Before any terminal disposition of real property or an interest in real property, the state agency acting for the state in the transaction must secure approval of the transaction from the Oregon Department of Administrative Services.

(4) Subsection (3) of this section does not apply to terminal disposition of the following real property:

- (a) Property controlled by the State Department of Fish and Wildlife;
- (b) State forestlands controlled by the State Forestry Department;
- (c) Property controlled by the Department of Transportation;
- (d) Property controlled by the Department of State Lands;
- (e) Property controlled by the Oregon University System;
- (f) Property controlled by the legislative or judicial branches of state government; and
- (g) Property controlled by the State Parks and Recreation Department.

(5) Notwithstanding the provisions of subsection (4) of this section, prior approval by the Oregon Department of Administrative Services is required for the terminal disposition of public land for less than the fair market value of that land.

(6) The provisions of ORS 184.634, 270.005 to 270.015, 270.100 to 270.190, 273.416, 273.426 to 273.436, 273.551 and 308A.709 (1) to (4) do not apply to a home or farm acquired, sold, or both, by the Department of Veterans' Affairs under ORS 88.720, 273.388, 406.050, 407.135, 407.145, 407.375 and 407.377.

SECTION 83. ORS 273.155 is amended to read:

273.155. The Department of State Lands, in carrying out its duties, may call upon all related state and county agencies, including [*Oregon State University*] **the Oregon University System** and any state or county officers **or Oregon University System employees** through whom necessary information and aid may be received. Such agencies, [*institution and*] officers **and employees** shall cooperate with the department without additional compensation.

SECTION 84. ORS 273.785 is amended to read:

273.785. ORS 273.551 and 273.775 to 273.790 do not apply to:

(1) Soil, clay, stone, sand and gravel acquired or used by state agencies for the purpose of constructing or repairing roads or other state facilities, or the proceeds from those materials.

(2) Mineral or geothermal resource rights or proceeds from those rights acquired by the State Fish and Wildlife Commission pursuant to an agreement with the federal government under 16 U.S.C. 669 to 669i (P.L. 75-415).

(3) Mineral or geothermal resource rights or proceeds from those rights if other disposition is required by federal rules or regulations or any agreement entered into at the time of acquisition of the mineral or geothermal resource rights by the state.

(4) Proceeds of mineral and geothermal resource rights acquired by the state pursuant to ORS 530.010 and 530.030, other than those distributed under ORS 530.110 (1)(c).

(5) Mineral or geothermal resource rights or proceeds from those rights acquired after January 1, 1974, for the state by the Department of Veterans' Affairs pursuant to ORS 88.720, 406.050 (2), 407.135 or 407.145. After consultation, the Department of State Lands and the Department of Veterans' Affairs shall enter into an interagency agreement governing consultation between them concerning mineral and geothermal resource values on properties acquired for the state by the Department of Veterans' Affairs. The Department of Veterans' Affairs shall adopt rules relating to the release of mineral and geothermal rights on such properties.

(6) Mineral or geothermal resource rights or proceeds from those rights given by a donor to any [*institution,*] **public university or office**, department or activity under the control of the State Board of Higher Education that are acquired or held for the state by the State Board of Higher

Education pursuant to ORS chapters 351 and 567. In managing mineral or geothermal resource leases, the State Board of Higher Education shall consult with the Department of State Lands in accordance with an interagency agreement established by the department and the State Board of Higher Education governing consultation between the department and the State Board of Higher Education and governing management of the mineral or geothermal resources.

(7) Mineral or geothermal resource rights or proceeds from those rights acquired and held by the Department of Transportation. In managing mineral or geothermal resource leases, the Department of Transportation shall enter into an intergovernmental agreement with the Department of State Lands governing consultation between the departments and governing management of the mineral or geothermal resources.

SECTION 85. ORS 276.227 is amended to read:

276.227. (1) The State of Oregon recognizes that providing and operating state government facilities is a significant capital investment in public infrastructure. Accordingly, it is the policy of the State of Oregon to plan, finance, acquire, construct, manage and maintain state government facilities in a manner that maximizes and protects this investment.

(2) The Oregon Department of Administrative Services shall establish a statewide planning process that evaluates the needs of the state's facilities, provides comparative information on the condition of the state's facilities, establishes guidelines and standards for acquiring, managing and maintaining state facilities and provides financing and budgeting strategies to allocate resources to facilities' needs.

(3)(a) The Director of the Oregon Department of Administrative Services shall establish a public review process for the proposed capital projects of all state agencies. To assist in this review, the director shall establish a Capital Projects Advisory Board consisting of seven members. Five members shall be public members knowledgeable about construction, facilities management and maintenance issues. Two members may be state employees. The director shall appoint the chairperson of the board.

(b) The director, in consultation with the board, may request that agencies submit updated long-range facility plans and funding strategies that reflect changes in technology and priorities. The director may ask the board to report on and make recommendations related to long-range plans, the condition of facilities, maintenance schedules, funding strategies and options for new facilities. The director may seek recommendations from the board regarding the needs of existing facilities, funding strategies and long-term facility goals.

(c) The review process may be applicable to capital projects meeting the definition of major construction/acquisition in the Governor's budget and to significant leases.

(d) For each state agency proposing a capital project, the review process may include an examination of the following:

- (A) The effectiveness of asset protection, including maintenance, repair and other activities;
- (B) The effectiveness of space utilization, including an inventory of existing occupied and unoccupied building space;
- (C) The advisability of lease, purchase or other funding strategies;
- (D) The condition of existing occupied and unoccupied building space;
- (E) Appropriate technology;
- (F) The agency's mission and long-range facilities plans; and
- (G) For new facilities, expansions and additions, the ability of the agency to maintain and operate all of the agency's facilities in a cost-effective manner.

(e) The review process shall ensure that capital project decisions are approached in a cost-effective manner after considering all reasonable alternatives.

(f) With assistance from the board, the department shall provide recommendations and information to the Governor and the Legislative Assembly on the construction, leasing and facilities management issues of state government.

(4) The department shall establish and maintain a central database of information on state-owned property of all state agencies, including land, buildings, infrastructure, improvements and

leases. This database shall include an inventory of state-owned facilities as well as descriptive and technical information.

(5) State agencies shall establish and implement long-range maintenance and management plans for facilities for which this state is responsible to ensure that facilities are maintained in good repair and that the useful lives of facilities are maximized. For each new facility, a maintenance and management plan appropriate to the use and useful life of the facility shall be developed and implemented.

(6) The department may engage in cooperative projects with local government.

(7) The provisions of this section [*shall*] **do** not apply to [*institutions of higher education as described*] **public universities listed** in ORS 352.002, the Oregon Health and Science University or a community college as defined in ORS 341.005.

SECTION 86. ORS 276.229 is amended to read:

276.229. (1) State agencies shall develop four-year major construction budgets. Projects included in these budgets may be accelerated or deferred upon approval of the Emergency Board.

(2) State agencies shall include the biennial costs associated with maintenance, major repairs or building alterations in their regular budget presentation to the Legislative Assembly. Agencies shall include in their budget presentations short-term and long-term plans to reduce or eliminate any existing backlog of deferred maintenance.

(3) The provisions of this section [*shall*] **do** not apply to [*an institution of higher education as described*] **public universities listed** in ORS 352.002, the Oregon Health and Science University, or a community college as defined in ORS 341.005.

SECTION 87. ORS 276.612 is amended to read:

276.612. The Department of Corrections, the Department of Human Services, the Oregon Health Authority and the State Board of Education each shall determine the buildings to be constructed, altered, repaired, furnished and equipped for the use of institutions and activities under their respective jurisdictions. The State Board of Higher Education shall determine the buildings to be constructed, altered, repaired, furnished and equipped for the use of [*institutions*] **public universities or offices, departments** or activities under its jurisdiction.

SECTION 88. ORS 279A.025 is amended to read:

279A.025. (1) Except as provided in subsections (2) to (4) of this section, the Public Contracting Code applies to all public contracting.

(2) The Public Contracting Code does not apply to:

(a) Contracts between a contracting agency and:

(A) Another contracting agency;

(B) The Oregon Health and Science University;

(C) The Oregon State Bar;

(D) A governmental body of another state;

(E) The federal government;

(F) An American Indian tribe or an agency of an American Indian tribe;

(G) A nation, or a governmental body in a nation, other than the United States; or

(H) An intergovernmental entity formed between or among:

(i) Governmental bodies of this or another state;

(ii) The federal government;

(iii) An American Indian tribe or an agency of an American Indian tribe;

(iv) A nation other than the United States; or

(v) A governmental body in a nation other than the United States;

(b) Agreements authorized by ORS chapter 190 or by a statute, charter provision, ordinance or other authority for establishing agreements between or among governmental bodies or agencies or tribal governing bodies or agencies;

(c) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145 for purposes of source selection;

(d) Grants;

(e) Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which a public body is or may become interested;

(f) Acquisitions or disposals of real property or interest in real property;

(g) Sole-source expenditures when rates are set by law or ordinance for purposes of source selection;

(h) Contracts for the procurement or distribution of textbooks;

(i) Procurements by a contracting agency from an Oregon Corrections Enterprises program;

(j) The procurement, transportation or distribution of distilled liquor, as defined in ORS 471.001, or the appointment of agents under ORS 471.750 by the Oregon Liquor Control Commission;

(k) Contracts entered into under ORS chapter 180 between the Attorney General and private counsel or special legal assistants;

(L) Contracts for the sale of timber from lands owned or managed by the State Board of Forestry and the State Forestry Department;

(m) Contracts for forest protection or forest related activities, as described in ORS 477.406, by the State Forester or the State Board of Forestry;

(n) Sponsorship agreements entered into by the State Parks and Recreation Director in accordance with ORS 565.080 (4);

(o) Contracts entered into by the Housing and Community Services Department in exercising the department's duties prescribed in ORS chapters 456 and 458, except that the department's public contracting for goods and services is subject to ORS chapter 279B;

(p) Contracts entered into by the State Treasurer in exercising the powers of that office prescribed in ORS chapters 178, 286A, 287A, 289, 293, 294 and 295, including but not limited to investment contracts and agreements, banking services, clearing house services and collateralization agreements, bond documents, certificates of participation and other debt repayment agreements, and any associated contracts, agreements and documents, regardless of whether the obligations that the contracts, agreements or documents establish are general, special or limited, except that the State Treasurer's public contracting for goods and services is subject to ORS chapter 279B;

(q) Contracts, agreements or other documents entered into, issued or established in connection with:

(A) The issuance of obligations, as defined in ORS 286A.100 and 287A.310, of a public body;

(B) The making of program loans and similar extensions or advances of funds, aid or assistance by a public body to a public or private body for the purpose of carrying out, promoting or sustaining activities or programs authorized by law; or

(C) The investment of funds by a public body as authorized by law, and other financial transactions of a public body that by their character cannot practically be established under the competitive contractor selection procedures of ORS 279B.050 to 279B.085;

(r) Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221, 243.275, 243.291, 243.303 and 243.565;

(s) Contracts for employee benefit plans as provided in ORS 243.860 to 243.886; or

(t) Any other public contracting of a public body specifically exempted from the code by another provision of law.

(3) The Public Contracting Code does not apply to the contracting activities of:

(a) The Oregon State Lottery Commission;

(b) The Oregon University System and member *[institutions]* **public universities**, except as provided in ORS 351.086;

(c) The legislative department;

(d) The judicial department;

(e) Semi-independent state agencies listed in ORS 182.454, except as provided in ORS 279.835 to 279.855 and 279A.250 to 279A.290;

(f) Oregon Corrections Enterprises;

(g) The Oregon Film and Video Office, except as provided in ORS 279A.100 and 279A.250 to 279A.290;

(h) The Travel Information Council, except as provided in ORS 279A.250 to 279A.290;

(i) The Oregon 529 College Savings Network and the Oregon 529 College Savings Board;

(j) The Oregon Innovation Council;

(k) The Oregon Utility Notification Center; or

(L) Any other public body specifically exempted from the code by another provision of law.

(4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to contracts made with qualified nonprofit agencies providing employment opportunities for individuals with disabilities under ORS 279.835 to 279.855.

SECTION 89. ORS 283.305 is amended to read:

283.305. As used in ORS 283.305 to 283.350:

(1) "Alternative fuel" means natural gas, liquefied petroleum gas, methanol, ethanol, any fuel mixture containing at least 85 percent methanol or ethanol and electricity.

(2) "Authorized driver" means any of the following who has a valid driver license and an acceptable driving record:

(a) A salaried state employee, including an agent of the state;

(b) A volunteer, appointed in writing, whose written description of duties includes driving motor vehicles;

(c) An agency client required to drive motor vehicles as part of a rehabilitation or treatment program authorized by law;

(d) Any personnel of any unit of government whose use of motor vehicles is permitted by an authorized intergovernmental agreement; **and**

[(e) Any student enrolled at any state institution of higher education and whose use of motor vehicles meets the requirements of ORS 283.310; and]

[(f)] (e) An inmate of a correctional institution with specific Department of Corrections approval who is accompanied by a supervising correctional institution employee or who is performing a specific work assignment driving a special purpose vehicle required for that assignment and within the visual range of a supervising correctional institution employee who is at the work assignment site or who is part of the transport caravan.

(3) "Motor vehicles" includes state-owned, leased or otherwise controlled motor vehicles and the supplies, parts and equipment for the operation, maintenance or repair of such motor vehicles.

(4) "Official state business" means activity conducted by a state agency that advances the lawful policies of the agency as specified by the Oregon Department of Administrative Services by rule.

(5) "Standard passenger vehicle" means a motor vehicle that is commonly known as a sedan or a station wagon and that is not equipped with special or unusual equipment.

(6) "State agency" or "agency" includes the Legislative Assembly, at its option, or any of its statutory, standing, special or interim committees, at the option of such committee.

SECTION 90. ORS 283.310 is amended to read:

283.310. (1) The Oregon Department of Administrative Services shall control and regulate the acquisition, operation, use, maintenance and disposal of and access to motor vehicles used for:

(a) State business by state agencies of this state; or

(b) Official public business by a unit of local government or a state agency of another state, by an agency created by an interstate compact between this state and another state or states, by a United States governmental agency, or by an American Indian tribe or an agency of an American Indian tribe, pursuant to an intergovernmental agreement between the agency or agencies and the department, entered into in accordance with ORS chapter 190, for the provision of motor pool vehicles, supplies and services, or any of them.

(2) The state agency on whose behalf a motor vehicle is used must state in writing in advance of such use that the particular activity for which the vehicle is to be used advances the lawful policies of the agency.

(3) The State Board of Higher Education *[shall]* **may** not authorize or allow the use of any motor vehicle to transport students to an event or activity not directly related to an officially sanctioned program, as established under ORS 351.277 *[of an institution in the Oregon University System]*, **of a public university listed in ORS 352.002.**

(4) The State Board of Higher Education, in conjunction with the Oregon Department of Administrative Services, shall establish by rule vehicle operation standards and training to promote safe vehicular travel practices in the conduct of all travel by employees, students and official volunteers at all *[institutions]* **public universities** in the Oregon University System.

SECTION 91. ORS 284.633 is amended to read:

284.633. (1) The Oregon Progress Board may enter into an agreement with:

(a) Any state agency for the provision of clerical, technical and management personnel to the board to serve as the board's staff and for the provision of other administrative, operational or overhead expenses necessary to accomplish the public purposes of the board.

(b) A nongovernmental entity for the provision of administrative, operational or overhead expenses necessary to accomplish the public purposes of the board.

(2) As used in this section:

(a) "Public institution of higher education" means a community college or a *[state institution of higher education]* **public university** listed in ORS 352.002.

(b) "State agency" means any officer, board, commission, department, division or institution in the executive or administrative branch of state government or a public institution of higher education.

SECTION 92. ORS 284.701 is amended to read:

284.701. As used in ORS 284.701 to 284.740:

(1) "Oregon emerging business" means an emerging growth business as defined in ORS 348.701 that has:

(a) Fewer than 100 employees; and

(b) At least 51 percent of its employees employed in Oregon.

(2) "Research institution" means:

(a) A community college as defined in ORS 341.005;

(b) A *[state institution of higher education]* **public university** listed in ORS 352.002;

(c) The Oregon Health and Science University public corporation created under ORS 353.020;

(d) An Oregon-based, generally accredited, not-for-profit private institution of higher education;

(e) A federal research laboratory conducting research in Oregon; or

(f) A private not-for-profit research institution located in Oregon.

(3) "Traded sector" has the meaning given that term in ORS 285A.010.

SECTION 93. ORS 285B.168 is amended to read:

285B.168. (1) The Oregon Business Development Department may make grants available to a community college district, a community college service district or, with the concurrence of the Commissioner for Community College Services and the Chancellor of the Oregon University System, a *[state university]* **public university listed in ORS 352.002** to assist in the formation, improvement and operation of small business development centers. If a community college district, a community college service district or a *[state university]* **public university** is unable to adequately provide services in a specific geographic area, the department may make grants available to other service providers as determined by the department. The grant application shall include:

(a) Plans for providing small business owners and managers individual counseling, to the greatest extent practicable, in subject areas critical to small business success;

(b) A budget for the year for which a grant is requested, including cost apportionment among the department, small business clients, the community college, *[state university]* **the public university** or other service providers and other sources;

(c) A plan for evaluating the effect of the program on small business clients served; and

(d) A plan for providing collaboration with other state agencies, state-supported organizations and private sector entities that provide services to small businesses.

(2) The grants made under subsection (1) of this section are to be used by the grant recipient to provide:

- (a) Small business development center staff and support staff;
- (b) Expert resource persons from the business community;
- (c) Other training and business resources as approved by the department in skill areas for which, or areas of the state where, the grant recipient can demonstrate it does not otherwise have the capacity or expertise to provide the resources; and
- (d) Other costs related to providing training, counseling and business resources to small business clients.

(3) To be eligible for a grant under subsection (1) of this section, the recipient shall be required to provide funds, in-kind contributions or some combination of funds and contributions, in accordance with rules adopted by the department.

(4) Subject to the approval of the department, a grant recipient may subcontract funds received under this section to any other entity that is eligible to receive funding under this section.

(5) The grant recipient shall submit a final report to the department after the distribution of grant funds and the delivery of services to the proposed business clients. The report shall state whether the plan and related budget have met the applicable criteria as described in the recipient's application for the grant period.

[6] *As used in this section, "state university" means a state institution of higher education listed in ORS 352.002.*

SECTION 94. ORS 285B.174 is amended to read:

285B.174. In cooperation with other state agencies and private organizations, [*state universities as defined in ORS 285B.168*] **public universities listed in ORS 352.002** and community colleges may develop programs to assist Oregon businesses with the procurement of government contracts and grants. Small business development centers established under ORS 285B.165 to 285B.171 may assist with these programs.

SECTION 95. ORS 286A.615 is amended to read:

286A.615. (1) The Private Activity Bond Committee is established. It shall consist of the State Treasurer or the designee of the State Treasurer, one representative from the Oregon Department of Administrative Services and one public representative appointed to serve at the pleasure of the Governor.

(2) The State Treasurer, or the State Treasurer's designee, shall serve as chair of the committee.

(3) The purpose of private activity bonding in this state is to maximize the economic benefits of private activity bonding to the citizens of this state. The committee shall adopt by rule standards for amounts allocated to the committee for further allocation for economic development, housing, education, redevelopment, public works, energy, waste management, waste and recycling collection, transportation and other activities that the committee determines will benefit the citizens of this state. In developing standards, the committee shall:

- (a) Survey the expected need for private activity bond allocations at least once each year;
- (b) Develop strategies for reserving and allocating the limit that are designed to maximize the availability of tax exempt financing among competing sectors of the Oregon economy; and
- (c) Ensure that the standards include but are not limited to standards that:
 - (A) Support projects that increase the number of family wage jobs in this state.
 - (B) Promote economic recovery in small cities heavily dependent on a single industry.
 - (C) Emphasize development in underdeveloped rural areas of this state.
 - (D) Utilize educational resources available at [*institutions of higher education*] **public universities listed in ORS 352.002**.
 - (E) Support development of the state's small businesses, especially businesses owned by women and members of minority groups.
 - (F) Encourage use of Oregon's human and natural resources in endeavors that harness Oregon's economic comparative advantages.

(4) The state private activity bond volume cap allocated to the Private Activity Bond Committee as provided in ORS 286A.620 shall be allocated and reallocated among issuers by the Private Activity Bond Committee as follows:

(a) Any amounts not reserved to an issuer or a class of issuers under the authorization adopted by the Legislative Assembly under ORS 286A.035 shall be allocated or reallocated by the committee under rules adopted under subsection (3) of this section.

(b) Any amounts provided for in the authorization adopted by the Legislative Assembly under ORS 286A.035 that are unused shall be carried forward for use as provided by rules adopted under subsection (3) of this section.

(c) The rules adopted by the committee shall limit the period of time for which an allocation of private activity bonding authority is effective. The rules shall ensure that allocations made during a calendar year are used during that calendar year or that the unused amount of the allocation is reallocated or carried forward.

(5) Unused allocations are not transferable among issuers but are available for reallocation.

SECTION 96. ORS 286A.700 is amended to read:

286A.700. (1) As used in this section:

(a) "Oregon Baccalaureate Bonds" means bonds of the State of Oregon issued by the State Treasurer at the request of the Oregon University System that are designated as baccalaureate bonds.

(b) "Post-secondary education" means training and instruction provided by fully accredited public **universities** or private institutions of higher learning, community colleges and post-high-school career schools.

(2) The Legislative Assembly encourages citizens of the State of Oregon to avail themselves of post-secondary education opportunities.

(3) The Legislative Assembly finds:

(a) For the benefit of its citizens, the state supports a system of common schools, [*institutions of higher education*] **public universities** and community colleges.

(b) A post-secondary education advances a citizen's ability to pursue life, liberty and happiness through a wide range of employment opportunities.

(c) A well-educated citizenry contributes to the economic well-being of the state and nation.

(d) A well-trained and skilled citizenry enhances economic development of the state.

(e) While students have just begun their education upon completion of a formal education, a lifetime pursuit of learning contributes to a well-informed citizenry and to Oregon's cherished quality of life.

(f) Citizens educated in Oregon are more likely to pursue careers in Oregon.

(g) It is in the interest of this state to encourage its citizens to plan and save for a post-secondary education.

(h) An Oregon Baccalaureate Bond program that provides citizens an opportunity to save for a post-secondary education for their children, themselves or any citizen is in the social and economic interest of the State of Oregon.

(i) A systematic way to save for post-secondary education can assist all of Oregon's higher education, community college and career schools to better project enrollments, thereby permitting the prudent allocation of scarce resources.

(4) At the request of the Oregon University System, the State Treasurer may:

(a) Issue bonds as Oregon Baccalaureate Bonds, to encourage investors to save for post-secondary education opportunities.

(b) Investigate and implement the means and procedures to facilitate the participation by the broadest practical range of investors in the Oregon Baccalaureate Bond program. The means and procedures may include, but are not limited to, adjustments in the denominations in which the bonds are issued and the frequency with which the bonds are issued.

(5) The purchase of an Oregon Baccalaureate Bond does not guarantee the purchaser, owner or beneficiary of the bond admittance to a public **university** or private post-secondary institution.

SECTION 97. ORS 291.038 is amended to read:

291.038. (1) The planning, acquisition, installation and use of all information and telecommunications technology by state government and agencies of state government shall be coordinated so that statewide plans and activities, as well as those of individual agencies, are addressed in the most integrated, economic and efficient manner. To provide policy direction for and coordination of information technology for state government, the Director of the Oregon Department of Administrative Services shall chair and appoint not fewer than five agency executives to an Information Resources Management Council. The council membership shall include at least two members who represent the private sector and political subdivisions of the state.

(2) To facilitate accomplishment of the purpose set forth in subsection (1) of this section, the Oregon Department of Administrative Services shall adopt rules, policies and standards to plan for, acquire, implement and manage the state's information resources. In developing rules, policies and standards, the department shall consult with state agencies that have needs that information resources may satisfy. State agencies shall cooperate with the department in preparing and complying with rules, policies and standards. The rules, policies and standards must be formulated to promote electronic communication and information sharing among state agencies and programs, between state and local governments and with the public where appropriate.

(3) Rules, policies, plans, standards and specifications must be formulated to ensure that information resources fit together in a statewide system capable of providing ready access to information, computing or telecommunication resources. Plans and specifications the department adopts must be based on industry standards for open systems to the greatest extent possible. Before adopting rules described in subsection (2) of this section, the department shall present the proposed rules to the appropriate legislative committee. The department has the responsibility to review, oversee and ensure that state agencies' planning, acquisition and implementation activities align with and support the statewide information resources management plan. The department is responsible for procuring information technology fairly, competitively and in a manner that is consistent with the department's rules.

(4)(a) The policy of the State of Oregon is that state government telecommunications networks should be designed to provide state-of-the-art services where economically and technically feasible, using shared, rather than dedicated, lines and facilities.

(b) The department shall, when procuring telecommunications network services, consider achieving the economic development and quality of life outcomes set forth in the Oregon benchmarks.

(5)(a) The department, upon request, may furnish and deliver statewide integrated videoconferencing and statewide online access service to a public or private entity that primarily conducts activities for the direct good or benefit of the public or community at large in providing educational, economic development, health care, human services, public safety, library or other public services. The department shall adopt rules with respect to furnishing the service.

(b) The department shall establish the statewide integrated videoconferencing and statewide online access user fees, services, delivery, rates and long range plans in consultation with the Stakeholders Advisory Committee created pursuant to this section. The rates shall reflect the department's cost in providing the service.

(c) The department by rule shall restrict the department's furnishing or delivery of Internet access service to private entities when the service would directly compete with two or more local established providers of Internet access services within the local exchange telecommunications service area.

(d) The rates and services established and provided under this section are not subject to the Public Utility Commission's regulation or authority.

(6)(a) There is created the Stakeholders Advisory Committee, consisting of a minimum of nine members appointed by the Director of the Oregon Department of Administrative Services. In making appointments, the director shall give consideration to geographic balance and adequate representation of the department's users and providers and the general public.

(b) The committee must consist of members who represent elementary or secondary education, higher education, community colleges, economic development, health care, human services and public safety. At least four members must reside in areas east of the Cascade Mountains.

(c) The term of office of each member is three years, but a member serves at the sole discretion of the director. The director shall appoint a successor to a member before the member's term expires. A member is eligible for reappointment. If a position on the committee is vacant for any cause, the director shall make an appointment to the position that is immediately effective for the unexpired term.

(d) A member of the committee is entitled to travel expenses pursuant to ORS 292.495. Members of the committee are not entitled to compensation.

(e) The director may establish additional advisory and technical committees as the director considers necessary to aid and advise the Stakeholders Advisory Committee in the performance of the committee's functions.

(f) The director may delegate to the State Chief Information Officer a duty, function or power that this subsection imposes upon the director.

(7) An organization or organizations recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code that primarily conduct activities for the direct good or benefit of the public or community at large in providing educational, economic development, health care, human services, public safety, library or other public services and have formed an affiliation with one or more federal, state or local governmental units within this state may apply to the department for designation as a community of interest. The application must be in the form prescribed by the department and contain information regarding the governmental affiliation relationship, the tax exempt status of each organization and the public benefit services to be provided. The department shall establish an application review and appeal process to ensure that designating the organizations as a community of interest for the purposes of including the organization in telecommunications contracts under ORS 283.520 will result in providing educational, medical, library or other services for public benefit.

(8) This section does not apply to the State Board of Higher Education or any [*state institution of higher education within the Oregon University System*] **public university listed in ORS 352.002.**

(9) As used in this section:

(a) "Information resources" means media, instruments and methods for planning, collecting, processing, transmitting and storing data and information, including telecommunications.

(b) "Information technology" includes, but is not limited to, present and future forms of hardware, software and services for data processing, office automation and telecommunications.

(c) "Internet access service" means electronic connectivity to the Internet and the services of the Internet.

(d) "Open systems" means systems that allow state agencies freedom of choice by providing a vendor-neutral operating environment where different computers, applications, system software and networks operate together easily and reliably.

(e) "State-of-the-art services" includes equipment, facilities and the capability to distribute digital communication signals that transmit voice, data, video and images over a distance.

(f) "Telecommunications" means hardware, software and services for transmitting voice, data, video and images over a distance.

(g) "Statewide integrated videoconferencing" means a statewide electronic system capable of transmitting video, voice and data communications.

(h) "Statewide online access" means electronic connectivity to information resources such as computer conferencing, electronic mail, databases and Internet access.

SECTION 98. ORS 291.055 is amended to read:

291.055. (1) Notwithstanding any other law that grants to a state agency the authority to establish fees, all new state agency fees or fee increases adopted after July 1 of any odd-numbered year:

(a) Are not effective for agencies in the executive department of government unless approved in writing by the Director of the Oregon Department of Administrative Services;

(b) Are not effective for agencies in the judicial department of government unless approved in writing by the Chief Justice of the Supreme Court;

(c) Are not effective for agencies in the legislative department of government unless approved in writing by the President of the Senate and the Speaker of the House of Representatives;

(d) Shall be reported by the state agency to the Oregon Department of Administrative Services within 10 days of their adoption; and

(e) Are rescinded on July 1 of the next following odd-numbered year, or on adjournment sine die of the regular session of the Legislative Assembly meeting in that year, whichever is later, unless otherwise authorized by enabling legislation setting forth the approved fees.

(2) This section does not apply to:

(a) Any tuition or fees charged by the State Board of Higher Education and [state institutions of higher education] **the public universities listed in ORS 352.002.**

(b) Taxes or other payments made or collected from employers for unemployment insurance required by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contributions and assessments calculated by cents per hour for workers' compensation coverage required by ORS 656.506.

(c) Fees or payments required for:

(A) Health care services provided by the Oregon Health and Science University, by the Oregon Veterans' Homes and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

(B) Assessments and premiums paid to the Oregon Medical Insurance Pool established by ORS 735.614 and 735.625.

(C) Copayments and premiums paid to the Oregon medical assistance program.

(D) Assessments paid to the Department of Consumer and Business Services under ORS 743.951 and 743.961.

(d) Fees created or authorized by statute that have no established rate or amount but are calculated for each separate instance for each fee payer and are based on actual cost of services provided.

(e) State agency charges on employees for benefits and services.

(f) Any intergovernmental charges.

(g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the Oregon Forest Land Protection Fund fees established by ORS 477.760.

(h) State Department of Energy assessments required by ORS 469.421 (8) and 469.681.

(i) Any charges established by the State Parks and Recreation Director in accordance with ORS 565.080 (3).

(j) Assessments on premiums charged by the Insurance Division of the Department of Consumer and Business Services pursuant to ORS 731.804 or fees charged by the Division of Finance and Corporate Securities of the Department of Consumer and Business Services to banks, trusts and credit unions pursuant to ORS 706.530 and 723.114.

(k) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

(L) Fees charged by the Housing and Community Services Department for intellectual property pursuant to ORS 456.562.

(m) New or increased fees that are anticipated in the legislative budgeting process for an agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted budget for the agency.

(n) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

(o) Convenience fees as defined in ORS 182.126 and established by the Oregon Department of Administrative Services under ORS 182.132 (3) and recommended by the Electronic Government Portal Advisory Board.

(3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unexpected and temporary revenue surpluses may be increased to not more than their prior level without compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency specifies the following:

(A) The reason for the fee decrease; and

(B) The conditions under which the fee will be increased to not more than its prior level.

(b) Fees that are decreased for reasons other than those described in paragraph (a) of this subsection may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.

SECTION 99. ORS 292.043 is amended to read:

292.043. (1) As used in this section:

(a) "Foundation" means:

(A) A tax exempt organization designated by a rule adopted by a state agency; or

(B) A tax exempt organization designated by the State Board of Higher Education to solicit contributions for the support of [*an institution of higher education under the jurisdiction of the board*] **a public university listed in ORS 352.002.**

(b) "Salary and wages" has the meaning given that term in ORS 292.014.

(2) Any state official authorized to disburse funds in payment of salaries or wages of the officers and employees of a state agency, or of the officers, teachers, instructors and other employees of the Oregon University System, is authorized, upon written request of the individual, to deduct each month from the salary or wages of the individual the amount of money designated by the individual for payment to a foundation.

(3) The individual may withdraw the authorization at any time if the individual so notifies such officer in writing.

(4) The moneys so deducted shall be paid over promptly to the foundation designated by the individual. Subject to any rules prescribed by a state agency or the State Board of Higher Education, the state official authorized to disburse the funds in payment of salaries and wages may prescribe any procedures necessary to carry out this section.

SECTION 100. ORS 292.044 is amended to read:

292.044. (1) As used in this section:

(a) "Employee" means officers, faculty, teachers, instructors and other employees of the Oregon University System as described in ORS 352.002.

(b) "Nonprofit organization" means an organization described in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal Revenue Code.

(2) The Chancellor of the Oregon University System or a designee of the chancellor may approve a written request made by a [*state institution of higher education listed in ORS 352.002, or by another program*] **public university or office, department** or activity under the jurisdiction of the State Board of Higher Education, in which an employee of the [*institution*] **public university** or [*another program*] **office, department** or activity may designate an amount from the salary or wages of the employee for payment to a qualifying nonprofit organization. A request made to the chancellor under this section must identify the nonprofit organization to whom payments would be made.

(3) Upon written approval of the chancellor or of a designee of the chancellor and a written request of an employee of the [*institution, program*] **public university or office, department** or activity to which the approval applies, the state official within the Oregon University System authorized to disburse funds in payment of salaries or wages shall deduct from the salary or wages of the employee the amount of money designated by the employee for payment to the nonprofit organization.

(4) The moneys deducted from the salaries or wages under subsection (3) of this section shall be paid over promptly to the nonprofit organization.

(5) The Chancellor of the Oregon University System or a designee of the chancellor shall prescribe procedures for determining whether an organization qualifies as a nonprofit organization under this section.

SECTION 101. ORS 310.155 is amended to read:

310.155. (1) For purposes of ORS 310.150, taxes are levied or imposed to fund the public school system if the taxes will be used exclusively for educational services, including support services, provided by any unit of government, at any level from prekindergarten through post-graduate training.

(2) Taxes on property levied or imposed by a unit of government whose principal function is to provide educational services shall be considered to be dedicated to fund the public school system unless the sole purpose of a particular, voter approved levy is for other than educational services or support services as defined in this section.

(3) Taxes on property levied or imposed by a unit of government whose principal function is to perform government operations other than educational services shall be considered to be dedicated to fund the public school system only if the sole purpose of a particular, voter approved levy is for educational services or support services as defined in this section.

(4) As used in this section, "educational services" includes:

(a) Establishment and maintenance of preschools, kindergartens, elementary schools, high schools, community colleges and [*institutions of higher education*] **the public universities listed in ORS 352.002.**

(b) Establishment and maintenance of career schools, adult education programs, evening school programs and schools or facilities for persons with physical, mental or emotional disabilities.

(5) As used in this section, "support services" includes clerical, administrative, professional and managerial services, property maintenance, transportation, counseling, training and other services customarily performed in connection with the delivery of educational services.

(6) "Educational services" does not include community recreation programs, civic activities, public libraries, programs for custody or care of children or community welfare activities if those programs or activities are provided to the general public and not for the benefit of students or other participants in the programs and activities described in subsection (4) of this section.

SECTION 102. ORS 315.237 is amended to read:

315.237. (1) As used in this section, "qualified scholarship" means a scholarship that meets the criteria set forth or incorporated into the letter of employee and dependent scholarship program certification issued by the [*Oregon Student Assistance Commission*] **Oregon Student Access Commission** under ORS 348.618.

(2) A credit against the taxes otherwise due under ORS chapter 316 is allowed to a resident employer (or, if the taxpayer is a corporation that is an employer, under ORS chapter 317 or 318) that has received:

(a) Program certification from the [*Oregon Student Assistance*] commission under ORS 348.618; and

(b) Tax credit certification under ORS 348.621 for the calendar year in which the tax year of the taxpayer begins.

(3) The amount of the credit allowed to a taxpayer under this section shall equal 50 percent of the amount of qualified scholarship funds actually paid to or on behalf of qualified scholarship recipients during the tax year.

(4) The credit allowed under this section may not exceed the tax liability of the taxpayer for the tax year.

(5) The credit allowed to a taxpayer for a tax year under this section may not exceed \$50,000.

(6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a particular year may be carried forward and offset against the taxpayer's tax liability for the next succeeding tax year. Any credit remaining unused in the next succeeding tax year may be carried forward and used in the second succeeding tax year, and likewise any credit not used in that second succeeding tax year may be carried forward and used in the third succeeding tax year, and any credit not used in that third succeeding tax year may be carried forward and used in the fourth succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried forward and used in the fifth succeeding tax year, but may not be carried forward for any tax year thereafter.

(7) In the case of a credit allowed under this section for purposes of ORS chapter 316:

(a) A nonresident shall be allowed the credit under this section in the proportion provided in ORS 316.117.

(b) If a change in the status of a taxpayer from resident to nonresident or from nonresident to resident occurs, the credit allowed by this section shall be determined in a manner consistent with ORS 316.117.

(c) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if the Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the credit allowed under this section shall be prorated or computed in a manner consistent with ORS 314.085.

(8) The credit shall be claimed on the form and in the time and manner in which the department shall prescribe. If the taxpayer is required to do so by the department, the taxpayer shall file a copy of the letter of tax credit certification issued by the commission with the taxpayer's return for the tax year in which a credit under this section is claimed.

SECTION 103. ORS 326.075 is amended to read:

326.075. (1) The State Board of Education shall cooperate with the Education and Workforce Policy Advisor in the development of a state comprehensive education plan including elementary, secondary and community college education and in review of the board's programs and budget. The board shall submit in timely fashion to the advisor such data as is appropriate in a form prescribed by the advisor.

(2) The board shall cooperate with the mediation process administered by the Oregon Student [Assistance] Access Commission pursuant to ORS 348.603 and, if a negotiated resolution cannot be reached by mediation, comply with the decisions of the commission regarding proposed new post-secondary programs and proposed new post-secondary locations.

SECTION 104. ORS 326.543 is amended to read:

326.543. (1) As used in this section:

(a) "Education service district" has the meaning given that term in ORS 334.003.

(b) "Facility" means the school operated under ORS 346.010.

(c) "Post-secondary institution" means:

(A) A community college as defined in ORS 341.005;

(B) A [state institution of higher education] **public university** listed in ORS 352.002; and

(C) The Oregon Health and Science University.

(d) "School district" has the meaning given that term in ORS 330.005.

(2) The interest or estate of an education service district, a facility, a post-secondary institution or a school district in any real property may not be extinguished or diminished by adverse possession.

SECTION 105. ORS 326.587 is amended to read:

326.587. (1) A [state institution of higher education] **public university listed in ORS 352.002** may not disclose the Social Security number of a student who is attending the [institution] **public university**.

(2) Subsection (1) of this section does not apply if the [institution] **public university** discloses the Social Security number:

(a) At the request of a law enforcement agency or an agency providing support enforcement services under ORS 25.080;

(b) After obtaining written permission for the disclosure from the student to whom the number refers;

(c) In the payment of wages or benefits;

(d) In the payment or collection of taxes or of a debt owed by the student to whom the number refers; or

(e) For purposes of statistical analysis.

SECTION 106. ORS 329.757 is amended to read:

329.757. (1) There is hereby created an Oregon Teacher Corps program within the Oregon Student [Assistance] Access Commission to encourage the entry of certain qualified persons into the

teaching profession through the use of forgivable student loans for those who complete three years of successful teaching in a public school in this state.

(2) All programs in ORS 329.757 to 329.780 are subject to the availability of funds appropriated therefor.

SECTION 107. ORS 329.765 is amended to read:

329.765. (1) The Oregon Student [Assistance] **Access** Commission shall administer the Oregon Teacher Corps program insofar as practicable in the same manner as the loan program under ORS 348.050 is administered and make rules for the selection of qualified applicants.

(2) Eligibility for the Oregon Teacher Corps is limited to those prospective teachers whom the Oregon Student [Assistance] **Access** Commission determines to have graduated, or currently rank, in the top 20 percent of their high school or college class. The commission shall assess each applicant's potential for teaching through such means as essays written by the applicant, letters of recommendations from teachers and others, descriptions of relevant teaching experiences[,] and other appropriate measures. Allowance shall be given for those applicants whom the commission determines to be in at least one of the following categories:

(a) Minority individuals as defined in ORS 200.005;

(b) Prospective teachers in scarce endorsement areas, as defined by the Teacher Standards and Practices Commission; or

(c) Prospective teachers who agree to teach in remote and difficult to serve school districts in this state.

(3) Recipients of loans under ORS 329.757 to 329.780 shall be enrolled at least half-time in an approved teacher education program at an Oregon institution of higher education.

SECTION 108. ORS 329.775 is amended to read:

329.775. (1) Upon approval of the loan application of an eligible student by the Oregon Student [Assistance] **Access** Commission, the commission may lend an amount from the Oregon Teacher Corps Account to the student in compliance with this section. The loan shall be evidenced by a written obligation but no additional security shall be required. Notwithstanding any provision in this section, the commission may require cosigners on the loans.

(2) Loans granted under this section to eligible students by the commission shall:

(a) Not exceed \$2,000 in a single academic year to an undergraduate student enrolled in a teacher education program leading to a basic or initial license.

(b) Not exceed \$4,000 in a single academic year to a graduate student enrolled in a teacher education program leading to a basic or initial license.

(c) Not exceed \$8,000 for all loans made to a student under this section.

(3) Borrowers are required to pay at least seven percent interest per annum on the unpaid balance from the date of the loan as provided in subsection (4) of this section.

(4)(a) Repayment of the principal and accruing and deferred interest on loans shall be commenced not later than 12 months after the student's completion of the teacher education program or other termination of the student's education. Repayment of loans under ORS 329.765 shall be delayed for the period of time the student is teaching at least half-time in a public school in this state but becomes payable under the usual terms if the student ceases teaching before completing three full years. Repayment of loans shall be delayed up to three years upon application of the borrower showing inability to locate suitable employment.

(b) Repayment shall be completed in a maximum of 120 months from the time repayment is commenced. However, nothing in this section is intended to prevent repayment without penalty at an earlier date than provided in this section or to prohibit the commission from extending the repayment period to a date other than permitted by this subsection.

(5)(a) An eligible student who receives a loan under this section, preparing to be an elementary or secondary school teacher in this state, is not required to repay a loan made under this section if the student completes:

(A) At least three years of equivalent full-time teaching in a public elementary or secondary school within the five-year period following completion of the teacher education program in this state; or

(B) At least three years of teaching under a full-time contract working at least three-fourths time in classroom teaching and no more than one-fourth time not in classroom teaching duties during regular school hours in a public elementary or secondary school within the five-year period following completion of the teacher education program in this state, as approved by the [*Oregon Student Assistance*] commission upon written request of the borrower.

(b) Repayment of remaining principal and interest shall be waived upon the death or total and permanent disability of the borrower.

SECTION 109. ORS 329.780 is amended to read:

329.780. (1) There is established in the State Treasury separate from the General Fund an account to be known as the Oregon Teacher Corps Account into which shall be deposited all repayments of loans with interest to the Oregon Student [*Assistance*] **Access** Commission pursuant to ORS 329.775. Any interest accruing to the account shall be credited thereto.

(2) Amounts in the account established under subsection (1) of this section are continuously appropriated to the Oregon Student [*Assistance*] **Access** Commission for the purposes of ORS 329.757 to 329.780 and the Oregon Opportunity Grant program under ORS 348.260.

SECTION 110. ORS 329.822 is amended to read:

329.822. (1) The Oregon Educator Professional Development Commission is established within the Department of Education for the purpose of providing statewide collaborative leadership for prekindergarten through post-secondary education in the areas of school improvement.

(2) The commission consists of 16 members appointed as follows:

(a) The President of the Senate shall appoint one member of the Senate.

(b) The Speaker of the House of Representatives shall appoint one member of the House of Representatives.

(c) The Governor shall appoint 14 members as follows:

(A) Two members who represent education service districts.

(B) One member who represents the Department of Education.

(C) One member who represents a community college.

(D) One member who represents a public [*institution of higher education*] **university listed in ORS 352.002.**

(E) One member who represents a not-for-profit private institution of higher education.

(F) One member who represents the Teacher Standards and Practices Commission.

(G) One member who represents the Governor's office.

(H) Six members who represent public schools for kindergarten through grade 12, including:

(i) One superintendent of a school district.

(ii) Two principals of schools.

(iii) Two teachers licensed or certified by the Teacher Standards and Practices Commission.

(iv) One classified employee of a school.

(3) Members of the Legislative Assembly appointed to the commission are nonvoting members of the commission and may act in an advisory capacity only.

(4)(a) The term of office of each member of the commission is three years, but a member serves at the pleasure of the appointing authority.

(b) Before the expiration of the term of a member, the appointing authority shall appoint a successor.

(c) A member is eligible for reappointment.

(d) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(5) Members of the commission who are members of the Legislative Assembly are entitled to mileage expenses and a per diem as provided by ORS 171.072. Other members of the commission are not entitled to compensation but a member may be reimbursed for actual and necessary travel and

other expenses incurred by the member in the performance of the member's official duties in the manner and amount provided in ORS 292.495.

(6) The commission shall select from among its members a chairperson, vice chairperson and secretary, for such terms and with such duties and powers necessary for the performance of the functions of the offices.

(7) A majority of the voting members of the commission constitutes a quorum for the transaction of business.

(8) Official action by the commission requires the approval of a majority of the voting members of the commission.

(9) The commission shall meet at least once each calendar quarter at a place, day and hour determined by the commission. The commission may also meet at other times and places specified by the call of the chairperson.

(10) The Department of Education may accept, on behalf of the commission, contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the commission.

(11) All moneys received by the department under subsection (10) of this section shall be paid into the Department of Education Account established in ORS 326.115 to the credit of the commission. The moneys are continuously appropriated to the commission for the purposes of carrying out the duties of the commission.

(12) The Department of Education shall solicit and award a public contract for services provided by the commission, including the maintenance of the public website and the provision of assistance to local school districts. A contract may be procured only as provided by ORS 279B.060 and may not be procured as a sole-source procurement under ORS 279B.075, an emergency procurement under ORS 279B.080 or a special procurement under ORS 279B.085.

SECTION 111. ORS 329.840 is amended to read:

329.840. (1) There is created the Oregon Virtual School District within the Department of Education. The purpose of the Oregon Virtual School District is to provide online courses to kindergarten through grade 12 public school students.

(2) The Oregon Virtual School District shall provide online courses that meet academic content standards as defined in ORS 329.007 and meet other criteria adopted by the State Board of Education. Any person who teaches an online course must be properly licensed or registered as required by ORS 338.135 and 342.173 for a person employed by a school district or public charter school. All school districts and public charter schools may allow students to access the online courses offered by the Oregon Virtual School District.

(3) The Superintendent of Public Instruction may contract with education service districts, school districts, public charter schools, community colleges, [*state institutions of higher education*] **public universities listed in ORS 352.002** or any other public entity to provide online courses through the Oregon Virtual School District.

(4) Statutes and rules that apply to other school districts do not apply to the Oregon Virtual School District except as provided under this section or by rule of the State Board of Education. The Oregon Virtual School District is not considered a school district for purposes of apportionment of the State School Fund and the department may not receive a direct apportionment under ORS 327.008 from the State School Fund for the Oregon Virtual School District.

(5) The board may adopt the rules necessary for the administration of the Oregon Virtual School District and shall adopt rules to establish:

(a) The procedure and criteria to be used for the selection of online courses to be offered through the Oregon Virtual School District;

(b) The qualifications of students who may access online courses through the Oregon Virtual School District;

(c) The number of credits for which students may access online courses through the Oregon Virtual School District; and

(d) The student-to-teacher ratio for online courses offered through the Oregon Virtual School District.

SECTION 112. ORS 332.114 is amended to read:

332.114. (1) A person who meets the requirements under subsection (3) of this section may request a school district to issue the person a high school diploma if the person resides within the boundaries of the school district or is a resident of this state and attended a high school of the school district.

(2) A representative of a deceased person who meets the requirements under subsection (3) of this section may request a school district to issue a high school diploma on behalf of the deceased person if the deceased person resided within the boundaries of the school district at the time of death or was a resident of this state at the time of death and attended a high school of the school district.

(3) Notwithstanding the requirements for a high school diploma established under ORS 329.451 and by the State Board of Education and school districts, a school district that receives a request under subsection (1) or (2) of this section shall issue a high school diploma to a person if the person:

(a) Attended a high school before serving in the Armed Forces of the United States;

(b) Did not graduate from a high school because the person was serving in the Armed Forces of the United States;

(c) Was discharged or released under honorable conditions from the Armed Forces of the United States;

(d) Served in the Armed Forces of the United States as described in subsection (4) of this section; and

(e)(A) Has received a General Educational Development (GED) certificate;

(B) Has received a post-secondary degree from a community college, *[state institution of higher education]* **public university listed in ORS 352.002** or other generally accredited institution of higher education; or

(C) Has received a minimum score on the Armed Services Vocational Aptitude Battery (ASVAB), as established by the Oregon Military Department.

(4) The provisions of subsection (3) of this section apply to a person who:

(a) Served in the Armed Forces of the United States at any time during:

(A) World War I;

(B) World War II;

(C) The Korean Conflict; or

(D) The Vietnam War;

(b) Served in the Armed Forces of the United States and was physically present in:

(A) Operation Urgent Fury (Grenada);

(B) Operation Just Cause (Panama);

(C) Operation Desert Shield/Desert Storm (the Persian Gulf War);

(D) Operation Restore Hope (Somalia);

(E) Operation Enduring Freedom (Afghanistan); or

(F) Operation Iraqi Freedom (Iraq); or

(c) Served in the Armed Forces of the United States in an area designated as a combat zone by the President of the United States.

SECTION 113. ORS 332.155 is amended to read:

332.155. A district school board:

(1) May furnish, equip, repair, lease, purchase and build schoolhouses, including high schools, junior high schools, career and technical education schools, gymnasiums, houses for teachers and other employees, and like buildings; and locate, buy and lease lands for all school purposes. Leases authorized by this section include lease-purchase agreements whereunder the district may acquire ownership of the leased property at a nominal price. Such leases and lease-purchase agreements may be for a term of up to 30 years.

(2) May contract for the removal or containment of asbestos substances in school buildings and for repairs made necessary by such removal or containment. Contracts authorized by this section may be for a term exceeding one year.

(3) May construct or cooperate in the construction of schools for training of student teachers on state or district owned lands, for any *[state institution of higher education]* **public university listed in ORS 352.002 that is** in or contiguous to the district, and to expend district funds in so doing.

(4) May acquire personal property by a lease-purchase agreement or contract of purchase for a term exceeding one year. A lease-purchase agreement is one in which the rent payable by the district is expressly agreed to have been established to reflect the savings resulting from the exemption from taxation, and the district is entitled to ownership of the property at a nominal or other price that is stated or determinable by the terms of the agreement and was not intended to reflect the true value of the property.

(5) May lease, sell and convey all property of the district as may not in the judgment of the district school board be required for school purposes.

(6) May sell property of the district in transactions whereby the district has the right to lease, occupy or reacquire the property following the sale or have facilities constructed thereon or furnished to the specifications of the district. The construction or furnishing of such facilities shall be subject to:

(a) ORS chapter 279A, except ORS 279A.125 and 279A.250 to 279A.290;

(b) ORS chapter 279B, except ORS 279B.235, 279B.240, 279B.270, 279B.275 and 279B.280; and

(c) ORS chapter 279C.005, 279C.100 to 279C.125 and 279C.300 to 279C.470.

(7) Shall furnish the schools with supplies, equipment, apparatus and services essential to meeting the requirements of a standard school and may furnish such other supplies, equipment, apparatus and services as the board considers advisable.

(8) May construct, purchase or lease in cooperation with other school districts or community college districts facilities for secondary career and technical education programs for pupils of more than one district and may furnish or cooperate in furnishing supplies and equipment for such facilities, to be financed in the same manner as other school buildings and supplies are financed.

(9) May purchase real property upon a contractual basis when the period of time allowed for payment under the contract does not exceed 30 years.

(10) May purchase relocatable classrooms and other relocatable structures in installment transactions in which deferred installments of the purchase price are payable over not more than 10 years from the date such property is delivered to the district for occupancy and are secured by a security interest in such property. Such transactions may take the form of, but are not limited to, lease-purchase agreements.

(11) May enter into rental or lease-purchase agreements covering motor vehicles operated by the district.

SECTION 114. ORS 336.057 is amended to read:

336.057. In all public schools courses of instruction shall be given in the Constitution of the United States and in the history of the United States. These courses shall:

(1) Begin not later than the opening of the eighth grade and shall continue in grades 9 through 12.

(2) Be required in all *[state institutions of higher education]* **public universities listed in ORS 352.002**, except the Oregon Health and Science University, and in all state and local institutions that provide education for patients or inmates to an extent to be determined by the Superintendent of Public Instruction.

SECTION 115. ORS 337.500 is amended to read:

337.500. As used in ORS 337.500 to 337.506:

(1) "Adopter" means any faculty member or academic department or other adopting entity at a higher education institution responsible for considering and choosing course materials to be utilized in connection with accredited courses taught at the institution.

- (2) “Higher education institution” means:
- (a) A community college, as defined in ORS 341.005;
 - (b) A [*state institution of higher education*] **public university** listed in ORS 352.002;
 - (c) The Oregon Health and Science University;
 - (d) A private institution of higher education located in Oregon; and
 - (e) A bookstore that serves as the primary bookstore for an entity listed in paragraphs (a) to (d) of this subsection.

(3) “Special edition” means a bound book that does not constitute a traditional textbook and that may or may not be used for instructional purposes.

(4)(a) “Textbook bundle” means a textbook packaged together with other supplemental course materials, including but not limited to workbooks, study guides, online technologies, online course resources, CD-ROMs or other books, to be sold as course material for one price.

(b) “Textbook bundle” does not include a textbook that is unusable without the supplemental course materials, materials that cannot be sold separately due to third-party contractual agreements, custom editions or special editions.

SECTION 116. ORS 337.511 is amended to read:

337.511. As used in ORS 337.511 to 337.524:

(1) “Alternative format” means any medium or format for the presentation of instructional materials other than standard print that is needed by a post-secondary student with a print disability for a reading accommodation, including but not limited to Braille, large print texts, audio recordings, digital texts and digital talking books.

(2) “Electronic format” means a medium or format containing digital text.

(3) “Instructional material” means a textbook or other material if:

(a) The textbook or other material, including additional prints or new editions of previously published instructional material, is published on or after January 1, 2004, and is published primarily for use by students in a course of study in which a post-secondary student with a print disability is enrolled;

(b) The textbook or other material is required for a student’s success in the course, as determined by the course instructor in consultation with the representative making the request for an electronic format under ORS 337.517 (2);

(c) The textbook or other material is required for the course as stated in the course syllabus or other curriculum documents, or the use of the materials by the student is necessary for the completion of course assignments that are used to evaluate the student, such as to determine the student’s proficiency level or assign a grade; and

(d) Software is commercially available to permit the conversion of an electronic file of the textbook or other material into a format that is compatible with assistive technologies such as speech synthesis software or Braille translation software.

(4) “Post-secondary education institution” means:

(a) A [*state institution of higher education*] **public university** listed in ORS 352.002;

(b) A community college operated under ORS chapter 341;

(c) The Oregon Health and Science University; or

(d) An Oregon-based, generally accredited institution of higher education.

(5) “Print disability” means a disability that prevents a student from effectively utilizing print material and may include blindness, other serious visual impairments, specific learning disabilities or the inability to hold a book.

(6) “Printed instructional material” means instructional material in book or other printed form.

(7) “Publisher” means any person that publishes or manufactures instructional material used by students attending a post-secondary education institution.

(8) “Structural integrity” means the inclusion of all of the information provided in printed instructional material, including but not limited to the text of the material sidebars, the tables of contents, the chapter headings and subheadings, the footnotes, the page numbers, the indexes and the glossaries.

(9) "Working day" means a day that is not a Saturday, Sunday or legal holiday.

SECTION 117. ORS 338.115, as amended by section 2, chapter 53, Oregon Laws 2010, is amended to read:

338.115. (1) Statutes and rules that apply to school district boards, school districts or other public schools do not apply to public charter schools. However, the following laws do apply to public charter schools:

- (a) Federal law;
- (b) ORS 192.410 to 192.505 (public records law);
- (c) ORS 192.610 to 192.690 (public meetings law);
- (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- (e) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
- (f) ORS 337.150 (textbooks);
- (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- (h) ORS 659.850, 659.855 and 659.860 (discrimination);
- (i) ORS 30.260 to 30.300 (tort claims);
- (j) Health and safety statutes and rules;
- (k) Any statute or rule that is listed in the charter;
- (L) The statewide assessment system developed by the Department of Education for mathematics, science and English under ORS 329.485 (2);
- (m) ORS 329.045 (academic content standards and instruction);
- (n) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year;
- (o) ORS 339.250 (12) (prohibition on infliction of corporal punishment);
- (p) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of child abuse and training on prevention and identification of child abuse);
- (q) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative certificate);
- (r) ORS chapter 657 (Employment Department Law);
- (s) ORS 339.326;
- (t) Section 1, chapter 53, Oregon Laws 2010 (consideration for educational services); and
- (u) This chapter.

(2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules that apply to school district boards, school districts and other public schools may apply to a public charter school.

(3) If a statute or rule applies to a public charter school, then the terms "school district" and "public school" include public charter school as those terms are used in that statute or rule.

(4) A public charter school may not violate the Establishment Clause of the First Amendment to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion based.

(5) A public charter school shall maintain an active enrollment of at least 25 students.

(6) A public charter school may sue or be sued as a separate legal entity.

(7) The sponsor, members of the governing board of the sponsor acting in their official capacities and employees of a sponsor acting in their official capacities are immune from civil liability with respect to all activities related to a public charter school within the scope of their duties or employment.

(8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, [state institution of higher education] **public university listed in ORS 352.002**, other governmental unit or any person or legal entity.

(9) A public charter school may not levy taxes or issue bonds under which the public incurs liability.

(10) A public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.

(11) The school district in which the public charter school is located shall offer a high school diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter school student who meets the district's and state's standards for a high school diploma, a modified diploma, an extended diploma or an alternative certificate.

(12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a public charter school grants to the holder the same rights and privileges as a high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a nonchartered public school.

(13) Prior to beginning operation, the public charter school shall show proof of insurance to the sponsor as specified in the charter.

(14) A public charter school may receive services from an education service district in the same manner as a nonchartered public school in the school district in which the public charter school is located.

SECTION 118. ORS 338.115, as amended by section 7, chapter 839, Oregon Laws 2007, section 12, chapter 50, Oregon Laws 2008, section 4, chapter 618, Oregon Laws 2009, and section 3, chapter 53, Oregon Laws 2010, is amended to read:

338.115. (1) Statutes and rules that apply to school district boards, school districts or other public schools do not apply to public charter schools. However, the following laws do apply to public charter schools:

- (a) Federal law;
- (b) ORS 192.410 to 192.505 (public records law);
- (c) ORS 192.610 to 192.690 (public meetings law);
- (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- (e) ORS 181.534, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);
- (f) ORS 337.150 (textbooks);
- (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- (h) ORS 659.850, 659.855 and 659.860 (discrimination);
- (i) ORS 30.260 to 30.300 (tort claims);
- (j) Health and safety statutes and rules;
- (k) Any statute or rule that is listed in the charter;
- (L) The statewide assessment system developed by the Department of Education for mathematics, science and English under ORS 329.485 (2);
- (m) ORS 329.045 (academic content standards and instruction);
- (n) ORS 329.496 (physical education);
- (o) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year;
- (p) ORS 339.250 (12) (prohibition on infliction of corporal punishment);
- (q) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of child abuse and training on prevention and identification of child abuse);
- (r) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative certificate);
- (s) ORS chapter 657 (Employment Department Law);
- (t) ORS 339.326;
- (u) Section 1, chapter 53, Oregon Laws 2010 (consideration for educational services); and
- (v) This chapter.

(2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules that apply to school district boards, school districts and other public schools may apply to a public charter school.

(3) If a statute or rule applies to a public charter school, then the terms "school district" and "public school" include public charter school as those terms are used in that statute or rule.

(4) A public charter school may not violate the Establishment Clause of the First Amendment to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion based.

(5) A public charter school shall maintain an active enrollment of at least 25 students.

(6) A public charter school may sue or be sued as a separate legal entity.

(7) The sponsor, members of the governing board of the sponsor acting in their official capacities and employees of a sponsor acting in their official capacities are immune from civil liability with respect to all activities related to a public charter school within the scope of their duties or employment.

(8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, [*state institution of higher education*] **public university listed in ORS 352.002**, other governmental unit or any person or legal entity.

(9) A public charter school may not levy taxes or issue bonds under which the public incurs liability.

(10) A public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.

(11) The school district in which the public charter school is located shall offer a high school diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter school student who meets the district's and state's standards for a high school diploma, a modified diploma, an extended diploma or an alternative certificate.

(12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a public charter school grants to the holder the same rights and privileges as a high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a nonchartered public school.

(13) Prior to beginning operation, the public charter school shall show proof of insurance to the sponsor as specified in the charter.

(14) A public charter school may receive services from an education service district in the same manner as a nonchartered public school in the school district in which the public charter school is located.

SECTION 119. ORS 339.885 is amended to read:

339.885. (1) No secret society of any kind, including a fraternity or sorority, shall be permitted in any public school.

(2) The district school board may order the suspension or expulsion of any pupil who belongs to a secret society.

(3) This section does not apply to any [*institution of higher education under the jurisdiction of the State Board of Higher Education*] **public university listed in ORS 352.002**.

SECTION 120. ORS 340.005 is amended to read:

340.005. For purposes of this chapter:

(1) "Accelerated college credit program" has the meaning given that term by rules adopted by the State Board of Education.

(2) "At-risk student" means:

(a) A student who qualifies for a free or reduced lunch program; or

(b) An at-risk student as defined by rules adopted by the board if the board has adopted rules to define an at-risk student.

(3) "Duplicate course" means a course with a scope that is identical to the scope of another course.

(4)(a) "Eligible post-secondary course" means any nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree.

(b) "Eligible post-secondary course" does not include a duplicate course offered at the student's resident school.

(c) "Eligible post-secondary course" includes:

- (A) Academic courses;
- (B) Career and technical education courses; and
- (C) Distance education courses.
- (5) “Eligible post-secondary institution” means:
 - (a) A community college;
 - (b) A [*state institution of higher education*] **public university** listed in ORS 352.002; and
 - (c) The Oregon Health and Science University.
- (6)(a) “Eligible student” means a student who is enrolled in an Oregon public school and who:
 - (A) Is 16 years of age or older at the time of enrollment in a course under the Expanded Options Program;
 - (B)(i) Is in grade 11 or 12 at the time of enrollment in a course under the Expanded Options Program; or
 - (ii) Is not in grade 11 or 12, because the student has not completed the required number of credits, but who has been allowed by the school district to participate in the program;
 - (C) Has developed an educational learning plan as described in ORS 340.025; and
 - (D) Has not successfully completed the requirements for a high school diploma as established by ORS 329.451, the State Board of Education and the school district board.
- (b) “Eligible student” does not include a foreign exchange student enrolled in a school under a cultural exchange program.
- (7) “Expanded Options Program” means the program created under this chapter.
- (8) “Scope” means depth and breadth of course content as evidenced through a planned course statement including content outline, applicable state content standards where appropriate, course goals and student outcomes.

SECTION 121. ORS 340.085 is amended to read:

340.085. The Department of Education shall annually report on the Expanded Options Program to the [*Joint Boards of Education*] **Higher Education Coordinating Commission** and the House and Senate committees relating to education. The report shall include:

- (1) The types of accelerated college credit programs offered.
- (2) The number of waivers of requirements granted under the Expanded Options Program and the reasons for issuance of the waivers.
- (3) The number of college and high school credits earned under the Expanded Options Program.
- (4) The estimated college tuition cost savings for students participating in the Expanded Options Program.
- (5) The number of students who had dropped out of high school but returned to high school to participate in the Expanded Options Program and earned a diploma.
- (6) The number of students who participated in the Expanded Options Program, categorized by ethnicity and financial status.
- (7) The number of talented and gifted students who participated in the Expanded Options Program.
- (8) The level of participation in the Expanded Options Program by rural communities, and the number of students living in rural communities who participated in the program.
- (9) Recommendations for changes to the Expanded Options Program to better serve students, including changes to the age limit restrictions for eligible students.
- (10) Recommendations for funding changes to better serve students who wish to participate in the Expanded Options Program.
- (11) The number of appeals of students under ORS 340.030 to the Superintendent of Public Instruction or the superintendent’s designee and the disposition of the students’ appeals.
- (12) The number of small school districts with more eligible students who wish to participate in the program than are allowed under the credit hour caps established in ORS 340.080.

SECTION 122. ORS 341.009 is amended to read:

341.009. The Legislative Assembly finds that:

(1) The community college is an educational institution that is intended to fill the institutional gap in education by offering broad, comprehensive programs in academic subjects and in career and technical education subjects. It is primarily designed to provide associate or certificate degree programs for some, serve a transitional purpose for others who will continue baccalaureate or other college work, provide the ability to enter the workforce immediately and serve to determine future educational needs for other students. It can provide means for continuation of academic education, career and technical education or the attainment of entirely new skills as demands for old skills and old occupations are supplanted by new technologies. It may also provide the means to coordinate courses and programs with high schools to accommodate successful transition to college degree programs.

(2) Each community college should be so located as to be within commuting time of a substantial majority of its students. As an economical method of providing education close to the student's home, the community college should remain a commuting institution.

(3) The community college should establish its organizational patterns to maintain a unique quality of flexibility and the ability to change to meet changing needs.

(4) The community college is a post-high-school institution under the general supervision of the State Board of Education. It should not be a "starter" institution intended to evolve into a four-year baccalaureate institution. It should be concerned with programs terminating before reaching the baccalaureate degree.

(5) The community college should continue to be prohibited by law from becoming a baccalaureate degree granting institution.

(6) Admission to the community college should be open to high school graduates or to [*non-high school graduates*] **persons who have not graduated from high school** who can profit from the instruction offered.

(7) There should be close cooperation between those directing the community college program and those responsible for higher education, so that lower-division college transfer programs of the community college will provide adequate preparation for entering baccalaureate degree granting programs, and so that students will be able to transfer with a minimum of difficulty.

(8) The community college should offer as comprehensive a program as the needs and resources of the area that it serves dictate. Cost to student and quality of instruction in established private institutions should be among the factors in determining necessary duplication of effort.

(9) It should be the policy of the community college to open its facilities and make available its resources to the high schools of its area on a sound contractual basis, for appropriate secondary or transitional courses, either academic or as part of career and technical education, when it is within its ability to provide facilities and it is determined that the high school cannot or does not offer them.

(10) Programs designed to meet the needs of the area served should be based on the actual educational and service needs of the district. Specific career and technical education courses should be related not only to the employment opportunities of the area but of the state and nation as well. Such determination should be made in consultation with representatives of labor, business, industry, agriculture and other interested groups.

(11) The State Board of Education should be responsible for coordinating the community college program of the state and should have general supervisory responsibilities for that program. **With the advice of the Higher Education Coordinating Commission**, the State Board of Education should prepare estimates and make the requests for legislative appropriations for a reasonable and consistent basis of support and establish standards for the distribution of that support.

(12) The initiative for the establishment of new community colleges should come from the localities to be served, as a response to demonstrated educational needs of an area. However, these localities must not only be willing to assume the responsibility for the institutions but must be able to provide resources needed for an adequate educational and service program.

(13) The governing board of the community college should be charged with the policy-making function. With respect to educational programming, the governing board should in cooperation with the State Board of Education:

- (a) Identify educational needs of the district; and
- (b) Bring together the resources necessary to meet the needs.

(14) The state should maintain a policy of substantial state participation in community college building costs and the maintenance of an adequate level of state support for operation. However, no state funds should be appropriated for buildings such as dormitories or athletic facilities for spectator sports. The district should provide a substantial portion of the funds for capital improvement as well as for operation of a community college.

(15) State appropriations for community colleges shall be made separately from those for other segments of education.

(16) The formula for the distribution of funds for operating costs should reflect the heavier operating costs and capital outlay for certain career and technical education courses. Federal funds received for career and technical education, adult basic education, workforce development or other federal initiatives should be used for those purposes only and be distributed separately from funds appropriated by the state and should be exempted from the computations of the present distribution formula for operating costs.

(17) The cost of education to the individual should be sufficiently low to permit students of low-income families to attend. This is particularly true of tuition costs. However, students should pay an amount sufficient to provide an incentive to profit from the instructional program offered.

(18) Any eligible Oregon resident should have the right to attend a community college even though not residing in a district operating one, subject to the right of the governing board to limit the size of classes and to give preference to students residing in the district. Local school districts and education service districts should have the authority to negotiate the terms and conditions with the governing boards for the enrollment of students residing in such areas.

SECTION 123. ORS 341.527 is amended to read:

341.527. (1) Community colleges in Oregon shall admit students from other states at the same tuition rate assessed against Oregon residents who are residents of the community college district if:

(a) The state in which the student resides agrees to pay and pays its per capita state aid for comparable students in the state to the community college;

(b) The state in which the students reside agrees to permit and permits one-for-one full-time enrollment exchange arrangements that allow an equal number of Oregon residents to be admitted to community colleges or comparable institutions in the state at the same tuition rate assessed against residents of the state and community colleges or comparable institutions in the state in which the students reside agree to admit and admit approved Oregon residents without assessing nonresident tuition; or

(c) The board of the community college determines out-of-state residents are essential to providing the critical mass to offer programs that would otherwise be unavailable to Oregon residents.

(2) The Department of Community Colleges and Workforce Development shall enter into agreements with such other states as are willing to agree to the provisions of this section to establish reimbursement procedures or one-for-one exchange procedures.

(3) In cases described in subsection (1)(a) of this section, the Department of Community Colleges and Workforce Development shall pay from funds available therefor to the state that agrees to pay and does pay its per capita state aid to eligible Oregon community colleges to the credit of the community college or comparable institution educating the Oregon resident an amount equal to the amount that would be available under ORS 341.626 if the Oregon resident were enrolled in a community college in this state. From these same funds, the Department of Community Colleges and Workforce Development shall pay to the Oregon community colleges admitting approved one-for-one exchange students as provided by subsection (1)(b) of this section, from other states, an amount equal to the amount that would be available under ORS 341.626 as if the enrolled one-for-one stu-

dents were Oregon residents. The Department of Community Colleges and Workforce Development shall not reimburse Oregon community colleges who admit students from other states under subsection (1)(c) of this section.

(4) If a state that has entered into the agreement to pay the per capita state aid to eligible Oregon community colleges as described in subsections (1) and (2) of this section does not make any payment agreed to, the agreement terminates after the affected community college notifies the [State Board of Education] **Higher Education Coordinating Commission** of the lack of payment. The termination is effective 30 days after the state board notifies the appropriate agency of the other state that the agreement is terminated if no payment is received by the end of the academic period for which tuition is assessed and no payment is received at that time. The agreement may be reinstated by mutual consent of the parties.

(5) The [State Board of Education] **Higher Education Coordinating Commission** shall adopt rules governing attendance in community colleges or comparable institutions in other states for purposes of the reimbursement authorized under subsections (1) and (2) of this section to assure that Oregon residents shall not be the object of such reimbursement if they can obtain the same education within the state without undue hardship.

SECTION 124. ORS 341.531 is amended to read:

341.531. (1) A student at a community college who is a member of the military and who is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

(a) With regard to a course in which the student is enrolled and for which the student has paid tuition and fees, the right to:

(A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

(B) Receive a grade of incomplete and, upon release from active duty, complete the course in accordance with the community college's practice for completion of incomplete courses; or

(C) Continue and complete the course for full credit, subject to the provisions of subsection (3) of this section;

(b) The right to a credit described in ORS 341.532 for all amounts paid for room, board, tuition and fees;

(c) If the student elects to withdraw from the community college, the right to be readmitted and reenrolled at the community college within one year after release from active duty without a requirement of redetermination of admission eligibility; and

(d) The right to continuation of scholarships and grants awarded to the student that were funded by the community college or the [Oregon Student Assistance Commission] **Oregon Student Access Commission** before the student was ordered to active duty.

(2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the community college may not:

(a) Give the student academic credit for the course from which the student withdraws;

(b) Give the student a failing grade or a grade of incomplete or make any other negative annotation on the student's record; or

(c) Alter the student's grade point average due to the student's withdrawal from the course.

(3) A student who elects to continue and complete a course for full credit under subsection (1)(a)(C) of this section is subject to the following conditions:

(a) Course sessions the student misses due to active duty shall be counted as excused absences and may not adversely impact the student's grade for the course or rank in the student's class.

(b) The student may not be automatically excused from completing course assignments due during the period the student serves on active duty.

(c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of the course, the student completes sufficient work and demonstrates sufficient progress toward meeting course requirements to justify the grade.

(4) Boards of education of community college districts shall adopt rules for the administration of this section.

(5) As used in this section, "member of the military" means a person who is a member of:

- (a) The Oregon National Guard or the National Guard of any other state or territory; or
- (b) The reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States.

SECTION 125. ORS 342.144 is amended to read:

342.144. (1) As used in this section, "American Indian tribe" means an Indian tribe as that term is defined in ORS 97.740.

(2) The Legislative Assembly declares that teaching American Indian languages is essential to the proper education of American Indian children.

(3) The Teacher Standards and Practices Commission shall establish an American Indian languages teaching license.

(4) Each American Indian tribe may develop a written and oral test that must be successfully completed by an applicant for an American Indian languages teaching license in order to determine whether the applicant is qualified to teach the tribe's native language. When developing the test, the tribe shall determine:

- (a) Which dialects will be used on the test;
- (b) Whether the tribe will standardize the tribe's writing system; and
- (c) How the teaching methods will be evaluated in the classroom.

(5) The test shall be administered at an appropriate location that does not create hardship for the tribal members administering the test.

(6) The commission may not require an applicant to hold a specific academic degree, to complete a specific amount of education or to complete a teacher education program to receive an American Indian languages teaching license.

(7)(a) An American Indian languages teaching license qualifies the holder to accept a teaching position in a school district, public charter school, education service district, community college or *[state institution of higher education]* **public university listed in ORS 352.002.**

(b) A holder of an American Indian languages teaching license who does not also have a teaching license issued under ORS 342.125 may not teach in a school district or education service district any subject other than the American Indian language the holder of the license is approved to teach by the tribe.

(c) A holder of an American Indian languages teaching license who does not also have a teaching license or registration issued under ORS 342.125 may not teach in a public charter school any subject other than the American Indian language the holder of the license is approved to teach by the tribe.

(8)(a) As used in this subsection, "technical assistance program" means a program provided to an American Indian languages teacher by a licensed teacher with three or more years of teaching experience. A technical assistance program may include direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, and other assistance intended to enhance the professional performance and development of the American Indian languages teacher.

(b) The holder of an American Indian languages teaching license who does not also have an administrative license, teaching license or registration issued under ORS 342.125 and who is employed by a school district, public charter school or education service district shall participate in a technical assistance program with a person holding a teaching license issued by the commission under ORS 342.125. The technical assistance program shall meet the guidelines specified in ORS 329.815 (2) to (4).

(9) An American Indian languages teaching license shall be valid for three years and may be renewed upon application from the holder of the license.

SECTION 126. ORS 342.147 is amended to read:

342.147. (1) After considering recommendations of the State Board of Education, the Teacher Standards and Practices Commission shall establish by rule standards for approval of teacher education institutions and teacher education programs. Public teacher education institutions shall be approved for programs of more than four years' duration only if teacher education programs which

are reasonably attainable in a four-year period are also available in the system of higher education and are designed to culminate in a baccalaureate degree that qualifies its graduates for entry-level teaching licenses.

(2) The commission shall establish rules that allow teacher education programs leading to graduate degrees to commence prior to the student's completion of baccalaureate degree requirements and that allow the combined use of undergraduate and graduate level course work in achieving program completion.

(3) Whenever any teacher education institution or program is denied approved status or has such status withdrawn, such denial or withdrawal must be treated as a contested case within the meaning of ORS chapter 183.

(4) Nothing in this section is intended to grant any authority to the commission relating to granting *[of]* degrees or establishing degree requirements that are within the authority of the State Board of Higher Education or any *[institutions under its jurisdiction]* **of the public universities listed in ORS 352.002**, or that are within the authority of the governing board of any private institution of higher education.

SECTION 127. ORS 342.360 is amended to read:

342.360. (1) The membership of the Teacher Standards and Practices Commission shall consist of:

- (a) Four elementary teachers;
- (b) Four junior or senior high school teachers;
- (c) One elementary school administrator;
- (d) One junior or senior high school administrator;
- (e) One superintendent of city schools;
- (f) One county superintendent or a superintendent employed by an education service district board;
- (g) One member from the faculty of an approved private teacher education institution in Oregon;
- (h) One member from the faculty of a *[state institution of higher education]* **public university listed in ORS 352.002**;
- (i) One member who is also a member of a district school board; and
- (j) Two members of the general public.

(2) Except for those members appointed under subsection (1)(i) and (j) of this section, members must have been actively engaged in teaching, supervising or administering in the public schools or in approved teacher education institutions in Oregon for the period of five years immediately preceding appointment. Acting as an elected representative of teachers, supervisors or administrators shall be considered teaching, supervising or administering for the purposes of the five-year experience requirement. In addition, members appointed under subsection (1)(a) to (f) of this section must hold valid Oregon teaching or administrative licenses other than restricted teaching or administrative licenses.

(3)(a) Throughout the term for which appointed, one of the members appointed under subsection (1)(a) to (j) of this section must hold a teaching license with an endorsement in some aspect of special education or have demonstrated knowledge or experience in special education.

(b) As used in this subsection, "special education" means specially designed education to meet the goals of the individual education program of a child with a disability including regular classroom instruction, instruction in physical education, home instruction, related services and instruction in hospitals, institutions and special schools.

SECTION 128. ORS 342.390 is amended to read:

342.390. (1) The Teacher Standards and Practices Commission shall meet at least once every six months at a place, day and hour determined by the commission. The commission shall also meet at such other times and places as are specified by the call of the chairperson or of a majority of the members of the commission.

(2) A member of the commission who is employed at a public school or by a private teacher education institution or by a *[state institution of higher education]* **public university listed in ORS**

352.002 shall receive no compensation for services as a member; but subject to any other applicable law regulating travel and other expenses for state officers, the member shall receive actual and necessary travel and other expenses incurred in the performance of official duties as provided by ORS 292.495 (2).

(3) A member of the commission who serves on the commission in the capacity of a district school board member or as a member of the general public shall be entitled to compensation and expenses as provided in ORS 292.495 (1) and (2).

SECTION 129. ORS 342.443 is amended to read:

342.443. (1) The Education and Workforce Policy Advisor shall report biennially to the Legislative Assembly longitudinal data on the number and percentage of:

- (a) Minority students enrolled in community colleges;
- (b) Minority students applying for admission to public [*four-year institutions of higher education*] **universities listed in ORS 352.002**;
- (c) Minority students accepted in public [*four-year institutions of higher education*] **universities**;
- (d) Minority students graduated from public [*four-year institutions of higher education*] **universities**;
- (e) Minority candidates seeking to enter public teacher education programs in this state;
- (f) Minority candidates admitted to public teacher education programs;
- (g) Minority candidates who have completed approved public teacher education programs;
- (h) Minority candidates receiving Oregon teaching licenses based on preparation in this state and preparation in other states;
- (i) Minority teachers who are newly employed in the public schools in this state; and
- (j) Minority teachers already employed in the public schools.

(2) The advisor also shall report comparisons of minorities' and nonminorities' scores on basic skills, pedagogy and subject matter tests.

(3) The Oregon University System, the Department of Education, the Teacher Standards and Practices Commission, community colleges and school districts shall cooperate with the advisor in collecting data and preparing the report.

SECTION 130. ORS 344.259 is amended to read:

344.259. (1) The State Board of Education shall coordinate continuing education in lower division, developmental, adult self-improvement, professional and technical education for agencies under its regulatory authority. The State Board of Higher Education shall coordinate continuing education in upper division and graduate education for [*institutions*] **public universities** under its jurisdiction.

(2) When significantly adverse impact is alleged by one or more of the agencies listed in this subsection, the affected parties jointly shall provide for written agreements. These agreements shall allocate responsibility for planning and providing continuing education or off-campus instruction in specific areas or by specific types. The agencies are:

- (a) The State Board of Education.
- (b) The State Board of Higher Education.
- (c) Community college districts.
- (d) Independent colleges.
- (e) Proprietary schools.

(3) In the event the affected parties fail to reach a written agreement within 120 days following receipt of written notice of the allegation, either party may request the Education and Workforce Policy Advisor to review and to recommend resolution.

(4) Nothing in this section prohibits the offering of upper division or graduate programs within 30 miles of the campus of the Oregon University System [*institution*] **university** offering the program, or the offering of lower division programs within 30 miles of the campus offering the program in areas outside a community college district. Such programs are entitled to the same college credit and financial support as programs offered on the campus of the [*institution*] **university**.

SECTION 131. ORS 344.557 is amended to read:

344.557. (1) The Department of Human Services may refer a person for vocational training only to the following schools or programs:

- (a) A school that has accreditation recognized by the United States Department of Education.
- (b) A school that has been approved by the Oregon Student [Assistance] Access Commission through the Office of Degree Authorization to offer and confer degrees in Oregon.
- (c) A community college.
- (d) A [state institution of higher education within the Oregon University System] **public university listed in ORS 352.002.**
- (e) The Oregon Health and Science University.
- (f) A career school licensed under ORS 345.010 to 345.450.
- (g) An apprenticeship program that is registered with the State Apprenticeship and Training Council.

(2) This section does not apply to vocational rehabilitation training.

SECTION 131a. ORS 344.557, as amended by section 131 of this 2011 Act, is amended to read:

344.557. (1) The Department of Human Services may refer a person for vocational training only to the following schools or programs:

- (a) A school that has accreditation recognized by the United States Department of Education.
- (b) A school that has been approved by the [Oregon Student Access Commission through the Office of Degree Authorization] **Higher Education Coordinating Commission** to offer and confer degrees in Oregon.
- (c) A community college.
- (d) A public university listed in ORS 352.002.
- (e) The Oregon Health and Science University.
- (f) A career school licensed under ORS 345.010 to 345.450.
- (g) An apprenticeship program that is registered with the State Apprenticeship and Training Council.

(2) This section does not apply to vocational rehabilitation training.

SECTION 132. ORS 345.015 is amended to read:

345.015. ORS 345.010 to 345.450 do not apply to:

- (1) Instruction or training solely avocational or recreational in nature or to institutions offering such education exclusively.
- (2) Instruction or training sponsored or offered by a bona fide trade, business, professional or fraternal organization or by a business solely for the organization's membership or the business's employees.
- (3) Instruction or training sponsored, offered or contracted by organizations, institutions or agencies, if the instruction or training is advertised or promoted to be in the nature of professional self-improvement or personal self-improvement and the instruction or training is not:
 - (a) Advertised or promoted as leading to or fulfilling the requirements for licensing, certification, accreditation or education credentials; or
 - (b) Leading to an occupation, employment or other activity for which a person may reasonably expect financial compensation.
- (4) Courses offered in hospitals that meet standards prescribed by the American Medical Association or national accrediting associations for nursing.
- (5) Courses, instruction or training offered for a limited number of hours, as defined by rule of the State Board of Education.
- (6) Schools offering only courses of an advanced training or continuing educational nature when offered solely to licensed practitioners and people previously qualified or employed in the profession for which a course is being offered.
- (7) Schools that the Superintendent of Public Instruction determines are adequately regulated by other means that guarantee the school meets the standards of ORS 345.325.
- (8) Schools offering only review instruction to prepare a student to take an examination to enter a profession, where the student has completed prior training related to the profession.

(9) Schools described in ORS 348.597 and, except as provided in ORS 345.017, schools approved by the [*Oregon Student Assistance Commission*] **Higher Education Coordinating Commission** to confer or offer to confer academic degrees under ORS 348.606.

(10) Any parochial or denominational institution providing instruction or training relating solely to religion and that does not grant degrees.

SECTION 133. ORS 345.017 is amended to read:

345.017. When a school that is licensed under ORS 345.010 to 345.450 is approved by the [*Oregon Student Assistance Commission through the Office of Degree Authorization*] **Higher Education Coordinating Commission** to confer or offer to confer an academic degree under ORS 348.606 and the school continues to offer a course or program that does not lead to an academic degree:

(1) The school must continue to be licensed as a career school and meet the requirements of ORS 345.010 to 345.450 until:

(a) All courses or programs offered by the school are approved by the commission; and

(b) All students who were first enrolled in the school when the school was licensed as a career school have:

(A) Completed the course or program for which the student contracted with the career school;

or

(B) Terminated enrollment in the career school for any reason.

(2) A student who is enrolled in a course or program for which a school must be licensed under ORS 345.010 to 345.450 is eligible for moneys from the Tuition Protection Fund established under ORS 345.110 if the student:

(a) Qualifies for moneys under rules adopted by the State Board of Education under ORS 345.110; and

(b) Was first admitted to the school when the school was licensed as a career school under ORS 345.010 to 345.450.

(3) When a course or program that did not lead to an academic degree is approved by the **Higher Education Coordinating Commission** to lead to an academic degree, the regulatory authority for that course or program transfers to the commission upon the approval.

SECTION 134. ORS 348.005 is amended to read:

348.005. (1) The Legislative Assembly finds that:

(a) The State of Oregon can achieve its full economic and social potential only if all Oregonians have the opportunity to contribute to the full extent of their capabilities and only when financial barriers to their educational goals are removed;

(b) All Oregonians who meet the appropriate admissions requirements should be able to attend any community college, [*state institution of higher education*] **public university listed in ORS 352.002** or independent not-for-profit institution of post-secondary education regardless of individual economic or social circumstances;

(c) The interests of this state are best served when public subsidies supporting college students are distributed fairly, equitably and consciously to ensure maximum access and choice for all Oregonians at the least cost to the taxpayers;

(d) Need-based student financial aid is an effective, efficient and essential means of assisting Oregonians who are unable to afford the full cost of higher education;

(e) Student financial aid allows Oregonians with limited resources to select academic programs based on their interests, aptitudes and career goals;

(f) Student financial aid encourages and permits capable and promising Oregonians to persist in their education and training within this state; and

(g) By assisting Oregonians in this manner, student financial aid contributes to the quality of life of each Oregonian and to the social, cultural and economic well-being of all Oregonians.

(2) It is the intention of the Legislative Assembly to establish financial assistance programs to enable qualified Oregonians who need student aid to obtain post-secondary education in Oregon's community colleges, [*state institutions of higher education*] **public universities** or independent not-for-profit institutions of post-secondary education.

SECTION 135. ORS 348.040 is amended to read:

348.040. As used in ORS 348.040 to 348.070, unless the context requires otherwise:

[(1) “Commission” means the Oregon Student Assistance Commission.]

[(2)] (1) “Eligible student” means a person who is a resident of this state, as determined by the Oregon Student [Assistance] Access Commission, at the time of application for a loan under ORS 348.040 to 348.070:

(a) Who is enrolled in or has applied for enrollment in a qualified school;

(b) Who has demonstrated a satisfactory level of achievement in the high school or other school on the record of which the application for enrollment is based or in which the applicant is enrolled; and

(c) Who can show the necessity for financial assistance in order to continue the applicant’s education.

[(3)] (2) “Qualified school” means a school within this state [which] that is a:

(a) Four-year, nonprofit, generally accredited institution of higher education;

(b) Accredited public or private community college or education center, or one recognized by a state educational agency;

(c) Career school that is approved by the Superintendent of Public Instruction;

(d) Medical or dental program offered by the Oregon Health and Science University;

(e) Veterinary program offered by Oregon State University; or

(f) Institution [which] that is, in the opinion of the commission, comparable to such institutions, colleges, centers or schools.

(3) “Qualified school” may include an institution, college, center or school not located in this state if the commission certifies that the course is not available in this state.

[(4) When the commission certifies that the course is not available within this state, a qualified school may include an institution, college, center or school not located in this state.]

SECTION 136. ORS 348.050 is amended to read:

348.050. (1) Upon approval of the loan application of an eligible student by the Oregon Student [Assistance] Access Commission, the Department of State Lands may loan an amount from the Common School Fund to the student in compliance with ORS 348.040 to 348.070. The loan shall be evidenced by a written obligation but no additional security shall be required. Notwithstanding any provision in this section, the department may require cosigners on the loans.

(2) Loans granted under ORS 348.040 to 348.070 to eligible students by the department shall:

(a) Not exceed \$1,000 in a single academic year to an undergraduate student.

(b) Not exceed \$4,000 in a single academic year to a graduate or professional student.

(c) Not exceed \$16,000 for all loans made to a student under ORS 348.040 to 348.070.

(3) Payment of interest shall be as follows:

(a) Medical and dental student borrowers at the Oregon Health and Science University and veterinary student borrowers at Oregon State University shall be assessed at least six percent interest per annum on the unpaid balance from the date of the note. Interest payments by these borrowers shall be deferred until they cease to be enrolled. During the interest deferment period, the Oregon Student [Assistance] Access Commission shall pay the department the negotiated rate of interest on an annual basis. The borrower shall reimburse the [Oregon Student Assistance] commission for these interest payments as provided in subsection (4) of this section. These borrowers shall commence direct payment of accruing interest to the department at the time they cease to be enrolled.

(b) All other borrowers are required to pay at least seven percent interest per annum on the unpaid balance from the date of the loan as provided in subsection (4) of this section.

(c) The [Oregon Student Assistance] commission shall pay annually to the department a maximum of three percent per annum on the unpaid balance of all medical, dental and veterinary student borrower loans. The rate of this special payment may vary annually and will be negotiated by the [Oregon Student Assistance] commission and the department.

(d) The interest rates to be charged the borrower for the school year as stated in paragraphs (a) and (b) of this subsection shall be negotiated by the department and the [Oregon Student Assistance] commission.

(4)(a) Repayment of the principal and accruing and deferred interest on loans shall be commenced not later than 12 months after the student's graduation or other termination of the student's education.

(b) Notwithstanding any other provision of this section, medical, dental and veterinary student borrowers who enter approved post-graduate study programs shall commence repayment of the principal and the accruing and deferred interest on loans no later than 12 months following the completion of the post-graduate study program or 60 months **from when the loan was originally granted**, whichever is sooner.

(c) Repayment shall be completed in a maximum of 120 months from the time repayment is commenced. However, nothing in this section is intended to prevent repayment without penalty at an earlier date than provided in this section or to prohibit the department, with the consent of the Oregon Student [Assistance] Access Commission, from extending the repayment period to a date other than permitted by this subsection.

(5) Notwithstanding any other provision of this section, the department may loan an amount from the Common School Fund to a student under guaranteed programs authorized by the Higher Education Act of 1965, as amended, commonly known as the Guaranteed Student Loan Program and the Parent's Loans for Undergraduate Students Program. Neither the limitations on amounts set forth in subsection (2) of this section nor the subsidies authorized by subsection (3) of this section apply to such loans. ORS 327.484 does not apply to such loans.

SECTION 137. ORS 348.070 is amended to read:

348.070. To assist the Oregon Student [Assistance] Access Commission and the Department of State Lands in determining the qualification of schools, the Superintendent of Public Instruction shall maintain a listing of career schools offering professional and technical training that meets the occupational needs of the student.

SECTION 138. ORS 348.095 is amended to read:

348.095. From funds available therefor, the Oregon Student [Assistance] Access Commission shall reimburse the Department of State Lands for any loss resulting from default of a student loan under ORS 348.040 to 348.070. Funds appropriated under ORS 348.050 to pay interest to the department on loans to medical, dental and veterinary students shall also be available to reimburse the department for any loss resulting from default of a student loan under ORS 348.040 to 348.070.

SECTION 139. ORS 348.115 is amended to read:

348.115. (1) In addition to any other financial aid provided by law, the Oregon Student [Assistance] Access Commission, pursuant to rule, may award loans to a qualified resident of this state upon the resident's acceptance and entry into a baccalaureate or associate degree nursing program at a post-secondary institution in Oregon. The loans may be forgiven upon fulfillment of the requirements of subsection (4) of this section.

(2) The loans authorized by subsection (1) of this section:

(a) Shall be made based on achievement, ability, need and motivation;

(b) Shall be made on an annual basis subject to renewal upon satisfactory performance for the duration of the nursing program; and

(c) Shall be made in annual amounts not to exceed 50 percent of the sum of tuition, fees and room and board for each participating student.

(3) Priority in awarding loans shall be given to:

(a) A resident employed in the health care field at the time of application; and

(b) A resident who agrees to practice in an area where there is a critical shortage of nurses, as determined annually by the Oregon State Board of Nursing in consultation with the Office of Rural Health.

(4) The resident receiving a loan under this section must agree to practice nursing at least half-time in an area described in subsection (3)(b) of this section or in an area of specialty that is

underserved for one calendar year for each academic year for which the loan is received. If the resident does not fulfill the practice requirement within five years of graduation, the amount received shall be considered a loan, repayable as provided in ORS 348.117, for each year for which the practice requirement is not met.

SECTION 140. ORS 348.117, as amended by section 13, chapter 42, Oregon Laws 2010, is amended to read:

348.117. (1) Student borrowers under ORS 348.115 shall be required to pay at least seven percent interest per annum on the unpaid balance from the date of the loan as provided in subsection (5) of this section.

(2) Repayment of the principal and accruing and deferred interest on loans shall be commenced not later than 12 months after the student's completion of the nursing program or other termination of the student's education.

(3) Repayment of loans shall be deferred upon application therefor for up to three years during which:

(a) The student borrower is enrolled as at least a half-time student in a subsequent nursing program leading to a nursing degree higher than that attained in the initial program; or

(b) The student borrower shows inability to locate suitable employment.

(4) Repayment commences under the usual terms if the student borrower ceases to be employed as a nurse in this state before completing the practice requirements set forth in ORS 348.115 (4).

(5) Repayment shall be completed in a maximum of 120 months from the time repayment is commenced. However, nothing in this subsection is intended to prevent repayment without penalty at an earlier date than provided in this subsection or to prohibit the Oregon Student [Assistance] Access Commission from extending the repayment period to a date other than specified by this subsection.

(6) A student who borrows under ORS 348.115 shall have 100 percent of principal and accrued interest on loans under this section, ORS 348.115, 353.450, 442.470, 442.520 and 656.256 canceled if it can be documented that, within five years of graduation:

(a) The student has completed one calendar year of full-time employment as a nurse in the State of Oregon for each academic year in which a loan was received; or

(b) The student has completed two calendar years of half-time employment as a nurse in the State of Oregon for each academic year in which a loan was received.

(7) A student who borrows under this section, ORS 348.115, 353.450, 442.470, 442.520 and 656.256 and completes at least one calendar year of the practice obligation described in subsection (6) of this section shall have the amount of principal and accrued interest on loans under this section, ORS 348.115, 353.450, 442.470, 442.520 and 656.256 canceled for each calendar year of qualifying practice that is:

(a) For full-time practice, equal to the principal and accrued interest on the loan borrowed for the comparable academic year of award; or

(b) For half-time practice, equal to half of the principal and accrued interest on the loan borrowed for the comparable academic year of the award.

(8) Repayment of any remaining principal and interest shall be waived upon the death or total and permanent disability of the student borrower.

SECTION 141. ORS 348.180 is amended to read:

348.180. As used in this section and ORS 348.183, 348.186, 348.205, 348.230, 348.250 and 348.260:

(1) "Cost of education" includes but is not limited to, tuition, fees and living expenses.

(2) "Eligible post-secondary institution" means:

(a) A [state institution under the direction of the State Board of Higher Education] **public university listed in ORS 352.002;**

(b) A community college operated under ORS chapter 341;

(c) The Oregon Health and Science University; or

(d) An Oregon-based, generally accredited, not-for-profit institution of higher education.

(3) "Qualified student" means any resident student who plans to attend an eligible post-secondary institution and who:

(a) Has not achieved a baccalaureate or higher degree from any post-secondary institution;

(b) Is enrolled in an eligible program as defined by rule of the Oregon Student [Assistance] Access Commission; and

(c) Is making satisfactory academic progress as defined by rule of the commission.

SECTION 142. ORS 348.183 is amended to read:

348.183. The Legislative Assembly recognizes:

(1) That an investment in educational opportunities for all Oregonians is an investment in a strong and stable economy and greater personal opportunities;

(2) That the single largest barrier to attending an institution of higher education is lack of finances;

(3) That keeping higher education affordable requires a shared effort and partnership by students, family, the federal government, state government and private philanthropy;

(4) The broad and diverse range of quality post-secondary educational services provided by Oregon's institutions of higher education, including Oregon's community colleges, [state institutions] **public universities** and independent not-for-profit institutions of higher education; [and]

(5) The positive effects on Oregon's citizens, families and economy of encouraging talented and hardworking students to stay in Oregon to pursue a post-secondary education[.]; and

(6) That, in order to maintain affordable tuition at Oregon's public universities and community colleges, the Legislative Assembly, through the Joint Committee on Ways and Means, should review tuition affordability on the basis of standards, including the Higher Education Price Index, median family income, enrollment growth and state appropriations made to public universities and community colleges in this state. This review by the Legislative Assembly on tuition and fee increases should occur biennially.

SECTION 143. ORS 348.186 is amended to read:

348.186. (1) In addition to any other form of student financial aid authorized by law, the Oregon Student [Assistance] Access Commission shall award, to the extent funds are made available, an Oregon Achievement Grant to any qualified student who:

(a) Commences at least half-time study toward a degree at the eligible post-secondary institution within three years of high school graduation; and

(b) While a resident of Oregon, has scored at or above a level **determined by the commission** on a nationally recognized college admissions test [as determined by the Oregon Student Assistance Commission].

(2) Any qualified student receiving an Oregon Achievement Grant under subsection (1) of this section must use the grant for the purpose of study in an eligible program, as defined by rule of the [Oregon Student Assistance] commission, at an eligible post-secondary institution.

(3) The [Oregon Student Assistance] commission may not award an Oregon Achievement Grant to a qualified student who is enrolled in a course of study required for and leading to a degree in theology, divinity or religious education.

(4) Each Oregon Achievement Grant shall be renewed yearly provided that the recipient has maintained satisfactory progress, **as determined by the commission**, toward a first associate or baccalaureate degree [as determined by the Oregon Student Assistance Commission].

(5) Notwithstanding subsection (4) of this section, no Oregon Achievement Grant shall be renewed after a qualified student has reached the number of credit hours required to graduate with a baccalaureate degree at the institution the student is attending.

SECTION 144. ORS 348.205 is amended to read:

348.205. (1) The Oregon Opportunity Grant program is established within the Oregon Student [Assistance] Access Commission.

(2) Under the program, the cost of education of a qualified student shall be shared by the student, the family of the student, the federal government and the state.

(3) The commission shall determine the cost of education of a qualified student based on the type of eligible post-secondary institution the student is attending. The cost of education equals:

(a) For a student attending a community college, the average cost of education of attending a community college in this state;

(b) For a student attending [*an institution*] **a public university** under the direction of the State Board of Higher Education, the average cost of education of attending [*an institution*] **a public university** under the direction of the board;

(c) For a student attending a two-year Oregon-based, generally accredited, not-for-profit institution of higher education, the average cost of education of attending a community college in this state; and

(d) For a student attending the Oregon Health and Science University or a four-year Oregon-based, generally accredited, not-for-profit institution of higher education, the average cost of education of attending an institution under the direction of the board.

(4)(a) The commission shall determine the amount of the student share. The student share shall be based on:

(A) The type of eligible post-secondary institution the student is attending;

(B) The number of hours of work that the commission determines may be reasonably expected from the student; and

(C) The amount of loans that the commission determines would constitute a manageable debt burden for the student.

(b) The student shall determine how to cover the student share through income from work, loans, savings and scholarships.

(c) The student share for a student who attends a community college may not exceed the amount that the commission determines a student may earn based on the number of hours of work reasonably expected from the student under paragraph (a) of this subsection.

(d) The student share for a student who attends an eligible post-secondary institution that is not a community college may not exceed the sum of the amount that the commission determines a student may receive as loans plus the amount a student may earn based on the number of hours of work reasonably expected from the student under paragraph (a) of this subsection.

(5) The commission shall determine the amount of the family share. The family share shall be based on the resources of the family.

(6) The commission shall determine the amount of the federal share based on how much the student or the student's family is expected to receive from the federal government as grants, loans, tax credits or other student assistance.

(7)(a) The commission shall determine the amount of the state share. The state share shall be equal to the cost of education reduced by the student share, family share and amount received by the student from the federal government.

(b) The commission shall establish a minimum amount that a student may receive as a state share. If the commission determines that the amount of the state share of a student is below the minimum amount, the student may not receive the state share.

(c) In determining the amount of the state share, the commission shall consider the total amount available to award as grants to all qualified students. If the commission must reduce the amount of the state share under this paragraph, the commission may not reduce the amount of the state share awarded to students in the low income range in a greater proportion than the amount that the state share for students in other income ranges is reduced.

SECTION 145. ORS 348.210 is amended to read:

348.210. (1) In addition to any other scholarships provided by law, the Oregon Student [*Assistance*] **Access** Commission may award scholarships at Eastern Oregon University to resident undergraduate students applying for enrollment in the university or who are pursuing courses therein. The number of students who receive scholarships under this subsection may not exceed two and one-half percent of the number of students who are enrolled at the university. The scholarships shall be awarded upon the basis of a record of high intellectual standing and department in the school

or institution where the applicant has received or is receiving preparatory training, the necessity for financial assistance and other qualifications of such nature that the awarding of scholarships will operate not only to the advantage of the applicant but to the people of Oregon. A scholarship awarded under this subsection may not exceed in value the amount of the tuition and other fees, including the fees that are levied against the recipient of the scholarship by the State Board of Higher Education at the university.

(2) The commission may award tuition and fee-exempting scholarships to students from foreign nations who are enrolled in *[state institutions of higher education]* **public universities listed in ORS 352.002**. A student may not receive a scholarship under this subsection that exceeds the amount of tuition and fees owed by the student.

(3) The value of scholarships awarded each year under subsection (2) of this section may not exceed in aggregate an amount equal to 10 percent of the amount of tuition and fees paid in the preceding year to the Oregon University System by students enrolled in *[state institutions of higher education]* **public universities listed in ORS 352.002** who were not Oregon residents.

SECTION 146. ORS 348.230 is amended to read:

348.230. (1) In addition to any other financial aid provided by law, the Oregon Student *[Assistance]* **Access** Commission may award to qualified residents of this state scholastic grants in any eligible post-secondary institution.

(2) A qualified applicant is one who has an achievement of high intellectual standing and deportment in the school or institution on the records of which the application is based, and who demonstrates, to the satisfaction of the commission, that the applicant has superior capacity to profit by post-high-school education.

(3) If the recipient of a grant under this section meets the standards for renewal of that grant, the grant may be renewed, upon application of the recipient, until the recipient has received a total of four undergraduate years under this section or until the recipient has completed an undergraduate course of study, whichever is less.

(4) Nothing in subsection (3) of this section shall be construed to mean that the commission may not increase or reduce the amount of the grant upon application for renewal.

(5) No grant shall be made to any student enrolled in a course of study required for and leading to a degree in theology, divinity or religious education.

SECTION 147. ORS 348.250, as amended by section 1, chapter 20, Oregon Laws 2010, is amended to read:

348.250. (1) Grants established under ORS 348.230 and 348.260 shall be awarded by the Oregon Student *[Assistance]* **Access** Commission in the manner provided in this section.

(2) Persons interested in obtaining a grant established under ORS 348.230 and 348.260 may apply to the commission for a grant.

(3) The commission shall screen or cause to be screened the applications and shall determine for each available grant the person best qualified to receive that grant. A qualified applicant is eligible to receive a grant established under ORS 348.230 and 348.260 if:

(a) The applicant's financial need is such that in the opinion of the commission financial aid is warranted; and

(b) The applicant plans to be a student at the eligible post-secondary institution where the grant is to be used.

(4) The commission shall not discriminate for or against any applicant for a grant.

(5) Nothing in ORS 348.210 to 348.260, 348.505 to 348.615, 348.696 and 348.992 shall be construed to require any institution to admit a grant recipient or to attempt to control or influence the policies of the institution.

(6) Whenever funds are not available to award grants to all qualified students, the commission may give priority to applicants who are or plan to be full-time students at the eligible post-secondary institution where the grant is to be used. A student shall be considered to be a full-time student if the combination of credit hours at more than one eligible post-secondary institution equals full-time attendance, according to the institution disbursing the grant funds.

(7) As used in this section, “discriminate” has the meaning given “discrimination” in ORS 659.850.

SECTION 148. ORS 348.260 is amended to read:

348.260. (1) In addition to any other form of student financial aid authorized by law, the Oregon Student [Assistance] **Access** Commission may award Oregon Opportunity Grants to qualified students.

(2) The amount of a grant shall equal the state share of a qualified student’s cost of education as determined by the commission under ORS 348.205.

(3) Grant funds necessary to meet matching requirements for federal funds under the Leveraging Educational Assistance Partnership Program and Special Leveraging Educational Assistance Partnership Program of the United States Department of Education may also be used to award grants to qualified students in any eligible post-secondary institution approved by the commission.

(4) Grants may be awarded under this section to qualified students enrolled for any term, including summer term. The commission may prescribe a specific date by which a student must apply to the commission to qualify for a grant only if the commission determines that the total amount available to award as the state share to all qualified students is not sufficient to cover the total state share amount scheduled to be awarded to all students.

(5) If a qualified student receiving a grant under this section meets the standards for renewal of the grant, the grant may be renewed upon application until the qualified student has received the equivalent of four full-time undergraduate years of grant funding for an eligible program as defined by the commission.

(6) A qualified student who receives a grant under this section must attend the eligible post-secondary institution upon which the grant application is based unless the commission authorizes the grant to be used at a different eligible post-secondary institution. A qualified student who receives a grant under this section may attend more than one eligible post-secondary institution if the grant application was based on the qualified student attending more than one eligible post-secondary institution.

(7) The commission may not make a grant to any qualified student enrolled in a course of study required for and leading to a degree in theology, divinity or religious education.

SECTION 149. ORS 348.265 is amended to read:

348.265. (1) In addition to any other form of student financial aid authorized by law, the Oregon Student [Assistance] **Access** Commission may award grants to qualified residents of this state who are enrolled in the professional medical, nursing or dental programs at the Oregon Health and Science University.

(2) A qualified applicant for a grant under this section is one who plans to attend the Oregon Health and Science University but whose financial capacity and that of the applicant’s family to contribute to the educational costs are not adequate to meet such costs, as determined by the [Oregon Student Assistance] commission.

(3) Grants may be received by a student each year of attendance depending on the continuing need of the student for such grant.

(4) No grant awarded under this section shall exceed the amount of the difference between the award year tuition and fees assessed and the tuition and fees assessed for that program in the academic year 1976-1977.

SECTION 150. ORS 348.270 is amended to read:

348.270. (1) In addition to any other scholarships provided by law, the [Oregon Student Assistance] commission shall award scholarships in any [state institution under the State Board of Higher Education] **public university listed in ORS 352.002**, in the Oregon Health and Science University, in any community college operated under ORS chapter 341, or in any Oregon-based regionally accredited independent institution, to any student applying for enrollment or who is enrolled therein, who is:

(a) The natural child, adopted child or stepchild of any public safety officer who, in the line of duty, was killed or so disabled, as determined by the [Oregon Student Assistance] commission, that

the income of the public safety officer is less than that earned by public safety officers performing duties comparable to those performed at the highest rank or grade attained by the public safety officer; or

(b) A former foster child who enrolls in an institution of higher education as an undergraduate student not later than three years from the date the student was removed from the care of the Department of Human Services, the date the student graduated from high school or the date the student received the equivalent of a high school diploma, whichever date is earliest.

(2) Scholarships awarded under this section to students who are dependents of public safety officers or who are former foster children shall equal the amount of tuition and all fees levied by the institution against the recipient of the scholarship. However, scholarships awarded to students who attend independent institutions shall not exceed the amount of tuition and all fees levied by the University of Oregon.

(3) If the student who is the dependent of a deceased public safety officer continues to remain enrolled in a [*state institution of higher education*] **public university listed in ORS 352.002** or a community college or an independent institution within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education and four years of post-graduate education.

(4) If the student who is a former foster child or who is the dependent of a public safety officer with a disability continues to remain enrolled in a [*state institution of higher education*] **public university listed in ORS 352.002** or a community college or an independent institution within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education.

(5) The [*Oregon Student Assistance*] commission may require proof of the student's relationship to a public safety officer described in subsection (1) of this section or proof that the student is a former foster child.

(6) As used in this section:

(a) "Former foster child" means an individual who, for a total of 12 or more months while between the ages of 16 and 21, was a ward of the court pursuant to ORS 419B.100 (1)(b) to (e) and in the legal custody of the Department of Human Services for out-of-home placement.

(b) "Public safety officer" means:

(A) A firefighter or police officer as those terms are defined in ORS 237.610.

(B) A member of the Oregon State Police.

SECTION 151. ORS 348.280 is amended to read:

348.280. The Oregon Student [*Assistance*] **Access** Commission shall:

(1) Determine which students are eligible to receive scholarships under ORS 348.270.

(2) Grant the appropriate scholarships under ORS 348.270.

(3) Make necessary rules for application and distribution of the benefits available under ORS 348.270 and this section.

(4) Establish rules and procedures necessary to carry out the provisions of ORS 348.270 and this section, including but not limited to the usual and customary rules for analyzing financial need.

(5) In awarding scholarships pursuant to its authority under ORS 348.520, give priority to students who are eligible to receive scholarships under ORS 348.270.

SECTION 152. ORS 348.282 is amended to read:

348.282. As used in this section and ORS 348.283:

(1) "Armed Forces of the United States" means:

(a) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(b) The reserves of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; and

(c) The Oregon National Guard and a National Guard of any other state or territory.

(2) "Public post-secondary institution" means:

(a) A [*state institution*] **public university** under the direction of the State Board of Higher Education; and

- (b) A community college operated under ORS chapter 341.
- (3) "Veteran" has the meaning given that term in ORS 408.225.

SECTION 153. ORS 348.283 is amended to read:

348.283. (1) There is established within the Oregon Student [*Assistance*] **Access** Commission the Oregon Troops to Teachers program. Through the program, the commission shall pay for all of the resident tuition charges of a veteran imposed by a public post-secondary institution, provided the veteran:

- (a) Was discharged from the Armed Forces of the United States;
- (b) Is a resident of Oregon; and
- (c) Agrees to teach:

(A) In an Oregon school district or public charter school classified as serving a high poverty area for not less than three years; or

(B) In the area of mathematics, science or special education for not less than four years.

(2) An award under subsection (1) of this section shall be used for the purpose of paying resident tuition. The commission may not award funds under subsection (1) of this section for the purpose of paying for books, supplies, housing, food or any other costs associated with attending a public post-secondary institution.

(3) The commission shall adopt rules necessary for the implementation and administration of this section in consultation with the Department of Education and the Oregon University System.

SECTION 154. ORS 348.290 is amended to read:

348.290. The Oregon Student [*Assistance*] **Access** Commission shall apply the interest on the amount transferred to the Oregon Student Assistance Fund under section 4, chapter 377, Oregon Laws 1985, to provide financial aid, as defined in ORS 348.505, to students to study barbering, hairdressing, manicure and esthetics at eligible post-secondary schools.

SECTION 155. ORS 348.310 is amended to read:

348.310. (1) The Oregon Student [*Assistance*] **Access** Commission is authorized to make loans to all qualified applicants, from the fund created in ORS 348.390 (1), to assist in financing the cost of a program of study leading to the degree of Doctor of Medicine or to the degree of Doctor of Osteopathic Medicine.

(2) The [*Oregon Student Assistance*] commission shall:

(a) Develop criteria for the preparation of applications and procedures for the submission, evaluation, priority selection and award of loans provided for in ORS 348.310 to 348.390;

(b) Determine the number and amount of loans and loan renewals; and

(c) Adopt such rules as may be necessary to implement ORS 348.310 to 348.390.

SECTION 156. ORS 348.320 is amended to read:

348.320. (1) A person shall be eligible for a loan under ORS 348.310 to 348.390 if the person is:

(a) A bona fide resident of this state;

(b) Accepted for enrollment, or is a student in good standing in the professional medical program at an accredited medical school located in the United States or in an accredited school of osteopathic medicine;

(c) As a result of personal financial resources, unable to pursue a program of study in the absence of a loan or would be unable to do so without great hardship; and

(d) Desirous of practicing medicine in a rural community in this state, and in an area which meets the qualifications of a medical shortage area.

(2) The person desiring consideration for a loan under ORS 348.310 to 348.390 shall apply to the Oregon Student [*Assistance*] **Access** Commission.

(3) The person desiring consideration for a loan under ORS 348.310 to 348.390 shall agree in writing to practice medicine in a medical shortage area as defined by the Oregon Health Authority, for a period equal to the period covered by the loan, but no less than two years.

SECTION 157. ORS 348.330 is amended to read:

348.330. In addition to any other financial aid provided by law, the Oregon Student [*Assistance*] **Access** Commission may grant loans in the following amounts:

(1) Persons in their first or second year of study, or the equivalent thereof, are eligible for an amount not to exceed \$5,000 per academic year.

(2) Persons in their third or fourth year of study, or the equivalent thereof, are eligible for an amount not to exceed \$7,500 per academic year.

SECTION 158. ORS 348.340 is amended to read:

348.340. (1) The Oregon Student [*Assistance*] **Access** Commission is further authorized to establish and administer cost-sharing loan fund programs which provide for assistance, in conjunction with community agencies or organizations, selected and approved by the commission in a rural community in the state having a population of fewer than 7,500 persons. Participation in such a program shall be on a matching funds basis between the Rural Medical Education Loan Fund and the approved community agency and shall fund the educational costs, fees and charges of a specific, eligible student, who shall be approved by the participating community and the [*Oregon Student Assistance*] commission.

(2) Funds provided from the Rural Medical Education Loan Fund under subsection (1) of this section shall not exceed 75 percent of the total amount calculated to be necessary to fund one person for one year, in an approved school as determined by the [*Oregon Student Assistance*] commission.

(3) The eligibility requirements for persons participating in the program established in subsection (1) of this section shall be the same as the requirements for eligibility in the loan program under ORS 348.320.

(4) Upon completion of the program of study and training for licensure, the person receiving funds under this section shall not be required to repay such funds if the person practices medicine in the community providing the matching funds. The person shall practice medicine one year for each year that funds were provided, but in no event shall the person practice less than two years.

SECTION 159. ORS 348.350 is amended to read:

348.350. (1) The Oregon Student [*Assistance*] **Access** Commission is authorized to establish and administer a cost-sharing program to train intern and residency physicians as may be arranged by contract with an accredited training hospital within this state. The cost sharing shall be limited to general practice internships and family practice residencies. The commission may pay up to \$18,000 to an institution for each intern or resident position which is reserved for training students who are planning to enter medical practice in rural areas.

(2) Funds for programs established under subsection (1) of this section shall be paid from the Rural Medical Education Loan Fund.

(3) No money appropriated under this section shall be used for any program at the Oregon Health and Science University. The center shall be required to give priority admissions to recipients under ORS 348.310 to 348.390 in its family practice residency programs.

SECTION 160. ORS 348.360 is amended to read:

348.360. Each loan granted under ORS 348.330 and 348.340 is renewable annually. The Oregon Student [*Assistance*] **Access** Commission shall renew the loans upon application by the recipient when the commission finds that the applicant has successfully completed the required work for the preceding academic year and is a student in good standing, is a resident of this state and is in a financial condition that warrants the continuation of such aid.

SECTION 161. ORS 348.370 is amended to read:

348.370. (1) Persons receiving funds under ORS 348.310 to 348.390 shall not be required to repay the funds if the person practices medicine in a rural community in this state having a population of fewer than 7,500 persons and which meets the qualifications of a medical shortage area.

(2) The fund recipient shall practice medicine in the area designated under subsection (1) of this section at the rate of one year for each year the funds were provided to that recipient, but in no event shall any recipient practice medicine in an area less than two years.

(3) Any person receiving funds under ORS 348.310 to 348.390 who fails to complete the course of study, shall be required to repay the amount received to the Rural Medical Education Loan Fund.

Ten percent interest shall be charged on the unpaid balance, accrued from the date the loan was granted.

(4) Any person receiving funds under ORS 348.310 to 348.390 who completes the course of study and requirements for licensure but fails to fulfill the obligations required by the loan, shall repay the amount received to the Rural Medical Education Loan Fund. Ten percent interest shall be charged on the unpaid balance, accrued from the date the loan was granted. Additionally, a penalty fee, equal to 25 percent of the total amount of funds received shall be assessed against the person. No interest shall accrue on the penalty.

(5) Any funds received by the Rural Medical Education Loan Fund under subsections (3) to (6) of this section shall be used by the Oregon Student [Assistance] **Access** Commission for the purpose of carrying out the provisions of ORS 348.310 to 348.390.

(6) The [Oregon Student Assistance] commission may waive any interest or penalty assessed under subsections (3) to (6) of this section in case of undue hardship.

SECTION 162. ORS 348.390 is amended to read:

348.390. (1) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Rural Medical Education Loan Fund, which may be invested in the same manner as the Oregon Student Assistance Fund. This fund may receive funds from state and private sources for the purpose of making loans to student residents of this state who are determined to be eligible to receive funds under ORS 348.310 to 348.390. Interest earned by the fund shall be credited to the fund.

(2) All funds for and relating to loans received by the Oregon Student [Assistance] **Access** Commission, including repayments, interest and penalties, for the Rural Medical Education Loan Fund, except moneys appropriated from the State Treasury for a specified period of time, are continuously appropriated to the Rural Medical Education Loan Fund for the purposes for which the fund was created.

SECTION 163. ORS 348.394 is amended to read:

348.394. As used in ORS 348.394 to 348.406:

(1) "Eligible post-secondary institution" means:

(a) A [state institution under the direction of the State Board of Higher Education] **public university** listed in ORS 352.002;

(b) A community college as defined in ORS 341.005; or

(c) A generally accredited, not-for-profit institution of higher education.

(2) "Participant" means a student who receives a grant under ORS 348.401.

SECTION 164. ORS 348.427 is amended to read:

348.427. (1) To encourage community service participation among students in institutions of higher education, there is established a higher education community service voucher program within the Oregon Student [Assistance] **Access** Commission. The commission shall allocate the amount available to it for the purposes under ORS 348.427 to 348.436 by awarding the institution's share of the amount to each institution of higher education in this state that is eligible for or whose students are eligible for financial aid under Title IV, Part B, of the Higher Education Act of 1965 as amended. The institution's share shall be based on the proportion of its enrollment of full-time students to the enrollment of full-time students in all institutions of higher education in this state.

(2) An institution of higher education in this state that receives an amount under subsection (1) of this section shall award amounts from the institution's share to various academic departments in the institution. Vouchers awarded to eligible voucher recipients shall be in \$35 denominations for each eight hours of eligible community service. Priority shall be given to otherwise eligible applicants who have applied previously but not been awarded a place in the voucher program.

(3) In order to be eligible, a voucher recipient must perform approved services for at least 20 hours per week in one term for a state or local government entity or a nonprofit social service agency recognized as tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986. However, a voucher recipient shall not be assigned duties that are performed by a public employee

if the assignment would displace the public employee. A voucher recipient may be assigned within the institution to assist in maintaining the program authorized by ORS 348.427 to 348.436.

(4) A voucher recipient is eligible for the voucher awards for only one term as an undergraduate student. In addition to the vouchers, the recipient shall receive graded academic credit to be determined by the institution. However, participation in the program does not replace any practicum or internship required for a degree.

SECTION 165. ORS 348.429 is amended to read:

348.429. (1) In addition to any other student assistance provided by the law, the Oregon Student [Assistance] **Access** Commission shall award vouchers to eligible students participating in the program.

(2) The total of all vouchers earned by a student under this section in one term shall not exceed an amount equal to the average tuition and associated fees charged annually to full-time resident undergraduate students by [institutions under the jurisdiction of the State Board of Higher Education] **public universities listed in ORS 352.002.**

(3) Vouchers shall be provided in \$35 denominations for each eight hours of eligible community service.

(4) The commission shall:

(a) Determine and approve which community service organizations and services within the programs of such organizations are eligible for participation in the program.

(b) Accept the students that the institutions consider eligible for vouchers under ORS 348.427 to 348.436.

(c) Provide payment for vouchers presented by the program students at eligible institutions.

(d) Establish procedures necessary to carry out the provisions of ORS 348.427 to 348.436, including adopting necessary rules.

(5) Funds received in redemption of the vouchers granted pursuant to ORS 348.427 to 348.436 shall not be considered personal income for the purposes of ORS 316.037.

(6) The vouchers authorized by ORS 348.427 to 348.436 shall first become available when funds are available therefor from sources other than the General Fund, as determined by the commission.

SECTION 166. ORS 348.436 is amended to read:

348.436. There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Community Service Voucher Fund, which may be invested in the same manner as the Oregon Student Assistance Fund. This fund may receive moneys from federal, state or private sources for the purpose of providing payment for the redemption of vouchers authorized by ORS 348.427 to 348.436 and for the administration of the community service voucher program. This fund, including the interest earnings thereon, if any, is continuously appropriated to the Oregon Student [Assistance] **Access** Commission for those purposes for which such funds were provided to or received or collected by the commission.

SECTION 167. ORS 348.444 is amended to read:

348.444. (1) There is created the Nursing Faculty Loan Repayment Program, to be administered by the Oregon Student [Assistance] **Access** Commission. The purpose of the program is to provide loan repayments on behalf of nurse educators at nursing schools in Oregon who have earned a master's or doctoral degree from an accredited nursing education program.

(2) The commission shall by rule adopt, in consultation with the Oregon State Board of Nursing and the Oregon Center for Nursing, criteria for participation in the Nursing Faculty Loan Repayment Program.

SECTION 168. ORS 348.448 is amended to read:

348.448. (1) To be eligible to participate in the Nursing Faculty Loan Repayment Program, a nurse educator or prospective nurse educator shall submit a letter of interest to the Oregon Student [Assistance] **Access** Commission.

(2) At the end of each school year in which a nurse practices as a nurse educator in Oregon, the commission shall pay an amount not to exceed the lesser of 20 percent of the total of the nurse's outstanding qualifying loans or \$10,000 as adjusted under subsection (4) of this section.

(3) The commission may make the annual payments under this section for up to:

- (a) Three years for a nurse educator who has earned a master's degree; or
- (b) Five years for a nurse educator who has earned a doctoral degree.

(4)(a) The commission shall adjust annually the maximum dollar amount allowed under subsection (2) of this section by multiplying that amount by a cost-of-living adjustment as specified in this subsection.

(b) The cost-of-living adjustment applied to the maximum dollar amount allowed under subsection (2) of this section shall be equal to the ratio of the seasonally adjusted United States City Average Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor for April of that calendar year divided by the value of the same index for April 2009.

(c) If the value of the dollar amount determined under paragraph (a) of this subsection is not a multiple of \$100, the commission shall round the dollar amount to the next lower multiple of \$100.

SECTION 169. ORS 348.500 is amended to read:

348.500. (1) The Oregon Student [Assistance] **Access** Commission may establish Access to Student Assistance Programs in Reach of Everyone (ASPIRE) to provide information about financial aid and education and training options beyond high school to students in Oregon secondary schools. The goals of the programs are to:

(a) Provide mentoring and resources to help students access education and training beyond high school;

(b) Help high schools build a sustainable community of volunteer mentors; and

(c) Educate students and families about the scholarship application process and other options for paying for post-secondary education.

(2) The programs shall bring together students, school staff, community volunteers and parents to help students overcome obstacles to their continuing education. The programs may provide training, technical assistance and other resources to Oregon high schools on how to establish a volunteer-based program. Adult volunteers who are trained through the program may provide mentoring, training and encouragement to students about post-secondary options and financial aid.

SECTION 170. ORS 348.505 is amended to read:

348.505. As used in ORS 348.500 to 348.695:

(1) "Commission" means the Oregon Student [Assistance] **Access** Commission.

(2) "Financial aid" includes loans, grants, scholarships, work opportunities and other forms of financial aid to assist students in completing their post-high-school education.

SECTION 170a. ORS 348.510 is amended to read:

348.510. (1) There is created an Oregon Student [Assistance] **Access** Commission consisting of seven members, appointed by the Governor.

(2) The term of office of a member of the commission is four years, except that the term for a student member shall be two years, and, after confirmation of the appointment by the Senate, the member shall serve at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor to succeed the member whose term is expiring. A successor appointed for a full term shall assume commission member duties on July 1 following the appointment. A member is eligible for reappointment. A student member is limited to reappointment to one two-year term. In case of a vacancy on the commission for any cause, except where the vacancy is caused by the normal expiration of a member's term, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) The appointment of a member of the commission is subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(4) Two members of the commission shall be students at institutions of higher education or community colleges in Oregon at the time of appointment, with the duly organized and recognized entities of student government at each institution of higher education or community college submitting the name of one student to the Governor to assist the Governor in making the appointments. Other members of the commission shall be [*citizens of the*] **residents of this** state chosen for their

knowledge of and interest in education, but these other members shall not be persons employed by any institution of higher education or community college located in the state.

SECTION 170b. The Oregon Student Access Commission replaces the Oregon Student Assistance Commission. All of the duties, functions and powers of the Oregon Student Assistance Commission are imposed upon, transferred to and vested in the Oregon Student Access Commission. The rights and obligations of the Oregon Student Assistance Commission legally incurred before the operative date specified in section 292a of this 2011 Act are transferred to the Oregon Student Access Commission and for the purposes of succession of these rights and obligations, in addition to the statutory duties, functions and powers, the Oregon Student Access Commission is a continuation of the Oregon Student Assistance Commission.

SECTION 170c. (1) The amendments to ORS 348.510 by section 170a of this 2011 Act are intended to change the name of the Oregon Student Assistance Commission to the Oregon Student Access Commission.

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Oregon Student Assistance Commission," wherever they occur in statutory law, words designating the "Oregon Student Access Commission."

SECTION 171. ORS 348.520 is amended to read:

348.520. The Oregon Student [Assistance] Access Commission shall:

(1) Make available to qualified persons financial aid from financial sources available to the commission.

(2) Determine qualifications of persons to receive financial aid.

(3) Maintain reports and records on persons applying for and receiving financial aid from the commission.

(4) Withhold any financial aid if the recipient thereof fails to maintain the standards established for receipt of that aid.

(5) Recommend to the Legislative Assembly not less than once every biennium matters relating to the establishment, administration, modification, transfer, reduction or cancellation of financial aid.

(6) Prior to implementing changes to the Oregon Opportunity Grant program, report to the Legislative Assembly or the Emergency Board any proposed change:

(a) That increases or decreases the total amount awarded as Oregon Opportunity Grants that was approved as part of the budget enacted by the Legislative Assembly for the commission; and

(b) To the methodology used to determine the student share, family share or state share under ORS 348.205.

(7) Encourage the establishment of financial aid programs by private agencies.

(8) Collect and disseminate information pertaining to all types of available financial aid.

(9) Review the administrative practices and evaluate the effectiveness of all public and private post-secondary financial aid programs in Oregon.

(10) Disburse state appropriations for financial aid in such a manner as to maximize its role in cooperative coordination of financial aid programs.

SECTION 171a. ORS 348.520, as amended by section 171 of this 2011 Act, is amended to read:

348.520. The Oregon Student Access Commission shall:

(1) Make available to qualified persons financial aid from financial sources available to the commission.

(2) Determine qualifications of persons to receive financial aid.

(3) Maintain reports and records on persons applying for and receiving financial aid from the commission.

(4) Withhold any financial aid if the recipient thereof fails to maintain the standards established for receipt of that aid.

(5) Recommend to the Legislative Assembly not less than once every biennium matters relating to the establishment, administration, modification, transfer, reduction or cancellation of financial aid.

(6) Prior to implementing changes to the Oregon Opportunity Grant program, report to the **Higher Education Coordinating Commission and the** Legislative Assembly or the Emergency Board any proposed change:

(a) That increases or decreases the total amount awarded as Oregon Opportunity Grants that was approved as part of the budget enacted by the Legislative Assembly for the **Oregon Student Access** Commission; and

(b) To the methodology used to determine the student share, family share or state share under ORS 348.205.

(7) Encourage the establishment of financial aid programs by private agencies.

(8) Collect and disseminate information pertaining to all types of available financial aid.

(9) Review the administrative practices and evaluate the effectiveness of all public and private post-secondary financial aid programs in Oregon.

(10) Disburse state appropriations for financial aid in such a manner as to maximize its role in cooperative coordination of financial aid programs.

SECTION 172. ORS 348.530 is amended to read:

348.530. The Oregon Student [*Assistance*] **Access** Commission may:

(1) Negotiate for and contract with private and governmental agencies for the establishment of financial aid programs.

(2) Receive gifts of any type, including gifts of stock and real property, for the purpose of establishing, continuing and increasing financial aid.

(3) Administer any form of financial aid submitted to and accepted for administration by the commission.

(4) Authorize payment from funds appropriated therefor, of costs, commissions, attorney fees and other reasonable expenses, including refund of overpayment of fees, [*which*] **that** are related to and necessary for making and protecting guaranteed loans and recovering moneys and loans and management of property acquired in connection with such loans.

(5) Sue and be sued.

(6) Pursuant to ORS chapter 183, adopt such rules as may be necessary to carry out the provisions of ORS 348.040 to 348.280, 348.500 to 348.695 and 348.992.

(7) Cooperatively coordinate all types of financial aid activities.

(8) Establish a State of Oregon scholar program to recognize students with outstanding academic achievement and other demonstrated attributes. The students will not necessarily receive financial aid.

(9) Guarantee loans by eligible lending institutions to student residents of the State of Oregon who are enrolled or accepted for enrollment at any eligible institution, nonresident students enrolled or accepted for enrollment in an institution of higher education or community college in Oregon, and parents of those students, under the provisions of the Higher Education Act of 1965 as amended.

(10) Deny financial aid to any student owing a refund or in default on financial aid previously made available to that student.

(11) Establish and implement any program permitted under federal law to guaranty agencies, including administrative garnishment and wage withholding under Public Law 102-164, section 605.

SECTION 172a. ORS 348.540 is amended to read:

348.540. (1) The Oregon Student [*Assistance*] **Access** Commission shall select one of its members as chairperson, and another as vice chairperson, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the commission shall determine.

(2) A majority of the commission constitutes a quorum for the transaction of business.

(3) The commission shall meet at the call of the chairperson or of a majority of the members of the commission.

SECTION 172b. ORS 348.550 is amended to read:

348.550. A member of the Oregon Student [Assistance] **Access** Commission is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 172c. ORS 348.560 is amended to read:

348.560. Subject to any applicable provisions of the State Personnel Relations Law, the Oregon Student [Assistance] **Access** Commission may employ and fix the compensation of any employees it deems necessary for the effective conduct of the work under its charge. The commission may also arrange with the Oregon University System for use of staff and office space under the jurisdiction of the Oregon University System.

SECTION 173. ORS 348.563 is amended to read:

348.563. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Oregon Student [Assistance] **Access** Commission may require the fingerprints of a person who:

- (1)(a) Is employed or applying for employment by the commission; or
- (b) Provides services or seeks to provide services to the commission as a contractor or volunteer; and
- (2) Is, or will be, working or providing services in a position:
 - (a) In which the person has direct access to facilities where students reside or to persons under 18 years of age, elderly persons or persons with disabilities;
 - (b) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;
 - (c) In which the person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations; or
 - (d) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state.

SECTION 174. ORS 348.570 is amended to read:

348.570. (1) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Oregon Student Assistance Fund for investment as provided by ORS 293.701 to 293.820 and for the payment of the expenses of the Oregon Student [Assistance] **Access** Commission in carrying out the purposes of ORS 348.210 to 348.250, 348.505 to 348.615, 348.696 and 348.992. Interest earned by the fund shall be credited to the fund.

(2) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Alternative Student Loan Program Fund for investment as provided by ORS 293.701 to 293.820 and for the payment of expenses of the commission in carrying out the purposes of ORS 348.625 to 348.695. This fund, including the interest earnings on the fund, if any, is continuously appropriated to the commission for those purposes for which such funds were provided to, received or collected by the commission.

(3)(a) There is established in the General Fund an account to be known as the Nursing Services Account. Funds in the account shall be used for the payment of expenses of the Nursing Services Program created in ORS 442.540.

(b) The account shall consist of:

- (A) Funds appropriated to the Oregon Student [Assistance] **Access** Commission for deposit into the account;
- (B) Collections and penalties received by the commission under ORS 442.545; and
- (C) Any donations or grants received by the commission for purposes of the Nursing Services Program.

(c) Any funds in the account that are not expended in any biennium shall be retained in the account and may be expended in subsequent biennia.

(4) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Former Foster Youth Scholarship Fund. Moneys received from appropriations, donations and grants shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Student [Assistance] Access Commission for the purposes of investment, as provided by ORS 293.701 to 293.820, and for carrying out the provisions of ORS 348.270 (1)(b). Interest earned by the fund shall be credited to the fund.

(5) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the ASPIRE Program Fund. Moneys received from donations and grants shall be credited to the ASPIRE Program Fund. Moneys in the fund are continuously appropriated to the Oregon Student [Assistance] Access Commission for the purposes of investment, as provided by ORS 293.701 to 293.820, and for carrying out the provisions of ORS 348.500. Interest earned by the fund shall be credited to the fund.

(6)(a) There is established in the State Treasury the Nursing Faculty Loan Repayment Fund, separate and distinct from the General Fund. Interest earned on the Nursing Faculty Loan Repayment Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Student [Assistance] Access Commission for carrying out ORS 348.440 to 348.448. The Nursing Faculty Loan Repayment Fund consists of:

(A) Moneys appropriated to the commission for the Nursing Faculty Loan Repayment Program created in ORS 348.444; and

(B) Grants, gifts or donations received by the commission for the program.

(b) Any unexpended funds in the fund at the end of a biennium shall be retained in the fund and may be expended in subsequent biennia.

SECTION 175. ORS 348.580 is amended to read:

348.580. (1) Subject to the terms of the governing instruments and applicable law, the Oregon Student [Assistance] Access Commission may enter into agreements with one or more community foundations in Oregon to assume the management of the privately funded student aid programs of the commission. The commission may transfer to the community foundation any or all gifts or scholarship grants received by the commission from any private donor.

(2) All gifts or scholarship grant funds received by the commission that are not transferred to community foundations pursuant to subsection (1) of this section shall be placed in the hands of the State Treasurer, who is designated as the custodian thereof and who may hold, in the manner provided by law, the principal and interest on the gifts and grants. Funds may be withdrawn periodically by the commission to provide for administrative expenditures and make payments upon scholarships awarded by the commission.

(3) As used in this section, "community foundation" means an organization that is:

(a) A community trust or foundation within the meaning of section 170 of the Internal Revenue Code of 1986 and section 1.170A-9(e)(10) of the Treasury Regulations thereunder;

(b) Exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986; and

(c) Not a private foundation within the meaning of section 509 of the Internal Revenue Code of 1986.

SECTION 176. ORS 348.590 is amended to read:

348.590. All funds for and relating to student aid programs received by the Oregon Student [Assistance] Access Commission pursuant to federal grant or from any other source, except moneys appropriated from the State Treasury for a specified period of time, hereby are continuously appropriated to the commission for the purposes for which such funds were provided and received by the commission.

SECTION 177. ORS 348.592 is amended to read:

348.592. (1) The Oregon Student [Assistance] Access Commission may obtain loan cancellation insurance for any person holding a loan under this section and ORS 348.505 to 348.530 and 348.570.

(2) Such insurance shall insure the life of the student who borrows under this section and ORS 348.505 to 348.530 and 348.570 for the amount of the principal and interest due on the loan and the

State of Oregon shall be named as the beneficiary. If the borrower dies before repaying the loan, the insurance shall be used to pay the balance of the loan and the commission shall issue a satisfaction of the obligation.

(3) The Oregon Department of Administrative Services shall procure bids for the purchasing of insurance in compliance with the laws governing the purchase and furnishing of services to state agencies.

SECTION 178. ORS 348.597 is amended to read:

348.597. (1) Except as provided in subsection (2) of this section, ORS 348.594 to 348.615 apply to all schools that operate in this state.

(2) ORS 348.594 to 348.615 do not apply to:

(a) An Oregon community college;

(b) A *[state institution of higher education within the Oregon University System]* **public university listed in ORS 352.002;**

(c) The Oregon Health and Science University;

(d) A school, or a separately accredited campus of a school, if the school:

(A) Is a nonprofit school that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;

(B) Conferred degrees in this state under the same control for at least five consecutive years; and

(C) Is accredited by a regional accrediting association or its national successor;

(e) A school that, on the date preceding July 15, 2005, was a school described in ORS 348.594 (2)(d); or

(f) A school that is exempt from ORS 348.594 to 348.615 under ORS 348.604.

SECTION 179. ORS 348.601 is amended to read:

348.601. The *[Office of]* Degree Authorization Account is established separate and distinct from the General Fund. All moneys received by the *[office, other than appropriations from the General Fund,]* **Higher Education Coordinating Commission under ORS 348.603, 348.606 and 348.609** shall be deposited into the account and are continuously appropriated to the *[Oregon Student Assistance]* **Higher Education Coordinating Commission** to carry out the duties, functions and powers of the *[office]* **commission under ORS 348.594 to 348.615.**

SECTION 180. ORS 348.603 is amended to read:

348.603. (1) The *[Oregon Student Assistance Commission, through the Office of Degree Authorization,]* **Higher Education Coordinating Commission** shall:

(a) Authorize approved schools to offer academic degree programs;

(b) Authorize approved degree-granting schools to offer nondegree programs leading to a certificate or diploma;

(c) Validate claims of degree possession;

(d) Terminate substandard or fraudulent degree activities;

(e) Terminate activities of diploma mills operating in or from Oregon;

(f) Except as provided in subsection (4) of this section, terminate the operation in or from Oregon of post-secondary accrediting bodies that are not recognized by the United States Department of Education or by the commission; and

(g) Review proposed new publicly funded post-secondary programs and locations.

(2)(a) Following review of a proposed new publicly funded post-secondary program or location that is not a career pathways certificate of completion program described in ORS 348.611, the commission shall recommend resolution to the appropriate governing boards and mediate between the boards to seek a negotiated resolution if:

(A) There is a detrimental duplication of programs; or

(B) The program or location would have a significantly adverse impact on one or more other segments of education.

(b) If the boards do not resolve the issue raised under paragraph (a) of this subsection within 90 days of the date when the issue was recommended to the boards for mediation, the commission

shall have final authority for approval or disapproval of the program or location. If the boards do not resolve the issue, the commission shall approve or disapprove the program or location within 180 days of the date when the review began.

(c) If the boards do not resolve the issue, the commission shall approve the program or location if the commission finds that the program or location meets an unmet workforce need in the state.

(d) The commission shall establish by rule a fair and neutral decision-making process in consultation with representatives designated by the State Board of Education, the State Board of Higher Education, associations representing Oregon independent colleges, associations representing Oregon career colleges, and the governing boards of otherwise unrepresented post-secondary schools.

(3) The commission, by rule, may impose a fee on any school or person requesting information from the commission. The amount of the fee shall be established to recover designated expenses incurred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees collected under this subsection shall be deposited in the [Office of] Degree Authorization Account established under ORS 348.601.

(4) Subsection (1)(f) of this section does not apply to a body the role of which is to accredit schools that offer only associate, bachelor's or master's degrees with titles in theology or religious occupations or, if the schools also offer doctoral degrees, offer doctoral degrees only in theology or religious occupations that have been approved by a federally recognized accrediting organization.

SECTION 181. ORS 348.604 is amended to read:

348.604. Upon application from a school, as defined in ORS 348.594, the [Oregon Student Assistance Commission, through the Office of Degree Authorization,] **Higher Education Coordinating Commission** shall grant an exemption from ORS 348.594 to 348.615 to the school if the school:

(1) Is, or is operated by, a nonprofit corporation;

(2) Offers only associate, bachelor's or master's degrees with titles in theology or religious occupations, or, if the school also offers doctoral degrees, offers doctoral degrees in theology or religious occupations that have been approved by a federally recognized accrediting organization;

(3) Teaches students with faculty members who:

(a) Hold degrees:

(A) From a school that, at the time of the conferral of the degrees, was accredited by a federally recognized accrediting organization, held an exemption under this section, or was a school described in ORS 348.594 (2)(d) on the date preceding July 15, 2005;

(B) That are at least one level above the degree level of the program in which the faculty members teach or that are the terminal degrees in the field in which the faculty members teach; and

(C) That are not honorary degrees; or

(b) Possess sufficient compensatory qualifications to substitute for academic degrees in the fields in which the faculty members teach;

(4) Offers a curriculum:

(a) Of a duration and level that is comparable to the curriculums offered by schools that are not exempt under this section; and

(b) That, with higher degrees, increases the difficulty of the work expected of students;

(5) Requires students to complete academic assignments and to demonstrate learning appropriate to the curriculum;

(6) Awards credit toward degrees proportionate to the work done by students;

(7) Offers admission:

(a) To a student:

(A) With a high school diploma or an equivalent credential; or

(B) Who completed the equivalent of a high school education through home study; and

(b) Based on evidence that the student can reasonably expect to complete a degree and benefit from the education offered;

(8) Provides or arranges for faculty members and students to have access to information that supports instruction and stimulates research or independent study in all areas of the curriculum;

(9) Provides accurate and appropriate credit transcripts to students of the school and accurate and appropriate diplomas to graduates of the school;

(10) Charges tuition by the credit hour or other fixed rate for instruction during an academic term and does not charge tuition or fees for the award of a degree or charge a single fee for an entire degree program;

(11) Provides the oversight required by the commission [*through the office*] over a faculty member or administrator who has:

(a) Been convicted of a felony; or

(b) Violated a state or federal law related to the operation of a school;

(12) Provides facilities that permit private communication between faculty members and students;

(13) Provides a number of faculty members that is adequate for the number of students enrolled;

(14) Provides clear and accurate information to students about the school's expectations of students in the school's courses;

(15) Ensures that a student who is pursuing a degree is making continuous progress toward the degree;

(16) Before a student enrolls in the school, informs the student that a school to which the student might transfer retains the discretion whether to accept the transfer of credits earned at the school;

(17) Provides official transcripts of faculty members to the [*office*] **commission**; and

(18) Pays the fee imposed by ORS 348.607.

SECTION 182. ORS 348.605 is amended to read:

348.605. (1) A school that obtains an exemption under ORS 348.604 or that, on the date preceding July 15, 2005, was a school described in ORS 348.594 (2)(d) may not:

(a) Award more than 25 percent of the credit toward a degree for noninstructional activities, such as challenge examinations and professional or life experiences;

(b) Represent that the school is:

(A) Approved by the State of Oregon; or

(B) Accredited by an organization unless the organization is recognized as an accreditor by the United States Department of Education; or

(c) Pay a faculty member a commission or otherwise base a faculty member's compensation on the faculty member's recruitment of students to the school.

(2) A school that obtains an exemption under ORS 348.604 or that, on the date preceding July 15, 2005, was a school described in ORS 348.594 (2)(d) shall:

(a) Preserve official transcripts for all faculty members and students;

(b) Notify the [*Office of Degree Authorization*] **Higher Education Coordinating Commission** if a faculty member or administrator at the school has:

(A) Been convicted of a felony; or

(B) Violated a state or federal law related to the operation of a school;

(c) Place in any course catalog that is available to students or to the public a notice that states: "(Name of school) has been granted exempt status by the State of Oregon to offer theological and/or religious occupations degrees.";

(d) If the school closes, return to students tuition payments for the current term on a prorated basis;

(e) If the school provides placement services to a student, describe the placement services clearly and accurately to the student and avoid giving unrealistic expectations of placement to the student; and

(f) If an administrator claims to possess an academic degree:

(A) Ensure that the administrator possesses the academic degree that the administrator claims to possess; and

(B) Require that the degree is from a school that, at the time of the conferral of the degree, was accredited by a federally recognized accrediting organization, held an exemption under this section, or was a school described in ORS 348.594 (2)(d) on the date preceding July 15, 2005.

SECTION 183. ORS 348.606 is amended to read:

348.606. (1) A school may not confer or offer to confer any academic degree upon a person, or provide services purporting to lead to a degree in whole or in part, without first obtaining approval from the [*Oregon Student Assistance Commission through the Office of Degree Authorization*] **Higher Education Coordinating Commission**. The commission shall adopt by rule standards and procedures for the approval of schools.

(2)(a) The commission, by rule, may impose a fee on any school applying for approval to confer or offer to confer a degree upon a person or to provide academic credit applicable to a degree. The fee is nonrefundable.

(b) The amount of the fee shall be established to recover designated expenses incurred by the commission in carrying out the administration of ORS 348.594 to 348.615, and may not exceed the following amounts adjusted for inflation annually, beginning on July 1, 2007, pursuant to the increase, if any, from the preceding year in the U.S. City Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of Labor Statistics of the United States Department of Labor:

- (A) For a doctoral degree, \$5,500.
- (B) For a master's degree, \$4,150.
- (C) For a bachelor's degree, \$4,150.
- (D) For an associate degree, \$2,750.
- (E) For a certificate or for any partial degree program, \$1,000.

(c) In addition to the base fee described in paragraph (b) of this subsection, the commission may assess the actual costs related to the use of experts to evaluate programs leading to professional licensure by the state, if such costs exceed 10 percent of the base fee.

(d) Any fees collected under this subsection shall be deposited in the [*Office of*] Degree Authorization Account established under ORS 348.601.

SECTION 184. ORS 348.607 is amended to read:

348.607. (1) The [*Oregon Student Assistance Commission*] **Higher Education Coordinating Commission** may, by rule, impose a fee on a school that applies for an exemption under ORS 348.604. The amount of the fee may not exceed the lesser of:

- (a) The actual cost to the commission of determining the school's compliance with the requirements for an exemption under ORS 348.604; or
 - (b) Fifty percent of the fee that the commission would impose on the school under ORS 348.606
- (2) if the school were applying for approval to offer a bachelor's degree.

(2) Except as provided in ORS 348.604 or 348.608 or section 6, chapter 546, Oregon Laws 2005, the commission may not impose requirements for a religious exemption from ORS 348.594 to 348.615.

SECTION 185. ORS 348.608 is amended to read:

348.608. (1) Each year, on a date prescribed by the [*Office of Degree Authorization*] **Higher Education Coordinating Commission**, a school that obtains an exemption under ORS 348.604 or a school that, on the date preceding July 15, 2005, was a school described in ORS 348.594 (2)(d), shall submit to the [*office*] **commission** a statement that reads: "(Name of School) hereby certifies that the school remains in compliance with all conditions for a religious exemption from ORS 348.594 to 348.615."

(2) A school that obtains an exemption under ORS 348.604 or a school that, on the date preceding July 15, 2005, was a school described in ORS 348.594 (2)(d) remains exempt unless the [*office*] **commission** suspends or revokes the exemption.

(3) The [*office*] **commission** may suspend or revoke an exemption if:

(a) After the notice and opportunity to cure provided in subsection (4) of this section, a school fails to provide the statement required by subsection (1) of this section;

(b) The [office] **commission** has received a complaint from a student or former student of the school that the school is failing to comply with a condition for exemption under ORS 348.604, the [office] **commission** determines that the complaint is valid, the school has been provided with notice and opportunity to cure as required by subsection (4) of this section and the school fails to comply with the condition listed in the notice; or

(c) After the notice and opportunity to cure provided in subsection (4) of this section, a school is in violation of ORS 348.605.

(4) The [Oregon Student Assistance Commission, through the office,] **commission** shall provide notice of and 90 days to cure a school's:

(a) Failure to provide the statement required by subsection (1) of this section;

(b) Failure to maintain compliance with a condition for exemption under ORS 348.604 if the [office] **commission** has received a complaint from a student or former student of the school that the school is failing to comply with a condition for exemption under ORS 348.604 and the [office] **commission** has determined the complaint is valid; or

(c) Violation of ORS 348.605.

(5) A school may appeal the denial, suspension or revocation of an exemption to the commission.

(6) A school may appeal [to the commission the office's] **the commission's** decision that a faculty member does not possess sufficient compensatory qualifications to substitute for an academic degree in the field in which the faculty member teaches.

(7) The commission shall conduct an appeal under this section as a contested case under ORS chapter 183.

(8)(a) If a school appeals the denial, suspension or revocation of an exemption and the commission upholds the denial, suspension or revocation, the commission shall provide the school 90 days to cure the grounds for the denial, suspension or revocation. If the school does not cure the grounds for the denial, suspension or revocation within 90 days after the commission upholds the denial, suspension or revocation, then the denial, suspension or revocation becomes effective 90 days after the issuance of the decision on the appeal by the commission.

(b) If a school does not appeal the denial, suspension or revocation of an exemption to the commission and the school does not cure the grounds for the denial, suspension or revocation within the period of time to appeal the decision to the commission, then the denial, suspension or revocation becomes effective upon the expiration of the period of time to appeal.

SECTION 186. ORS 348.609 is amended to read:

348.609. (1) A person may not claim or represent that the person possesses any academic degree unless the degree has been awarded to or conferred upon the person by a school that:

(a) Has accreditation recognized by the United States Department of Education or the foreign equivalent of such accreditation;

(b) Has been approved by the [Oregon Student Assistance Commission through the Office of Degree Authorization] **Higher Education Coordinating Commission** to offer and confer degrees in Oregon;

(c) Is described in ORS 348.597; or

(d) Is located in the United States and has been found by the commission to meet standards of academic quality comparable to those of an institution located in the United States that has accreditation, recognized by the United States Department of Education, to offer degrees of the type and level claimed by the person.

(2)(a) A person who has been awarded a degree from a school other than a school described in subsection (1) of this section may claim or represent that the person possesses an academic degree if:

(A) The person has been awarded a degree from a school that has the legal authority to issue degrees in the jurisdiction where the degree is issued; and

(B) The claim or representation is accompanied by a disclaimer that states: "(Name of school) does not have accreditation recognized by the United States Department of Education and has not

been approved by the [Office of Degree Authorization] **Higher Education Coordinating Commission.**”

(b) A disclaimer allowed under this subsection shall be made in any resume, letterhead, business card, announcement or advertisement in which the person is claiming or representing to have an academic degree from a school that does not meet the requirements of subsection (1) of this section.

(c) A person may not use a disclaimer described in this subsection for a degree received from a diploma mill.

(d) This subsection does not alter any requirement for obtaining a license, admission into a school, teaching or employment or for other areas in which a degree from an accredited school is required.

(3) The [Oregon Student Assistance] commission shall adopt, by rule, standards and procedures for responding to complaints about degree claims and for validation of degree claims. Failure of a person to provide documentation of a claimed degree shall be prima facie evidence that the claim of such person to such degree is a violation of this section.

(4) The [Oregon Student Assistance] commission, by rule, may impose a fee on any school or person requesting validation of degree claims. The amount of the fee shall be established to recover designated expenses incurred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees collected under this subsection shall be deposited in the [Office of] Degree Authorization Account established under ORS 348.601.

(5)(a) The [Oregon Student Assistance Commission, through the Office of Degree Authorization,] **commission** may cause a civil suit to be instituted in the circuit court for legal or equitable remedies, including injunctive relief, to ensure compliance with this section. The commission may recover attorney fees and court costs for any such action.

(b) The commission shall adopt a schedule of civil penalties for violations of this section. A civil penalty shall not exceed \$1,000 per violation.

(c) In addition to any action or penalty provided by law, any person who violates this section shall incur a civil penalty in an amount prescribed by the schedule adopted by the commission. Any civil penalty imposed under this subsection shall be imposed in the manner provided in ORS 183.745. All penalties recovered under this subsection shall be paid into the State Treasury and credited to the General Fund.

(6) The provisions of this section do not apply to a person who is a graduate of a veterinary college, or a veterinary department of a university or college, of good standing and repute, as determined by the Oregon State Veterinary Medical Examining Board.

SECTION 187. ORS 348.611 is amended to read:

348.611. (1) As used in this section:

(a) “Career pathways certificate of completion program” means a certification program that:

(A) Is offered at a community college;

(B) Provides a specified proficiency in specific skills to meet an identified employment need;

(C) Is provided in a grouping of 12 to 44 quarter credits, or an equivalent number of credits;

(D) Is wholly contained within an associate degree program or a similar certification program of 45 or more quarter credits, or an equivalent number of credits, that was reviewed and approved as provided by ORS 348.603 (2); and

(E) Satisfies the requirements for a career pathways certificate of completion program, as prescribed by the Department of Community Colleges and Workforce Development.

(b) “Program authority” means:

(A) The governing body of a community college; or

(B) The designee of the governing body of a community college that has authority related to the offering of a career pathways certificate of completion program at the community college.

(2)(a) At least 30 business days prior to a community college seeking final approval from the State Board of Education to offer a new career pathways certificate of completion program, the program authority shall provide notice of intent to offer the program to the Department of Com-

munity Colleges and Workforce Development. The notice of intent must be in the form required by the department and may be provided electronically.

(b) Upon receiving a notice of intent described in paragraph (a) of this subsection, the department shall immediately provide electronic notice to any private institution that may be affected by the offering of a new career pathways certificate of completion program.

(3) A private institution that objects to the offering of a career pathways certificate of completion program must provide a notice of objection to the program authority within 12 business days of receiving the notice of intent under subsection (2) of this section.

(4) If a program authority receives a notice of objection as provided by subsection (3) of this section, the program authority must:

(a) Within three business days after the last date by which a private institution may provide a notice of objection, offer all private institutions that provided a notice of objection the opportunity to participate in a meeting described in subsection (5) of this section; and

(b) Postpone the seeking of final approval from the State Board of Education for the career pathways certificate of completion program until the requirements of subsection (6) of this section have been satisfied.

(5)(a) A community college that provided a notice of intent under subsection (2) of this section and a private institution that provided a notice of objection under subsection (3) of this section shall participate in a meeting for the purpose of avoiding detrimental duplication or a significantly adverse impact by:

(A) Identifying opportunities for collaboration in programs;

(B) Forming agreements or partnerships for offering programs; or

(C) Developing ideas for modifying programs.

(b) The program authority or the private institution may invite the [*Oregon Student Assistance Commission*] **Higher Education Coordinating Commission** or any other third party to join a meeting or to act as a mediator of a meeting.

(6) A program authority may seek final approval from the State Board of Education for a program following a postponement described in subsection (4) of this section if:

(a) An agreement is reached between the program authority and all of the private institutions that participated in the meeting described in subsection (5) of this section; or

(b) The program authority and the private institutions that participated in the meeting described in subsection (5) of this section are unable to reach an agreement within 15 business days.

(7) Notwithstanding the timelines prescribed by subsections (3), (4) and (6) of this section, the program authority and the private institutions may mutually agree to adjust the timelines.

SECTION 188. ORS 348.612 is amended to read:

348.612. The [*Oregon Student Assistance Commission*] **Higher Education Coordinating Commission** may revoke or suspend any approval given to a school under ORS 348.606 for proper cause after a hearing. Such hearing shall be held only after the school has been given 20 days' notice in writing of the time and place of such hearing. Hearings shall be held in accordance with the rules of the commission adopted under ORS 348.530.

SECTION 189. ORS 348.615 is amended to read:

348.615. If the [*Oregon Student Assistance Commission*] **Higher Education Coordinating Commission** refuses to grant approval to a school to confer degrees or revokes the approval to confer degrees, the refusal or revocation shall be subject to the right of review by an action brought in the circuit court of the county in which the school is located. Such review shall be tried as an action not triable by right to a jury.

SECTION 190. ORS 348.616 is amended to read:

348.616. (1) The Oregon Student [*Assistance*] **Access Commission** shall develop and adopt rules that provide the minimum criteria that an employer must meet in order for the employer's scholarship program for employees and dependents to be certified as eligible for the employee and dependent scholarship program tax credit provided under ORS 348.621. The commission shall adopt rules to determine:

(a) The types of educational programs, institutions and expenses related to the programs and institutions for which scholarships may be offered to employees and dependents, and scholarship moneys expended on their behalf;

(b) The types of employees and dependents to whom scholarships must be offered;

(c) The minimum and maximum annual dollar amounts of a scholarship that would be a qualified scholarship under ORS 315.237;

(d) The minimum annual number of hours of instruction that a scholarship beneficiary must commit to in order to be eligible for a scholarship; and

(e) Such other requirements as the commission may provide.

(2) An employer must employ at least four full-time equivalent employees but no more than 250 employees in order to be certified as eligible for the employee and dependent scholarship program tax credit under ORS 348.621.

(3) An employer seeking to claim the tax credit provided under ORS 315.237 must apply to the [Oregon Student Assistance] commission for both employee and dependent scholarship program certification under ORS 348.618 and tax credit certification under ORS 348.621.

SECTION 191. ORS 348.618 is amended to read:

348.618. (1) An application for employee and dependent scholarship program certification shall be filed by the employer establishing the program. The application shall be filed with the Oregon Student [Assistance] Access Commission at least three months prior to the close of the first tax year for which a tax credit under ORS 315.237 will be claimed.

(2) The application shall be filed on a form prescribed by the commission and shall contain the information required by the commission, including:

(a) The date on which the proposed employee and dependent scholarship program will first be available to the employer's employees and their dependents;

(b) The total number of employees of the employer;

(c) The total number of employees who will be eligible, or whose dependents will be eligible, to participate in the program;

(d) The criteria to be used by the employer in determining the eligibility of an employee or an employee's dependent for a scholarship under the program; and

(e) The annual limit, if any, on the amount of funds to be used for scholarships under the program.

(3) The commission shall certify an application that describes an employee and dependent scholarship program that is in compliance with the rules adopted by the commission under ORS 348.616 (1) and (2), if made by an employer that meets the employment requirements of ORS 348.616 (1) and (2).

(4) The commission shall certify or reject an application within 60 days of receipt of the application and shall notify the employer of the commission's determination.

(5) An employer whose application has been rejected by the commission shall be afforded an opportunity to amend the application to address the commission's objections to the original application.

(6) In the case of an employer whose proposed employee and dependent scholarship program has been certified by the commission, the commission shall send a letter of program certification to the employer. The letter of program certification shall set forth or incorporate by reference the statements made in the application being certified.

(7) A letter of program certification issued under this section shall remain valid until the employer changes the terms of eligibility for a scholarship under the program, changes the minimum or maximum amount of a scholarship under the program or ceases to be an employer.

SECTION 192. ORS 348.621 is amended to read:

348.621. (1) An application for tax credit certification shall be filed by an employer that has obtained program certification under ORS 348.618 or that has applied for program certification and is awaiting such certification by the Oregon Student [Assistance] Access Commission.

(2) The application for tax credit certification shall be filed by the employer with the commission. The application shall be filed at the time prescribed by the commission, but no later than October 1 of the calendar year in which begins the tax year for which a credit under ORS 315.237 will be claimed.

(3) The application shall be filed on a form prescribed by the commission and shall contain the information required by the commission, including the amount of scholarship moneys the employer has provided or intends to provide to employees or dependents during the calendar year for which tax credit certification is being sought and the number of employees employed by the employer for the calendar year.

(4) The commission shall consider applications in the chronological order in which the applications are received and shall approve applications to the extent the amount set forth in the application, when added to the total amount already certified by the commission for the calendar year under this section, does not exceed \$1 million.

(5) An employer may not receive tax credit certification:

(a) For an amount that is greater than \$1 million;

(b) If the employer employs fewer than four full-time equivalent employees for the calendar year;

or

(c) If the employer employs more than 250 employees for the calendar year.

(6) The commission shall send written notice of the amount of the tax credit certification, or written notice that no amount is being certified, to the employer and to the Department of Revenue within 60 days of the date an application is filed under this section.

(7) The employer shall keep the written certification in the employer's records for at least five years and shall furnish the certification to the Department of Revenue if requested.

SECTION 193. ORS 348.625 is amended to read:

348.625. As used in ORS 348.570 and 348.625 to 348.695:

(1) "Alternative student loan program" means a program established by the Oregon Student [Assistance] Access Commission to fund loans to eligible students, or to qualifying parents of eligible students, to help meet expenses of eligible students of attending post-secondary educational institutions; provided, however, that alternative student loan program loans may be made only to students who have applied for student financial aid under Title IV, Part B of the Higher Education Act of 1965, as amended, and have received information on their eligibility for programs under that Act, or the parents of students who have made such application and received such information.

(2) "Eligible student" means a student enrolled in an eligible post-secondary educational institution located in Oregon or a student who is an Oregon resident and who is enrolled in an eligible post-secondary educational institution located outside of Oregon. The commission shall determine, among other things, what constitutes enrollment and which post-secondary educational institutions are eligible institutions under the alternative student loan program.

(3) "Lender" means an insured institution as defined in ORS 706.008 that is authorized to do business in Oregon and which has entered into an agreement with the commission to originate, service and administer alternative student loans in the manner authorized by ORS 348.570 and 348.625 to 348.695.

SECTION 194. ORS 348.630 is amended to read:

348.630. (1) Loans may be made under the alternative student loan program to an eligible student or to a parent of an eligible student.

(2) Loans made under the alternative student loan program shall not exceed the eligible costs of education as determined by the Oregon Student [Assistance] Access Commission, minus other financial aid received, or \$10,000, whichever is less, for any eligible student during a single calendar year. Total loans made for any eligible student under the alternative student loan program shall not exceed \$40,000.

(3) Under the alternative student loan program, borrowers shall undergo a credit check by the lender or by the commission and shall be creditworthy or provide a creditworthy cosigner.

SECTION 195. ORS 348.635 is amended to read:

348.635. In consultation with private sector lenders, the Oregon Student [Assistance] Access Commission shall establish the terms and conditions, including but not limited to maturities and repayment provisions, of student loans for which the commission shall provide funding. The commission may also set standards of academic achievement which borrowers must maintain to receive loans.

SECTION 196. ORS 348.640 is amended to read:

348.640. (1) The Oregon Student [Assistance] Access Commission shall provide funding to lenders pursuant to contracts which shall provide, among other things, the terms and conditions under which private sector lenders, using funding made available by the commission, shall originate, service and administer loans pursuant to the alternative student loan program. Lenders shall receive and process loan applications from borrowers, perform credit analysis, approve or deny loan requests, and for loans which are approved, originate, document, administer and service such loans. The commission shall make provision for payment to lenders of the reasonable costs of origination, servicing and administration of loans. Payment may be made directly by borrowers or by the commission, as the commission may determine.

(2) Loans shall be structured in such a manner that anticipated payments of principal and interest shall permit timely repayment of the revenue bonds to be issued by the State of Oregon pursuant to ORS 348.570 and 348.625 to 348.695. As a condition of participation in the alternative student loan program by private sector lenders, the commission shall procure from each such lender a guarantee or letter of credit [insuring] **ensuring** that the commission shall receive full and timely repayment of principal of and interest due on loans originated, serviced and administered by the lender. The commission shall provide by contract for payment by the commission or by borrowers, as the commission may determine, of the reasonable costs of such guarantees or letters of credit. It is the intention of ORS 348.570 and 348.625 to 348.695 that participating private sector lenders, not the commission, shall bear the entire risk of loss, nontimely repayment or nonpayment of alternative student loan program loans.

SECTION 197. ORS 348.655 is amended to read:

348.655. In consultation with the Oregon Student [Assistance] Access Commission, the State Treasurer may issue revenue bonds in an amount not to exceed \$30 million annually, the proceeds of which shall be used to provide funding for loans to be made pursuant to the alternative student loan program. Interest on the bonds shall be exempt from personal income taxation by the State of Oregon.

SECTION 198. ORS 348.660 is amended to read:

348.660. (1) If the State Treasurer, in consultation with the Oregon Student [Assistance] Access Commission, determines that revenue bonds should be issued under ORS 348.570 and 348.625 to 348.695:

(a) The State Treasurer, in consultation with the commission, may authorize and issue in the name of the State of Oregon revenue bonds secured by revenues from repayment of loans to finance or refinance in whole or part the costs of the loan program. Refunding bonds may be issued to refinance such revenue bonds.

(b) The State Treasurer, in consultation with the commission, shall designate the underwriter, trustee and bond counsel and enter into appropriate agreements with each to carry out the provisions of ORS 348.570 and 348.625 to 348.695.

(2) Any trustee designated by the State Treasurer, in consultation with the commission, must agree to furnish financial statements and audit reports for each bond issue.

(3) In determining whether to issue revenue bonds under ORS 348.570 and 348.625 to 348.695, the State Treasurer, in consultation with the commission, shall consider:

(a) The bond market for the types of bonds proposed for issuance.

(b) The terms and conditions of the proposed issue.

(c) Such other relevant factors as the State Treasurer, in consultation with the commission, considers necessary to protect the financial integrity of the state.

SECTION 199. ORS 348.665 is amended to read:

348.665. Bonds authorized under ORS 348.570 and 348.625 to 348.695 shall be issued in accordance with the provisions of ORS chapter 286A. The State Treasurer, in consultation with the Oregon Student [Assistance] Access Commission, may establish special accounts or subaccounts in the Alternative Student Loan Program Fund created by ORS 348.570 and may pledge the assets or the revenues, or any portion thereof, of the alternative student loan program.

SECTION 200. ORS 348.670 is amended to read:

348.670. The administrative expenses of the State Treasurer and the Oregon Student [Assistance] Access Commission shall be charged against bond proceeds or repayment revenues.

SECTION 201. ORS 348.675 is amended to read:

348.675. The State Treasurer, in consultation with the Oregon Student [Assistance] Access Commission, shall have the power, whenever refunding is considered expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured. The refunding bonds may be exchanged for bonds to be refunded and the proceeds applied to the purchase, redemption or payment of such bonds.

SECTION 202. ORS 348.685 is amended to read:

348.685. The official action authorizing the issuance of bonds under ORS 348.570 and 348.625 to 348.695 may contain covenants, notwithstanding that such covenants may limit the exercises of powers conferred by ORS 348.570 and 348.625 to 348.695 in the following respects and in such other respects as the state, acting through the State Treasurer, in consultation with the Oregon Student [Assistance] Access Commission, or the designee thereof may decide:

- (1) The use and disposition of the revenues from repayment;
- (2) The creation and maintenance of special accounts or subaccounts in the Alternative Student Loan Program Fund created by ORS 348.570 and the regulation, use and disposition thereof;
- (3) The purpose or purposes to which the proceeds of sale of bonds may be applied and the use and disposition of such proceeds;
- (4) The events of default and the rights and liabilities arising thereon and the terms and conditions upon which the holders of any bonds may bring any suit or action on such bonds or on any coupons appurtenant thereto;
- (5) The issuance of other or additional bonds or instruments payable from or constituting a charge against the revenues from repayment;
- (6) The keeping of books of account and the inspection and audit thereof;
- (7) The terms and conditions upon which any or all of the bonds shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived;
- (8) The rights, liabilities, powers and duties arising upon the breach of any covenants, conditions or obligations;
- (9) The appointing of and vesting in a trustee or trustees of the right to hold or dispose of any funds, accounts, revenues or assets of the alternative student loan program, to receive or assign any pledge thereof or to enforce any covenants made to secure or to pay the bonds, the powers and duties of such trustee or trustees, and the limitation of the liabilities of the trustee or trustees;
- (10) The terms and conditions upon which the holder or holders of the bonds, or the holders of any proportion or percentage of them, may enforce any covenants made under ORS 348.570 and 348.625 to 348.695; and
- (11) A procedure by which the terms of any official action authorizing bonds or of any other contract with bondholders, including but not limited to an indenture of trust or similar instrument, may be amended or abrogated, and the amount of bonds the holders of which may consent thereto, and the manner in which such consent may be given.

SECTION 203. ORS 348.690 is amended to read:

348.690. (1) Revenue bonds issued under ORS 348.570 and 348.625 to 348.695:

(a) Shall not be payable from nor charged upon any funds other than the revenue pledged to the payment thereof, except as provided in this section, nor shall the state be subject to any liability thereon. No holder or holders of such bonds shall ever have the right to compel any exercise of the

taxing power of the state to pay any such bonds or the interest thereon, nor to enforce payment thereof against any property of the state.

(b) Shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the state other than the Alternative Student Loan Program Fund created by ORS 348.570, any account or subaccount thereof or student loans, if any, owned or acquired by the Oregon Student [Assistance] Access Commission pursuant to the alternative student loan program.

(2) Each bond issued under ORS 348.570 and 348.625 to 348.695 shall recite in substance that the bond, including interest thereon, is payable solely from the revenue pledged to the payment thereof. No such bond shall constitute a debt of the state or a lending of the credit of the state within the meaning of any constitutional or statutory limitation. However, nothing in ORS 348.570 and 348.625 to 348.695 is intended to impair the rights of holders of bonds to enforce covenants made for the security thereof as provided in ORS 348.685.

SECTION 204. ORS 348.696 is amended to read:

348.696. Pursuant to section 4 (4)(d), Article XV of the Oregon Constitution, the Education Stability Fund is established separate and distinct from the General Fund. Except for earnings on moneys in the school capital matching subaccount, moneys in the fund shall be invested as provided in ORS 293.701 to 293.790. All declared earnings on moneys in the fund shall be transferred and are appropriated continuously as follows:

(1) 75 percent to the Oregon Education Fund established by ORS 348.716; and

(2) 25 percent to the Oregon Student [Assistance] Access Commission for the Oregon Opportunity Grant program under ORS 348.260.

SECTION 205. ORS 348.890 is amended to read:

348.890. (1) The State Board of Higher Education and the State Board of Education shall hold at least one meeting annually as the Joint Boards of Education for the purpose of coordinating their activities and reaching joint agreement on matters of education policy and opportunities of mutual interest to the two boards and to the populations served by the boards.

(2) Bylaws to be adopted by the members shall determine procedures for setting meeting dates, locations, chairperson rotation, agendas and staff support.

(3) The Joint Boards of Education shall provide policy direction to implement regional partnership proposals and any other joint program or activity approved by both boards.

(4) Notwithstanding [ORS 351.070 (3)(c)] **section 20 (3) of this 2011 Act**, the Department of Community Colleges and Workforce Development and the Oregon University System may use appropriations from the General Fund to implement agreements approved by the Joint Boards of Education that provide direct aid to a student, or other incentives that encourage shared use of facilities, programs and other resources of [state institutions of higher education] **public universities listed in ORS 352.002** and community colleges.

SECTION 205a. ORS 348.890, as amended by section 205 of this 2011 Act, is amended to read:

348.890. [(1) *The State Board of Higher Education and the State Board of Education shall hold at least one meeting annually as the Joint Boards of Education for the purpose of coordinating their activities and reaching joint agreement on matters of education policy and opportunities of mutual interest to the two boards and to the populations served by the boards.*]

[(2) *Bylaws to be adopted by the members shall determine procedures for setting meeting dates, locations, chairperson rotation, agendas and staff support.*]

[(3)] (1) The [Joint Boards of Education] **Higher Education Coordinating Commission** shall provide policy direction to implement regional partnership proposals and any other joint program or activity approved by [both boards] **the State Board of Education and the State Board of Higher Education**.

(4) Notwithstanding section 20 (3) of this 2011 Act, the Department of Community Colleges and Workforce Development and the Oregon University System may use appropriations from the General Fund to implement agreements approved by the [Joint Boards of Education] **Higher Education Coordinating Commission** that provide direct aid to a student, or other incentives that encourage

shared use of facilities, programs and other resources of public universities listed in ORS 352.002 and community colleges.

SECTION 206. ORS 348.900 is amended to read:

348.900. (1) The Employment Department, in consultation with health care industry employers, shall perform a statewide and regional needs assessment for health care occupations to identify emerging occupations and occupations for which there is high demand or a shortage of workers. The assessment shall be performed as necessary on a periodic basis, as determined by the department, in consultation with industry employers. To perform the needs assessment, the department may consider any reliable data sources available to the department.

(2) Based on the needs assessment, the Joint Boards of Education shall inform **the** community colleges, [*state institutions of higher education within the Oregon University System*] **public universities listed in ORS 352.002**, Oregon Health and Science University and health care industry employers of the identified statewide needs and invite the development of health care education programs that are responsive to those needs.

(3) When approving health care education programs, the State Board of Education, the State Board of Higher Education and the Oregon Health and Science University Board of Directors shall use the statewide needs assessment to evaluate whether a program fulfills statewide needs. If a board determines there is a statewide need, the board shall facilitate the:

(a) Coordination of new health care education programs and existing health care education programs that are similar to the new health care education programs to address the statewide need; and

(b) Alignment of health care education programs relating to statewide access, student transferability between programs, course articulation and common student learning outcomes for health care education programs.

(4) In the development and approval of health care education programs, community colleges, [*state institutions of higher education*] **public universities**, Oregon Health and Science University, the State Board of Education, the State Board of Higher Education and the Oregon Health and Science University Board of Directors shall consider issues related to statewide access, student transferability between programs, course articulation and common student learning outcomes for health care education programs. The **community** colleges, [*institutions,*] **public universities, Oregon Health and Science University** and boards shall continue to provide and improve upon an effective articulation and transfer framework for students in Oregon's post-secondary sectors.

SECTION 206a. ORS 348.900, as amended by section 206 of this 2011 Act, is amended to read:

348.900. (1) The Employment Department, in consultation with health care industry employers, shall perform a statewide and regional needs assessment for health care occupations to identify emerging occupations and occupations for which there is high demand or a shortage of workers. The assessment shall be performed as necessary on a periodic basis, as determined by the department, in consultation with industry employers. To perform the needs assessment, the department may consider any reliable data sources available to the department.

(2) Based on the needs assessment, the [*Joint Boards of Education*] **Higher Education Coordinating Commission** shall inform the community colleges, public universities listed in ORS 352.002, Oregon Health and Science University and health care industry employers of the identified statewide needs and invite the development of health care education programs that are responsive to those needs.

(3) When approving health care education programs, the State Board of Education, the State Board of Higher Education and the Oregon Health and Science University Board of Directors shall use the statewide needs assessment to evaluate whether a program fulfills statewide needs. If a board determines there is a statewide need, the board shall facilitate the:

(a) Coordination of new health care education programs and existing health care education programs that are similar to the new health care education programs to address the statewide need; and

(b) Alignment of health care education programs relating to statewide access, student transferability between programs, course articulation and common student learning outcomes for health care education programs.

(4) In the development and approval of health care education programs, community colleges, public universities, Oregon Health and Science University, the State Board of Education, the State Board of Higher Education and the Oregon Health and Science University Board of Directors shall consider issues related to statewide access, student transferability between programs, course articulation and common student learning outcomes for health care education programs. The community colleges, public universities, Oregon Health and Science University and boards shall continue to provide and improve upon an effective articulation and transfer framework for students in Oregon's post-secondary sectors.

SECTION 207. ORS 348.910 is amended to read:

348.910. (1) As used in this section, "applied baccalaureate degree" means a bachelor's degree designed to incorporate applied associate courses and degrees with additional coursework emphasizing higher-order thinking skills and advanced technical knowledge and skills.

(2) The Joint Boards of Education shall develop a plan for offering applied baccalaureate degree programs at community colleges and [*state institutions of higher education*] **public universities listed in ORS 352.002**. The boards shall consider the following types of programs for the purpose of offering some of these types and the possibility of combinations of these types:

(a) A career ladder program that requires a substantial number of upper level courses in the same technical area of study as the student's applied associate degree;

(b) An inverse program that reverses the traditional curriculum sequence by adding general education courses in the student's third and fourth years to the associate degree courses taken in the student's first and second years;

(c) A management ladder program that combines associate degree requirements with applied management skills coursework; and

(d) A work experience program that combines general education and technical coursework with direct, supervised work experience in a relevant field.

(3) The Joint Boards of Education plan must include the following elements:

(a) The method by which the applied baccalaureate degree programs will be created, including any necessary accreditation by the relevant accrediting agency;

(b) The criteria for approving the degree and course options offered by [*state institutions of higher education*] **public universities listed in ORS 352.002** and community colleges;

(c) The articulation agreements between community colleges and [*state institutions of higher education*] **public universities listed in ORS 352.002** necessary to ensure that the applied baccalaureate degree programs are as widely available as possible;

(d) The resources required to implement the applied baccalaureate degree program;

(e) The timeline necessary to implement the applied baccalaureate degree program; and

(f) A recommendation as to whether community colleges should be allowed to offer applied baccalaureate degrees.

[(4) The Joint Boards of Education shall submit a report, along with proposed legislation, to the interim committee of the Legislative Assembly related to higher education prior to November 1, 2010. The boards shall provide progress reports on the plan to the interim committee.]

[(5) The Oregon University System, the Department of Education and the Department of Community Colleges and Workforce Development shall provide staff support to the Joint Boards of Education in the preparation of the reports required by this section.]

SECTION 207a. ORS 348.910, as amended by section 207 of this 2011 Act, is amended to read:

348.910. (1) As used in this section, "applied baccalaureate degree" means a bachelor's degree designed to incorporate applied associate courses and degrees with additional coursework emphasizing higher-order thinking skills and advanced technical knowledge and skills.

(2) The [*Joint Boards of Education*] **Higher Education Coordinating Commission** shall develop a plan for offering applied baccalaureate degree programs at community colleges and public uni-

versities listed in ORS 352.002. The [boards] **commission** shall consider the following types of programs for the purpose of offering some of these types and the possibility of combinations of these types:

(a) A career ladder program that requires a substantial number of upper level courses in the same technical area of study as the student's applied associate degree;

(b) An inverse program that reverses the traditional curriculum sequence by adding general education courses in the student's third and fourth years to the associate degree courses taken in the student's first and second years;

(c) A management ladder program that combines associate degree requirements with applied management skills coursework; and

(d) A work experience program that combines general education and technical coursework with direct, supervised work experience in a relevant field.

(3) The [Joint Boards of Education] plan must include the following elements:

(a) The method by which the applied baccalaureate degree programs will be created, including any necessary accreditation by the relevant accrediting agency;

(b) The criteria for approving the degree and course options offered by public universities listed in ORS 352.002 and community colleges;

(c) The articulation agreements between community colleges and public universities listed in ORS 352.002 necessary to ensure that the applied baccalaureate degree programs are as widely available as possible;

(d) The resources required to implement the applied baccalaureate degree program;

(e) The timeline necessary to implement the applied baccalaureate degree program; and

(f) A recommendation as to whether community colleges should be allowed to offer applied baccalaureate degrees.

SECTION 208. ORS 351.065 is amended to read:

351.065. (1) The State Board of Higher Education may, for each [institution, division and department] **public university or office, department or activity** under its control, adopt rules and specific orders by or through the [institutional executive of each institution] **president of each public university** governing access to personnel records of the [institution, division or department, which] **public university or office, department or activity that** are less than 25 years old.

(2) Rules adopted under subsection (1) of this section shall require that personnel records be subjected to restrictions on access unless upon a finding by the [institutional executive] **president of the public university** that the public interest in maintaining individual rights to privacy in an adequate educational environment would not suffer by disclosure of such records. Access to such records may be limited to designated classes of information or persons, or to stated times and conditions, or to both, but cannot be limited for records more than 25 years old.

(3) No rule or order promulgated pursuant to this section shall deny to a faculty member full access to the member's personnel file or records kept by the board or its [institutions, schools or departments] **public universities or offices, departments or activities**, except as provided in [paragraphs (d) and (e) of this subsection] **subsections (7) and (8) of this section.**

[(a)] (4) The number of files relating to the evaluation of a faculty member shall be limited to three, to be kept in designated, available locations.

[(b)] (5) Any evaluation received by telephone shall be documented in each of the faculty member's files by means of a written summary of the conversation with the names of the conversants identified.

[(c)] (6) A faculty member shall be entitled to submit, for placement in the three files, evidence rebutting, correcting, amplifying or explaining any document contained therein and other material [which] **that** the member believes might be of assistance in the evaluation process.

[(d)] (7) Letters and other information submitted in confidence to the board or its [institutions, schools or departments] **public universities, offices, departments or activities** prior to July 1, 1975, shall be maintained in the files designated. However, if a faculty member requests access to those files, the anonymity of the contributor of letters and other information obtained prior to July

1, 1975, shall be protected. The full text shall be made available except that portions of the text [which] **that** would serve to identify the contributor shall be excised by a faculty committee. Only the names of the contributors and the excised portions of the documents may be kept in a file other than the three prescribed by [paragraph (a) of this subsection] **subsection (4) of this section.**

[(e)] **(8)** Confidential letters and other information submitted to or solicited after July 1, 1975, by the board or its [institutions, schools or departments] **public universities, offices, departments or activities** prior to the employment of a prospective faculty member are exempt from the provisions of this section. However, if the member is employed by the board or its [institutions, schools or departments] **public universities, offices, departments or activities**, the confidential preemployment materials shall be placed in the three authorized files. If a faculty member requests access to the member's files, the anonymity of the contributor of confidential preemployment letters and other preemployment information shall be protected. The full text shall be made available, except that portions of the text [which] **that** would serve to identify the contributor shall be excised and retained in a file other than the three designated in [paragraph (a) of this subsection] **subsection (4) of this section.**

[(f)] **(9)** Classroom survey evaluation by students of a faculty member's classroom or laboratory performance shall be anonymous. The record of tabulated reports shall be placed in at least one of the files designated in [paragraph (a) of this subsection] **subsection (4) of this section.** All survey instruments used to obtain evaluation data shall be returned to the faculty member.

[(g)] **(10)** After July 1, 1975, the board[,] **and** its [institutions, schools or departments] **public universities, offices, departments or activities**, when evaluating its employed faculty members, [shall] **may** not solicit [nor] **or** accept letters, documents or other materials, given orally or in written form, from individuals or groups who wish their identity kept anonymous or the information they provide kept confidential.

[(4)] **(11)** No rule or order promulgated pursuant to this section limits the authority of the [institution, division or department] **public universities, offices, departments or activities under the control of the board** to prepare, without identification of individual persons who have not consented thereto, statistical or demographic reports from personnel records.

[(5)] **(12)** Any category of personnel records specifically designated as confidential pursuant to valid rules or orders pursuant to this section [shall not be deemed] **is not** a public record for the purposes of ORS 192.420.

[(6)] **(13)** As used in this section, "personnel records" means records containing information kept by the [institution, division or department] **public university, office, department or activity** concerning a faculty member and furnished by the faculty member or by others about the faculty member at the [member's or at the institution, division or department's] request **of the faculty member or the public university, office, department or activity**, including, but not limited to, information concerning discipline, membership activity, employment performance or other personal records of individual persons.

SECTION 209. ORS 351.067 is amended to read:

351.067. (1) In carrying out its authority under ORS 351.070, the State Board of Higher Education may authorize receipt of compensation for any officer or employee of the Oregon University System from private or public resources, including, but not limited to, income from:

- (a) Consulting;
- (b) Appearances and speeches;
- (c) Intellectual property conceived, reduced to practice or originated and therefore owned within the Oregon University System;
- (d) Providing services or other valuable consideration for a private corporation, individual, or entity, whether paid in cash or in-kind, stock or other equity interest, or anything of value regardless of whether there is a licensing agreement between the Oregon University System and the private entity; and

(e) Performing public duties paid by private organizations, including institution corporate affiliates, [*which augment*] **that augments** an officer's or employee's publicly funded salary. Such income shall be authorized and received in accordance with policies and rules established by the board.

(2) The board may not authorize compensation, as [*defined*] **described** in subsection (1) of this section, that, in the board's judgment, does not comport with the mission of [*the institution*] **a public university listed in ORS 352.002** and the Oregon University System or substantially interferes with an officer's or employee's duties to the Oregon University System.

(3) Any compensation described and authorized under subsection (1) of this section is considered official compensation or reimbursement of expenses for purposes of ORS 244.040 and is not considered an honorarium prohibited by ORS 244.042. If authorization or receipt of the compensation creates a potential conflict of interest, the officer or employee shall report the potential conflict in writing in accordance with rules of the [*state*] board. The disclosure is a public record subject to public inspection.

(4) The [*state*] board shall adopt by rule standards governing employee outside employment and activities, including potential conflict of interest, as defined by [*state*] board rule and consistent with ORS 244.020, and the public disclosure thereof, and procedures for reporting and hearing potential or actual conflict of interest complaints.

SECTION 210. ORS 351.072 is amended to read:

351.072. (1) Notwithstanding ORS chapter 183, the following actions may be taken by the State Board of Higher Education or the [*educational institutions*] **public universities** under its control without compliance with the rulemaking provisions of ORS chapter 183:

(a) Adoption of standards, regulations, policies or practices relating primarily to admissions, academic advancement, classroom grading policy, the granting of academic credits, granting of degrees, scholarships and similar academic matters.

(b) Adoption of fees or fee schedules relating to charges for symposiums, conferences, short courses, food, books or other retail goods, prices of admission to athletic, entertainment or cultural events or advertising rates in student or [*institutional*] **university** publications. However, student loan service charges, charges levied as penalties for prohibited conduct, general tuition, building fees, incidental fees, health service fees and residence hall and housing charges shall be adopted in accordance with the provisions of ORS chapter 183.

(2) Any standards, regulations, policies, practices or fees adopted under this section by the State Board of Higher Education or by any of the [*educational institutions*] **public universities** under its control shall be reduced to writing and made available to interested persons upon request.

SECTION 211. ORS 351.077 is amended to read:

351.077. (1) Pursuant to ORS 342.447, the [*office of the*] Chancellor of the Oregon University System shall ensure the implementation of the plans developed for recruitment of minority teachers.

(2) The chancellor shall report biennially to the State Board of Higher Education and the Legislative Assembly on the implementation and results of the plans. The report may include recommendations on ways in which the Legislative Assembly can assist in increasing the number of minority teachers.

SECTION 212. ORS 351.088 is amended to read:

351.088. Notwithstanding ORS chapter 183, the State Board of Higher Education or any [*state institution of higher education under the jurisdiction of the board*] **public university listed in ORS 352.002** may, by rule, establish adjudicative procedures that are consistent with federal and state constitutional requirements and other provisions of law. The adjudicative procedures shall be consistent with ORS 183.413 to 183.497 and 183.502 whenever the type of hearing or procedure required is substantially of the character that would necessitate the procedures required by ORS 183.413 to 183.470.

SECTION 213. ORS 351.097 is amended to read:

351.097. (1) The payment of salary or compensation of the officers, teachers, instructors and other employees of the Oregon University System, where such salary or compensation is payable out of the State Treasury and is fixed by law or the State Board of Higher Education at a definite

rate per hour, day, week, month or year, shall be made weekly, biweekly, semimonthly or monthly with any necessary adjustments, as provided in this section.

(2) With the approval of the board, the Chancellor of the Oregon University System shall make out, certify and transmit to the board at the end of each pay period a payroll, duly verified by the chancellor or other designated officer and approved by the proper auditing committee or officer, showing the names of the several officers, teachers, instructors and other employees during the preceding payroll period, the rate of compensation of each by the hour, day, week, month or year, the time employed, the amount due and any other facts the board requires. The board, if it approves the payroll, shall draw a warrant on the State Treasurer for the aggregate amount allowed in favor of the chancellor, who shall immediately pay over the moneys received to the several parties entitled thereto and take receipts therefor, which shall be transmitted to the board.

(3) Notwithstanding subsection (2) of this section [*or any other law*] and pursuant to ORS 293.330, the State Board of Higher Education may authorize the chancellor to designate a person employed by and located at each [*institution of higher education*] **public university** under the jurisdiction of the board to implement and administer the payroll system selected by the board to pay employees designated by the board. The person shall be under bond to the State of Oregon.

(4) When an employee receives payment of salary or compensation in an amount greater than the employee's entitlement, the amount of the overpayment may be deducted from salary or compensation earned by the employee. The deduction may be in such form and manner as the State Board of Higher Education may prescribe.

SECTION 214. ORS 351.117 is amended to read:

351.117. (1) If the State Board of Higher Education determines that enrollment is sufficient to make an American Sign Language class economically viable and if qualified instructors are available, the board may offer to students courses for credit in American Sign Language at [*any institution of higher education within the Oregon University System*] **a public university**. Such courses shall satisfy any second language elective requirement.

(2) The State Board of Higher Education is encouraged to continue to:

(a) Coordinate with the State Board of Education [*and the Oregon School for the Deaf*] to develop curricula for American Sign Language courses;

(b) Implement programs to locate and prepare qualified teachers and interpreters of American Sign Language; and

(c) Assist [*institutions of higher education*] **public universities** in identifying local and regional needs and resources available for American Sign Language courses.

NOTE: Section 215 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 216. ORS 351.203 is amended to read:

351.203. (1) The State Board of Higher Education shall cooperate with the Education and Workforce Policy Advisor in the development of a state comprehensive education plan including post-secondary education and in review of the board's programs and budget. The board shall submit in timely fashion to the advisor such data as is appropriate in a form prescribed by the advisor.

(2) The board shall cooperate with the mediation process administered by the [*Oregon Student Assistance Commission*] **Higher Education Coordinating Commission** pursuant to ORS 348.603 and, if a negotiated resolution cannot be reached by mediation, comply with the decisions of the commission regarding proposed new post-secondary programs and proposed new post-secondary locations, including those proposed by Oregon Health and Science University in cooperation with the [*board*] **State Board of Higher Education** under ORS 353.440.

SECTION 217. ORS 351.205 is amended to read:

351.205. The State Board of Higher Education may allow interchange of members of the faculties of [*institutions of higher learning*] **public universities listed in ORS 352.002** with faculty members of comparable institutions of other states or countries for a period of one year. Such exchange service shall, for all purposes, be deemed continued service with the Oregon [*institution*] **public university** covered, with salary paid to the absent faculty member accordingly. Salary for the visiting faculty member shall not be paid by the Oregon [*institution*] **public university** covered.

SECTION 218. ORS 351.230 is amended to read:

351.230. The State Board of Higher Education may manage, develop or dispose of, by assignment, sale, lease, license or other action deemed advisable by the board, property acquired under ORS 351.220, and may contract with any person or agency, board, commission or department of this or any other state or with the federal government regarding the management, development or disposition thereof. The board may make gratuitous assignments of such property to any trust or fund, the sole beneficiary of which is the [State] board [of Higher Education] or any of the [institutions] **public universities or offices, departments** or activities under its control, subject to the share, if any, agreed to be paid to the assignor. The board may reassign such property to the inventor, author or discoverer.

SECTION 219. ORS 351.300 is amended to read:

351.300. The Legislative Assembly finds that in order to avoid unnecessary disruption at public [institutions of higher education] **universities listed in ORS 352.002** and in order to provide assurance that the [institutions] **public universities** share in the benefits of any major reform in the Oregon tax system, it is necessary to stabilize funding for [such institutions] **the Oregon University System** over a longer period than is customary with biennial budgeting.

SECTION 220. ORS 351.310 is amended to read:

351.310. (1) The State Board of Higher Education shall control the use, distribution and disbursement of all funds, appropriations and taxes now or hereafter in possession, levied and collected, received or appropriated for the use, benefit, support and maintenance of [institutions, departments or activities of higher education] **the public universities listed in ORS 352.002 and offices, departments and activities under the control of the board**, including the authorization of individuals to sign vouchers for the disbursement of funds for the various [institutions,] **public universities, offices, departments and activities**.

(2) All moneys, except moneys appropriated from the State Treasury for expenditure within a specified period of time, heretofore or hereafter received by or on behalf of the [State] board [of Higher Education], or any [institution, department or activity under its control, which] **public university or office, department or activity under the control of the board, that** are not otherwise appropriated by law, hereby are appropriated continuously to the State Board of Higher Education for the purposes for which such moneys were donated, granted or received, in accordance with any applicable law governing the use of such moneys.

SECTION 221. ORS 351.320 is amended to read:

351.320. The State Board of Higher Education may prorate all expenses not otherwise provided for, incurred under authority of ORS 351.040, 351.050, [351.090 to] **351.100**, 351.110, 351.130 and 351.310 to the [institutions] **public universities** under its control, and pay the same from the funds available for the general expenses of those [institutions] **universities**.

SECTION 222. ORS 351.340 is amended to read:

351.340. All sums of money provided by law for the support and maintenance of [institutions and activities of higher learning] **the public universities listed in ORS 352.002 and offices, departments and activities under the control of the State Board of Higher Education** may be used for the payment of salaries of instructors and employees, current expenses, construction of additional buildings, purchase of lands, purchase of equipment, purchase of library books and periodicals, purchase of laboratory supplies and apparatus[,] **and** making necessary repairs and, in general, for the payment of all such expenses connected with the management of [such institutions and activities of higher learning] **the public universities and offices, departments and activities**, as the board may from time to time determine. However, such [money] **moneys** in the instruction budget of the board shall not be used to support hobby or recreation courses.

SECTION 223. ORS 351.590 is amended to read:

351.590. (1) An account in the Oregon University System Fund established by ORS 351.506 is designated for the purpose of receiving all revenue from incidental fees, optional fees, health services fees and all operating revenue from intercollegiate athletics, student unions and educational activities.

(2) Disbursements from the account designated by this section, including any interest credited to the account, may be made for necessary expenses for supplies, services and equipment associated with student activities including but not limited to recruiting, training and grant-in-aid to intercollegiate athletes.

(3) Income and interest derived from moneys in the account designated by this section are credited to the account. The State Board of Higher Education shall distribute annually the total interest earnings proportionately to each [*institution*] **public university listed in ORS 352.002** based on each [*institution's*] **university's** average cash balance in the account.

SECTION 224. ORS 351.628 is amended to read:

351.628. (1) There is established in the General Fund an account to be known as the Higher Education Academic Modernization Account. Funds in the account shall be used at [*state institutions of higher education within the Oregon University System*] **public universities listed in ORS 352.002** for academic modernization, capital repair, deferred maintenance and making facilities compliant with building and safety codes.

(2) The account shall consist of funds donated to the Oregon University System for the purposes described in subsection (1) of this section. The account may also consist of other funds available to the Oregon University System for the purposes described in subsection (1) of this section. The Oregon University System may not deposit any moneys into the account that were appropriated to the Department of Higher Education under chapter 725, Oregon Laws 2003. Interest earned on moneys in the account shall be credited to the account.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and are continuously appropriated to the Oregon University System for the purposes described in subsection (1) of this section. The account may not be credited with more than \$1,000,000 in interest, donations and other funds.

SECTION 225. ORS 351.642 is amended to read:

351.642. (1) As used in this section:

(a) "Active member of the Armed Forces of the United States" includes officers and enlisted personnel of the Armed Forces of the United States who:

(A) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state;

(B) Reside in this state while serving as members of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station; or

(C) Reside in another state or a foreign country and establish Oregon residency by filing Oregon state income taxes no later than 12 months before leaving active duty.

(b) "Armed Forces of the United States" includes:

(A) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(B) Reserve components of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; and

(C) The National Guard of the United States and the Oregon National Guard.

(c) "Dependent children" includes any children of an active member of the Armed Forces of the United States who:

(A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

(B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher learning and dependent on the member for over one-half of their support.

(2) Active members of the Armed Forces of the United States and their spouses and dependent children shall be considered residents of this state for the purpose of admission and for the purpose of determining fees and tuition to be paid by such individuals while attending any [*educational institution in this state*] **public university** that is under the control of the State Board of Higher Education.

(3) The State Board of Higher Education may contract with the Armed Forces of the United States to furnish educational service in [*Oregon institutions*] **the public universities** to active members of the Armed Forces of the United States.

(4) The State Board of Higher Education shall determine the number of such students that should be accepted and shall make final decisions on admission of individual applicants.

(5) Students attending [*Oregon institutions*] **the public universities** under contracts with the Armed Forces of the United States under this section shall pay fees and tuition customarily charged Oregon students.

(6) Payments made by the Armed Forces of the United States under such contracts shall be deposited in a designated account in the Oregon University System Fund established by ORS 351.506 in the same manner that fees and tuition payments for resident students are deposited and credited.

SECTION 226. ORS 351.643 is amended to read:

351.643. (1) A student [*at a state institution of higher education*] **at a public university listed in ORS 352.002** who is a member of the military and who is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

(a) With regard to a course in which the student is enrolled and for which the student has paid tuition and fees, the right to:

(A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

(B) Receive a grade of incomplete and, upon release from active duty, complete the course in accordance with the practice of the [*state institution of higher education*] **public university** for completion of incomplete courses; or

(C) Continue and complete the course for full credit, subject to the provisions of subsection (3) of this section;

(b) The right to a credit described in ORS 351.644 for all amounts paid for room, board, tuition and fees;

(c) If the student elects to withdraw from the [*state institution of higher education*] **public university**, the right to be readmitted and reenrolled at the [*state institution of higher education*] **public university** within one year after release from active duty without a requirement of redetermination of admission eligibility; and

(d) The right to continuation of scholarships and grants awarded to the student that were funded by the [*state institution of higher education*] **public university** or the [*Oregon Student Assistance Commission*] **Oregon Student Access Commission** before the student was ordered to active duty.

(2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the [*state institution of higher education*] **public university** may not:

(a) Give the student academic credit for the course from which the student withdraws;

(b) Give the student a failing grade or a grade of incomplete or make any other negative annotation on the student's record; or

(c) Alter the student's grade point average due to the student's withdrawal from the course.

(3) A student who elects to continue and complete a course for full credit under subsection (1)(a)(C) of this section is subject to the following conditions:

(a) Course sessions the student misses due to active duty shall be counted as excused absences and may not adversely impact the student's grade for the course or rank in the student's class.

(b) The student may not be automatically excused from completing course assignments due during the period the student serves on active duty.

(c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of the course, the student completes sufficient work and demonstrates sufficient progress toward meeting course requirements to justify the grade.

(4) The State Board of Higher Education shall adopt rules for the administration of this section.

(5) As used in this section, "member of the military" means a person who is a member of:

(a) The Oregon National Guard or the National Guard of any other state or territory; or

(b) The reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States.

SECTION 227. ORS 351.644 is amended to read:

351.644. (1)(a) The amount of the credit specified in ORS 351.643 (1)(b) shall be based on:

(A) The amount of room and board paid by the student for a term that the student does not complete because the student is ordered to active duty; and

(B) The amount of tuition and fees paid by the student for a course from which the student withdraws.

(b) The amount of the credit shall be prorated based on the number of weeks remaining in the term or course when the student withdraws.

(c) At the time a student withdraws from a course at a [state institution of higher education] **public university listed in ORS 352.002** or from the [state institution of higher education] **public university**, the student must elect to claim the credit:

(A) As a credit toward tuition and fees or room and board if the student reenrolls at the [state institution of higher education] **public university** under ORS 351.643 (1)(c); or

(B) As a monetary payment.

(2) A student who elects to claim the credit by the method described in subsection (1)(c)(A) of this section may change the method of claiming the credit to the method described in subsection (1)(c)(B) of this section by giving notice to the [state institution of higher education] **public university** from which the student withdraws.

(3) A student who elects to claim the credit by the method described in subsection (1)(c)(A) of this section must use the credit or change the method of claiming the credit under subsection (2) of this section within one year after release from active duty.

(4) A personal representative of a student who elected to claim the credit by the method described in subsection (1)(c)(A) of this section may claim a monetary payment upon presenting evidence to the [state institution of higher education] **public university** that the student died while serving on active duty.

(5) The State Board of Higher Education shall adopt rules for the administration of this section, including rules that determine the amount of credit and the method by which the credit is prorated.

SECTION 228. ORS 351.646 is amended to read:

351.646. A [state institution of higher education] **public university** listed in ORS 352.002 shall give credit for education and training obtained by a person while serving in the Armed Forces of the United States, as defined in ORS 351.642. The education and training for which credit may be given must meet the standards adopted by the State Board of Higher Education by rule.

SECTION 229. ORS 351.647 is amended to read:

351.647. The Legislative Assembly finds that:

(1) It is in the interest of this state and its people that Oregon residents have access to the post-secondary institutions in the Northwest which best provide for the educational needs of those students;

(2) The people of Oregon and their post-secondary institutions benefit through the provision of access to Oregon colleges and universities for students from the state of Washington and from the enhanced economic and cultural well-being of the northwest region;

(3) The state should reduce or eliminate the nonresident tuition barriers which might exist between the states of Oregon and Washington to restrict or inhibit enrollment of residents of one of these states in a community college or public college or university in the other state;

(4) The general policy statement on reduction of admission and tuition barriers between the states of Oregon and Washington shall not apply to students at the Oregon Health and Science University, where enrollment priority shall continue to be given to qualified Oregon residents; and

(5) The State Board of Higher Education and the [State Board of Education] **Higher Education Coordinating Commission** shall develop plans to carry out the intent of this policy within the appropriations available, and shall report to the appropriate legislative review agency before implementing the plan.

SECTION 230. ORS 351.649 is amended to read:

351.649. (1) For the purposes of this section:

(a) "Public institution of higher education" means:

(A) A community college;

(B) A [state institution of higher education] **public university** listed in ORS 352.002; and

(C) The Oregon Health and Science University.

(b) "School-sponsored media" means materials that are prepared, substantially written, published or broadcast by student journalists, that are distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a student media adviser. "School-sponsored media" does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

(c) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records or prepares information for dissemination in school-sponsored media.

(d) "Student media adviser" means a person who is employed, appointed or designated by a public institution of higher education to supervise, or provide instruction relating to, school-sponsored media.

(2) Student journalists are responsible for determining the news, opinion, feature and advertising content of school-sponsored media. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists.

(3) Nothing in this section may be interpreted to authorize expression by students that:

(a) Is libelous or slanderous;

(b) Constitutes an unwarranted invasion of privacy;

(c) Violates federal or state statutes, rules or regulations or state common law; or

(d) So incites students as to create a clear and present danger of:

(A) The commission of unlawful acts on or off school premises;

(B) The violation of school policies; or

(C) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

(4) Any student enrolled in a public institution of higher education may commence a civil action to obtain damages under this subsection and appropriate injunctive or declaratory relief as determined by a court for a violation of subsection (2) of this section, the First Amendment to the United States Constitution or section 8, Article I of the Oregon Constitution. Upon a motion, a court may award \$100 in damages and injunctive and declaratory relief to a prevailing plaintiff in a civil action brought under this subsection.

SECTION 231. ORS 351.653 is amended to read:

351.653. (1) In addition to any interstate agreements entered into under ORS 351.647, the Governor shall encourage interstate agreements with Washington, Idaho and California. Such agreements shall be in accordance with ORS 190.410 to 190.440 and shall:

(a) Provide for full-time equivalent reimbursement to this state for any students from another state who enroll in an Oregon public post-secondary institution pursuant to the agreement;

(b) Provide that only students who reside in counties that share a common border with this state may participate in any program developed pursuant to such an agreement; and

(c) Provide that the county government or other similar county-wide public organization of any county involved in the agreement shall provide or arrange to provide a portion of the costs of attendance for participating students.

(2) Any public post-secondary institution entering into an interstate agreement under this section shall send a copy of the agreement to the Governor and the [State Board of Education] **Higher Education Coordinating Commission**.

(3) The provisions of this section shall not apply to interstate agreements entered into pursuant to ORS 351.647.

SECTION 232. ORS 351.656 is amended to read:

351.656. (1) As used in this section:

(a) "Child" means a child, adopted child or stepchild of a service member.

(b) "Eligible post-secondary institution" means:

- (A) A *[state institution of higher education]* **public university** listed in ORS 352.002; and
- (B) The Oregon Health and Science University.
- (c) “Qualified student” means a child, a spouse or an unremarried surviving spouse of a service member.

(d) “Service member” means a person who:

- (A) As a member of the Armed Forces of the United States, died on active duty;
- (B) As a member of the Armed Forces of the United States, died as a result of a military service connected disability; or
- (C) Is 100 percent disabled as the result of a military service connected disability, as certified by the United States Department of Veterans Affairs or any branch of the Armed Forces of the United States.

(2) Subject to subsections (3) to (6) of this section, an eligible post-secondary institution shall waive tuition for a qualified student for courses that may lead to a baccalaureate degree or a master’s degree. A qualified student who received a tuition waiver for a baccalaureate degree may also qualify for a tuition waiver for a master’s degree.

(3)(a) The maximum waiver granted under this section shall be as follows:

(A) For a baccalaureate degree, the total number of credit hours that equals four years of full-time attendance at an eligible post-secondary institution.

(B) For a master’s degree, the total number of credit hours that equals two years of full-time attendance at an eligible post-secondary institution.

(b) Notwithstanding paragraph (a) of this subsection, a waiver may not exceed the total number of credit hours the qualified student needs to graduate with a baccalaureate degree or a master’s degree.

(4) A waiver may be granted under this section only for credit hours for courses that are offered by an eligible post-secondary institution and are available for enrollment regardless of whether the qualified student attends the course and pays tuition.

(5) A qualified student may receive a waiver under this section if the student:

(a) At the time of application for a waiver, is considered a resident of this state for the purpose of determining tuition to be paid at an eligible post-secondary institution; and

(b) Has been admitted to an eligible post-secondary institution for a baccalaureate degree program or has been admitted to a master’s degree program at an eligible post-secondary institution.

(6)(a) A child who applies for a waiver under this section must be 23 years of age or younger at the time the child applies for a waiver.

(b) Notwithstanding paragraph (a) of this subsection, a child who is older than 23 years of age is eligible for a waiver for a master’s degree if the child:

(A) Applied for and received a waiver for a baccalaureate degree when the child was 23 years of age or younger; and

(B) Applied for a waiver for a master’s degree within 12 months of receiving a baccalaureate degree.

SECTION 233. ORS 351.658 is amended to read:

351.658. (1) The State Board of Higher Education shall direct each *[state institution of higher education]* **public university listed in ORS 352.002** to waive tuition for any course audited by an Oregon resident 65 years of age or older if:

(a) Space is available in the course for additional students to register after degree-seeking students have registered;

(b) The department in which the course is being taught approves; and

(c) The auditing student is registered for eight credits or fewer per term.

(2) *[A state institution of higher education]* **The public university** may charge the student attending under subsection (1) of this section fees associated with the course being audited.

(3) A *[state institution of higher education]* **public university** may develop rules for implementation of this section, including rules relating to registration, admission and fees.

SECTION 234. ORS 351.700 is amended to read:

351.700. As used in ORS 351.704 and 351.708, “public institution of higher education” means:

(1) A community college; or

(2) A [*state institution of higher education*] **public university** listed in ORS 352.002.

SECTION 235. ORS 351.840 is amended to read:

351.840. (1) The State Board of Higher Education and the Oregon Health and Science University Board of Directors may contract with the Western Interstate Commission for Higher Education to furnish educational service in their respective Oregon [*institutions*] **public universities** to out-of-state students.

(2) The State Board of Higher Education and the Oregon Health and Science University Board of Directors shall determine the number of out-of-state students that should be accepted into their respective [*institutions*] **universities**, and shall make final decisions on admission of individual applicants.

(3) Payments made by the commission under such contracts shall be deposited in and credited to a designated account in the Oregon University System Fund established by ORS 351.506 for students enrolled in [*institutions*] **public universities** under the jurisdiction of the State Board of Higher Education in the same manner that fees and tuition payments for resident students are deposited and credited. The estimated amount of the payments must be considered by the board in making its biennial budgetary requests. Payments made by the commission under such contracts must be deposited with the Oregon Health and Science University for students who enroll in that university under the terms of such contracts.

SECTION 236. ORS 351.870 is amended to read:

351.870. (1) The Legislative Assembly finds and declares that basic research is fundamental to the continuation and expansion of applied research and is thus a necessary ingredient in economic growth. The Legislative Assembly further finds that basic research is itself an important activity which should be promoted.

(2) It is the policy of this state that basic research is an appropriate and necessary activity of our public universities. Further, the State of Oregon has an obligation with other states and the federal government to encourage and finance basic research if the state and nation are to be active participants in a future which will require ever increasing levels of knowledge and understanding.

(3) The Legislative Assembly acknowledges that a characteristic of basic research is that no defined result can be guaranteed and asserts that only through scholarly investigation can knowledge be advanced to be later developed and applied.

(4) The Legislative Assembly believes that moneys for basic research should be regularly appropriated and that such moneys should be used for support of qualified investigators and funding of research projects.

(5) The Legislative Assembly intends that in implementing the policy on basic research or any other research policy, the State Board of Higher Education, in keeping with the principle of academic freedom, shall [*insure*] **ensure** open and free inquiry and publication in all [*institutions*] **public universities** under its jurisdiction.

SECTION 237. ORS 351.885 is amended to read:

351.885. (1) With the advice and recommendations of the Council for Research Policy Recommendations established by ORS 351.880, the State Board of Higher Education shall adopt policies and procedures for the administration of the account designated by ORS 351.875.

(2) The policies and procedures shall give consideration to:

(a) The promotion of basic research of the highest caliber at [*institutions of higher education*] **public universities** within the Oregon University System;

(b) The identification of areas of inquiry that should be supported so as to recognize both the intrinsic value and extrinsic economic value of basic research;

(c) The capacity of each [*institution of higher education*] **public university** to decide where basic research moneys could best be spent within that [*institution*] **public university**;

(d) Administrative and accounting requirements that place upon the [institution of higher education] **public university** receiving moneys from the account designated by ORS 351.875 a minimum burden sufficient to guarantee an appropriate degree of public accountability; and

(e) Methods of [assuring] **ensuring** nondiscriminatory access to the account designated by ORS 351.875.

SECTION 238. ORS 352.004 is amended to read:

352.004. The president of each [state institution of higher education] **public university** within the Oregon University System is also president of the faculty. The president is also the executive and governing officer of the [institution] **public university**, except as otherwise provided by statute **or action of the State Board of Higher Education**. Subject to the supervision of the [State] board [of Higher Education], the president of the [institution] **public university** has authority to control and give general directions to the practical affairs of the [institution] **public university**.

SECTION 239. ORS 352.008 is amended to read:

352.008. In consultation with the Oregon Health Authority, each [state institution of higher education] **public university listed in ORS 352.002** shall adopt a comprehensive alcohol and drug abuse policy and implementation plan.

SECTION 240. ORS 352.015 is amended to read:

352.015. (1) [Every institution under the jurisdiction of the State Board of Higher Education] **Each public university listed in ORS 352.002** shall convene a physical access committee to identify barriers to access by persons with disabilities on the campus of each [institution] **public university**. The committee shall include, but not be limited to:

(a) One or more students with disabilities or, if there are no students with disabilities willing to participate, a person with a disability who uses the [institution's] **public university's** facilities;

(b) One or more members of the faculty or staff who have disabilities;

(c) The coordinator of services for students with disabilities for the [institution] **public university**;

(d) One or more administrators of the [institution] **public university**; and

(e) One or more members of the physical plant staff of the [institution] **public university**.

(2) The physical access committee shall present its findings and recommendations to the administration of the [institution] **public university** listing access needs and priorities for meeting those needs. These findings and recommendations shall identify the barriers to access that prevent persons with disabilities from meaningfully utilizing campus facilities related to instruction, academic support, assembly and residence life.

(3) In preparing [budget] **funding** requests for each biennium, each [institution under the jurisdiction of the State Board of Higher Education] **public university** shall include amounts for capital improvement that will be applied to the substantial reduction and eventual elimination of barriers to access by persons with disabilities as identified by the physical access committee.

(4) Nothing in this section and ORS 185.155 and 341.937 requires [an institution] **a public university** to undertake projects for accessibility that are not otherwise required unless such projects are funded specifically by the Legislative Assembly.

SECTION 241. ORS 352.017 is amended to read:

352.017. (1) As used in this section, "personally identifiable information" means a student's Social Security number and gender or a student's Social Security number and date of birth.

(2) A [state institution of higher education] **public university listed in ORS 352.002** may enter into a contract with a private contractor to provide the service of facilitating the disbursement of funds to students. If a student's personally identifiable information is necessary to administer the disbursement of funds under the contract, the [institution must] **public university**:

(a) **Shall** obtain from a student a written election to receive the contracted services;

(b) **Shall** provide any alternative method of disbursement of funds at no additional cost to a student who does not elect to receive those services from a private contractor;

(c) **May** not release to a private contractor personally identifiable information about a student who elects to receive disbursement services from the private contractor without first obtaining from the student a written consent to release the personally identifiable information; and

(d) **Shall** provide to a student a written description of the purposes for which a private contractor may use the student's personally identifiable information.

SECTION 242. ORS 352.021 is amended to read:

352.021. (1) As used in this section, "internment camp" means a relocation center to which persons were ordered evacuated by Presidential Executive Order 9066, signed on February 19, 1942.

(2) A person who meets the requirements of subsection (4) of this section may request a [*state institution of higher education*] **public university** listed in ORS 352.002 to award the person an honorary post-secondary degree.

(3) A representative of a deceased person who meets the requirements of subsection (4) of this section may request a [*state institution of higher education listed in ORS 352.002*] **public university** to award an honorary post-secondary degree on behalf of the deceased person.

(4) Notwithstanding the requirements for a post-secondary degree established by a [*state institution of higher education*] **public university** or by the State Board of Higher Education, a [*state institution of higher education*] **public university** that receives a request under subsection (2) or (3) of this section may award an honorary post-secondary degree to a person, or on behalf of a deceased person, who:

(a) Was a student at the [*state institution of higher education*] **public university** in 1942; and

(b) Did not graduate from the [*institution*] **public university** because the person was ordered to an internment camp.

SECTION 243. ORS 352.223 is amended to read:

352.223. (1) As used in this section:

(a) "Allied health education programs" includes, but is not limited to:

(A) Radiologic science;

(B) Nuclear medicine;

(C) Sonography;

(D) Vascular technology;

(E) Dental hygiene;

(F) Respiratory care;

(G) Clinical laboratory sciences; and

(H) Emergency medical technician education.

(b) "Allied health education programs" does not include any undergraduate or graduate nursing program administered by Oregon Health and Science University.

(2) There is created within the Oregon University System the Oregon Center for Health Professions. The Oregon Center for Health Professions shall be administered by the Oregon Institute of Technology.

(3) The purposes of the Oregon Center for Health Professions are to:

(a) Provide continued development of bachelor's degree level education programs in areas of allied health;

(b) Facilitate the creation of new partnerships between the health care industry and community colleges, private institutions of higher education and [*state institutions of higher education*] **public universities listed in ORS 352.002** in order to increase the number of students and graduates in allied health education programs;

(c) Provide continuing education, professional development and certificate programs for allied health care professionals; and

(d) Align with and complement educational partnerships between the Oregon Institute of Technology and Oregon Health and Science University focusing on allied health education programs.

(4) The Oregon University System may receive moneys from any public or private source to support the Oregon Center for Health Professions. Gifts and grants received to support the Oregon

Center for Health Professions shall be credited to the appropriate fund at the Oregon Institute of Technology by the Oregon University System.

SECTION 244. ORS 352.360 is amended to read:

352.360. (1) The State Board of Higher Education may enact such regulations as the board deems convenient or necessary to provide for the policing, control and regulation of traffic and parking of vehicles on the property of any [*institution of higher education under the jurisdiction of the board*] **public university listed in ORS 352.002**. The regulations may provide for the registration of vehicles, the designation of parking areas[,] and the assessment and collection of reasonable fees and charges for parking[, and shall be filed in accordance with the provisions of ORS chapter 183]. The board may require that before a quarterly or yearly parking privilege for any vehicle is granted to any full-time or part-time student to use board property, the student must show that the vehicle is operated by a student holding a valid [*driver's*] **driver** license, that the vehicle is currently registered and that the student driving the vehicle is insured under a motor vehicle liability insurance policy that meets the requirements described under ORS 806.080 or that the student or owner of the vehicle has provided the Department of Transportation with other satisfactory proof of compliance with the financial responsibility requirements of this state.

(2) The regulations enacted pursuant to subsection (1) of this section shall be enforced administratively under procedures adopted by the board for each [*institution of higher education under the jurisdiction of the board*] **public university**. Administrative and disciplinary sanctions may be imposed upon students, faculty and staff for violation of the regulations, including but not limited to, a reasonable monetary penalty which may be deducted from student deposits, and faculty or staff salaries or other funds in the possession of the [*institution*] **public university**. The board shall provide opportunity for hearing for the determination of controversies in connection with imposition of fines or penalties. The board may prescribe procedures for such hearings despite the provisions of ORS 183.413 to 183.470. Persons other than students, faculty or staff may voluntarily submit to the hearing procedures prescribed by the board, and shall be bound by the results of the hearing. The powers granted to the board by this section are supplemental to the existing powers of the board with respect to the government of activities of students, faculty and staff and the control and management of property under its jurisdiction.

(3) The regulations enacted pursuant to subsection (1) of this section may also be enforced by the impoundment of vehicles, and a reasonable fee may be enacted for the cost of impoundment and storage, if any, prior to the release of the vehicles to their owners.

(4) All fees and charges for parking privileges and violations are deposited in a designated account in the Oregon University System Fund established by ORS 351.506 for the purpose of defraying the costs of constructing bicycle racks and bicycle lanes and of traffic control, enforcement of traffic and parking regulations[,] and maintenance and operation of parking facilities and for the purpose of acquiring and constructing additional parking facilities for vehicles at the various [*institutions, departments or*] **public universities and offices, departments and** activities under the control of the board. Fees and charges may also be credited to the account in the Oregon University System Fund designated by ORS 351.460. Parking fees shall be established at levels no greater than those required to finance the construction, operation and maintenance of parking facilities on the same campus of the [*state institution of higher education on*] **public university for** which the parking is provided. Notwithstanding ORS 351.072, parking fees or changes in fees shall be adopted by rule of the [*state*] board subject to the procedure for rules adopted in ORS chapter 183.

(5) Every peace officer may enforce the regulations made by the board under subsection (1) of this section. The board, for the purpose of enforcing its rules and regulations governing traffic control, may appoint peace officers who have the same authority as other peace officers as defined in ORS 133.005.

(6) The board and any municipal corporation or any department, agency or political subdivision of this state may enter into agreements or contracts with each other for the purpose of providing a uniform system of enforcement of the rules and regulations of the board enacted pursuant to subsection (1) of this section.

(7) In proceedings brought to enforce regulations enacted pursuant to subsection (1) of this section, it shall be sufficient to charge the defendant by an unsworn written notice in accordance with the provisions of ORS 221.333. In any case in which the defendant is not subject to and does not voluntarily submit to the hearing procedures prescribed under subsection (2) of this section, proceedings to enforce regulations enacted pursuant to subsection (1) of this section shall be brought in the name of the board in a circuit court, a justice court or a city court for offenses committed within the territorial jurisdiction of such court. Such courts shall have concurrent jurisdiction over offenses committed within their respective jurisdictions. All fines, penalties and court costs recovered shall be paid to the clerk of the court involved and shall be disposed of as provided in ORS 153.630.

SECTION 245. ORS 352.370 is amended to read:

352.370. (1) As used in this section, “school of higher education” means:

(a) Any [school, institution or department under the jurisdiction of the State Board of Higher Education] **public university listed in ORS 352.002.**

(b) Any community college as defined in ORS 341.005.

(2) No student shall be refused admission to a school of higher education or be expelled from such a school for the sole reason that, because of religious beliefs, the student is unable to attend classes on a particular day.

(3) Any student in a school of higher education who, because of religious beliefs, is unable to attend classes on a particular day shall be excused on that day from any examination, study requirement or work requirement. However, at the student’s own expense the student shall make up the examination, study requirement or work requirement missed because of the absence.

SECTION 246. ORS 352.375 is amended to read:

352.375. (1) A [state institution of higher education] **public university** listed in ORS 352.002 or a community college shall charge an enrolled student who is not a resident of this state and who is attending classes as an undergraduate on a public university or community college campus in this state tuition and fees no greater than the resident rate plus 50 percent of the difference between the resident rate and the nonresident rate if the student served in the Armed Forces of the United States and was relieved or discharged from that service under honorable conditions.

(2) Every [state institution of higher education] **public university** listed in ORS 352.002 and community college in this state shall participate to the fullest extent allowed in the federal educational assistance programs under the Supplemental Appropriations Act of 2008 (P.L. 110-252) so as to reduce the overall tuition rate for students eligible for tuition rate reduction under subsection (1) of this section to the resident tuition rate.

(3) A person who served in the Armed Forces of the United States and who receives federal tuition benefits in excess of the tuition and fees the person is charged under subsection (1) of this section at a [state institution of higher education] **public university** listed in ORS 352.002 or a community college where the person is enrolled shall pay tuition and fees equal to the federal tuition benefits received.

(4) Distance education and self-support courses as identified by each [state institution of higher education] **public university** listed in ORS 352.002 and community college are exempt from the tuition reduction provisions of this section.

(5) If a nonresident student otherwise eligible for tuition benefits under this section is receiving federal vocational rehabilitation education benefits, that student shall pay full nonresident tuition and fees charged by a [state institution of higher education] **public university** listed in ORS 352.002 or a community college.

SECTION 247. ORS 352.380 is amended to read:

352.380. (1) As used in this section, “minority” means:

(a) A person having origins in any of the black racial groups of Africa but who is not Hispanic;

(b) A person of Hispanic culture or origin;

(c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or

(d) An American Indian or Alaskan Native having origins in any of the original peoples of North America.

(2) Each [*institution under the jurisdiction of the State Board of Higher Education*] **public university listed in ORS 352.002** shall:

(a) Consider and maintain affirmative action plans and goals when reductions in faculty and staff are required as a result of:

(A) Reductions in revenue that necessitate discontinuance of its educational program at its anticipated level;

(B) Elimination of classes due to decreased student enrollment; or

(C) Reduction in courses due to administrative decisions.

(b) Interview one or more qualified minority applicants when hiring a head coach or athletic director, unless the [*institution*] **public university** was unable to identify a qualified minority applicant who was willing to interview for the position. It is an affirmative defense to a claim of a violation of this paragraph that the [*institution*] **public university**, in good faith, was unable to identify a qualified minority applicant who was willing to interview for the position.

SECTION 248. ORS 352.380, as amended by section 3, chapter 780, Oregon Laws 2009, is amended to read:

352.380. Each [*institution under the jurisdiction of the State Board of Higher Education*] **public university listed in ORS 352.002** shall consider and maintain affirmative action plans and goals when reductions in faculty and staff are required as a result of:

(1) Reductions in revenue that necessitate discontinuance of its educational program at its anticipated level;

(2) Elimination of classes due to decreased student enrollment; or

(3) Reduction in courses due to administrative decisions.

SECTION 249. ORS 352.385 is amended to read:

352.385. (1) The State Board of Higher Education may, at the request of [*any institution*] **a public university** under its control, authorize [*that institution*] **the university** to commission one or more of its employees as special campus security officers. [*However,*] The total number of special campus security officers commissioned at the [*institutions*] **public universities** in the Oregon University System [*shall*] **may** not exceed 50. Special campus security officers shall have stop and frisk authority as set forth in ORS 131.605 to 131.625 and probable cause arrest authority and the accompanying immunities as set forth in ORS 133.310 and 133.315 when acting in the scope of their employment as defined by the State Board of Higher Education. Special campus security officers shall not be authorized to carry firearms as police officers and, except as provided in subsection (3) of this section, shall not be considered police officers for purposes of ORS 181.610, 238.005, 243.005 or 243.736.

(2) The Department of Public Safety Standards and Training shall train special campus security officers at the expense of the State Board of Higher Education.

(3) The State Board of Higher Education, acting by and through its special campus security officers, is a criminal justice agency for purposes of rules adopted pursuant to ORS 181.730 (3).

SECTION 250. ORS 352.390 is amended to read:

352.390. (1) The State Board of Higher Education shall cause to have prepared and submitted to the Legislative Assembly a program and time schedule for the establishment of regional services institutes at appropriate [*state institutions of higher education*] **public universities**. The program shall include academic curriculum and practical training appropriate to train students in various aspects of economic and community services planning, with particular emphasis on economic services planning for areas of the state that have common geographic, economic and social characteristics but that do not have sufficient population to qualify as metropolitan statistical areas.

(2) In carrying out its duties under subsection (1) of this section, the board shall consult with the Oregon Business Development Department and shall rely on the department for technical advice and, as necessary, technical services. The board shall also consult with community colleges, the Oregon State University Extension Service, economic development districts and special districts

providing community and economic development services in the region in order to prepare curriculum and programs with particular emphasis on streamlining existing programs, avoiding duplication and overlap of programs, better utilizing students and resources and identifying needs in the region that are currently unaddressed.

(3) In preparing programs for establishing regional services institutes, the board shall give priority to establishing institutes at Eastern Oregon University and Southern Oregon University. The board may also direct the hiring of an institute director and other staff as may be from time to time required.

SECTION 251. ORS 352.510 is amended to read:

352.510. The interest that may accrue on an account arising from the sale of lands for [*institutions of higher education*] **public universities** that were donated to the state by Act of Congress of February 14, 1859, may be deposited in and credited to an account in the Oregon University System Fund established by ORS 351.506 for the purpose of the maintenance, use and support of the University of Oregon. No part of the interest may be expended otherwise than in the payment of the salaries of the president, professors and teachers of the University of Oregon and other current expenses of the University of Oregon. If at the close of any fiscal year an amount equal to or greater than \$500 of the interest remains unexpended after the full payment of the salaries and expenses for the fiscal year, the amount shall be added to and become a part of the principal of the account. The State Board of Higher Education or the faculty or other officers of the University of Oregon may not pledge the faith or credit of the University of Oregon in excess of the interest annually accruing on the account, together with the receipts from tuitions and other sources during the current year.

SECTION 252. ORS 352.669 is amended to read:

352.669. The Legislative Assembly declares that all state agencies[, *in particular state institutions of higher education,*] **and the Oregon University System** should pursue policies and engage in practices that enhance the vitality of independent higher education in Oregon and should cooperate with the state's independent institutions.

SECTION 253. ORS 352.720 is amended to read:

352.720. As used in ORS 352.710 to 352.760, unless the context requires otherwise:

[1] "*Commission*" means the *Oregon Student Assistance Commission*.

[2] (1) "Private and independent institutions of higher education" or "institution" means any nonpublic and nonprofit college or university in the State of Oregon accredited by the Northwest Association of Schools and Colleges and any chiropractic college located in this state and accredited by the Commission on Accreditation of the Council on Chiropractic Education, or its successor.

[3] (2) "Nonsectarian educational services" means the providing of instruction in secular subjects.

[4] (3) "Secular subjects" means any course which is presented in the curriculum of a private and independent institution of higher education which is not hobby or recreational in nature or which does not advocate the religious teachings or the morals or forms of worship of any sect.

SECTION 254. ORS 352.730 is amended to read:

352.730. (1) The Oregon Student [*Assistance*] **Access** Commission may enter into contracts with private and independent institutions of higher education for the performance of nonsectarian educational services to assist the state in providing educational opportunities for Oregon students.

(2) The commission may accept grants, gifts, bequests, and devises of real and personal property to carry out the purposes of ORS 352.710 to 352.760.

(3) No funds disbursed pursuant to ORS 352.710 to 352.760 shall be used by any recipient for any religious purpose.

SECTION 255. ORS 352.740 is amended to read:

352.740. Payments to private and independent institutions of higher education under contracts entered into under ORS 352.730 shall be determined by the Oregon Student [*Assistance*] **Access** Commission on a uniform rate for every 45 quarter hours, or equivalent, of approved and registered course work in nonsectarian subjects completed by undergraduate students enrolled in the insti-

tutions who are residents of Oregon, and shall not exceed the actual cost to the institution of providing such educational services. This uniform rate shall apply to the estimated 45-hour units for each institution upon which the legislative appropriation is based for that year, or the actual 45-hour units for each institution, whichever is the lesser. Any remaining funds shall be distributed among those institutions whose actual 45-hour units exceed the estimate. The distribution to each institution shall be according to the uniform rate established for the 45-hour units or an amount equal to the ratio that the excess units bear to 45. However, if insufficient funds are available for such a distribution, then the distribution shall be according to the ratio that the total number of 45-hour units in excess of the estimate bears to the total amount of funds remaining undistributed, multiplied by the number of excess 45-hour units, if any, at each institution.

SECTION 256. ORS 352.750 is amended to read:

352.750. In accordance with any applicable provisions of ORS chapter 183, the Oregon Student [Assistance] **Access** Commission may make such reasonable rules and regulations as are necessary or proper to carry out ORS 352.710 to 352.760.

SECTION 256a. ORS 353.080 is amended to read:

353.080. Oregon Health and Science University shall file with the Legislative Assembly, **the Higher Education Coordinating Commission** and the Governor, not later than April 15 of each year, a report of the university's activities and operations for the preceding year.

SECTION 257. ORS 353.200 is amended to read:

353.200. (1) A student at the Oregon Health and Science University who is a member of the military and who is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

(a) With regard to a course in which the student is enrolled and for which the student has paid tuition and fees, the right to:

(A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

(B) Receive a grade of incomplete and, upon release from active duty, complete the course in accordance with the practice of the university for completion of incomplete courses; or

(C) Continue and complete the course for full credit, subject to the provisions of subsection (3) of this section;

(b) The right to a credit described in ORS 353.202 for all amounts paid for room, board, tuition and fees;

(c) If the student elects to withdraw from the university, the right to be readmitted and reenrolled at the university within one year after release from active duty without a requirement of redetermination of admission eligibility; and

(d) The right to continuation of scholarships and grants awarded to the student that were funded by the university or the [Oregon Student Assistance Commission] **Oregon Student Access Commission** before the student was ordered to active duty.

(2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the university may not:

(a) Give the student academic credit for the course from which the student withdraws;

(b) Give the student a failing grade or a grade of incomplete or make any other negative annotation on the student's record; or

(c) Alter the student's grade point average due to the student's withdrawal from the course.

(3) A student who elects to continue and complete a course for full credit under subsection (1)(a)(C) of this section is subject to the following conditions:

(a) Course sessions the student misses due to active duty shall be counted as excused absences and may not adversely impact the student's grade for the course or rank in the student's class.

(b) The student may not be automatically excused from completing course assignments due during the period the student serves on active duty.

(c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of the course, the student completes sufficient work and demonstrates sufficient progress toward meeting course requirements to justify the grade.

(4) The Oregon Health and Science University Board of Directors shall adopt rules for the administration of this section.

(5) As used in this section, "member of the military" means a person who is a member of:

(a) The Oregon National Guard or the National Guard of any other state or territory; or

(b) The reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States.

SECTION 258. ORS 353.260 is amended to read:

353.260. (1) Oregon Health and Science University may adopt policies governing access to university personnel records that are less than 25 years old.

(2) Policies adopted under subsection (1) of this section shall require that personnel records be subjected to restrictions on access unless the president of the university finds that the public interest in maintaining individual rights to privacy in an adequate educational environment would not suffer by disclosure of such records. Access to such records may be limited to designated classes of information or persons, or to stated times and conditions, or to both, but cannot be limited for records more than 25 years old.

(3) No rule or order adopted pursuant to this section shall deny to a faculty member full access to the member's personnel file or records kept by the university, except as provided in subsection (4)(d) and (e) of this section.

(4)(a) The files relating to the evaluation of a faculty member shall be kept in designated, available locations.

(b) Any evaluation received by telephone shall be documented in each of the faculty member's files by means of a written summary of the conversation with the names of the conversants identified.

(c) A faculty member shall be entitled to submit, for placement in the files, evidence rebutting, correcting, amplifying or explaining any document contained therein and other material that the member believes might be of assistance in the evaluation process.

(d) Letters and other information for a faculty member of the university submitted in confidence to the State Board of Higher Education or its [*institutions*] **public universities or offices**, schools or departments prior to July 1, 1975, shall be maintained in the files designated by paragraph (a) of this subsection. However, if a faculty member requests access to those files, the anonymity of the contributor of letters and other information obtained prior to July 1, 1975, shall be protected. The full text shall be made available, except that portions of the text that would serve to identify the contributor shall be excised by a faculty committee. Only the names of the contributors and the excised portions of the documents may be kept in a file other than the files designated by paragraph (a) of this subsection.

(e) Confidential letters and other information submitted to or solicited by the university after July 1, 1995, and prior to the employment of a prospective faculty member are exempt from the provisions of this paragraph. However, if the member is employed by the university, the confidential preemployment materials shall be placed in the files designated by paragraph (a) of this subsection. If a faculty member requests access to the member's files, the anonymity of the contributor of confidential preemployment letters and other preemployment information shall be protected. The full text shall be made available, except that portions of the text that would serve to identify the contributor shall be excised and retained in a file other than the files designated by paragraph (a) of this subsection.

(f) Classroom survey evaluations by students of a faculty member's classroom or laboratory performance shall be anonymous. The record of tabulated reports shall be placed in at least one of the files designated by paragraph (a) of this subsection. All survey instruments used to obtain evaluation data shall be returned to the faculty member.

(g) The university, when evaluating its employed faculty members, shall not solicit or accept letters, documents or other materials, given orally or in written form, from individuals or groups who wish their identity kept anonymous or the information they provide kept confidential.

(5) No policy or order adopted pursuant to this section limits the authority of the university to prepare, without identification of individual persons who have not consented thereto, statistical or demographic reports from personnel records.

(6) Any category of personnel records specifically designated as confidential pursuant to valid policies or orders as provided in this section shall not be deemed a public record for the purposes of ORS 192.420.

(7) As used in this section, "personnel records" means records containing information kept by the university concerning a faculty member and furnished by the faculty member or by others about the faculty member at the member's or at the university's request, including but not limited to information concerning discipline, membership activity, employment performance or other personal records of individual persons.

SECTION 259. ORS 353.440 is amended to read:

353.440. The Legislative Assembly finds that:

(1) *[Institutions]* **Public universities** in the Oregon University System and other educational sectors have academic programs that are related to or integrated with the programs of Oregon Health and Science University.

(2) It is in the best interest of the state that a coordinated approach be taken to these related and integrated academic programs.

(3) In order to best ensure the continued harmony of such academic programs, the **Oregon Health and Science** University and the Oregon University System shall coordinate such programs and shall advise each other of the following proposed changes to such academic programs:

- (a) Creation or significant revision, such as a merger or closure, of degree programs;
- (b) Creation or significant revision, such as a merger or closure, of schools; and
- (c) Creation or significant revision of major academic policies.

(4) **The Oregon Health and Science University and the Higher Education Coordinating Commission shall coordinate and advise each other of the following types of proposed changes to their related or integrated academic programs:**

- (a) **Coordination of strategic plans for achieving higher education goals;**
- (b) **Seeking advice and input from each other on modifications to statutory educational missions;**
- (c) **Working to develop a statewide educational data system;**
- (d) **Collaborating as necessary on the creation of any new degree programs; and**
- (e) **Notifying each other and commenting on tuition rate changes.**

[(4)] (5) In order to further the coordination described by this section, **Oregon Health and Science** University officers shall maintain a role in the appropriate committees of the State Board of Higher Education, **the Higher Education Coordinating Commission** and the Oregon University System.

SECTION 260. ORS 353.600 is amended to read:

353.600. As used in ORS 353.600 to 353.612:

(1) "Committee" means the Oregon Nursing Shortage Coalition Committee created in ORS 353.606.

(2) "Post-secondary education institution" means:

- (a) A *[state institution under the direction of the State Board of Higher Education]* **public university listed in ORS 352.002;**
- (b) A community college operated under ORS chapter 341;
- (c) A school or division of Oregon Health and Science University; or
- (d) An Oregon-based, generally accredited, not-for-profit private institution of higher education.

SECTION 261. ORS 353.603 is amended to read:

353.603. (1) Oregon Health and Science University shall distribute grants to post-secondary education institutions to support nursing education programs based on the selections of the Oregon Nursing Shortage Coalition Committee and in accordance with appropriate university policies and procedures. If the university is not able to distribute a grant to a post-secondary education institu-

tion selected by the committee, the university shall report to the committee the reason for not distributing the grant.

(2) Grants distributed under this section to a community college or [state institution of higher education] **a public university listed in ORS 352.002** may be based on an intergovernmental agreement entered into by Oregon Health and Science University and the college or [institution] **public university**.

(3) Oregon Health and Science University may not use more than five percent of the amount received from the Nursing Education Grant Fund established in ORS 353.612 for the grant program in any biennium for administrative expenses incurred in administering ORS 353.600 to 353.612.

(4) Oregon Health and Science University may accept contributions of funds and assistance from the United States Government or its agencies, or from any other source, public or private, and agree to conditions placed on the funds not inconsistent with the purposes of ORS 353.600 to 353.612. The university shall use funds and assistance received under this subsection for grants distributed under this section or for administering ORS 353.600 to 353.612.

(5) Oregon Health and Science University shall deposit moneys received by the university for purposes of ORS 353.600 to 353.612 in the Nursing Education Grant Fund. The total amount of grants distributed under this section may not exceed the amount of moneys available for distribution in the fund.

SECTION 262. ORS 357.004 is amended to read:

357.004. As used in ORS 357.001 to 357.200, unless the context requires otherwise:

(1) "Depository library" means a library that is designated as such under ORS 357.095.

(2)(a) "Issuing agency" means state government, as that term is defined in ORS 174.111.

(b) "Issuing agency" does not include the State Board of Higher Education or any [institution, division or department] **public university or office, department or activity** under the control of the board.

(3)(a) "Public document" means informational matter produced for public distribution or access regardless of format, medium, source or copyright, originating in or produced with the imprint of, by the authority of or at the total or partial expense of any state agency. "Public document" includes informational matter produced on computer diskettes, CD-ROMs, computer tapes, the Internet or in other electronic formats.

(b) "Public document" does not include:

(A) Correspondence, forms, interoffice or intraoffice memoranda;

(B) Legislative bills;

(C) Oregon Revised Statutes or any edition thereof; or

(D) Reports and publications of the Oregon Supreme Court, the Oregon Court of Appeals and the Oregon Tax Court.

SECTION 263. ORS 399.245 is amended to read:

399.245. As used in ORS 399.245 to 399.265:

[(1) "Commission" means the Oregon Student Assistance Commission.]

[(2)] (1) "Qualified applicant" means an Oregon resident who:

(a) Is a member of the Oregon National Guard;

(b) Maintains minimum academic standards at the qualified institution of higher education;

(c) Meets participation standards in the Oregon National Guard as prescribed by the Oregon Military Department;

(d) Is a full-time student; and

(e) Serves one year in the Oregon National Guard for each year a scholarship is granted.

[(3)] (2) "Qualified institution of higher education" means any two-year or four-year, nonprofit, generally accredited institution of higher education located in this state, including community colleges and accredited schools of nursing located in this state.

[(4)] (3) "Scholarship" means a scholarship equal in value to \$800 to be used to pay the educational expenses of the applicant at a qualified institution of higher education during the period for which the scholarship is granted, of which no more than 100 scholarships shall be awarded annually.

SECTION 264. ORS 399.255 is amended to read:

399.255. (1) Subject to the availability of funds, the Oregon Military Department shall contract with the Oregon Student [Assistance] Access Commission to disburse to qualified applicants, awards made to the applicants on behalf of the Oregon National Guard Scholarship Program as determined by the Oregon Military Department.

(2) If the qualified applicant who receives a scholarship under ORS 399.245 to 399.265 meets the standards of the Oregon Military Department for renewal of the scholarship, the scholarship may be renewed upon application until the applicant has received a scholarship for a total of four undergraduate years.

(3) A qualified applicant who receives a scholarship under ORS 399.245 to 399.265 must attend the qualified institution of higher education upon which the scholarship application was based unless the commission authorizes the scholarship to be used at a different institution.

(4) No scholarship shall be made to any student enrolled in a course of study required for or leading to a degree in theology, divinity or religious education.

SECTION 265. ORS 399.265 is amended to read:

399.265. A qualified applicant may be awarded a scholarship under ORS 399.245 to 399.265 before completing the national guard service requirement. However, if an applicant fails to fulfill the service requirement, the applicant shall pay to the Oregon Student [Assistance] Access Commission the amount of the scholarship received plus interest for each year for which a scholarship was awarded but for which the service requirement was not met.

SECTION 266. ORS 399.275 is amended to read:

399.275. (1) As used in this section and ORS 399.280:

(a) "Eligible post-secondary institution" has the meaning given that term in ORS 348.180.

(b) "Surviving family member" means a spouse or dependent of a member of the Oregon National Guard who is killed while on active duty.

(2) Subject to the availability of funds, the Oregon Military Department may contract with the Oregon Student [Assistance] Access Commission to:

(a) Disburse to eligible post-secondary institutions the dollar amount of tuition waivers authorized by this section and approved for payment by the department; and

(b) Provide to the department a compilation of the total dollar amount of the tuition waivers approved for each academic term included in the contract.

(3) The department shall regularly provide to the commission the names of members of the Oregon National Guard and surviving family members for whom tuition waivers may be approved.

(4) Any member of the Oregon National Guard or surviving family member who registers for classes at an eligible post-secondary institution may receive a tuition waiver of up to 100 percent of the resident tuition charges imposed by that institution, except that in the case of a not-for-profit independent institution, the tuition waiver may not exceed 100 percent of the resident tuition at Oregon State University.

(5)(a) A member of the Oregon National Guard may receive the tuition waiver authorized by this section at any time if the member maintains satisfactory performance with the Oregon National Guard and pursues a course of study in the eligible post-secondary institution in a manner that satisfies the usual requirements of the institution.

(b) A surviving family member may receive the tuition waiver authorized by this section if the surviving family member pursues a course of study in the eligible post-secondary institution in a manner that satisfies the usual requirements of the institution.

(c) The member of the Oregon National Guard or surviving family member is responsible for payment of the balance of the tuition charges not provided for by the tuition waiver program.

(6) When determining to whom the tuition waivers shall be granted, priority shall be given to those members of the Oregon National Guard who have previously received tuition waivers while serving in the Oregon National Guard and surviving family members who have previously received tuition waivers.

(7) The department shall apply qualifications and limitations to the tuition waiver program that are consistent with efficient and effective program management as determined by the Adjutant General.

SECTION 267. ORS 408.095 is amended to read:

408.095. (1) As used in this section, “community college” has the meaning given that term in ORS 341.005.

(2) There is created in the Department of Veterans’ Affairs the Campus Veterans’ Service Officers Program.

(3) The purpose of the program is to provide educational outreach to veterans to help ensure that they obtain maximum state and federal benefits.

(4) The department shall appoint a sufficient number of campus veterans’ service officers to ensure that each Oregon community college and each [institution] **public university** in the Oregon University System, as described in ORS 352.002, is provided veterans’ services.

(5) Each community college and [institution] **public university** in the Oregon University System shall provide office space that may be used for the provision of veterans’ services.

(6) The department may adopt rules to implement the Campus Veterans’ Service Officers Program.

SECTION 268. ORS 411.894 is amended to read:

411.894. (1) The Oregon JOBS Individual Education Account is established to improve the position of JOBS Plus participants in the workforce by increasing their access to continuing education. Employer contributions to the account under this section shall be used to pay for education expenses for the individual as provided in subsection (2) of this section.

(2)(a) After the participant has participated in the JOBS Plus Program for 30 days, the employer shall pay, in addition to the participant wage, one dollar for each participant hour worked into the participant’s individual education account. Contributions to such an account shall be tax deferred or tax-exempt to the extent permitted by federal and state law.

(b) Any participant for whom an Oregon JOBS Individual Education Account contribution is made shall be eligible for access to education benefits from that participant’s individual education account for up to five years after the participant has left the JOBS Plus Program and has held a full-time, unsubsidized job for at least 30 days.

(c) When any participant has qualified for use of that participant’s individual education account, an amount equal to that participant’s individual education account balance shall be transferred to the Oregon Student [Assistance] **Access** Commission for that participant’s use. Only one individual education account shall be created for any participant. Each account shall be administered by the commission and shall be used for continuing education and training for the participant and the participant’s immediate family.

(3)(a) The commission may use any interest earned by an individual education account transferred to the commission under this section for payment of expenses incurred by the commission in carrying out its duties under this section.

(b) The Department of Human Services shall transfer any interest earned by the Oregon JOBS Individual Education Account to the General Fund for general governmental purposes. The department shall transfer the interest no later than the close of each fiscal year in which the interest is earned.

(4) Any unexpended or unobligated moneys remaining in an individual education account five years after the participant has left the JOBS Plus Program are appropriated and transferred to the commission for the Oregon Opportunity Grant program on that date.

SECTION 269. ORS 418.658 is amended to read:

418.658. (1) The program director of the Oregon Youth Conservation Corps shall establish a separate program known as the Oregon Community Stewardship Corps. In addition to the established purposes of the Oregon Youth Conservation Corps, the purpose of the Oregon Community Stewardship Corps is to promote community service activities throughout the state for a broad cross

section of Oregon disadvantaged and at-risk youth through programs that also include appropriate educational and job training opportunities for participants.

(2) In addition to projects submitted under ORS 418.660 (1), projects of the Oregon Community Stewardship Corps may include, but shall not be limited to:

- (a) Child care services.
- (b) Elderly and disabled care services.
- (c) Literacy education programs.
- (d) Recycling and other waste reduction services.

(3) The Oregon Community Stewardship Corps shall offer employment and educational opportunities of at least three but not more than 12 months' duration for selected participants.

(4) Under rules adopted by the State Board of Education, participants who successfully complete any 12-month program under this section shall be eligible for \$1,500 in tuition vouchers that can be used at any career school or post-secondary educational institution that is qualified to receive assistance through the [*Oregon Student Assistance Commission*] **Oregon Student Access Commission**.

(5) All Oregonians who are at least 13 years of age and under 25 years of age are eligible to participate in the program. To ensure that Oregon Community Stewardship Corps participants represent a broad cross section of Oregonians, special emphasis shall be given to recruiting school dropouts and other disadvantaged and at-risk youth, according to criteria established by the Oregon Youth Conservation Corps Advisory Committee.

(6) To the extent practicable, the program director shall enlist state and federal agencies, local government, nonprofit organizations and private businesses, and any combination of such entities, to act as sponsors for programs administered under this section. Selection of sponsors shall be based on criteria that include the following:

(a) The availability of other resources on a matching basis, including contributions from private sources, other federal, state and local agencies, and moneys available through the federal Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

(b) The provision of related educational and job training programs to participants, including but not limited to school and college coursework, General Educational Development (GED) tests equivalency training, project-related education and professional training;

(c) Assurances that proposed projects will not displace existing employees or duplicate existing private or government programs; and

(d) Assurances that proposed projects are devoted to the enhancement of the community and are not based in maintenance activities and that these projects meet an identified need.

(7) In consultation with the advisory committee and the Commissioner for Community College Services, the program director shall make grants for programs administered under this section.

SECTION 270. ORS 431.690, as amended by section 1, chapter 27, Oregon Laws 2010, and section 6, chapter 62, Oregon Laws 2010, is amended to read:

431.690. (1) As used in this section, "place of public assembly" means a single building that has 50,000 square feet or more of indoor floor space and where:

(a)(A) The public congregates for purposes such as deliberation, shopping, entertainment, amusement or awaiting transportation; or

(B) Business activities are conducted; and

(b) At least 50 individuals congregate on a normal business day.

(2) Notwithstanding ORS 431.680 (3), the owner of a place of public assembly shall have on the premises at least one automated external defibrillator.

(3) Notwithstanding subsection (2) of this section:

(a) A community college or a [*state institution of higher education*] **public university** listed in ORS 352.002 shall have at least one automated external defibrillator on the campus of the community college or [*institution*] **public university**; and

(b) If the campus of the community college or [*institution of higher education*] **public university** contains more than one place of public assembly, the community college or [*institution*] **public uni-**

versity shall ensure that at least one automated external defibrillator is readily available to each place of public assembly.

(4) Subsection (2) of this section does not apply to a building primarily used for worship or education associated with worship.

SECTION 271. ORS 433.090 is amended to read:

433.090. As used in ORS 433.090 to 433.102:

(1) "Authorized user" means a person or entity authorized to provide information to or to receive information from an immunization registry or immunization tracking and recall system under ORS 433.090 to 433.102. "Authorized user" includes, but is not limited to, licensed health care providers, health care institutions, insurance carriers, the Oregon medical assistance program, parents or guardians of children under 18 years of age, clients 18 years of age or older, post-secondary education institutions, schools, children's facilities, local health departments, the Oregon Health Authority and agents of the authority.

(2) "Children's facility" has the meaning given that term in ORS 433.235.

(3) "Client" means any person registered with any Oregon immunization tracking and recall system.

(4) "Immunization record" includes but is not limited to the following:

- (a) Any immunization received;
- (b) Date immunization was received;
- (c) Complication or side effect associated with immunization;
- (d) Date and place of birth of a client;
- (e) Hospital where a client was born;
- (f) Client's name; and
- (g) Mother's name.

(5) "Immunization registry" means any listing of clients and information relating to their immunization status, without regard to whether the registry is maintained in this state or elsewhere.

(6) "Immunization tracking and recall record" includes but is not limited to the client's name, address of the parent or guardian of the client, telephone number, insurance carrier, health care provider and other information needed to send reminder cards to, place telephone calls to or personally contact the client or the parent or the guardian of a client for the purposes of informing the client, parent or guardian that the client is late in receiving the recommended immunizations.

(7) "Local health department" has the meaning given that term in ORS 433.235.

(8) "Parent or guardian" has the meaning given the term "parent" in ORS 433.235.

(9) "Post-secondary education institution" means:

(a) A *[state institution of higher education under the jurisdiction of the State Board of Higher Education]* **public university listed in ORS 352.002;**

(b) A community college operated under ORS chapter 341;

(c) A school or division of Oregon Health and Science University; or

(d) An Oregon-based, generally accredited, private institution of higher education.

(10) "Provider" means a physician or a health care professional who is acting within the scope of his or her licensure and responsible for providing immunization services or for coordinating immunization services within a clinic, public health site, school or other immunization site.

(11) "School" has the meaning given that term in ORS 433.235.

(12) "Tracking and recall system" means a system attached to an immunization registry designed to contact clients listed in the immunization registry for the purposes of assisting in the completion of the immunization series in a timely manner.

SECTION 272. ORS 442.535 is amended to read:

442.535. As used in ORS 442.540 and 442.545:

[1] "*Commission*" means the Oregon Student Assistance Commission.]

[2] (1) "Nurse" means any person who is licensed under ORS 678.010 to 678.410 as a registered nurse.

[(3)] (2) "Nursing critical shortage area" means a locality or practice specialty identified as such by the Oregon State Board of Nursing, in consultation with the Office of Rural Health, under ORS 442.540.

[(4)] (3) "Qualifying loan" means any loan made to a nursing student under:

(a) Programs under Title IV, parts B, D and E, of the Higher Education Act of 1965, as amended; or

(b) The Nursing Student Loan and Health Education Assistance Loan programs administered by the United States Department of Health and Human Services.

SECTION 273. ORS 442.540 is amended to read:

442.540. (1) There is created the Nursing Services Program, to be administered by the Oregon Student [Assistance] Access Commission pursuant to rules adopted by the commission. The purpose of the program is to provide loan repayments on behalf of nurses who agree to practice in nursing critical shortage areas.

(2) To be eligible to participate in the program, a nurse or prospective nurse shall submit a letter of interest to the commission. Applicants who are selected for participation according to criteria adopted by the commission under subsection (3) of this section shall sign a letter of agreement stipulating that the applicant agrees to abide by the terms of the program described in ORS 442.545.

(3) The commission shall by rule adopt, in consultation with the Oregon State Board of Nursing and the Office of Rural Health, criteria for participation in the program.

(4) The Oregon State Board of Nursing by rule shall annually identify, in consultation with the Office of Rural Health, those areas that are considered nursing critical shortage areas.

(5) Amounts paid to the commission as penalties under ORS 442.545 shall be credited and deposited in the Nursing Services Account created under ORS 348.570. The commission, in consultation with the Oregon State Board of Nursing, by rule shall allow waiver of all or part of any fees or penalties owed to the commission due to circumstances that prevent a nurse from fulfilling a service obligation under ORS 442.545.

SECTION 274. ORS 442.545 is amended to read:

442.545. (1) A nurse or prospective nurse applicant who is a graduate of an accredited nursing program with a baccalaureate or associate degree and who wishes to participate in the Nursing Services Program established under ORS 442.540 shall agree that:

(a) For each year of nursing school, the applicant designates an agreed amount, not to exceed \$8,800 or the amount determined under subsection (2) of this section, as a qualifying loan for the program.

(b) In the four years following the execution of a Nursing Services Program agreement with the Oregon Student [Assistance] Access Commission, a nurse agrees to practice for at least two full years in a nursing critical shortage area in Oregon.

(c) For not less than two nor more than four years that the nurse practices in a nursing critical shortage area, the commission shall annually pay:

(A) For full-time practice, an amount equal to 25 percent of the total of all qualifying loans made to the nurse.

(B) For half-time practice, an amount equal to 12.5 percent of the total of all qualifying loans made to the nurse.

(d) If the nurse does not complete the full service obligation set forth in paragraphs (b) and (c) of this subsection, the commission shall collect 100 percent of any payments made by the commission to the nurse under the Nursing Services Program. In addition, the commission shall assess against the nurse a penalty equal to 50 percent of the qualifying loans and interest paid by the commission.

(2)(a) On July 1 of each year, beginning in 2002 and ending in 2007, the [Oregon Student Assistance] commission shall adjust the maximum dollar amount allowed under subsection (1)(a) of this section as a qualifying loan by multiplying the amount by a cost-of-living adjustment as specified in this subsection.

(b) The cost-of-living adjustment applied on July 1 each year by the commission shall be equal to the ratio of the seasonally adjusted United States City Average Consumer Price Index for All

Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor for April of the calendar year divided by the value of the same index for April 2001.

(c) Beginning on July 1, 2008, the commission shall use the cost-of-living adjustment calculated for July 1, 2007.

(d) If the value of the dollar amount determined under paragraph (a) of this subsection is not a multiple of \$100, the commission shall round the dollar amount to the next lower multiple of \$100.

SECTION 275. ORS 461.543 is amended to read:

461.543. (1) Except as otherwise specified in subsection (5) of this section, the Sports Lottery Account is continuously appropriated to and shall be used by the State Board of Higher Education to fund sports programs at [*state institutions of higher education*] **public universities listed in ORS 352.002**. Seventy percent of the revenues in the fund shall be used to fund nonrevenue producing sports and 30 percent shall be used for revenue producing sports. Of the total amount available in the fund, at least 50 percent shall be made available for women's athletics.

(2) The [*State*] board [*of Higher Education*] shall allocate moneys in the Sports Lottery Account among the [*institutions of higher education under its jurisdiction*] **public universities**, giving due consideration to:

(a) The athletic conference to which the [*institution*] **public university** belongs and the relative costs of competing in that conference.

(b) The level of effort being made by the [*institution*] **public university** to generate funds and support from private sources.

(3) As used in subsections (1) to (3) of this section, "revenue producing sport" is a sport that produces net revenue over expenditures during a calendar year or if its season extends into two calendar years, produces net revenue over expenditures during the season.

(4) An amount equal to one percent of the moneys transferred to the Administrative Services Economic Development Fund from the State Lottery Fund shall be allocated from the Administrative Services Economic Development Fund to the Sports Lottery Account.

(5) The amounts received by the Sports Lottery Account shall be allocated as follows:

(a) Eighty-eight percent for the purposes specified in subsections (1) to (3) of this section, but not to exceed \$8 million annually, adjusted annually pursuant to the Consumer Price Index, as defined in ORS 327.006.

(b) Twelve percent for the purpose of scholarships, to be distributed equally between scholarships based on academic merit and scholarships based on need, as determined by rule of the [*State*] board [*of Higher Education*], but not to exceed \$1,090,909 annually.

(c) All additional money to the [*Oregon Student Assistance Commission*] **Oregon Student Access Commission** for the Oregon Opportunity Grant program under ORS 348.260.

SECTION 276. ORS 541.375 is amended to read:

541.375. (1) Any person, tribe, watershed council, soil and water conservation district, community college, [*state institution of higher education*] **public university listed in ORS 352.002**, independent not-for-profit institution of higher education or political subdivision of this state that is not a state agency may submit a request for funding for or for advice and assistance in developing a project under ORS 541.351 to 541.415. A state agency or federal agency may apply for funding under this section only as a coapplicant with one of the other eligible entities.

(2) The request under subsection (1) of this section shall be filed in the manner, be in the form and contain the information required by the Oregon Watershed Enhancement Board.

(3) The board may establish a grant program through soil and water conservation districts organized under ORS 568.210 to 568.808 and 568.900 to 568.933 that provides funds for local implementation of watershed enhancement, education and monitoring efforts.

(4) The board may fund implementation of action plans based on a watershed assessment that addresses water quality and aquatic resources of the watershed.

(5) A project may use mechanical, vegetative or structural methods including, but not limited to, management techniques, erosion control, streambank stabilization, forest, range or crop land treatment, site specific in-stream structures, acquisitions or leases of land or water rights from a

willing owner, watershed assessments, landowner incentives and action plan development, implementation and monitoring.

(6) The actions of a soil and water conservation district carried out pursuant to a grant program established by the board under subsection (3) of this section shall not be subject to review and approval by the Natural Resources Division under ORS 561.400.

(7) The Oregon Watershed Enhancement Board shall approve for funding only those projects that:

- (a) Are based on sound principles of watershed management;
- (b) Use methods most adapted to the project locale;
- (c) Meet the criteria established by the board under ORS 541.396; and
- (d) Contribute to either:

(A) The improved health of a stream, lake or reservoir and toward the achievement of standards that satisfy the requirements of the Federal Water Pollution Control Act (P.L. 92-500), as amended; or

(B) The restoration of wildlife, habitat or native fish.

(8) The Oregon Watershed Enhancement Board may fund a project for the restoration of a riparian area or associated upland that is carried out in conjunction with a storage structure. However, the board shall not approve funding for any proposed project that consists solely of construction of a storage structure for out-of-stream use.

(9) The Oregon Watershed Enhancement Board may fund projects involving the acquisition of lands and waters, or interests therein from willing sellers, for the purpose of maintaining or restoring watersheds, habitat and native salmonids. Interests in these lands and waters may be held by local, state and federal agencies, tribes, not-for-profit land conservation organizations and trusts, [state institutions of higher education] **public universities listed in ORS 352.002**, independent not-for-profit institutions of higher education or political subdivisions of this state, as long as the entity continues to use the land or water for the purposes specified under section 4b, Article XV of the Oregon Constitution.

(10) If the Oregon Watershed Enhancement Board approves funding for a project under this section that requires the applicant to obtain a permit or license from a local, state or federal agency or governing body, the board shall not disburse any funds to the applicant until the applicant presents evidence that the agency has granted the permit or license.

SECTION 277. ORS 634.660 is amended to read:

634.660. Each of the following state agencies [or services] shall implement integrated pest management practices when carrying out the agency's duties related to pest control:

- (1) State Department of Agriculture, including the control of noxious weeds.
- (2) State Department of Fish and Wildlife.
- (3) Department of Transportation.
- (4) State Parks and Recreation Department.
- (5) State Forestry Department.
- (6) Department of Corrections.
- (7) Oregon Department of Administrative Services.
- (8) The Department of State Lands.

(9) Each [Oregon institution of higher education] **public university listed in ORS 352.002**, for the [institution's] **public university's** own building and grounds maintenance.

SECTION 278. ORS 657.665 is amended to read:

657.665. (1) Except as provided in subsections (2) to (4) of this section, all information in the records of the Employment Department pertaining to the administration of the unemployment insurance, employment service and labor market information programs:

(a) Is confidential and for the exclusive use and information of the Director of the Employment Department in administering the unemployment insurance, employment service and labor market information programs in Oregon.

(b) May not be used in any court action or in any proceeding pending in the court unless the director or the state is a party to the action or proceeding or unless the proceeding concerns the establishment, enforcement or modification of a support obligation and support services are being provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

(c) Is exempt from disclosure under ORS 192.410 to 192.505.

(2) The Employment Department shall disclose information:

(a) To any claimant or legal representative, at a hearing before an administrative law judge, to the extent necessary for the proper presentation of an unemployment insurance claim.

(b) Upon request to the United States Secretary of Labor. The Employment Department shall disclose the information in a form and containing the information that the United States Secretary of Labor may require. The information disclosed is confidential and may not be used for any other purpose.

(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request to any agency of the United States charged with the administration of public works or assistance through public employment. Under this paragraph, the Employment Department shall disclose the name, address, ordinary occupation and employment status of each recipient of unemployment insurance benefits and a statement of the recipient's right to further benefits under this chapter. The information disclosed is confidential and may not be used for any other purpose.

(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board. Under this paragraph, the Employment Department shall disclose unemployment insurance records. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the board.

(e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees of the United States Department of Agriculture and to officers or employees of any state Supplemental Nutrition Assistance Program agency for the purpose of determining an individual's eligibility for or the amount of supplemental nutrition assistance. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Agriculture.

(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child support enforcement agencies enforcing child support obligations under Title IV-D of the Social Security Act for the purposes of establishing child support obligations, locating individuals owing child support obligations and collecting child support obligations from those individuals. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the child support enforcement agency.

(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in the income and eligibility verification system for the purpose of verifying an individual's eligibility for benefits, or the amount of benefits, under unemployment insurance, temporary assistance for needy families, Medicaid, the Supplemental Nutrition Assistance Program, Supplemental Security Income, child support enforcement or Social Security programs. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting agency.

(h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal Unemployment Tax Act, to the United States Department of Health and Human Services National Directory of New Hires. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Health and Human Services.

(i) Pursuant to section 303(i) of the Social Security Act, to officers and employees of the United States Department of Housing and Urban Development and to representatives of a public housing agency for the purpose of determining an individual's eligibility for benefits, or the amount of benefits, under a housing assistance program of the United States Department of Housing and Urban Development. The information disclosed is confidential and may not be used for any other purpose.

The costs of disclosing information under this paragraph shall be paid by the United States Department of Housing and Urban Development or the public housing agency.

(j) Pursuant to regulations of the United States Secretary of Health and Human Services issued under section 3304(a)(16)(A) of the Federal Unemployment Tax Act, and except as required by section 303 of the Social Security Act, to the state, a political subdivision or a federally recognized Indian tribe that has signed an agreement with the Department of Human Services to administer Part A of Title IV of the Social Security Act for the purpose of determining an individual's eligibility for assistance, or the amount of assistance, under a program funded under Part A of Title IV of the Social Security Act. The information disclosed is confidential and may not be used for any other purpose.

(k) Upon request, to the United States Attorney's Office. Under this paragraph, the Employment Department may disclose an individual's employment and wage information in response to a federal grand jury subpoena or for the purpose of collecting civil and criminal judgments, including restitution and special assessment fees. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Attorney's Office.

(3) The Employment Department may disclose information secured from employing units:

(a) To agencies of this state, federal agencies and local government agencies to the extent necessary to properly carry out governmental planning, performance measurement, program analysis, socioeconomic analysis and policy analysis functions performed under applicable law. The information disclosed is confidential and may not be disclosed by the agencies in any manner that would identify individuals, claimants, employees or employing units. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the agency requesting the information.

(b) As part of a geographic information system. Points on a map may be used to represent economic data, including the location, employment size class and industrial classification of businesses in Oregon. Information presented as part of a geographic information system may not give specific details regarding a business's address, actual employment or proprietary information. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the party requesting the information.

(c) In accordance with ORS 657.673.

(4) The Employment Department may:

(a) Disclose information to public employees in the performance of their duties under state or federal laws relating to the payment of unemployment insurance benefits, the provision of employment services and the provision of labor market information.

(b) At the discretion of the Director of the Employment Department and subject to an interagency agreement, disclose information to public officials in the performance of their official duties administering or enforcing laws within their authority and to the agents or contractors of public officials. The public official shall agree to assume responsibility for misuse of the information by the official's agent or contractor.

(c) Disclose information pursuant to an informed consent, received from an employer or claimant, to disclose the information.

(d) Disclose information to partners under the federal Workforce Investment Act of 1998 for the purpose of administering state workforce programs under the Act. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting partner.

(e) Disclose the names and addresses of employing units to the Bureau of Labor and Industries for the purpose of disseminating information to employing units. The names and addresses disclosed are confidential and may not be used for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

(f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to 658.503 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be used for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

(g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Retirement System for the purpose of determining the eligibility of members of the retirement system for disability retirement allowances under ORS chapter 238. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the Public Employees Retirement System.

(h) Disclose to the Oregon Business Development Commission information required by the commission in performing its duty under ORS 285A.050 to verify changes in employment levels following direct employer participation in Oregon Business Development Department programs or indirect participation through municipalities under ORS 285B.410 to 285B.482. The information disclosed to the commission may include an employer's employment level, total subject wages payroll and whole hours worked. The information disclosed is confidential and may not be used for any other purpose. The commission may not disclose the information in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's duty under ORS 285A.050. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission.

(i) Disclose information to the Department of Revenue for the purpose of performing its duties under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Revenue in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Revenue may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Revenue.

(j) Disclose information to the Department of Consumer and Business Services for the purpose of performing its duties under ORS chapters 654 and 656. The information disclosed may include the name, address, number of employees and industrial classification code of an employer and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Consumer and Business Services in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS chapters 654 and 656, including administrative hearings and court proceedings in which the Department of Consumer and Business Services is a party. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Consumer and Business Services.

(k) Disclose information to the Construction Contractors Board for the purpose of performing its duties under ORS chapter 701. The information disclosed to the board may include the names and addresses of employers and status of their compliance with this chapter. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the board.

(L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address, telephone number and industrial classification code of an employer. The information disclosed is confidential and may not be disclosed by the State Fire Marshal in any manner that would identify

an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the office of the State Fire Marshal.

(m) Disclose information to the [*Oregon Student Assistance Commission*] **Oregon Student Access Commission** for the purpose of performing the commission's duties under ORS chapter 348 and Title IV of the Higher Education Act of 1965. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the commission in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's duties under ORS chapter 348 or Title IV of the Higher Education Act of 1965. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission.

(n) Disclose information to the Department of Transportation to assist the Department of Transportation in carrying out the duties of the Department of Transportation relating to collection of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.666, 184.670 to 184.733 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Transportation in any manner that would identify an employing unit or employee except to the extent necessary to carry out the Department of Transportation's duties relating to collection of delinquent and liquidated debts or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the Department of Transportation. The Department of Transportation may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Transportation.

(o) Disclose to any person establishment level information secured pursuant to this chapter from federal, state and local government employing units. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the party requesting the information.

(p) Disclose to any person the industrial classification code assigned to an employing unit. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the party requesting the information.

(5) Any officer appointed by or any employee of the Director of the Employment Department who discloses confidential information, except with the authority of the director, pursuant to rules or as otherwise required by law, may be disqualified from holding any appointment or employment with the Employment Department.

(6) Any person or any officer or employee of an entity to whom information is disclosed by the Employment Department under this section who divulges or uses the information for any purpose other than that specified in the provision of law or agreement authorizing the use or disclosure may be disqualified from performing any service under contract or disqualified from holding any appointment or employment with the state agency that engaged or employed that person, officer or employee. The Employment Department may immediately cancel or modify any information sharing agreement with an entity when a person or an officer or employee of that entity discloses confidential information, other than as specified in law or agreement.

SECTION 279. ORS 659.855 is amended to read:

659.855. (1) Any public elementary or secondary school determined by the Superintendent of Public Instruction or any community college determined by the Commissioner for Community College Services to be in noncompliance with provisions of ORS 659.850 and this section shall be subject to appropriate sanctions, which may include withholding of all or part of state funding, as established by rule of the State Board of Education.

(2) Any public [*institution of higher education*] **university listed in ORS 352.002** determined by the Chancellor of the Oregon University System to be in noncompliance with provisions of ORS 659.850 and this section shall be subject to appropriate sanctions, which may include withholding of all or part of state funding, as established by rule of the State Board of Higher Education.

(3) Any public charter school determined by the sponsor of the school or the superintendent [*of Public Instruction*] to be in noncompliance with the provisions of ORS 659.850 and this section shall be subject to appropriate sanctions, which may include the withholding of all or part of state funding by the sponsor or superintendent, as established by rule of the State Board of Education.

SECTION 280. ORS 660.312 is amended to read:

660.312. (1) The Governor shall be responsible for a coordinated and comprehensive response to education and workforce issues. The Governor shall appoint an Education and Workforce Policy Advisor, who serves at the pleasure of the Governor. The advisor shall, with the advice of such advisory committees as may be appointed or assigned, advise the Governor on policy, planning and coordination for education and workforce development in Oregon.

(2) The duties of the advisor shall include:

(a) Guiding the development of state-level policy related to education and workforce issues;

(b) Providing general direction and serving as a liaison between state and local efforts in education, training and workforce development;

(c) Ensuring, through collaboration with the leadership of local workforce investment boards and regional workforce committees, the alignment of statewide, local and regional strategic plans, and the periodic reporting of performance in the implementation of such plans; and

(d) Consulting with local workforce investment boards and regional workforce committees on the development and implementation of a workforce performance measurement system.

(3) In the performance of duties, the advisor shall collectively involve state agencies, including but not limited to:

(a) The Department of Education;

(b) The Oregon University System;

(c) The Oregon Business Development Department;

(d) The Department of Community Colleges and Workforce Development;

(e) The Employment Department;

(f) The Department of Human Services;

(g) The Bureau of Labor and Industries;

(h) The Department of Corrections;

(i) The [*Oregon Student Assistance Commission*] **Oregon Student Access Commission**; and

(j) The Teacher Standards and Practices Commission.

(4) The advisor shall seek input from key interested parties to help guide policy development, including but not limited to representatives of:

(a) Businesses and industry organizations;

(b) Labor and labor organizations;

(c) Local education providers;

(d) Local government;

(e) Student, teacher, parent and faculty organizations;

(f) Community-based organizations;

(g) Public-private partnership organizations;

(h) Independent nonprofit and proprietary post-secondary colleges and schools; and

(i) Regional workforce committees, local workforce investment boards and regional investment boards.

(5) The advisor shall meet, on a regularly scheduled basis, with the local workforce investment boards, regional workforce committees and such others as necessary to ensure that local interests are represented. The advisor shall seek input, advice and feedback on policy issues affecting state, regional and local education and workforce development from interested parties and other committees formed under ORS 660.306, 660.312 and 660.315.

(6) Pursuant to ORS chapter 183, the advisor may adopt rules necessary to carry out the duties of the advisor.

SECTION 281. ORS 660.315 is amended to read:

660.315. (1) The Governor shall designate regional workforce committees to advise the Governor, local workforce investment boards that represent federally recognized workforce areas containing multiple regions, and county elected officials on regional and local needs for workforce development. The committees shall also prepare plans for achieving regional goals and coordinate the provision of services within regions. The committees shall have private and public sector members. However, a majority of the members of each committee shall represent the private sector and include business and labor representatives. The chairperson of each committee shall be a private sector member and be elected by the committee.

(2) The private sector committee members shall play a critical role in workforce development, including but not limited to:

(a) Identifying current and future workforce needs;

(b) Providing feedback on public sector programs;

(c) Assisting public agencies in changing programs to be more effective in meeting private sector needs; and

(d) Being a partner in addressing workforce needs.

(3) Private sector members of a committee created under this section shall be appointed by county commissioners and, in the region that includes the City of Portland, the Mayor of Portland. The members of the committee shall reflect the broadest feasible representation from the groups described in ORS 660.312 (4)(a) to (h).

(4) The public sector representatives on the committee are representatives who receive resources and deliver education and workforce programs within the labor market area. Public sector members shall include the broadest feasible representation from, but not be limited to, the following:

(a) The Department of Human Services;

(b) School districts, education service districts, community colleges, [*state institutions of higher education*] **public universities listed in ORS 352.002** and Oregon Health and Science University;

(c) The Oregon Business Development Department and local economic development entities;

(d) The Employment Department;

(e) The federal Act programs; and

(f) Other public sector partners.

(5) A region may recommend to the Governor an alternate structure for its regional committee, based on regional determination and mutually agreed to by the current public and private sector members of the regional workforce committee and the chief elected officials. The alternate structure must retain a private sector chairperson, appointments of the private sector members as provided in subsection (3) of this section, and substantive public and private sector and other stakeholder participation through formalized methods, such as standing committees.

(6) A regional workforce committee shall develop and implement a strategic regional workforce plan that responds to the current and future workforce needs of the regional labor market.

(7) The strategic regional workforce plan shall:

(a) Consider the supply and demand outlook for the region;

(b) Identify and prioritize initiatives and resources, both public and private, to meet the regional workforce needs;

(c) Articulate and include the coordination of both public and private resources in addressing the workforce needs and goals; and

(d) Ensure the most appropriate use of resource investments.

(8) The regional workforce committee shall create or enhance the workforce program delivery system to meet the strategic priorities of the region and any strategic priorities of a federally recognized workforce area that includes that region.

(9) Within each region, or within overlapping regions, regional workforce committees, local workforce investment boards and regional investment boards shall coordinate their planning efforts

to ensure that the strategic efforts and resource allocation of economic and workforce development of an area are consistent. Regional workforce committees and regional investment boards will extend opportunities to other entities engaged in economic and workforce development programs and services to participate in their joint or integrated strategic planning.

(10)(a) A local workforce investment board that represents a multiregional workforce area shall hold regional workforce committees in the area accountable for any policy and operational responsibilities under 2832(d) of the federal Act that is delegated to the committees in accordance with state policy and local workforce investment board policy.

(b) A regional workforce committee within a multiregional workforce area is accountable to the local workforce investment board for any policy and operational responsibilities carried out under the federal Act on behalf of the board.

(c) As it relates to regional responsibilities under this section, a regional workforce committee may, through a vote of the committee, determine the methodology for delegating the responsibilities of the regional workforce committee to a local workforce investment board representing the multi-regional workforce area.

SECTION 282. ORS 660.358 is amended to read:

660.358. (1) The State Workforce Investment Board, in consultation with the Governor, the Education and Workforce Policy Advisor and other parties deemed appropriate by the board and after consideration of the clean energy and energy efficiency policies of this state, shall develop a plan for a green jobs growth initiative to promote the development of emerging technologies and innovations that lead to, create or sustain family wage green jobs.

(2) The plan for the initiative developed by the board shall:

(a) Identify industries that are high demand green industries based on current and projected creation of family wage green jobs and the potential for career pathways created for such jobs.

(b) Use the needs of identified high demand green industries as the basis for the planning of workforce development activities that promote the development of emerging green technologies and innovations. These activities include, but are not limited to, such efforts undertaken by community colleges, the [institutions] **public universities** of the Oregon University System, designated signature research centers, registered apprenticeship programs and other private sector training programs.

(c) Leverage and align existing public workforce development programs and other public and private resources to the goal of recruiting, supporting, educating and training of targeted populations of workers.

(d) Require the board to work collaboratively with stakeholders from business, labor and low income advocacy groups in the regional economy to develop and implement the initiative.

(e) Link adult basic and remedial education programs with job training for skills necessary for green jobs.

(f) Require the board to collaborate with employers and labor organizations to identify skills and competencies necessary for green job career pathways.

(g) Ensure that support services are integrated with education and training for green jobs and that such services are provided by organizations with direct access to and experience with targeted populations.

SECTION 283. ORS 678.425 is amended to read:

678.425. The Oregon Center for Nursing and the Oregon Healthcare Workforce Institute may serve in advisory capacities to the State Workforce Investment Board, the [*Joint Boards of Education*] **Higher Education Coordinating Commission** and other related entities. The Oregon Center for Nursing may advise on education and workforce development issues affecting nursing. The Oregon Healthcare Workforce Institute may advise on education and workforce development issues affecting doctors, dentists and other allied health professionals. The Oregon Center for Nursing and the Oregon Healthcare Workforce Institute may work together to develop comprehensive solutions to the healthcare workforce shortages in Oregon.

SECTION 284. ORS 679.020 is amended to read:

679.020. (1) A person may not practice dentistry without a license.

(2) Only a person licensed as a dentist by the Oregon Board of Dentistry may own, operate, conduct or maintain a dental practice, office or clinic in this state.

(3) The restrictions of subsection (2) of this section, as they relate to owning and operating a dental office or clinic, do not apply to a dental office or clinic owned or operated by any of the following:

(a) A labor organization as defined in ORS 243.650 and 663.005 (6), or to any nonprofit organization formed by or on behalf of such labor organization for the purpose of providing dental services. Such labor organization must have had an active existence for at least three years, have a constitution and bylaws, and be maintained in good faith for purposes other than providing dental services.

(b) The School of Dentistry of the Oregon Health and Science University.

(c) [*Institutions of higher education*] **Public universities** listed in ORS 352.002.

(d) Local governments.

(e) Institutions or programs accredited by the Commission on Dental Accreditation of the American Dental Association to provide education and training.

(f) Nonprofit corporations organized under Oregon law to provide dental services to rural areas and medically underserved populations of migrant, rural community or homeless individuals under 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(l)(2)(B) operating in compliance with other applicable state and federal law.

(g) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue Code and determined by the Oregon Board of Dentistry as providing dental services by volunteer licensed dentists to populations with limited access to dental care at no charge or a substantially reduced charge.

(4) For the purpose of owning or operating a dental office or clinic, an entity described in subsection (3) of this section must:

(a) Name an actively licensed dentist as its dental director, who shall be subject to the provisions of ORS 679.140 in the capacity as dental director. The dental director, or an actively licensed dentist designated by the director, shall have responsibility for the clinical practice of dentistry, which includes, but is not limited to:

(A) Diagnosis of conditions within the human oral cavity and its adjacent tissues and structures.

(B) Prescribing drugs that are administered to patients in the practice of dentistry.

(C) The treatment plan of any dental patient.

(D) Overall quality of patient care that is rendered or performed in the practice of dentistry.

(E) Supervision of dental hygienists, dental assistants or other personnel involved in direct patient care and the authorization for procedures performed by them in accordance with the standards of supervision established by statute or by the rules of the board.

(F) Other specific services within the scope of clinical dental practice.

(G) Retention of patient dental records as required by statute or by rule of the board.

(H) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

(b) Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental assistants or other personnel involved in direct patient care utilized by the entity. The records must be available to the board upon written request.

(5) Subsections (1) and (2) of this section do not apply to a limited access permit dental hygienist who renders services authorized by a limited access permit issued by the board pursuant to ORS 680.200.

(6) Nothing in this chapter precludes a person or entity not licensed by the board from:

(a) Ownership or leasehold of any tangible or intangible assets used in a dental office or clinic. These assets include real property, furnishings, equipment and inventory but do not include dental records of patients related to clinical care.

(b) Employing or contracting for the services of personnel other than licensed dentists.

(c) Management of the business aspects of a dental office or clinic that do not include the clinical practice of dentistry.

(7) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held by an administrator, executor, personal representative, guardian, conservator or receiver of the estate of a former shareholder, member or partner, the administrator, executor, personal representative, guardian, conservator or receiver may retain the ownership interest for a period of 12 months following the creation of the ownership interest. The board shall extend the ownership period for an additional 12 months upon 30 days' notice and may grant additional extensions upon reasonable request.

SECTION 285. ORS 680.515 is amended to read:

680.515. (1) Subject to the provisions of ORS 676.612, upon application accompanied by payment of required fees, the Oregon Health Licensing Agency shall issue a license to practice denture technology to any applicant who submits proof satisfactory to the agency that the applicant has completed all requirements for licensure, which include, but are not limited to:

(a) Providing to the agency official transcripts verifying completion of an associate degree program in denture technology, or the equivalent in formal, post-secondary education, approved by the agency in consultation with the [*Oregon Student Assistance Commission*] **Oregon Student Access Commission** and the Department of Education. The educational program shall include pertinent courses in anatomy, including histology, microbiology, physiology, pharmacology, pathology emphasizing periodontology, dental materials, medical emergencies, geriatrics, professional ethics, clinical denture technology and denture laboratory technology;

(b) Providing to the agency documentation of 1,000 hours of supervised clinical practice in denture technology, completed while enrolled in or after having completed a course of study offered in a post-secondary educational institution, or through equivalent supervised experience, as determined by the agency in consultation with the [*Oregon Student Assistance*] commission and the Department of Education; and

(c) Passing a written and a practical examination prescribed, recognized or approved by the State Board of Denture Technology. An applicant who fails the practical examination must complete additional hours of clinical and laboratory training in an approved work experience program, as determined by the [*board*] **State Board of Denture Technology**, to qualify for reexamination.

(2) Notwithstanding subsection (1)(a) of this section, the [*board*] **State Board of Denture Technology** may accept educational training obtained in any other state or country if, upon review of satisfactory evidence, the agency determines that the educational program in the other state or country meets the educational standards prescribed under this section.

SECTION 286. ORS 684.040 is amended to read:

684.040. (1) Any person applying for a license to practice chiropractic in this state shall make application to the State Board of Chiropractic Examiners, upon such form and in such manner as may be provided by the board. The application must be accompanied by nonrefundable fees of:

(a) \$150; and

(b) The amount established by the board by rule under ORS 181.534.

(2) Each applicant shall furnish to the board:

(a) Evidence satisfactory to the board of the applicant's good moral character.

(b) A certificate of proficiency in the fundamental sciences (Part I, taken subsequent to January 1, 1971) issued to the applicant by the National Board of Chiropractic Examiners.

(c) Evidence of successful completion of at least two years of liberal arts and sciences study, in any college or university accredited by either the Northwest Association of Schools and Colleges or a like regional association or in any college or university in Oregon approved for granting degrees by the [*Oregon Student Assistance Commission*] **Oregon Student Access Commission**.

(d) A diploma and transcript, certified by the registrar, or other documents satisfactory to the [*board*] **State Board of Chiropractic Examiners** evidencing graduation from a chiropractic school or college approved by the board under the board's academic standards, or from a school accredited by the Council on Chiropractic Education or its successor agency, under standards that are ac-

cepted and adopted biennially by the board in the version applied to that school by the accrediting agency.

(e) A statement of any other health care provider license in this state held by the applicant, with identifying information required by the [board] **State Board of Chiropractic Examiners**.

(3) The [board] **State Board of Chiropractic Examiners** may waive the requirements of subsection (2)(c) of this section for any applicant for a license to practice chiropractic if the applicant is licensed in another state and practiced chiropractic in that state, but the applicant must pass the examination authorized by ORS 684.050 or by ORS 684.052.

SECTION 287. ORS 685.060 is amended to read:

685.060. (1) The minimum educational requirements for a license under the provisions of this chapter are:

(a) At least two years' satisfactory liberal arts and sciences study, or either, in a college or university accredited by either the Northwest Association of Schools and Colleges or a like regional association or in a college or university in Oregon approved for granting degrees by the [*Oregon Student Assistance Commission*] **Oregon Student Access Commission** as evidenced by certificate or transcript of credits from the college or university; and

(b) Graduation from an accredited naturopathic school or college.

(2)(a) The areas of study required of an applicant for a license to practice naturopathic medicine in this state include basic sciences, clinical sciences and any naturopathic subjects specified by the Oregon Board of Naturopathic Medicine by rule.

(b) The [board] **Oregon Board of Naturopathic Medicine** may not include major surgery as a required area of study under paragraph (a) of this subsection.

SECTION 288. ORS 696.182 is amended to read:

696.182. (1) The Real Estate Agency, with advice from real estate professionals and educators, shall prescribe rules for certifying real estate continuing education providers.

(2) The agency shall include in the rules that an applicant for certification under this section must be:

(a) A main or branch office of a real estate broker or principal real estate broker registered with the agency under ORS 696.026;

(b) A title or escrow company conducting business in this state;

(c) A real estate trade association or a trade association in a related field;

(d) A real estate multiple listing service;

(e) A private career school approved by the agency to teach continuing education courses;

(f) An accredited community college or an accredited [*state institution of higher education*] **public university listed in ORS 352.002**;

(g) A distance learning provider approved by the agency; or

(h) Another provider approved by the Real Estate Board.

(3) The agency, in consultation with real estate professionals and educators, shall provide by rule:

(a) A broad list of course topics that are eligible for continuing education credit required by ORS 696.174; and

(b) Learning objectives for each course topic.

(4) The list of course topics developed by the agency under subsection (3) of this section must allow for changes in the real estate profession.

(5) The minimum length of each course is one hour. A continuing education provider or course instructor may allow a break of no more than 10 minutes for each hour of instruction.

SECTION 289. ORS 743.550 is amended to read:

743.550. (1) Student health insurance is subject to ORS 743.537, 743.540, 743.543, 743.546 and 743.549, except as provided in this section.

(2) Coverage under a student health insurance policy may be mandatory for all students at the institution, voluntary for all students at the institution, or mandatory for defined classes of students and voluntary for other classes of students. As used in this subsection, "classes" refers to under-

graduates, graduate students, domestic students, international students or other like classifications. Any differences based on a student's nationality may be established only for the purpose of complying with federal law in effect when the policy is issued.

(3) When coverage under a student health insurance policy is mandatory, the policyholder may allow any student subject to the policy to decline coverage if the student provides evidence acceptable to the policyholder that the student has similar health coverage.

(4) A student health insurance policy may provide for any student to purchase optional supplemental coverage.

(5) Student health insurance coverage for athletic injuries may:

(a) Exclude coverage for injuries of students who have not obtained medical release for a similar injury; and

(b) Be provided in excess of or in addition to any other coverage under any other health insurance policy, including a student health insurance policy.

(6) A student health insurance policy may provide that coverage under the policy is secondary to any other health insurance for purposes of guidelines established under ORS 743.552.

(7) A student health insurance policy may provide, on request by the policyholder, that all or any portion of any indemnities provided by such policy on account of hospital, nursing, medical or surgical services may, at the insurer's option, be paid directly to the hospital or person rendering such services. However, the amount of any such payment shall not exceed the amount of benefit provided by the policy with respect to the service or billing of the provider of aid. The amount of such payments pursuant to one or more assignments shall not exceed the amount of expenses incurred on account of such hospitalization or medical or surgical aid.

(8) An insurer providing student health insurance as primary coverage may negotiate and enter into contracts for alternative rates of payment with providers and offer the benefit of such alternative rates to insureds who select such providers. An insurer may utilize such contracts by offering a choice of plans at the time an insured enrolls, one of which provides benefits only for services by members of a particular provider organization with whom the insurer has an agreement. If an insured chooses such a plan, benefits are payable only for services rendered by a member of that provider organization, unless such services were requested by a member of such organization or are rendered as the result of an emergency.

(9) Payments made under subsection (8) of this section shall discharge the insurer's obligation with respect to the amount of insurance paid.

(10) An insurer shall provide each student health insurance policyholder with a current roster of institutional and professional providers under contract to provide services at alternative rates under the group policy and shall also make such lists available for public inspection during regular business hours at the insurer's principal office within this state.

(11) As used in this section, "student health insurance" means that form of health insurance under a policy issued to a college, school or other institution of learning, a school district or districts, or school jurisdictional unit, or recognized student government at [*an institution of higher education within the Oregon University System*] **a public university listed in ORS 352.002**, or to the head, principal or governing board of any such educational unit, who or which shall be deemed the policyholder, that is available exclusively to students at the college, school or other institution.

SECTION 290. ORS 759.445 is amended to read:

759.445. (1) There is established in the State Treasury, separate and distinct from the General Fund, the Connecting Oregon Communities Fund. Moneys in the fund shall consist of amounts deposited in the fund under ORS 759.405 and any other moneys deposited by a telecommunications carrier that elects to be subject to ORS 759.405 and 759.410, including amounts deposited pursuant to a performance assurance plan implemented by a telecommunications carrier in connection with an application under 47 U.S.C. 271, as in effect on January 1, 2002. Interest earned on moneys in the fund shall accrue to the fund. Moneys in the fund may be invested as provided in ORS 293.701 to 293.820. Moneys in the fund shall be used to provide access to advanced telecommunications technology in elementary schools and high schools, colleges and universities, community colleges,

public television corporations, rural health care providers, public libraries and other eligible persons.

(2) Two dedicated accounts shall be established within the Connecting Oregon Communities Fund for purposes of supporting education and public access to advanced telecommunications services. The first \$25 million of the moneys deposited in the Connecting Oregon Communities Fund in both 2000 and 2001 shall be appropriated to the School Technology Account established under subsection (3) of this section. Except as provided in subsection (8) of this section, any additional moneys available in the fund shall be appropriated to the Public Access Account established under subsection (4) of this section.

(3) There is established the School Technology Account within the Connecting Oregon Communities Fund. The purpose of the School Technology Account is to improve access to advanced telecommunications services for students attending public school in kindergarten through grade 12. Moneys in the account shall be expended as provided in section 34, chapter 1093, Oregon Laws 1999.

(4)(a) There is established the Public Access Account within the Connecting Oregon Communities Fund. The purpose of the Public Access Account is to improve access to advanced telecommunications services for community colleges, universities, public libraries and rural health care providers.

(b) If funding has not been provided from other sources, the first \$3 million available in the Public Access Account shall be transferred to the Oregon University System for the purpose of funding the Oregon Wide Area Network project to provide and expand Internet access for the Oregon University System. The Oregon University System shall complete an audit of bandwidth utilization and report to the Joint Legislative Committee on Information Management and Technology during the Seventy-first Legislative Assembly in the manner provided in ORS 192.245.

(c) Following the transfer of funds described in paragraph (b) of this subsection, the next \$1 million available in the Public Access Account shall be transferred to the Oregon University System for Oregon State University for the purpose of providing virtual access to persons with disabilities.

(d) Following the transfer of funds as described in paragraphs (b) and (c) of this subsection, the next \$2 million available in the Public Access Account shall be transferred to the Department of Community Colleges and Workforce Development for distribution to community colleges for the purpose of developing connectivity and distance education programs.

(e) Following the transfer of funds described in paragraphs (b) to (d) of this subsection, the next \$4 million available in the Public Access Account shall be transferred to the Oregon University System for video transport and network management services for the Oregon University System.

(f) Following the transfer of funds described in paragraphs (b) to (e) of this subsection, the next \$5.5 million available in the Public Access Account shall be transferred to the Oregon Public Broadcasting Corporation for the purpose of digitizing the state television network, using the Oregon Enterprise Network when possible.

(g) Following the transfer of funds described in paragraphs (b) to (f) of this subsection, the next \$500,000 available in the Public Access Account shall be transferred to the Southern Oregon Public Television Corporation for the purpose of digitizing the state television network, using the Oregon Enterprise Network when possible.

(h) Following the transfer of funds described in paragraphs (b) to (g) of this subsection, a [*state institution of higher education, including*] **public university listed in ORS 352.002** or the Oregon Health and Science University[,] may apply for one-time matching funds up to \$1 million from the Public Access Account to endow a telecommunications chair for the purpose of increasing research and development of advanced telecommunications services applications. Only one chair may be endowed under this paragraph.

(5)(a) The Oregon Business Development Commission shall approve expenditure of any remaining moneys in the Public Access Account consistent with this section and ORS 759.430.

(b) Community colleges, [*state institutions of higher education*] **public universities listed in ORS 352.002**, public libraries, public television corporations and rural health care providers may apply

to the Oregon Business Development Commission for funding from the Public Access Account under this subsection.

(c) Funds received from the account shall be used for the purchase of advanced telecommunications services, equipment or recurring costs of telecommunications connectivity. Priority shall be given to collaborative projects that improve access to advanced telecommunications services.

(d) Funds available in the Public Access Account under this subsection are continuously appropriated to the Oregon Business Development Department for the purposes described in this subsection.

(6) Public libraries and rural health care providers must apply for federal universal service support in order to be eligible for a grant from the Public Access Account.

(7) The video transport and network management services purchased with funds made available under this section shall be purchased through the Oregon Department of Administrative Services.

(8) Any moneys deposited in the Connecting Oregon Communities Fund under subsection (1) of this section pursuant to a performance assurance plan implemented by a telecommunications carrier in connection with an application under 47 U.S.C. 271, as in effect on January 1, 2002, shall be placed in the School Technology Account to be expended as provided in section 34, chapter 1093, Oregon Laws 1999.

SECTION 290a. Section 9, chapter 802, Oregon Laws 2007, is amended to read:

Sec. 9. Section 8 [*of this 2007 Act*], **chapter 802, Oregon Laws 2007**, is repealed on [*January 2, 2012*] **the effective date of this 2011 Act.**

REPEALS

SECTION 291. ORS 351.005, 351.007, 351.090, 351.200 and 351.315 are repealed.

SECTION 291a. ORS 348.599 is repealed.

OPERATIVE DATE

SECTION 292. Sections 1 to 16, 20a, 21, 21a, 23a, 29a and 36a of this 2011 Act, the amendments to statutes by sections 81a, 121 to 123, 131a, 132, 133, 171a, 179 to 189, 205a, 206a, 207a, 216, 229, 231, 256a, 259 and 283 of this 2011 Act and the repeal of ORS 348.599 by section 291a of this 2011 Act become operative on July 1, 2012.

SECTION 292a. Sections 17 to 20, 22a, 23, 24 to 29, 30, 33, 41a, 43, 170b and 170c of this 2011 Act, the amendments to statutes by sections 31, 32, 34 to 36, 37 to 41, 42, 44 to 81, 82 to 120, 124 to 131, 134 to 170a, 171, 172 to 178, 190 to 205, 206, 207, 208 to 214, 217 to 228, 230, 232 to 256, 257, 258, 260 to 282 and 284 to 290a of this 2011 Act and the repeal of ORS 351.005, 351.007, 351.090, 351.200 and 351.315 by section 291 of this 2011 Act become operative on January 1, 2012.

SECTION 293. The State Board of Higher Education and the Chancellor of the Oregon University System may take any action before the operative dates specified in sections 292 and 292a of this 2011 Act that is necessary for the board and the chancellor to exercise, on and after the operative dates specified in sections 292 and 292a of this 2011 Act, all of the duties, functions and powers conferred on the board and the chancellor by sections 1 to 30a, 33, 36a, 41a, 43 and 170b of this 2011 Act, the amendments to statutes by sections 31, 32, 34 to 36, 37 to 41, 42, 44 to 170a and 171 to 290a of this 2011 Act and the repeal of statutes by sections 291 and 291a of this 2011 Act.

CAPTIONS

SECTION 294. The unit captions used in this 2011 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2011 Act.

EMERGENCY DECLARATION

SECTION 295. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by Senate June 17, 2011

Received by Governor:

Repassed by Senate June 29, 2011

.....M.,....., 2011

.....
Robert Taylor, Secretary of Senate

Approved:
.....M.,....., 2011

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Peter Courtney, President of Senate

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John Kitzhaber, Governor

Passed by House June 27, 2011

Filed in Office of Secretary of State:

.....
Bruce Hanna, Speaker of House

.....M.,....., 2011

.....
Arnie Roblan, Speaker of House

.....
Kate Brown, Secretary of State