

**PROPOSED AMENDMENTS TO  
SENATE BILL 80**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest  
2 of the line and insert “amending ORS 21.007, 30.864, 33.710, 62.720, 147.425,  
3 174.117, 182.122, 182.415, 183.635, 184.631, 184.897, 192.501, 195.033, 196.438,  
4 200.025, 200.055, 238.215, 240.185, 243.107, 243.650, 243.800, 243.820, 243.850,  
5 243.910, 243.945, 244.050, 270.100, 273.155, 273.573, 273.586, 273.785, 276.610,  
6 276.612, 276.915, 279A.065, 279C.800, 282.076, 283.095, 283.143, 283.310, 284.711,  
7 284.735, 286A.035, 286A.700, 287A.001, 291.002, 291.038, 291.229, 291.231,  
8 291.375, 291.445, 292.043, 292.044, 293.701, 293.790, 295.195, 319.415, 321.185,  
9 326.500, 327.380, 329.489, 329.810, 339.331, 339.336, 342.147, 342.443, 342.447,  
10 343.465, 343.961, 344.259, 348.283, 348.849, 348.890, 348.900, 351.054, 351.065,  
11 351.067, 351.077, 351.094, 351.097, 351.105, 351.155, 351.160, 351.170, 351.180,  
12 351.203, 351.205, 351.296, 351.356, 351.379, 351.505, 351.641, 351.642, 351.643,  
13 351.644, 351.646, 351.647, 351.657, 351.681, 351.692, 351.695, 351.697, 351.708,  
14 351.711, 351.735, 351.751, 351.810, 351.820, 351.830, 351.840, 351.870, 352.012,  
15 352.021, 352.029, 352.054, 352.107, 352.129, 352.138, 352.191, 352.221, 352.223,  
16 352.230, 352.239, 352.247, 352.252, 352.383, 352.390, 352.610, 352.669, 353.040,  
17 353.050, 353.108, 353.330, 353.370, 353.440, 354.090, 357.004, 357.203, 390.235,  
18 401.922, 408.506, 442.830, 461.543, 470.060, 471.580, 526.215, 526.225, 561.364,  
19 566.210, 567.005, 567.010, 567.205, 567.210, 567.220, 567.230, 567.235, 567.325,  
20 567.330, 567.405, 567.410, 567.430, 567.455, 567.475, 567.480, 567.505, 567.510,  
21 567.515, 567.520, 567.575, 567.580, 576.035, 576.768, 634.657, 659.860, 702.005,  
22 759.445, 815.080, 820.100, 820.110, 820.120, 820.130, 820.150 and 825.017 and

1 section 3, chapter 797, Oregon Laws 2001, sections 11, 12 and 15 to 17,  
2 chapter 761, Oregon Laws 2007, sections 6 and 7, chapter 2, Oregon Laws  
3 2009, sections 14 to 16 and 18 to 23, chapter 904, Oregon Laws 2009, section  
4 1, chapter 90, Oregon Laws 2010, section 11, chapter 519, Oregon Laws 2011,  
5 section 2, chapter 624, Oregon Laws 2011, section 14, chapter 36, Oregon  
6 Laws 2012, section 7, chapter 83, Oregon Laws 2014, section 22, chapter 121,  
7 Oregon Laws 2014, and section 44, chapter 1, Oregon Laws 2015; repealing  
8 ORS 341.739, 348.010, 351.011, 351.013, 351.015, 351.020, 351.040, 351.045,  
9 351.049, 351.057, 351.060, 351.062, 351.063, 351.064, 351.070, 351.072, 351.075,  
10 351.085, 351.086, 351.087, 351.088, 351.092, 351.096, 351.100, 351.110, 351.115,  
11 351.117, 351.130, 351.140, 351.150, 351.153, 351.190, 351.210, 351.220, 351.230,  
12 351.240, 351.250, 351.260, 351.267, 351.277, 351.282, 351.284, 351.287, 351.304,  
13 351.310, 351.317, 351.320, 351.340, 351.345, 351.350, 351.353, 351.450, 351.455,  
14 351.460, 351.473, 351.476, 351.479, 351.482, 351.485, 351.506, 351.507, 351.508,  
15 351.509, 351.511, 351.516, 351.517, 351.518, 351.519, 351.521, 351.532, 351.538,  
16 351.539, 351.545, 351.590, 351.615, 351.626, 351.627, 351.628, 351.633, 351.638,  
17 351.875, 351.880, 351.885, 352.004, 352.010, 352.360, 352.385, 352.650, 542.710,  
18 542.720, 567.040, 567.045, 567.255, 567.260, 567.265, 567.270, 567.275 and 567.365  
19 and section 3, chapter 788, Oregon Laws 2005, and sections 164, 165, 165a, 168,  
20 168a and 169, chapter 768, Oregon Laws 2013; and declaring an emergency.”.

21 Delete lines 4 through 30 and delete page 2 and insert:

22  
23 **“DISSOLUTION OF OREGON UNIVERSITY SYSTEM AND**  
24 **STATE BOARD OF HIGHER EDUCATION**

25  
26 **“SECTION 1.** ORS 352.054 is amended to read:

27 “352.054. (1) A governing board is established for each of the following  
28 public universities:

29 “(a) University of Oregon;

30 “(b) Portland State University;

1 “(c) Oregon State University[, *if the president of Oregon State University*  
2 *notifies the Governor that the university will become a university with a gov-*  
3 *erning board in the manner set forth in section 168 or 168a, chapter 768,*  
4 *Oregon Laws 2013*];

5 “(d) Eastern Oregon University[, *if Eastern Oregon University becomes a*  
6 *university with a governing board in the manner set forth in section 168a,*  
7 *chapter 768, Oregon Laws 2013*];

8 “(e) Oregon Institute of Technology[, *if Oregon Institute of Technology*  
9 *becomes a university with a governing board in the manner set forth in section*  
10 *168a, chapter 768, Oregon Laws 2013*];

11 “(f) Southern Oregon University[, *if Southern Oregon University becomes*  
12 *a university with a governing board in the manner set forth in section 168a,*  
13 *chapter 768, Oregon Laws 2013*]; and

14 “(g) Western Oregon University[, *if Western Oregon University becomes a*  
15 *university with a governing board in the manner set forth in section 168a,*  
16 *chapter 768, Oregon Laws 2013*].

17 “(2)(a) The University of Oregon governing board shall be known as the  
18 Board of Trustees of the University of Oregon.

19 “(b) The Portland State University governing board shall be known as the  
20 Board of Trustees of Portland State University.

21 “(c) The Oregon State University governing board shall be known as the  
22 Board of Trustees of Oregon State University[, *if the president of Oregon*  
23 *State University notifies the Governor that the university will become a uni-*  
24 *versity with a governing board in the manner set forth in section 168 or 168a,*  
25 *chapter 768, Oregon Laws 2013*].

26 “(d) The Eastern Oregon University governing board shall be known as  
27 the Board of Trustees of Eastern Oregon University[, *if Eastern Oregon*  
28 *University becomes a university with a governing board in the manner set forth*  
29 *in section 168a, chapter 768, Oregon Laws 2013*].

30 “(e) The Oregon Institute of Technology governing board shall be known

1 as the Board of Trustees of the Oregon Institute of Technology[, *if the*  
2 *Oregon Institute of Technology becomes a university with a governing board*  
3 *in the manner set forth in section 168a, chapter 768, Oregon Laws 2013*].

4 “(f) The Southern Oregon University governing board shall be known as  
5 the Board of Trustees of Southern Oregon University[, *if Southern Oregon*  
6 *University becomes a university with a governing board in the manner set forth*  
7 *in section 168a, chapter 768, Oregon Laws 2013*].

8 “(g) The Western Oregon University governing board shall be known as  
9 the Board of Trustees of Western Oregon University[, *if Western Oregon*  
10 *University becomes a university with a governing board in the manner set forth*  
11 *in section 168a, chapter 768, Oregon Laws 2013*].

12 **“SECTION 2. (1) The Oregon University System is abolished.**

13 **“(2) The office of the Chancellor of the Oregon University System**  
14 **is abolished.**

15 **“(3) The State Board of Higher Education is abolished.**

16 **“(4)(a) The office of the Chancellor of the Oregon University System**  
17 **shall deliver to the Higher Education Coordinating Commission or, as**  
18 **appropriate, the State Archives, all records and property within the**  
19 **jurisdiction or possession of the office of the chancellor that relate to**  
20 **public universities listed in ORS 352.002.**

21 **“(b) The Governor shall resolve any dispute between the office of**  
22 **the Chancellor of the Oregon University System and the Higher Edu-**  
23 **cation Coordinating Commission or the State Archives relating to**  
24 **transfers of records and property under this section, and the**  
25 **Governor’s decision is final.**

26 **“SECTION 3. (1) Except as otherwise expressly provided in this**  
27 **section, all persons employed by a university with a governing board,**  
28 **as set forth in ORS 352.054, shall continue their employment with the**  
29 **university and shall retain any seniority, contractual rights or tenure**  
30 **granted prior to the effective date of this 2015 Act. Nothing in this**

1 section shall affect any term or condition of any employment agree-  
2 ment or collective bargaining agreement in effect on the effective date  
3 of this 2015 Act.

4 “(2) All of the duties, functions, powers and lawfully incurred rights  
5 and obligations of the State Board of Higher Education that pertain  
6 to a university with a governing board are transferred to and vested  
7 in the governing board. The transfer shall include but not be limited  
8 to all applicable contractual rights and obligations and title to all ap-  
9 plicable records, property, supplies and materials, including equip-  
10 ment, books and papers. For the purpose of succession to these rights  
11 and obligations, the governing board is considered to be a continuation  
12 of the State Board of Higher Education and not a new authority, and  
13 the governing board must exercise such rights and fulfill such obli-  
14 gations as if they had not been assigned or transferred, except as  
15 otherwise provided by law.

16 “(3) All unexpended moneys, including but not limited to General  
17 Fund appropriations, gifts, bequests, other funds, assessments, liabil-  
18 ity and worker’s compensation reserves and premiums that are ap-  
19 propriated to, held, managed or invested by or on behalf of or  
20 otherwise available to a university with a governing board, are appro-  
21 priated and transferred to the university.

22 “(4) A university with a governing board shall conduct and complete  
23 any proceeding, action, prosecution or other matter that the univer-  
24 sity commenced before the effective date of this 2015 Act and that is  
25 pending on the effective date of this 2015 Act.

26 “(5) The transfer of duties, functions and powers to a governing  
27 board or university with a governing board does not affect any action,  
28 suit or proceeding relating to the university, except that the university  
29 shall be substituted for the State Board of Higher Education and the  
30 State of Oregon in any such action, suit or proceeding.

1       “(6) Any action, proceeding or other matter that was commenced  
2 by a state agency, a state officer, the State Board of Higher Education  
3 or an officer or employee of the State Board of Higher Education be-  
4 fore the effective date of this 2015 Act and relates to the governing  
5 board or university with a governing board and is still pending on the  
6 effective date of this 2015 Act shall be conducted and completed by the  
7 governing board or university.

8       “(7) Nothing in this 2015 Act relieves any person, public entity or  
9 private entity of any obligation with respect to a tax, fee, fine or other  
10 charge, interest, penalty, forfeiture, rule, policy, document, record or  
11 proceeding.

12       “(8) Notwithstanding any other provision of this section, the law-  
13 fully adopted rules and policies of the State Board of Higher Education  
14 pertaining to a university with a governing board that are in effect  
15 on the effective date of this 2015 Act continue in effect until lawfully  
16 superseded or repealed by the standards or policies of the governing  
17 board or the university. References in rules or policies of the State  
18 Board of Higher Education to the state board or an officer or employee  
19 of the state board are considered to be references to the governing  
20 board or an officer or employee of a university with a governing board.

21       “SECTION 4. (1) ORS 341.739, 348.010, 351.011, 351.013, 351.015, 351.020,  
22 351.040, 351.045, 351.049, 351.057, 351.060, 351.062, 351.063, 351.064, 351.070,  
23 351.072, 351.075, 351.085, 351.086, 351.087, 351.088, 351.092, 351.096, 351.100,  
24 351.110, 351.115, 351.117, 351.130, 351.140, 351.150, 351.153, 351.190, 351.210,  
25 351.220, 351.230, 351.240, 351.250, 351.260, 351.267, 351.277, 351.282, 351.284,  
26 351.287, 351.304, 351.310, 351.317, 351.320, 351.340, 351.345, 351.350, 351.353,  
27 351.450, 351.455, 351.460, 351.473, 351.476, 351.479, 351.482, 351.485, 351.506,  
28 351.507, 351.508, 351.509, 351.511, 351.516, 351.517, 351.518, 351.519, 351.521,  
29 351.532, 351.538, 351.539, 351.545, 351.590, 351.615, 351.626, 351.627, 351.628,  
30 351.633, 351.638, 351.875, 351.880, 351.885, 352.004, 352.010, 352.360, 352.385,

1 352.650, 542.710, 542.720, 567.040, 567.045, 567.255, 567.260, 567.265, 567.270,  
2 567.275 and 567.365 are repealed.

3 “(2) Sections 164, 165, 165a, 168 and 169, chapter 768, Oregon Laws  
4 2013, are repealed.

5 “(3) Section 168a, chapter 768, Oregon Laws 2013, as amended by  
6 section 1, chapter 83, Oregon Laws 2014, and section 10, chapter 113,  
7 Oregon Laws 2014, is repealed.

8 “(4) Section 3, chapter 788, Oregon Laws 2005, as amended by section  
9 3, chapter 746, Oregon Laws 2007, and sections 3 and 3a, chapter 906,  
10 Oregon Laws 2009, is repealed.

11

12 “BONDING AND FUND PROVISIONS

13

14 “SECTION 5. (1) The Oregon University System Fund established  
15 in ORS 351.506 is abolished. Any moneys remaining in the Oregon  
16 University System Fund on the effective date of this 2015 Act that are  
17 unexpended, unobligated and not subject to any conditions are trans-  
18 ferred to the Public University Fund established under section 7,  
19 chapter 83, Oregon Laws 2014.

20 “(2) The account in the Oregon University System Fund established  
21 in ORS 348.010 is abolished. Any moneys remaining in the account on  
22 the effective date of this 2015 Act that are unexpended, unobligated  
23 and not subject to any conditions are transferred to the Public Uni-  
24 versity Fund established under section 7, chapter 83, Oregon Laws 2014,  
25 for the purpose of granting loans under the terms established by the  
26 National Defense Education Act of 1958, as amended, under the terms  
27 of the Health Professions Educational Assistance Act of 1963, as  
28 amended, and under the terms of the Nurses Training Act of 1964, as  
29 amended.

30 “(3) The account in the Oregon University System Fund established

1 in ORS 351.210 is abolished. Any moneys remaining in the account on  
2 the effective date of this 2015 Act that are unexpended, unobligated  
3 and not subject to any conditions are transferred to the Public Uni-  
4 versity Fund established under section 7, chapter 83, Oregon Laws 2014.

5 “(4) The account in the Oregon University System Fund established  
6 in ORS 351.250 is abolished. Any moneys remaining in the account on  
7 the effective date of this 2015 Act that are unexpended, unobligated  
8 and not subject to any conditions are transferred to the Public Uni-  
9 versity Fund established under section 7, chapter 83, Oregon Laws 2014,  
10 for the purpose of paying the agreed share, if any, to assignors, and  
11 for the advancement of research or for the acquisition and develop-  
12 ment of intellectual property, or both.

13 “(5) The account in the Oregon University System Fund established  
14 in ORS 351.545 is abolished. Any moneys remaining in the account on  
15 the effective date of this 2015 Act that are unexpended, unobligated  
16 and not subject to any conditions are transferred to the Public Uni-  
17 versity Fund established under section 7, chapter 83, Oregon Laws 2014,  
18 for the purpose of paying for the principal and interest of bonds issued  
19 under the authority of Article XI-F(1) of the Oregon Constitution.

20 “(6) The account in the Oregon University System Fund established  
21 in ORS 351.590 is abolished. Any moneys remaining in the account on  
22 the effective date of this 2015 Act that are unexpended, unobligated  
23 and not subject to any conditions are transferred to the Public Uni-  
24 versity Fund established under section 7, chapter 83, Oregon Laws 2014,  
25 for the purpose of disbursements for necessary expenses for supplies,  
26 services and equipment associated with student activities including  
27 but not limited to recruiting, training and grant-in-aid to  
28 intercollegiate athletes.

29 “(7) The account in the Oregon University System Fund established  
30 in ORS 351.615 is abolished. Any moneys remaining in the account on



1 the effective date of this 2015 Act that are unexpended, unobligated  
2 and not subject to any conditions are transferred to the Public Uni-  
3 versity Fund established under section 7, chapter 83, Oregon Laws 2014,  
4 for the repair and alteration of auxiliary enterprise buildings and re-  
5 placement of equipment.

6 “(8) The account in the Oregon University System Fund established  
7 in ORS 351.626 is abolished. Any moneys remaining in the account on  
8 the effective date of this 2015 Act that are unexpended, unobligated  
9 and not subject to any conditions are transferred to the Public Uni-  
10 versity Fund established under section 7, chapter 83, Oregon Laws 2014,  
11 for the construction, expansion and remodeling of public university  
12 facilities.

13 “(9) The account in the Oregon University System Fund established  
14 in ORS 351.627 is abolished. Any moneys remaining in the account on  
15 the effective date of this 2015 Act that are unexpended, unobligated  
16 and not subject to any conditions are transferred to the Public Uni-  
17 versity Fund established under section 7, chapter 83, Oregon Laws 2014,  
18 for the purpose of capital construction.

19 “(10) The account in the Oregon University System Fund estab-  
20 lished in ORS 351.638 is abolished. Any moneys remaining in the ac-  
21 count on the effective date of this 2015 Act that are unexpended,  
22 unobligated and not subject to any conditions are transferred to the  
23 Public University Fund established under section 7, chapter 83, Oregon  
24 Laws 2014, for the purpose of attracting new, outstanding faculty  
25 members to public universities.

26 “(11) The account in the Oregon University System Fund estab-  
27 lished in ORS 351.875 is abolished. Any moneys remaining in the ac-  
28 count on the effective date of this 2015 Act that are unexpended,  
29 unobligated and not subject to any conditions are transferred to the  
30 Public University Fund established under section 7, chapter 83, Oregon

1 **Laws 2014, for the purpose of providing grants for research.**

2 **“(12) The account in the Oregon University System Fund estab-**  
3 **lished in ORS 352.360 is abolished. Any moneys remaining in the ac-**  
4 **count on the effective date of this 2015 Act that are unexpended,**  
5 **unobligated and not subject to any conditions are transferred to the**  
6 **Public University Fund established under section 7, chapter 83, Oregon**  
7 **Laws 2014, for the purpose of defraying the costs of constructing bi-**  
8 **cycle racks and bicycle lanes and of traffic control, enforcement of**  
9 **traffic and parking regulations and maintenance and operation of**  
10 **parking facilities.**

11 **“(13) The account in the Oregon University System Fund estab-**  
12 **lished in ORS 352.650 is abolished. Any moneys remaining in the ac-**  
13 **count on the effective date of this 2015 Act that are unexpended,**  
14 **unobligated and not subject to any conditions are transferred to the**  
15 **Public University Fund established under section 7, chapter 83, Oregon**  
16 **Laws 2014.**

17 **“(14) The subaccount in the Oregon University System Fund estab-**  
18 **lished in section 2, chapter 624, Oregon Laws 2011, is abolished. Any**  
19 **moneys remaining in the subaccount on the effective date of this 2015**  
20 **Act that are unexpended, unobligated and not subject to any condi-**  
21 **tions are transferred to the Public University Fund established under**  
22 **section 7, chapter 83, Oregon Laws 2014, to allow necessary compliance**  
23 **under the Internal Revenue Code.**

24 **“SECTION 6. (1) The Higher Education Donation Fund established**  
25 **under ORS 351.130 is abolished. Any moneys remaining in the fund on**  
26 **the effective date of this 2015 Act that are unexpended, unobligated**  
27 **and not subject to any conditions are transferred to the Public Uni-**  
28 **versity Fund established under section 7, chapter 83, Oregon Laws 2014,**  
29 **for the purpose for which the moneys were donated.**

30 **“(2) The Higher Education Academic Modernization Account estab-**

1 lished under ORS 351.628 is abolished. Any moneys remaining in the  
2 account on the effective date of this 2015 Act that are unexpended,  
3 unobligated and not subject to any conditions are transferred to the  
4 Public University Fund established under section 7, chapter 83, Oregon  
5 Laws 2014, for academic modernization, capital repair, deferred main-  
6 tenance and making facilities compliant with building and safety  
7 codes.

8 “(3) The Oregon University System Capital Construction, Deferred  
9 Maintenance and Capital Repair Project Fund established in section  
10 3, chapter 788, Oregon Laws 2005, is abolished. Any moneys remaining  
11 in the fund on the effective date of this 2015 Act that are unexpended,  
12 unobligated and not subject to any conditions are transferred to the  
13 Public University Fund established under section 7, chapter 83, Oregon  
14 Laws 2014, for capital construction, deferred maintenance and capital  
15 repair projects.

16 “SECTION 7. Notwithstanding any other provision of law, the un-  
17 expended proceeds, and any interest earnings thereon, of bonds issued  
18 by the State Treasurer for the benefit of a university with a governing  
19 board that have not been transferred to a university prior to July 1,  
20 2015, and are not subject to transfer pursuant to a loan, grant or other  
21 agreement entered into between the State of Oregon and a university  
22 with a governing board or the Oregon University System, are trans-  
23 ferred to and made available for expenditure by the university with a  
24 governing board on whose behalf the bonds were issued before the ef-  
25 fective date of this 2015 Act.

26 “SECTION 8. ORS 286A.035 is amended to read:

27 “286A.035. (1) Each related agency shall report the plans of the related  
28 agency for the issuance of bonds during the next biennium. The related  
29 agency shall submit the related agency’s report to the Governor by a date  
30 determined by the Governor and shall include in the report a description of

1 bonds that the related agency intends to retire or defease during the next  
2 biennium.

3 “(2) On or before a date determined by the Governor, the State Treasurer  
4 shall advise the Governor on the prudent maximum amount of bonds to be  
5 issued for each bond program. The State Treasurer shall consider available  
6 economic and financial data in preparing advice to be given to the Governor.

7 “(3) As part of the Governor’s budget report described in ORS 291.216, the  
8 Governor shall:

9 “(a) Consider the prudent maximum amounts advised by the State Treas-  
10 urer pursuant to subsection (2) of this section to determine the Governor’s  
11 total recommended amount; and

12 “(b) Recommend to the Legislative Assembly the total amount of bonds  
13 the State Treasurer may issue for each bond program for a biennium.

14 “(4) [*Except as otherwise provided in ORS 351.476,*] The Legislative As-  
15 ssembly shall determine the amount of bonds the State Treasurer may issue  
16 for each state agency for a biennium. If the Legislative Assembly fails to  
17 make the determination described in this subsection by the first day of the  
18 biennium, the unused portion of the authorization the Legislative Assembly  
19 made for the preceding biennium is deemed to carry forward for the current  
20 biennium at the amount authorized for the preceding biennium until the  
21 earlier of:

22 “(a) The date on which legislation authorizing the amount of bonds for  
23 the current biennium is enacted; or

24 “(b) The date on which the Legislative Assembly adjourns sine die.

25 “(5) [*Except as otherwise provided in ORS 351.476,*] The amount of bonds  
26 that may be issued under bond programs may be modified by the Governor.  
27 However, the Governor may not modify the amount of bonds that may be  
28 issued under bond programs in a way that would cause the maximum amount  
29 established by the Legislative Assembly for a category of bond programs to  
30 be exceeded if the Legislative Assembly:

1       “(a) Has categorized the bonds that may be issued under bond programs  
2 as general obligation, direct revenue and pass-through revenue bonds; and

3       “(b) Assigned a maximum amount to each category.

4       “(6) This section applies to bonds:

5       “(a) Unless the bonds are expressly exempted from the requirements of  
6 this section.

7       “(b) Except refunding bonds.

8       “**SECTION 9.** ORS 286A.700 is amended to read:

9       “286A.700. (1) As used in this section:

10       “(a) ‘Oregon Baccalaureate Bonds’ means bonds of the State of Oregon  
11 issued by the State Treasurer at the request of the [*Oregon University*  
12 *System*] **Higher Education Coordinating Commission** that are designated  
13 as baccalaureate bonds.

14       “(b) ‘Post-secondary education’ means training and instruction provided  
15 by fully accredited public universities or private institutions of higher  
16 learning, community colleges and post-high-school career schools.

17       “(2) The Legislative Assembly encourages citizens of the State of Oregon  
18 to avail themselves of post-secondary education opportunities.

19       “(3) The Legislative Assembly finds:

20       “(a) For the benefit of its citizens, the state supports a system of common  
21 schools, public universities and community colleges.

22       “(b) A post-secondary education advances a citizen’s ability to pursue life,  
23 liberty and happiness through a wide range of employment opportunities.

24       “(c) A well-educated citizenry contributes to the economic well-being of  
25 the state and nation.

26       “(d) A well-trained and skilled citizenry enhances economic development  
27 of the state.

28       “(e) While students have just begun their education upon completion of  
29 a formal education, a lifetime pursuit of learning contributes to a well-  
30 informed citizenry and to Oregon’s cherished quality of life.

1 “(f) Citizens educated in Oregon are more likely to pursue careers in  
2 Oregon.

3 “(g) It is in the interest of this state to encourage its citizens to plan and  
4 save for a post-secondary education.

5 “(h) An Oregon Baccalaureate Bond program that provides citizens an  
6 opportunity to save for a post-secondary education for their children, them-  
7 selves or any citizen is in the social and economic interest of the State of  
8 Oregon.

9 “(i) A systematic way to save for post-secondary education can assist all  
10 of Oregon’s higher education, community college and career schools to better  
11 project enrollments, thereby permitting the prudent allocation of scarce re-  
12 sources.

13 “(4) At the request of the Higher Education Coordinating Commission, the  
14 State Treasurer may:

15 “(a) Issue bonds as Oregon Baccalaureate Bonds, to encourage investors  
16 to save for post-secondary education opportunities.

17 “(b) Investigate and implement the means and procedures to facilitate the  
18 participation by the broadest practical range of investors in the Oregon  
19 Baccalaureate Bond program. The means and procedures may include, but  
20 are not limited to, adjustments in the denominations in which the bonds are  
21 issued and the frequency with which the bonds are issued.

22 “(5) The purchase of an Oregon Baccalaureate Bond does not guarantee  
23 the purchaser, owner or beneficiary of the bond admittance to a public uni-  
24 versity or private post-secondary institution.

25 **“SECTION 10.** ORS 291.445 is amended to read:

26 “291.445. (1) Before July 1 of each fiscal year, the Oregon Department of  
27 Administrative Services shall request from the appropriate state agency a  
28 certificate as prescribed in this section. The request shall be made by letter  
29 to the agency.

30 “(2) Each state agency authorized to issue general obligation bonds that

1 are ordinarily to be repaid from other than General Fund appropriations  
2 shall, on or before August 15 of each fiscal year:

3 “(a) Certify to the Director of the Oregon Department of Administrative  
4 Services that the amounts available or that will become available during the  
5 current year to the bond program debt service fund to pay bond principal  
6 and interest that has accrued or will accrue during the current year are  
7 sufficient and will be sufficient to pay bond program principal and interest  
8 scheduled for payment during the current year; or

9 “(b) Certify to the Director of the Oregon Department of Administrative  
10 Services that the amounts available or that will become available during the  
11 current year to the bond program debt service fund will not be sufficient to  
12 pay bond program principal and interest scheduled for payment during the  
13 current year. A certificate issued under this paragraph shall specify the  
14 amount of the anticipated current year deficit. The Director of the Oregon  
15 Department of Administrative Services shall review and confirm the cor-  
16 rectness of each certification made under this paragraph.

17 “(3) On or before August 15 of each fiscal year, the administrative divi-  
18 sion of the Oregon Department of Administrative Services that has primary  
19 responsibility for accounting for each general obligation bond program in  
20 which the bond principal and interest is ordinarily to be repaid from General  
21 Fund appropriations shall:

22 “(a) Certify to the Director of the Oregon Department of Administrative  
23 Services that the amounts available or that will become available during the  
24 current year from General Fund appropriations to defray program bond  
25 principal and interest that has accrued or will accrue during the current  
26 year are sufficient and will be sufficient to pay program bond principal and  
27 interest scheduled for payment during the current year; or

28 “(b) Certify to the Director of the Oregon Department of Administrative  
29 Services that the amounts available or that will become available during the  
30 current year from General Fund appropriations will not be sufficient to pay

1 program bond principal and interest scheduled for payment during the cur-  
2 rent year. A certificate issued under this paragraph shall specify the amount  
3 of the anticipated current year deficit.

4 “(4)(a) If a deficit in funds available to pay principal and interest in any  
5 general obligation bond program is certified and confirmed under subsection  
6 (2) or certified under subsection (3) of this section, the amount of the deficit,  
7 together with any deficit that is certified for any other general obligation  
8 bond program shall upon certification constitute a state tax levy on property  
9 that shall be apportioned among and charged to the several counties in that  
10 proportion which the total assessed value of all the taxable property in each  
11 county bears to the total assessed value of all the taxable property of the  
12 state as equalized.

13 “(b) If any agency fails to make the certification under subsection (2) or  
14 (3) of this section with respect to any general obligation bond fund program,  
15 the Oregon Department of Administrative Services shall determine the  
16 amount of revenue and other funds that are available and the amount of  
17 taxes, if any, that should be levied in addition to the revenues and funds, to  
18 pay bond principal and interest under the program for the fiscal year in  
19 question. The additional amount so determined shall thereupon constitute a  
20 state tax levy on property that shall be apportioned, certified, collected and  
21 distributed as if determined and certified as a deficit by the agency. The  
22 Oregon Department of Administrative Services shall charge the agency for  
23 cost recovery for time spent on that agency’s behalf.

24 “(5) Immediately after the department has determined the amount of a  
25 state tax levy on property in accordance with subsection (4) of this section,  
26 a certificate of levy, signed by the director of the department, shall be filed  
27 in the office of the department. If no state levy is required for the fiscal or  
28 tax year, a certificate so stating and signed by the director shall be filed in  
29 the office of the department.

30 “(6) If, for any reason, after the close of any regular session of the Leg-



1 islative Assembly, it becomes necessary to reduce General Fund appropri-  
2 ations, General Fund appropriations for a debt service fund of a general  
3 obligation bond program described under subsection (3) of this section may  
4 not be reduced.

5 “(7) For purposes of this section:

6 “(a) State agencies that are authorized to issue general obligation bonds  
7 ordinarily to be repaid from other than General Fund appropriations include  
8 but are not limited to:

9 “(A) The Director of Veterans’ Affairs, as authorized by Article XI-A of  
10 the Oregon Constitution and ORS chapter 407 (veterans loans).

11 “(B) The [*State Board of Higher Education*] **Higher Education Coordi-**  
12 **nating Commission**, [*as*] **for bonds** authorized by Article XI-F(1) of the  
13 Oregon Constitution [*and ORS 351.350*] (**higher education** building  
14 projects).

15 “(C) The Department of Environmental Quality, as authorized by Article  
16 XI-H of the Oregon Constitution and ORS 468.195 to 468.260 (pollution con-  
17 trol).

18 “(D) The Water Resources Commission and the Water Resources Director,  
19 as authorized by Article XI-I(1) of the Oregon Constitution and ORS 541.700  
20 to 541.855 (water development).

21 “(E) The Housing and Community Services Department, as authorized by  
22 Article XI-I(2) of the Oregon Constitution and ORS 456.515 to 456.725 and  
23 458.505 to 458.515 (housing).

24 “(F) The Director of the State Department of Energy, as authorized by  
25 Article XI-J of the Oregon Constitution and ORS 470.220 to 470.290 (small  
26 scale energy projects).

27 “(G) Other agencies as required by the Oregon Department of Adminis-  
28 trative Services by rule adopted using the criterion of this subsection.

29 “(b) Each agency authorized to issue general obligation bonds that are  
30 ordinarily to be repaid from other than General Fund appropriations shall

1 determine the amount of revenues or other funds that are available and the  
2 amount of taxes, if any, that should be levied for the ensuing year in the  
3 manner required under rules adopted by the Oregon Department of Admin-  
4 istrative Services and make the certification required under subsection (2)  
5 of this section.

6 “(8)(a) State agencies that are authorized to issue general obligation  
7 bonds that are ordinarily to be repaid from General Fund appropriations in-  
8 clude but are not limited to:

9 “(A) The State Board of Forestry and the State Forester, as authorized  
10 by Article XI-E of the Oregon Constitution and ORS 530.210 to 530.280 (state  
11 reforestation).

12 “(B) The [*State Board of Higher Education*] **Higher Education Coordi-**  
13 **nating Commission, [as] for bonds** authorized by Article XI-G of the  
14 Oregon Constitution [*and ORS 351.345*] (higher education and community  
15 colleges).

16 “(C) Other agencies as required by the Oregon Department of Adminis-  
17 trative Services by rule adopted using the criterion of this subsection.

18 “(b) Each agency authorized to issue general obligation bonds ordinarily  
19 to be repaid from General Fund appropriations shall furnish any data re-  
20 quired by the Oregon Department of Administrative Services to determine  
21 the amount of revenues or other funds that are available and the amount of  
22 taxes, if any, that should be levied for the ensuing year and the administra-  
23 tive division of the Oregon Department of Administrative Services that has  
24 primary responsibility for accounting shall make the determination for pur-  
25 poses of the making of the certification required under subsection (3) of this  
26 section.

27 “**SECTION 11.** ORS 293.701 is amended to read:

28 “293.701. As used in ORS 293.701 to 293.857, unless the context requires  
29 otherwise:

30 “(1) ‘Council’ means the Oregon Investment Council.

1 “(2) ‘Investment funds’ means:  
2 “(a) Public Employees Retirement Fund referred to in ORS 238.660;  
3 “(b) Industrial Accident Fund referred to in ORS 656.632;  
4 “(c) Consumer and Business Services Fund referred to in ORS 705.145;  
5 “(d) Employment Department Special Administrative Fund referred to in  
6 ORS 657.822;  
7 “(e) Insurance Fund referred to in ORS 278.425;  
8 “(f) Funds under the control and administration of the Department of  
9 State Lands;  
10 “(g) Oregon Student Assistance Fund referred to in ORS 348.570;  
11 “(h) Moneys made available to the Commission for the Blind under ORS  
12 346.270 and 346.540 or rules adopted thereunder;  
13 “(i) Forest Development Revenue Bond Fund referred to in ORS 530.147  
14 and State Forestry General Obligation Bond Fund referred to in ORS 530.280;  
15 “(j) Oregon War Veterans’ Fund referred to in ORS 407.495;  
16 “(k) Oregon War Veterans’ Bond Sinking Account referred to in ORS  
17 407.515;  
18 “(L) World War II Veterans’ Compensation Fund;  
19 “(m) World War II Veterans’ Bond Sinking Fund;  
20 “(n) Funds in the hands of the State Treasurer that are not required to  
21 meet current demands and that are invested in the Oregon Short Term Fund  
22 established under ORS 293.728 or in another commingled investment vehicle;  
23 “(o) State funds that are not subject to the control and administration  
24 of officers or bodies specifically designated by law;  
25 “(p) Funds derived from the sale of state bonds;  
26 “(q) Social Security Revolving Account referred to in ORS 237.490;  
27 “(r) [*Oregon University System Fund established by ORS 351.506 and the*  
28 *Higher Education Donation Fund established by ORS 351.130*] **Public Uni-**  
29 **versity Fund established by section 7, chapter 83, Oregon Laws 2014;**  
30 “(s) Local Government Employer Benefit Trust Fund referred to in ORS

1 657.513;

2 “(t) Elderly and Disabled Special Transportation Fund established by ORS  
3 391.800;

4 “(u) Education Stability Fund established by ORS 348.696;

5 “(v) Deferred Compensation Fund established under ORS 243.411; and

6 “(w) Trust for Cultural Development Account established under ORS  
7 359.405.

8 “(3) ‘Investment officer’ means the State Treasurer in the capacity as in-  
9 vestment officer for the council.

10 **“SECTION 12.** ORS 293.790 is amended to read:

11 “293.790. (1) Under authority of **Article XI**, section 6, [*Article XI*] of the  
12 Oregon Constitution, the state, subject to subsection (2) of this section, may  
13 hold and dispose of the stock of any company, association or corporation,  
14 including stock already received, that is donated or bequeathed, and the  
15 state, acting **on behalf of the governing board of a public university**  
16 **listed in ORS 352.002** [*by and through the State Board of Higher*  
17 *Education*], subject to subsection (2) of this section, may invest and reinvest  
18 in the stock of any company, association or corporation, any funds or moneys  
19 of the [*State Board of Higher Education that*] **public university held in the**  
20 **Public University Fund established under section 7, chapter 83, Oregon**  
21 **Laws 2014, that is permitted to be held, disposed or invested under**  
22 **Article XI, section 6, of the Oregon Constitution.**[:]

23 “[*(a) Are or have been donated or bequeathed for higher education pur-*  
24 *poses;*]

25 “[*(b) Are the proceeds from the disposition of stock that is donated or*  
26 *bequeathed for higher education purposes, including stock already received;*  
27 *or*]

28 “[*(c) Are dividends paid with respect to stock that is donated or bequeathed*  
29 *for higher education purposes, including stock already received.*]

30 “(2) The state, including any of its agencies having control of, or au-

1 thority to invest and reinvest in, any stock described in subsection (1) of this  
2 section, in holding, disposing of or investing and reinvesting in such stock,  
3 shall be governed by ORS 130.750 to 130.775, notwithstanding the date of  
4 acquisition of such stock. Moneys received from the disposition of such  
5 stock, including dividends, shall be maintained separate and distinct from the  
6 General Fund, and those moneys, including interest earned thereon, are ap-  
7 propriated continuously for the purposes of the donation or bequest and of  
8 the investments and reinvestments [*authorized by subsection (1) of this section*  
9 *and by ORS 351.130*]. Except as specifically authorized by law, the state or  
10 any of its agencies may not purchase stock.

11 “(3)[(a)] This section does not apply to investment and reinvestment of  
12 moneys in the Public Employees Retirement Fund, the Industrial Accident  
13 Fund, the Deferred Compensation Fund and the Education Stability Fund or  
14 to acquisition, retention, management and disposition of investments of those  
15 funds as provided in ORS 293.701 to 293.857.

16 “[*(b) This section does not apply to investment or reinvestment of moneys*  
17 *or stock resulting from the holding and disposing of stock by the state as al-*  
18 *lowed under section 6 (2), Article XI of the Oregon Constitution.*]

19 **“SECTION 13.** ORS 295.195 is amended to read:

20 “295.195. [*(1) Notwithstanding any other provision of ORS chapter 295, the*  
21 *Oregon University System, with the approval of the State Treasurer, may de-*  
22 *posit funds in a financial institution in a foreign country, if the circumstances*  
23 *under which the funds are to be used render it impracticable to keep the funds*  
24 *in a domestic financial institution or if the terms of a grant, gift or contract*  
25 *require that the funds be kept in a foreign country.*]

26 “[*(2)*] (1) Notwithstanding any other provision of this chapter, to the ex-  
27 tent estimated to be necessary to fund operations or activities for one  
28 biennium of the State of Oregon in a foreign country, the State Treasurer  
29 may deposit funds in a financial institution in a foreign country.

30 “[*(3)*] (2) When funds are deposited in a financial institution in a foreign

1 country pursuant to subsection (1) [*or* (2)] of this section, the institution  
2 shall not be required to maintain collateral as provided in ORS 295.015.  
3 Reasonable and prudent measures to protect the public funds from loss shall  
4 be exercised to the extent permitted under the laws of the foreign country.

5 “[~~(4)~~] (3) The State Treasurer shall report to the Legislative Assembly  
6 biennially on the amounts of deposits in foreign countries, and the operation  
7 and activities funded by such deposits. The report shall be submitted to the  
8 offices of the President of the Senate and the Speaker of the House of Rep-  
9 resentatives and shall be referred by each of them to appropriate standing  
10 committees other than committees concerned with budgets of the State  
11 Treasurer or the activity or operation so funded.

12 “**SECTION 14.** ORS 351.160 is amended to read:

13 “351.160. (1) The [*State Board of Higher Education*] **governing board of**  
14 **a public university listed in ORS 352.002** may undertake the construction  
15 of any building or structure for higher education when the **governing** board  
16 conservatively estimates that the [*Oregon University System*] **public uni-**  
17 **versity** will have sufficient revenues to pay the operating costs and any  
18 indebtedness for the building or structure. For purposes of this section,  
19 ‘revenues’ includes all funds available to the **governing** board except  
20 amounts appropriated by the Legislative Assembly from the General Fund.  
21 The **governing** board may enter into contracts for the acquisition, erection,  
22 improvement, repair, equipping and furnishing of buildings and structures for  
23 dormitories, housing, boarding, off-street motor vehicle parking facilities and  
24 other purposes for higher education pursuant to Article XI-F(1) of the  
25 Oregon Constitution[,] **and** ORS 351.160 to 351.190[, *351.350 to 351.460 and*  
26 *351.505*].

27 “(2) The **governing** board may also undertake the acquisition or con-  
28 struction of those buildings and structures that the Legislative Assembly has  
29 determined will benefit higher education institutions or activities, and may  
30 enter into contracts with persons, firms or corporations for the acquisition,

1 erection, improvement, repair, equipping and furnishing of such buildings  
2 and structures pursuant to Article XI-G of the Oregon Constitution [*and*  
3 *ORS 351.345*].

4 **“SECTION 15.** ORS 351.170 is amended to read:

5 “351.170. (1) [*The State Board of Higher Education*] **A public university**  
6 **listed in ORS 352.002** may establish rates, charges and fees for use of  
7 buildings, structures and projects under its control. The rates and charges  
8 shall be sufficient, in the judgment of the [*board*] **governing board of the**  
9 **university** and with other available revenues, as defined in ORS 351.160, to  
10 pay the operating costs and any indebtedness for the buildings, structures  
11 and projects.

12 “(2) The board shall charge and collect from each regular student a  
13 building fee at a rate not to exceed \$45 for each regular term, for not less  
14 than three terms in each regular academic year, and not to exceed \$67.50 if  
15 instruction is on a semester basis, or an equivalent rate of charge when in-  
16 struction is on a different basis. The **governing** board is authorized to  
17 maintain adequate accounts for bonds outstanding. [*The fee shall be in ad-*  
18 *dition to tuition and other fees charged to students and shall be deposited in*  
19 *the appropriate subaccount of the account maintained in the Oregon University*  
20 *System Fund under ORS 351.460.*]

21 **“SECTION 16.** ORS 351.180 is amended to read:

22 “351.180. The [*State Board of Higher Education*] **governing board of a**  
23 **public university listed in ORS 352.002** may cause the buildings, structures  
24 or projects referred to in ORS 351.160 and 351.170 and the equipment and  
25 furnishings therein and the appurtenances thereto to be insured against fire  
26 and other hazards in such sums as will protect the holders of the outstanding  
27 bonds issued to finance the cost thereof. Such insurance shall be in lieu of  
28 that afforded by the Insurance Fund, without right of insurers, in the event  
29 of loss, to subrogation to or contribution from said fund.

30 **“SECTION 17.** ORS 351.356 is amended to read:

1 “351.356. (1) As used in this section:

2 “(a) ‘Bond’ means a bond issued under Article XI-F(1) of the Oregon  
3 Constitution.

4 “(b) ‘Credit enhancement device’ means a letter of credit, line of credit,  
5 bond insurance policy, standby purchase agreement, surety bond or other  
6 device or facility used to enhance the creditworthiness, liquidity or  
7 marketability of a bond.

8 “(c) ‘Financial agreement’ means an agreement for exchange of interest  
9 rates, as defined in ORS 286A.001, a credit enhancement device or an agree-  
10 ment made in connection with a credit enhancement device, that is executed  
11 for one or more bonds.

12 “(2) The State of Oregon, acting through [*the State Board of Higher Ed-*  
13 *ucation or*] the State Treasurer, may:

14 “(a) Enter into financial agreements.

15 “(b) Identify, segregate, pledge and agree to pay amounts due under fi-  
16 nancial agreements entered into under this section from:

17 “(A) The revenues described in section 2, Article XI-F(1) of the Oregon  
18 Constitution; or

19 “(B) The unexpended proceeds of the bonds for which financial agree-  
20 ments are executed.

21 “(c) To the extent permitted by Article XI-F(1) of the Oregon Constitu-  
22 tion, issue bonds to secure the state’s obligation to make payments under a  
23 financial agreement. If a bond is issued under this paragraph, the bond  
24 amount shall count toward the limit described in section 1, Article XI-F(1)  
25 of the Oregon Constitution, only to the extent that it increases the amount  
26 the state is obligated to pay under other bonds.

27 **“SECTION 18.** ORS 351.379 is amended to read:

28 “351.379. (1) ORS 351.365 to 351.379 do not impair the obligations, as de-  
29 fined in ORS 286A.100, or agreements of the State of Oregon or the State  
30 Board of Higher Education with respect to state bonds issued before August



1 14, 2013, for the benefit of a university with a governing board.

2 “(2) A university with a governing board [*and the Oregon University*  
3 *System*] shall take all actions necessary to ensure full compliance with the  
4 operative documents executed with respect to state bonds issued before, on  
5 or after August 14, 2013, by the State Treasurer for the benefit of the uni-  
6 versity with a governing board.

7 “(3) The State Treasurer [*and the Oregon University System*] shall  
8 promptly provide a university [*that acquires*] **with** a governing board with  
9 a schedule of outstanding state bonds and other obligations for which the  
10 university must pay, including the payment dates and amounts, or methods  
11 for determining the amounts. The schedule must include amounts sufficient  
12 to pay principal, interest and premium, if any, on the state bonds, and to pay  
13 administrative and other costs of the State of Oregon that are related to the  
14 state bonds or other obligations. If the State Treasurer issues state bonds for  
15 the benefit of a university with a governing board on or after August 14,  
16 2013, that are intended to be repaid in whole or in part by university reve-  
17 nues or other moneys under the control of the university, the schedule shall  
18 be amended to include such state bonds and the amounts to be paid by the  
19 university. In the absence of manifest error, the schedule provided by the  
20 State Treasurer [*and the Oregon University System*] to a university with a  
21 governing board is binding on the university. The university with a govern-  
22 ing board shall pay the amounts specified in the schedule provided by the  
23 State Treasurer [*and the Oregon University System*] on or before the dates  
24 specified in the schedule from the legally available revenue of the university  
25 and on a pari passu basis with the payment of any revenue bonds of the  
26 university issued pursuant to ORS 351.374.

27 “(4) At the request of the State Treasurer, a university with a governing  
28 board shall provide the State Treasurer with periodic cash flow projections  
29 and other information that allow the State Treasurer to review and approve  
30 the sufficiency of the university’s cash flow to pay amounts specified in the

1 schedule described in subsection (3) of this section and to pay amounts owed  
2 under loans from state agencies that were funded with the proceeds of state  
3 bonds.

4 “(5) Moneys deposited with the State Treasurer[, *the Controller of the*  
5 *Oregon University System*] or the Oregon Department of Administrative Ser-  
6 vices in a debt service reserve account or otherwise for the portion of the  
7 debt service associated with obligations entered into before August 14, 2013,  
8 for the benefit of a university with a governing board must remain with the  
9 State Treasurer[, *the Controller of the Oregon University System*] or the  
10 Oregon Department of Administrative Services until the obligations have  
11 been retired or defeased. Earnings on moneys described in this subsection  
12 must be credited to the account or fund in which the moneys are held.

13 “(6) The principal, interest, premium, if any, and any issuance costs of  
14 state bonds issued before, on or after August 14, 2013, for the benefit of a  
15 university with a governing board, and any related credit enhancement de-  
16 vice or interest rate exchange agreement, shall be paid from the sources  
17 identified in the laws and operative documents authorizing the state bonds.  
18 The university with a governing board for which the state bonds were issued  
19 shall pay any other expenses and liabilities, including, but not limited to,  
20 legal expenses arising from an inquiry, audit or other action by a federal or  
21 state regulatory body, unless the expense or liability results solely from the  
22 negligence or willful misconduct of a state agency.

23 “(7) Pursuant to ORS chapter 180, on behalf of the State Treasurer or any  
24 other state agency, the Attorney General shall appear, commence, prosecute  
25 or defend any action, suit, matter, cause or proceeding arising from any state  
26 bond issued for the benefit of a university with a governing board and any  
27 related credit enhancement device or interest rate exchange agreement. As  
28 soon as practicable after a governing board is established by a university  
29 pursuant to ORS 352.054, the university with a governing board and the State  
30 Treasurer shall enter into an agreement that addresses reimbursement of

1 reasonable costs and expenses associated with the legal representation of the  
2 State Treasurer in connection with state bonds issued for the benefit of the  
3 university with a governing board before, on or after August 14, 2013, and  
4 any other topic necessary for the Department of Justice to provide legal  
5 representation to the State Treasurer in connection with state bonds issued  
6 for the benefit of the university with a governing board and to provide rep-  
7 resentation related to funds and accounts or services provided under ORS  
8 352.135.

9 “(8) A university with a governing board shall assume responsibility, in  
10 accordance with agreements entered into with the Department of Justice and  
11 the State Treasurer, for the indemnity and defense of university officers,  
12 agents and employees with regard to, as applicable, claims asserted and  
13 actions commenced in connection with state bonds issued for the benefit of  
14 the university with a governing board.

15 **“SECTION 19.** ORS 351.505 is amended to read:

16 “351.505. [*The State Board of Higher Education*] **A university with a**  
17 **governing board** may, in its discretion, accept financial assistance and  
18 grants, either in the form of money or labor, from the United States or any  
19 of its agencies, subject to the terms and conditions thereof, regardless of any  
20 laws of this state in conflict with the regulations of the federal government  
21 with respect thereto, and may also accept from others any donation or grant  
22 of land, **to be taken and held in the name of the State of Oregon, acting**  
23 **by and through the governing board**, or gift of money or other valuable  
24 gift or thing, for any of the purposes contemplated by Article XI-F(1) and  
25 Article XI-G of the Oregon Constitution[,] **and** ORS 351.160 to 351.190[,  
26 *351.345 to 351.460, 351.500 and 351.505*]. Unless enjoined by the terms or  
27 conditions of any such gift or grant, the **governing** board may convert the  
28 same, or any of them, into money, through sale or disposal thereof.

29 **“SECTION 20.** ORS 351.681 is amended to read:

30 “351.681. [*At the direction of the Oregon University System, the State*

1 *Treasurer*] **Oregon State University** shall establish in the **Public Univer-**  
2 **sity Fund established under section 7, chapter 83, Oregon Laws 2014,**  
3 [*Oregon University System Fund*] a subaccount dedicated to funding invest-  
4 ments in professional forestry education. A subaccount created as provided  
5 in this section shall consist of any moneys from harvest taxes, appropri-  
6 ations, gifts, grants or donations made available to [*Oregon State*] **the** uni-  
7 versity for the specific purpose of making investments in professional  
8 forestry education under this section. The university shall make any allo-  
9 cations of moneys from the subaccount to investments in professional  
10 forestry education in accordance with the criteria and measurements estab-  
11 lished by the Forestry Education Council under ORS 351.679.

12 **“SECTION 21.** ORS 351.692 is amended to read:

13 *“351.692. [(1) The State Board of Higher Education shall adopt policies that*  
14 *prescribe the requirements for a venture grant program and the requirements*  
15 *that a grant applicant must meet in order to receive grant moneys from a*  
16 *university venture development fund, including requirements:]*

17 *“[(a) That a grant recipient remain within this state for at least five years*  
18 *following the receipt of a grant or repay the grant plus interest;]*

19 *“[(b) That each university that establishes a university venture development*  
20 *fund report amounts of tax credit certificates issued by the university and*  
21 *maintain records of income realized by the university as the result of grants*  
22 *made from the fund and records of amounts paid to the General Fund; and]*

23 *“[(c) Under which the Oregon University System is to maintain records and*  
24 *issue directions to universities that have established university venture devel-*  
25 *opment funds relating to when universities must cease issuing certificates, in*  
26 *order to ensure that the total amount owed by the public universities listed in*  
27 *ORS 352.002 to the General Fund at any one time under ORS 351.697 (6) does*  
28 *not exceed \$6 million.]*

29 *“[(2)] The governing board of a public university [with a governing*  
30 *board] listed in ORS [352.054] **352.002** shall adopt a policy that prescribes the*

1 requirements for a venture grant program and the requirements that a grant  
2 applicant must meet in order to receive grant moneys from the university  
3 venture development fund operated by the university, including requirements:

4 “[a)] (1) That a grant recipient remain within this state for at least five  
5 years following the receipt of a grant or repay the grant plus interest;

6 “[b)] (2) That the university report amounts of tax credit certificates is-  
7 sued by the university and cease issuing certificates until the total amount  
8 owed by the public universities listed in ORS 352.002 to the General Fund  
9 at any one time under ORS 351.697 (6) does not exceed \$6 million; and

10 “[c)] (3) That the university maintain records of income realized by the  
11 university as the result of grants made from the fund and records of amounts  
12 paid to the General Fund.

13 **“SECTION 22.** ORS 352.138, as amended by section 6, chapter 113, Oregon  
14 Laws 2014, and section 17, chapter 121, Oregon Laws 2014, is amended to  
15 read:

16 “352.138. (1) The following entities are not subject to any provision of law  
17 enacted after January 1, 2013, that is unique to governmental entities unless  
18 the following entities are expressly named:

19 “(a) A university with a governing board; and

20 “(b) Any not-for-profit organization or other entity if the equity of the  
21 entity is owned or controlled exclusively by a university with a governing  
22 board and if the organization or entity is created by the university to ad-  
23 vance any of the university’s statutory missions.

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

29 “(3) Except as otherwise provided by law, the provisions of ORS 35.550 to  
30 35.575, 180.060, 180.210 to 180.235, 184.305 to 184.345, 190.480, 190.490, 200.035,

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

4 “(4) Notwithstanding subsections (1) and (3) of this section **and ORS**  
5 **352.033**, ORS 240.167, 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825,  
6 279C.830, 279C.835, 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865,  
7 279C.870 and 292.043 apply to a university with a governing board under the  
8 same terms as they apply to public bodies other than the state.

9 “(5) Notwithstanding subsection (2) of this section, ORS 190.430 and  
10 192.105 do not apply to a university with a governing board or any organ-  
11 ization or other entity described in subsection (1) of this section.

12 “(6) **Notwithstanding ORS 352.033**, except as set forth in subsection (3)  
13 of this section, ORS 243.650 to 243.782 and 276.073 to 276.090 and ORS chap-  
14 ters 238 and 238A apply to a university with a governing board under the  
15 same terms as they apply to the state.

16 “(7) ORS 351.065, 351.067, 351.642, 351.643, 351.644, 351.646, 351.656, 351.658,  
17 352.012 and 352.375 apply to a university with a governing board[, *except that*  
18 *the board or university shall exercise the responsibilities and authorities of the*  
19 *State Board of Higher Education, the Higher Education Coordinating Com-*  
20 *mission or the Oregon University System*].

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

27 “(9) **Notwithstanding ORS 352.033**, ORS 351.692, 351.695 and 351.697 ap-  
28 ply to a **university with a** governing board[, *except that the board has the*  
29 *responsibilities and authorities with respect to the university it governs that*  
30 *the State Board of Higher Education and the Oregon University System have*

1 *with respect to the public universities identified in ORS 351.011*]. A university  
2 with a governing board may not issue a tax credit certificate under ORS  
3 351.692, 351.695 and 351.697 that will cause the public universities listed in  
4 ORS 352.002 to owe the General Fund more than \$6 million at any one time  
5 under ORS 351.692, 351.695 and 351.697.

6 “(10) If state bonds are issued for the benefit of a university with a gov-  
7 erning board, the university shall have the powers and duties of a related  
8 agency, as defined in ORS 286A.001, to the extent necessary for the issuance  
9 of the state bonds and the administration of the proceeds of the state bonds.

10 “(11) If state bonds are issued for the benefit of a university with a gov-  
11 erning board under Article XI-Q of the Oregon Constitution, the university  
12 shall have the powers and duties of a project agency, as defined in ORS  
13 286A.816, to the extent necessary for the issuance of the state bonds and the  
14 administration of the proceeds of the state bonds.

15 “(12) Nothing in this section may be construed so that statutory pro-  
16 visions that are not set forth in this section apply to a university with a  
17 governing board.

18 “**SECTION 23.** ORS 353.330 is amended to read:

19 “353.330. (1) Nothing in chapter 162, Oregon Laws 1995, shall be construed  
20 in any way to impair the obligations or agreements of the State of Oregon  
21 or the [*State Board of Higher Education*] **Oregon Department of Admin-**  
22 **istrative Services** with respect to bonds, certificates of participation, fi-  
23 nancing agreements or other agreements for the borrowing of money issued  
24 prior to July 1, 1995, by the State of Oregon on behalf of the State Board  
25 of Higher Education for equipment or projects for Oregon Health and Sci-  
26 ence University. The university and the [*Oregon University System*] **depart-**  
27 **ment** shall take all actions necessary to ensure full compliance with all  
28 indentures, resolutions, declarations, agreements and other documents issued  
29 with respect to the bonds, certificates of participation, financing agreements  
30 or other agreements for the borrowing of money issued prior to July 1, 1995,

1 by the State of Oregon on behalf of the State Board of Higher Education for  
2 equipment or projects for the university. The [*Oregon University System*]  
3 **department** and the university shall establish, in a written agreement that  
4 [*shall be subject to the approval of*] **is approved by** the State Treasurer, the  
5 responsibility of the university for the payment to the [*Oregon University*  
6 *System*] **department** of moneys sufficient to pay when due all principal, in-  
7 terest and any other charges on bonds, certificates of participation, financing  
8 agreements or other agreements for the borrowing of money issued prior to  
9 July 1, 1995, by the State of Oregon on behalf of the State Board of Higher  
10 Education for equipment or projects for the university.

11 “(2) Holders of obligations issued by the university on or after July 1,  
12 1995, may be paid *pari passu* with the obligations issued by the State of  
13 Oregon on behalf of the State Board of Higher Education for equipment or  
14 projects for the university prior to July 1, 1995, from the rents, revenues,  
15 receipts, appropriations or other income of the university, but only to the  
16 extent that:

17 “(a) Such holders have no rights, liens or other interests with respect to  
18 such rents, revenues, receipts, appropriations or other income of the univer-  
19 sity that are senior or superior to the rights granted to the holders of obli-  
20 gations issued prior to July 1, 1995, by the State of Oregon on behalf of the  
21 State Board of Higher Education for equipment or projects for the univer-  
22 sity; and

23 “(b) [*The State Board of Higher Education,*] The [*Oregon*] department [*of*  
24 *Administrative Services*] or the State of Oregon, acting for the benefit of such  
25 holders of obligations, is granted a lien or other security interest in the  
26 rents, revenues, receipts, appropriations or other income of the university  
27 that is not junior to and is at least *pari passu* with any lien or other security  
28 interest granted to the holders of obligations issued by the university.

29 “(3) Any expenses, including legal expenses, judgments, liabilities and  
30 federal arbitrage and rebate penalties arising from the actions of the uni-



1 versity, if incurred with respect to bonds, certificates of participation, fi-  
2 nancing agreements or other agreements for the borrowing of money issued  
3 prior to July 1, 1995, by the State of Oregon on behalf of the State Board  
4 of Higher Education for equipment or projects for the university, shall be  
5 paid when due by the university, subject to the university's right to reason-  
6 ably contest such charges, judgments, liabilities or penalties. The university  
7 shall assist the [*Controller of the Oregon University System*] **department** in  
8 making any necessary calculations and filing any necessary reports related  
9 to arbitrage and rebate on such indebtedness.

10 “(4) Any amounts deposited with the State Treasurer, [*the Controller of*  
11 *the Oregon University System,*] the [*Oregon*] department [*of Administrative*  
12 *Services*] or its designated agents in any debt service in reserve accounts for  
13 the debt service associated with any bonds, certificates of participation, fi-  
14 nancing agreements or other agreements for the borrowing of money issued  
15 prior to July 1, 1995, by the State of Oregon on behalf of the State Board  
16 of Higher Education for equipment or projects for the university shall re-  
17 main with the State Treasurer, [*the Controller of the Oregon University Sys-*  
18 *tem,*] the [*Oregon*] department [*of Administrative Services*] or its designated  
19 agents until such time as the bonds, certificates of participation, financing  
20 agreements or other agreements for the borrowing of money for which such  
21 reserve accounts have been established have been retired or defeased. The  
22 university shall be credited with the investment earnings on such reserve  
23 accounts.

24 “**SECTION 24.** ORS 353.370 is amended to read:

25 “353.370. In addition to, and not in limitation of, the means of satisfying  
26 state general obligation bond obligations under ORS 291.445, Oregon Health  
27 and Science University, promptly upon the discovery of any shortfall in  
28 moneys available to the university for the payment when due of amounts  
29 under any bonds, certificates of participation, financing agreements or other  
30 agreements for the borrowing of moneys issued prior to July 1, 1995, by the

1 State of Oregon on behalf of the State Board of Higher Education for  
2 equipment or projects for the university, shall notify in writing the Legisla-  
3 tive Assembly, or if the Legislative Assembly is not in session, the Emer-  
4 gency Board, of the existence and amount of the shortfall. The Legislative  
5 Assembly or the Emergency Board, as the case may be, may provide funds  
6 to satisfy the payment of any such amount. By enacting this provision, the  
7 Legislative Assembly acknowledges its current intention to provide, from  
8 funds other than those appropriated or otherwise made available to [*the*  
9 *Oregon University System*] **public universities listed in ORS 352.002**, funds  
10 to pay such amount. However, except as may be required by the Oregon  
11 Constitution or ORS 291.445, neither the Legislative Assembly nor the  
12 Emergency Board shall have any legal obligation to provide funds under this  
13 section.

14 **“SECTION 25.** Section 11, chapter 761, Oregon Laws 2007, as amended  
15 by section 91, chapter 762, Oregon Laws 2009, and section 30, chapter 2,  
16 Oregon Laws 2011, is amended to read:

17 **“Sec. 11.** (1) There is established in the General Fund an account to be  
18 known as the Western Oregon University Business, Math and Computer  
19 Science Facility Project Account. Funds in the account shall be used for the  
20 acquisition, construction, remodeling, expansion and renovation of facilities  
21 for a facility project at Western Oregon University.

22 “(2) The account shall consist of proceeds from lottery bonds, grant funds,  
23 gift funds, federal and local government funds made available to and funds  
24 donated to [*the Oregon University System*] **Western Oregon University** for  
25 the purpose of the facility project described in subsection (1) of this section.  
26 Interest earned on moneys in the account shall be credited to the account.  
27 The account may not be credited with more than \$500,000 for purposes of this  
28 subsection.

29 “(3) Moneys in the account are continuously appropriated to the [*Oregon*  
30 *University System*] **Higher Education Coordinating Commission for dis-**

1 **tribution to Western Oregon University** and may be transferred to the  
2 account designated by [ORS 351.626] **the university** for the facility project  
3 described in subsection (1) of this section.

4 **“SECTION 26.** Section 12, chapter 761, Oregon Laws 2007, as amended  
5 by section 92, chapter 762, Oregon Laws 2009, and section 31, chapter 2,  
6 Oregon Laws 2011, is amended to read:

7 **“Sec. 12.** (1) There is established in the General Fund an account to be  
8 known as the Oregon State University Pauling Research and Education  
9 Building Account. Funds in the account shall be used for the acquisition,  
10 construction, remodeling, expansion and renovation of facilities for the  
11 Pauling Research and Education Building at the Oregon State University.

12 **“(2)** The account shall consist of grant funds, gift funds, federal and local  
13 government funds made available to and funds donated to [*the Oregon Uni-*  
14 *versity System*] **Oregon State University** for the purpose of the Pauling  
15 Research and Education Building project described in subsection (1) of this  
16 section. Interest earned on moneys in the account shall be credited to the  
17 account. The account may not be credited with more than \$31,256,035 for  
18 purposes of this subsection.

19 **“(3)** Moneys in the account are continuously appropriated to the [*Oregon*  
20 *University System*] **Higher Education Coordinating Commission for dis-**  
21 **tribution to Oregon State University** and may be transferred to the ac-  
22 count designated by [ORS 351.626] **the university** for the Pauling Research  
23 and Education Building project described in subsection (1) of this section.

24 **“SECTION 27.** Section 15, chapter 761, Oregon Laws 2007, as amended  
25 by section 95, chapter 762, Oregon Laws 2009, section 34, chapter 2, Oregon  
26 Laws 2011, and section 158, chapter 768, Oregon Laws 2013, is amended to  
27 read:

28 **“Sec. 15.** (1) There is established in the General Fund an account to be  
29 known as the University of Oregon Hayward Field Account. Funds in the  
30 account shall be used for the purposes described in Article XI-G of the

1 Oregon Constitution at Hayward Field at the University of Oregon.

2 “(2) The account shall consist of funds received from not-for-profit or-  
3 ganizations, grant funds, gift funds, federal and local government funds made  
4 available to and funds donated to the University of Oregon for the purpose  
5 of the Hayward Field project described in subsection (1) of this section. In-  
6 terest earned on moneys in the account shall be credited to the account. The  
7 account may not be credited with more than \$2,500,000 for purposes of this  
8 subsection.

9 “(3) Moneys in the account are continuously appropriated to the **Higher**  
10 **Education Coordinating Commission for distribution to the** University  
11 of Oregon and may be transferred to the account designated by the university  
12 for the purposes described in subsection (1) of this section.

13 **“SECTION 28.** Section 16, chapter 761, Oregon Laws 2007, as amended  
14 by section 14, chapter 15, Oregon Laws 2008, section 96, chapter 762, Oregon  
15 Laws 2009, and section 35, chapter 2, Oregon Laws 2011, is amended to read:

16 **“Sec. 16.** (1) There is established in the General Fund an account to be  
17 known as the Oregon Institute of Technology Center for Health Professions  
18 Account. Funds in the account shall be used for the acquisition, con-  
19 struction, remodeling, expansion and renovation of facilities for a Center for  
20 Health Professions project for the Oregon Institute of Technology.

21 “(2) The account shall consist of grant funds, gift funds, federal and local  
22 government funds made available to and funds donated to the [*Oregon Uni-*  
23 *versity System*] **Oregon Institute of Technology** for the purpose of the  
24 Center for Health Professions project described in subsection (1) of this  
25 section. Interest earned on moneys in the account shall be credited to the  
26 account. The account may not be credited with more than \$9,000,000 for  
27 purposes of this subsection.

28 “(3) Moneys in the account are continuously appropriated to the [*Oregon*  
29 *University System*] **Higher Education Coordinating Commission for dis-**  
30 **tribution to the Oregon Institute of Technology** and may be transferred

1 to the account designated by [ORS 351.626] **the university** for the Center  
2 for Health Professions project described in subsection (1) of this section.

3 **“SECTION 29.** Section 17, chapter 761, Oregon Laws 2007, as amended  
4 by section 97, chapter 762, Oregon Laws 2009, section 36, chapter 2, Oregon  
5 Laws 2011, and section 159, chapter 768, Oregon Laws 2013, is amended to  
6 read:

7 **“Sec. 17.** (1) There is established in the General Fund an account to be  
8 known as the Portland State University Science PCAT Redevelopment Ac-  
9 count. Funds in the account shall be used for the acquisition, construction,  
10 remodeling, expansion and renovation of facilities on the current site of the  
11 Portland Center for Advanced Technology at Portland State University.

12 “(2) The account shall consist of grant funds, gift funds, proceeds of legal  
13 settlements, federal and local government funds made available to and funds  
14 donated to Portland State University for the purpose of the project described  
15 in subsection (1) of this section. Interest earned on moneys in the account  
16 shall be credited to the account. The account may not be credited with more  
17 than \$10,000,000 for purposes of this subsection.

18 “(3) Moneys in the account are continuously appropriated to **the Higher**  
19 **Education Coordinating Commission for distribution to** Portland State  
20 University and may be transferred to the account designated by the univer-  
21 sity for the project described in subsection (1) of this section.

22 **“SECTION 30.** Section 6, chapter 2, Oregon Laws 2009, as amended by  
23 section 37, chapter 2, Oregon Laws 2011, and section 37, chapter 9, Oregon  
24 Laws 2011, is amended to read:

25 **“Sec. 6.** (1) There is established in the General Fund an account to be  
26 known as the Western Oregon University Classroom and Office Building  
27 Account. Funds in the account shall be used for the acquisition, con-  
28 struction, remodeling, expansion and renovation of facilities for classroom  
29 and office space at Western Oregon University.

30 “(2) The account shall consist of proceeds from certificates of partic-

1 ipation, grant funds, gift funds, proceeds of legal settlements, federal and  
2 local government funds made available to and funds donated to [*the Oregon*  
3 *University System*] **Western Oregon University** for the purpose of the  
4 classroom and office space project described in subsection (1) of this section.  
5 Interest earned on moneys in the account shall be credited to the account.  
6 The account may not be credited with more than \$3,000,000 for purposes of  
7 this subsection.

8 “(3) Moneys in the account are continuously appropriated to the [*Oregon*  
9 *University System*] **Higher Education Coordinating Commission for dis-**  
10 **tribution to Western Oregon University** and may be transferred to the  
11 account designated by [*ORS 351.626*] **the university** for the classroom and  
12 office space project described in subsection (1) of this section.

13 **“SECTION 31.** Section 7, chapter 2, Oregon Laws 2009, as amended by  
14 section 38, chapter 2, Oregon Laws 2011, and section 38, chapter 9, Oregon  
15 Laws 2011, is amended to read:

16 **“Sec. 7.** (1) There is established in the General Fund an account to be  
17 known as the Oregon Institute of Technology Owens Hall Deferred Mainte-  
18 nance Account. Funds in the account shall be used for the purposes described  
19 in Article XI-G of the Oregon Constitution at Owens Hall at the Oregon  
20 Institute of Technology.

21 “(2) The account shall consist of proceeds from certificates of partic-  
22 ipation, grant funds, gift funds, proceeds of legal settlements, federal and  
23 local government funds made available to and funds donated to the [*Oregon*  
24 *University System*] **Oregon Institute of Technology** for the purpose of the  
25 project described in subsection (1) of this section. Interest earned on moneys  
26 in the account shall be credited to the account. The account may not be  
27 credited with more than \$1,444,000 for purposes of this subsection.

28 “(3) Moneys in the account are continuously appropriated to the **Higher**  
29 **Education Coordinating Commission for distribution to the Oregon**  
30 **Institute of Technology** [*Oregon University System*] and may be transferred

1 to the account designated by [ORS 351.626] **the university** for the purposes  
2 described in subsection (1) of this section.

3 **“SECTION 32.** Section 14, chapter 904, Oregon Laws 2009, as amended  
4 by section 42, chapter 2, Oregon Laws 2011, and section 39, chapter 9, Oregon  
5 Laws 2011, is amended to read:

6 **“Sec. 14.** (1) There is established in the General Fund an account to be  
7 known as the South Waterfront Life Sciences Facility Project Account.  
8 Funds in the account shall be used for the acquisition, construction, remodel-  
9 ing, expansion and renovation of facilities for a facility project located in  
10 the South Waterfront Central District in the North Macadam Urban Re-  
11 newal Area in the City of Portland.

12 **“(2)** The account shall consist of proceeds from grant funds, gift funds and  
13 federal and local government funds made available to and funds donated to  
14 the [*Oregon University System*] **Higher Education Coordinating Commis-**  
15 **sion** for the purpose of the facility project described in subsection (1) of this  
16 section. Interest earned on moneys in the account shall be credited to the  
17 account. The account may not be credited with more than \$50,000,000 for  
18 purposes of this subsection.

19 **“(3)** Moneys in the account are continuously appropriated to the [*Oregon*  
20 *University System*] **Higher Education Coordinating Commission** and may  
21 be transferred to the account designated by [ORS 351.626] **the commission**  
22 for the facility project described in subsection (1) of this section.

23 **“SECTION 33.** Section 15, chapter 904, Oregon Laws 2009, as amended  
24 by section 43, chapter 2, Oregon Laws 2011, and section 40, chapter 9, Oregon  
25 Laws 2011, is amended to read:

26 **“Sec. 15.** (1) There is established in the General Fund an account to be  
27 known as the Oregon State University Biofuels Demonstration Project Ac-  
28 count. Funds in the account shall be used for the acquisition, construction,  
29 remodeling, expansion and renovation of facilities for a facility project at  
30 Oregon State University.

1       “(2) The account shall consist of proceeds from grant funds, gift funds and  
2 federal and local government funds made available to and funds donated to  
3 [*the Oregon University System*] **Oregon State University** for the purpose of  
4 the facility project described in subsection (1) of this section. Interest earned  
5 on moneys in the account shall be credited to the account. The account may  
6 not be credited with more than \$4,000,000 for purposes of this subsection.

7       “(3) Moneys in the account are continuously appropriated to the [*Oregon*  
8 *University System*] **Higher Education Coordinating Commission for dis-**  
9 **tribution to Oregon State University** and may be transferred to the ac-  
10 count designated by [*ORS 351.626*] **the university** for the facility project  
11 described in subsection (1) of this section.

12       “**SECTION 34.** Section 16, chapter 904, Oregon Laws 2009, as amended  
13 by section 44, chapter 2, Oregon Laws 2011, and section 41, chapter 9, Oregon  
14 Laws 2011, is amended to read:

15       “**Sec. 16.** (1) There is established in the General Fund an account to be  
16 known as the Eastern Oregon University Zabel Hall Deferred Maintenance  
17 Project Account. Funds in the account shall be used for the acquisition,  
18 construction, remodeling, expansion and renovation of facilities for a facility  
19 project at Eastern Oregon University.

20       “(2) The account shall consist of proceeds from lottery bonds made  
21 available to [*the Oregon University System*] **Eastern Oregon University** for  
22 the purpose of the facility project described in subsection (1) of this section.  
23 Interest earned on moneys in the account shall be credited to the account.  
24 The account may not be credited with more than \$1,522,000 for purposes of  
25 this subsection.

26       “(3) Moneys in the account are continuously appropriated to the [*Oregon*  
27 *University System*] **Higher Education Coordinating Commission for dis-**  
28 **tribution to Eastern Oregon University** and may be transferred to the  
29 account designated by [*ORS 351.626*] **the university** for the facility project  
30 described in subsection (1) of this section.



1       **“SECTION 35.** Section 18, chapter 904, Oregon Laws 2009, as amended  
2 by section 46, chapter 2, Oregon Laws 2011, and section 43, chapter 9, Oregon  
3 Laws 2011, is amended to read:

4       **“Sec. 18.** (1) There is established in the General Fund an account to be  
5 known as the Oregon Institute of Technology Geothermal Renewable Energy  
6 Demonstration Project Account. Funds in the account shall be used for the  
7 acquisition, construction, remodeling, expansion and renovation of facilities  
8 for a facility project at the Oregon Institute of Technology.

9       “(2) The account shall consist of proceeds from grant funds, gift funds and  
10 federal and local government funds made available to and funds donated to  
11 the [*Oregon University System*] **Oregon Institute of Technology** for the  
12 purpose of the facility project described in subsection (1) of this section. In-  
13 terest earned on moneys in the account shall be credited to the account. The  
14 account may not be credited with more than \$2,000,000 for purposes of this  
15 subsection.

16       “(3) Moneys in the account are continuously appropriated to the [*Oregon*  
17 *University System*] **Higher Education Coordinating Commission for dis-**  
18 **tribution to the Oregon Institute of Technology** and may be transferred  
19 to the account designated by [*ORS 351.626*] **the university** for the facility  
20 project described in subsection (1) of this section.

21       **“SECTION 36.** Section 19, chapter 904, Oregon Laws 2009, as amended  
22 by section 47, chapter 2, Oregon Laws 2011, and section 44, chapter 9, Oregon  
23 Laws 2011, is amended to read:

24       **“Sec. 19.** (1) There is established in the General Fund an account to be  
25 known as the Oregon State University Strand Agriculture Hall Deferred  
26 Maintenance Project Account. Funds in the account shall be used for the  
27 acquisition, construction, remodeling, expansion and renovation of facilities  
28 for a facility project at Oregon State University.

29       “(2) The account shall consist of proceeds from lottery bonds made  
30 available to [*the Oregon University System*] **Oregon State University** for the

1 purpose of the facility project described in subsection (1) of this section. In-  
2 terest earned on moneys in the account shall be credited to the account. The  
3 account may not be credited with more than \$6,586,000 for purposes of this  
4 subsection.

5 “(3) Moneys in the account are continuously appropriated to the [*Oregon*  
6 *University System*] **Higher Education Coordinating Commission for dis-**  
7 **tribution to Oregon State University** and may be transferred to the ac-  
8 count designated by [*ORS 351.626*] **the university** for the facility project  
9 described in subsection (1) of this section.

10 “**SECTION 37.** Section 20, chapter 904, Oregon Laws 2009, as amended  
11 by section 8, chapter 99, Oregon Laws 2010, and section 48, chapter 2, Oregon  
12 Laws 2011, is amended to read:

13 “**Sec. 20.** (1) There is established in the General Fund an account to be  
14 known as the Oregon State University Bates Hall/Hallie Ford Healthy  
15 Children and Families Center Project Account. Funds in the account shall  
16 be used for the acquisition, construction, remodeling, expansion and reno-  
17 vation of facilities for a facility project at Oregon State University.

18 “(2) The account shall consist of proceeds from grant funds, gift funds and  
19 federal and local government funds made available to [*the Oregon University*  
20 *System*] **Oregon State University** for the purpose of the facility project  
21 described in subsection (1) of this section. Interest earned on moneys in the  
22 account shall be credited to the account. The account may not be credited  
23 with more than \$5,000,000 for purposes of this subsection.

24 “(3) Moneys in the account are continuously appropriated to the [*Oregon*  
25 *University System*] **Higher Education Coordinating Commission for dis-**  
26 **tribution to Oregon State University** and may be transferred to the ac-  
27 count designated by [*ORS 351.626*] **the university** for the facility project  
28 described in subsection (1) of this section.

29 “**SECTION 38.** Section 21, chapter 904, Oregon Laws 2009, as amended  
30 by section 49, chapter 2, Oregon Laws 2011, and section 45, chapter 9, Oregon

1 Laws 2011, is amended to read:

2 “**Sec. 21.** (1) There is established in the General Fund an account to be  
3 known as the Oregon State University Student Success Center Project Ac-  
4 count. Funds in the account shall be used for the acquisition, construction,  
5 remodeling, expansion and renovation of facilities for a facility project at  
6 Oregon State University.

7 “(2) The account shall consist of proceeds from grant funds, gift funds and  
8 federal and local government funds made available to [*the Oregon University*  
9 *System*] **Oregon State University** for the purpose of the facility project  
10 described in subsection (1) of this section. Interest earned on moneys in the  
11 account shall be credited to the account. The account may not be credited  
12 with more than \$2,054,000 for purposes of this subsection.

13 “(3) Moneys in the account are continuously appropriated to the [*Oregon*  
14 *University System*] **Higher Education Coordinating Commission for dis-**  
15 **tribution to Oregon State University** and may be transferred to the ac-  
16 count designated by [*ORS 351.626*] **the university** for the facility project  
17 described in subsection (1) of this section.

18 “**SECTION 39.** Section 22, chapter 904, Oregon Laws 2009, as amended  
19 by section 50, chapter 2, Oregon Laws 2011, section 46, chapter 9, Oregon  
20 Laws 2011, and section 160, chapter 768, Oregon Laws 2013, is amended to  
21 read:

22 “**Sec. 22.** (1) There is established in the General Fund an account to be  
23 known as the Portland State University Science Research and Teaching  
24 Center/Hazardous Waste Facility Phase 2 Project Account. Funds in the ac-  
25 count shall be used for the acquisition, construction, remodeling, expansion  
26 and renovation of facilities for a facility project at Portland State Univer-  
27 sity.

28 “(2) The account shall consist of proceeds from grant funds, gift funds and  
29 federal and local government funds made available to Portland State Uni-  
30 versity for the purpose of the facility project described in subsection (1) of

1 this section. Interest earned on moneys in the account shall be credited to  
2 the account. The account may not be credited with more than \$2,500,000 for  
3 purposes of this subsection.

4 “(3) Moneys in the account are continuously appropriated to **the Higher**  
5 **Education Coordinating Commission for distribution to** Portland State  
6 University and may be transferred to the account designated by the univer-  
7 sity for the facility project described in subsection (1) of this section.

8 “**SECTION 40.** Section 23, chapter 904, Oregon Laws 2009, as amended  
9 by section 51, chapter 2, Oregon Laws 2011, and section 47, chapter 9, Oregon  
10 Laws 2011, is amended to read:

11 “**Sec. 23.** (1) There is established in the General Fund an account to be  
12 known as the Southern Oregon University Theatre Arts Expansion and Re-  
13 model Project Account. Funds in the account shall be used for the acquisi-  
14 tion, construction, remodeling, expansion and renovation of facilities for a  
15 facility project at Southern Oregon University.

16 “(2) The account shall consist of proceeds from grant funds, gift funds and  
17 federal and local government funds made available to and funds donated to  
18 [*the Oregon University System*] **Southern Oregon University** for the pur-  
19 pose of the facility project described in subsection (1) of this section. Interest  
20 earned on moneys in the account shall be credited to the account. The ac-  
21 count may not be credited with more than \$5,500,000 for purposes of this  
22 subsection.

23 “(3) Moneys in the account are continuously appropriated to the [*Oregon*  
24 *University System*] **Higher Education Coordinating Commission for dis-**  
25 **tribution to Southern Oregon University** and may be transferred to the  
26 account designated by [*ORS 351.626*] **the university** for the facility project  
27 described in subsection (1) of this section.

28 “**SECTION 41.** Section 7, chapter 83, Oregon Laws 2014, is amended to  
29 read:

30 “**Sec. 7.** (1) The Public University Fund is established in the State

1 Treasury, separate and distinct from the General Fund. Any interest or  
2 other investment income derived from moneys in the Public University Fund  
3 is credited to the fund.

4 “(2) Except for moneys otherwise designated by statute or federal law, the  
5 governing board of any public university listed in ORS 352.002 may place any  
6 or all moneys received by it into the Public University Fund. Once deposited  
7 in the fund, the moneys of a public university shall be commingled with  
8 other moneys in the fund and are fungible, except to the extent they may be  
9 separately accounted for by the public university designated under sub-  
10 section (3)(a) of this section.

11 “(3)(a) Public universities listed in ORS 352.002 that choose to participate  
12 in the Public University Fund shall, by agreement or other structure au-  
13 thorized by law, designate the participating public university responsible for  
14 the Public University Fund and identify any and all obligations necessary  
15 for a participating public university listed in ORS 352.002 to serve as the  
16 designated responsible party under this subsection.

17 “(b) The participating public universities shall inform the State Treasurer  
18 of the designated public university responsible for the Public University  
19 Fund. The participating public universities may change which participating  
20 public university is responsible for the Public University Fund.

21 “(c) The State Treasurer may conclusively rely on a written instruction  
22 from the public universities as to the designated public university responsi-  
23 ble for the fund.

24 “(d) The designated public university shall inform the State Treasurer of  
25 the personnel authorized to provide instructions to the State Treasurer with  
26 respect to moneys in the fund. The State Treasurer may rely on instructions  
27 from the authorized personnel of the designated public university related to  
28 the deposit, withdrawal, investment, transfer, borrowing or lending of mon-  
29 eys in the fund. The State Treasurer is not responsible for or liable to the  
30 public universities for any error or omission in the instructions the State

1 Treasurer receives from the designated public university.

2 “(4) All moneys in the Public University Fund are continuously appro-  
3 priated to the public university responsible for the Public University Fund,  
4 to be used only in a manner consistent with the agreement or other structure  
5 authorized by law as described in subsection (3) of this section.

6 “(5) The moneys in the Public University Fund may be invested as pro-  
7 vided in ORS 293.701 to 293.857.

8 “(6) Public universities that participate in the Public University Fund  
9 may, by agreement or other structure authorized by law, direct the public  
10 university designated under subsection (3)(a) of this section to establish ac-  
11 counts and subaccounts within the fund when the participating public uni-  
12 versities determine that accounts or subaccounts are necessary or desirable.  
13 Except when otherwise specified by a statute establishing an account, the  
14 participating public universities or, as appropriate, the designated public  
15 university, may credit any interest or income derived from moneys in the  
16 fund to any account or subaccount within the fund.

17 “(7) Public universities that participate in the Public University Fund or,  
18 as appropriate, the public university designated under subsection (3)(a) of  
19 this section, shall keep a record of all moneys deposited into the fund. The  
20 record shall indicate by separate cumulative accounts and subaccounts the  
21 sources from which the moneys are derived and the individual activity or  
22 program against which each withdrawal is charged.

23 “(8) Notwithstanding any other provision of law, public universities that  
24 participate in the Public University Fund or, as appropriate, the public uni-  
25 versity designated under subsection (3)(a) of this section, may transfer or  
26 lend the moneys in the fund to other participating public universities listed  
27 in ORS 352.002. The Public University Fund may be a borrowing fund for  
28 purposes of ORS 293.205 to 293.225 and may borrow from the Oregon Short  
29 Term Fund established in ORS 293.728 or other state funds. Subject to the  
30 limitations of Article XI, section 7 of the Oregon Constitution, the Public

1 University Fund may be a lending fund for purposes of ORS 293.205 to  
2 293.225 and may lend moneys to other state funds. The public university  
3 designated under subsection (3)(a) of this section shall be the relevant state  
4 agency or department for whom the State Treasurer may transfer funds or  
5 with whom the State Treasurer may enter into an agreement pursuant to  
6 ORS 293.205 to 293.225.

7 “(9) Notwithstanding any other provision of law, ORS 293.169, 293.171,  
8 293.353, 293.406, 293.450, 293.455, 293.460 and 293.465 to 293.485 apply to  
9 moneys in the Public University Fund and to checks, warrants or electronic  
10 funds transfers from or to the fund. For purposes of ORS 293.169, 293.171,  
11 293.353, 293.406, 293.450, 293.455, 293.460 and 293.465 to 293.485:

12 “(a) The public university designated under subsection (3)(a) of this sec-  
13 tion is the relevant state agency or department; and

14 “(b) The personnel of the designated public university authorized to pro-  
15 vide instructions to the State Treasurer are the relevant state officers.

16 “(10)(a) The State Treasurer may establish separate or commingled funds,  
17 or establish separate or commingled accounts within funds established under  
18 this subsection. The State Treasurer may establish separate or commingled  
19 accounts within [*in*] other funds in the State Treasury[, *including the Oregon*  
20 *University System Fund established in ORS 351.506 and the Higher Education*  
21 *Donation Fund established in ORS 351.130,*] to receive, hold, keep, manage  
22 or invest moneys of a university with a governing board pursuant to any  
23 agreements entered into by the State Treasurer and the university under  
24 ORS 352.135. The moneys in a fund or account established under this sub-  
25 section may be invested as provided in ORS 293.701 to 293.857 and any in-  
26 terest or other investment income derived from the fund or account shall be  
27 credited to the fund or account. [*Notwithstanding the appropriations in ORS*  
28 *351.130 and 351.506,*] All moneys held in a fund or account established under  
29 this subsection are continuously appropriated to the relevant university with  
30 a governing board that has entered into an agreement with the State Treas-

1 urer under ORS 352.135 for the purpose of carrying out the powers and duties  
2 of the university with a governing board or the purposes for which the  
3 moneys were donated.

4 “(b) Except for moneys held to provide for the payment of state bonds and  
5 other state obligations described in ORS 352.089 (5), a university with a  
6 governing board may transfer or lend the moneys held in the State Treasury  
7 pursuant to any agreements entered into under ORS 352.135 to other public  
8 universities listed in ORS 352.002. A fund or account in the State Treasury  
9 that holds moneys of a university with a governing board pursuant to an  
10 agreement entered into under ORS 352.135 may be a borrowing fund for  
11 purposes of ORS 293.205 to 293.225 and may borrow from the Oregon Short  
12 Term Fund established in ORS 293.728 or other state funds. Subject to the  
13 limitations of Article XI, section 7 of the Oregon Constitution, a fund or  
14 account in the State Treasury that holds moneys of a university with a  
15 governing board pursuant to an agreement entered into under ORS 352.135  
16 may be a lending fund for purposes of ORS 293.205 to 293.225 and may lend  
17 moneys to other state funds. The university with a governing board that has  
18 entered into an agreement with the State Treasurer under ORS 352.135 is the  
19 relevant state agency or department for whom the State Treasurer may  
20 transfer funds or with whom the State Treasurer may enter into an agree-  
21 ment pursuant to ORS 293.205 to 293.225.

22 “(c) Notwithstanding any other provision of law, ORS 293.169, 293.171,  
23 293.353, 293.406, 293.450, 293.455, 293.460 and 293.465 to 293.485 apply to  
24 moneys received, held, kept, managed or invested by the State Treasurer for  
25 a university with a governing board pursuant to an agreement entered into  
26 under ORS 352.135 and to checks, warrants or electronic funds transfers from  
27 or to any funds or accounts established pursuant to this subsection. For  
28 purposes of ORS 293.169, 293.171, 293.353, 293.406, 293.450, 293.455, 293.460 and  
29 293.465 to 293.485:

30 “(A) The university with a governing board that has entered into an



1 agreement with the State Treasurer under ORS 352.135 is the relevant state  
2 agency or department; and

3 “(B) The personnel of the university with a governing board authorized  
4 to provide instructions to the State Treasurer are the relevant state officers.

5 **“SECTION 42.** Section 22, chapter 121, Oregon Laws 2014, is amended to  
6 read:

7 **“Sec. 22.** (1) Before the State Treasurer may issue the OHSU Cancer  
8 Challenge Article XI-G Bonds:

9 “(a) The Oregon Department of Administrative Services and Oregon  
10 Health and Science University must enter into a grant agreement in which  
11 the parties:

12 “(A) Establish terms and conditions related to the grant, disbursement  
13 and use of \$161,490,000 in net proceeds of the OHSU Cancer Challenge Ar-  
14 ticle XI-G Bonds and interest earnings; and

15 “(B) Provide for granting of \$161,490,000 to the university upon satisfac-  
16 tion of the terms and conditions imposed in the grant agreement.

17 “(b) The department must certify to the State Treasurer that the grant  
18 agreement has been entered into between the department and the university  
19 and that the university has certified to the department that the university  
20 has:

21 “(A) Satisfied all material conditions precedent to its receipt of the  
22 matching funds; and

23 “(B) Satisfied all material conditions precedent to its receipt of at least  
24 \$800 million in gifts and legally irrevocable pledges.

25 “(2) The terms and conditions of the grant agreement may:

26 “(a) Impose restrictions on the use of the grant.

27 “(b) Require that the \$161,490,000 in bond proceeds be granted directly to  
28 a trustee or escrow agent.

29 “(c) Impose other requirements that the department determines are in the  
30 best interest of the State of Oregon as necessary to:

1 “(A) Issue, sell or preserve the tax-exempt status, if any, of the OHSU  
2 Cancer Challenge Article XI-G Bonds; and

3 “(B) Administer the grant.

4 “(3) The department shall transfer the grant to the university when the  
5 department is satisfied that the university has complied, or will comply, with  
6 all of the terms and conditions imposed by Article XI-G of the Oregon Con-  
7 stitution, sections 19 to 23 [*of this 2014 Act*], **chapter 121, Oregon Laws**  
8 **2014**, and the grant agreement required by this section.

9 “(4) Subject to the approval of the State Treasurer, the department may:

10 “(a) Enter into agreements with a trustee or escrow agent regarding the  
11 disbursement and use of the moneys granted to the university; and

12 “(b) Transfer the moneys granted to the university directly to a trustee  
13 or escrow agent.

14 “[*(5) ORS 351.450, 351.455 and 351.460 do not apply to OHSU Cancer*  
15 *Challenge Article XI-G Bonds or to Oregon Health and Science University in*  
16 *connection with the bonds.*]

17 “**SECTION 43.** Section 2, chapter 624, Oregon Laws 2011, is amended to  
18 read:

19 “**Sec. 2.** (1) Pursuant to ORS 286A.560 to 286A.585, at the request of the  
20 Oregon Department of Administrative Services, after the department consults  
21 with the [*Oregon University System*] **Higher Education Coordinating**  
22 **Commission**, the State Treasurer is authorized to issue lottery bonds for  
23 capital construction, deferred maintenance and capital renewal, code com-  
24 pliance and safety projects.

25 “(2) The use of lottery bond proceeds is authorized based on the following  
26 findings:

27 “(a) New buildings and facilities are needed in order for universities to  
28 have adequate facilities for teaching.

29 “(b) Having adequate university buildings and facilities is essential to  
30 Oregon’s healthy economic growth.

1 “(c) Major subsystems within university buildings are wearing out and  
2 must be replaced in order for universities to have adequate facilities for  
3 teaching.

4 “(d) Having safe and fully functioning university facilities is essential to  
5 Oregon’s healthy economic growth.

6 “(3) The aggregate principal amount of lottery bonds issued pursuant to  
7 subsection (1) of this section by the State Treasurer for:

8 “(a) Capital construction, including deferred maintenance, may not exceed  
9 the amount of \$87,479,000 and an additional amount estimated by the State  
10 Treasurer to be necessary to pay bond-related costs as defined in ORS  
11 286A.560.

12 “(b) Capital renewal, code compliance and safety projects may not exceed  
13 the amount of \$25 million and an additional amount estimated by the State  
14 Treasurer to be necessary to pay bond-related costs as defined in ORS  
15 286A.560.

16 “[4] *Of the net proceeds of lottery bonds issued pursuant to this section for*  
17 *the biennium beginning July 1, 2011, an amount not to exceed:]*

18 “[a] *\$25 million shall be deposited into the Oregon University System*  
19 *Capital Construction, Deferred Maintenance and Capital Repair Project Fund*  
20 *established in section 3, chapter 788, Oregon Laws 2005.]*

21 “[b] *\$87,479,000 shall be deposited into the Oregon University System Fund*  
22 *established in ORS 351.506, segregated in a distinct subaccount to allow nec-*  
23 *essary compliance under the Internal Revenue Code.]*

24

25 **“CONFORMING AMENDMENTS**

26

27 **“SECTION 44.** ORS 21.007 is amended to read:

28 “21.007. It is the intent of the Legislative Assembly that funding be pro-  
29 vided to the following entities by appropriations each biennium to fund pro-  
30 grams, services and activities that were funded through court fees before the

1 2011-2013 biennium:

2 “(1) To the counties of this state for the purposes of funding mediation  
3 services, conciliation services and other services in domestic relations cases.

4 “(2) To the counties of this state for the purposes of funding the operation  
5 of law libraries or of providing law library services.

6 “(3) To Portland State University and the University of Oregon to fund  
7 the programs and expenses of the Mark O. Hatfield School of Government  
8 and the University of Oregon School of Law under ORS 36.100 to 36.238 and  
9 183.502.

10 “(4) To the Housing and Community Services Department for the purpose  
11 of funding programs that defray the cost of rent for dwelling units for very  
12 low income households.

13 “(5) To the [*Oregon University System*] **Higher Education Coordinating**  
14 **Commission** to fund clinical legal education programs at accredited insti-  
15 tutions of higher education that provide civil legal services to victims of  
16 domestic violence, stalking or sexual assault.

17 “(6) To the State Department of Agriculture for the purpose of funding  
18 mediation programs established by the department, other than individual  
19 farm credit mediations.

20 “(7) To the Judicial Department for the purposes of funding the appellate  
21 settlement program established under ORS 2.560.

22 “(8) To the Department of Human Services for the funding of the Office  
23 of Children’s Advocate.

24 “**SECTION 45.** ORS 30.864 is amended to read:

25 “30.864. (1) Any person claiming to be aggrieved by the reckless disclosure  
26 of personally identifiable information from a student’s education records as  
27 prohibited by standards issued by the State Board of Education[, *the State*  
28 *Board of Higher Education*] or the governing board of a public university  
29 [*with a governing board*] listed in ORS [352.054] **352.002** may file a civil  
30 action in circuit court for equitable relief or, subject to the terms and con-

1 ditions of ORS 30.265 to 30.300, for damages, or both. The court may order  
2 such other relief as may be appropriate.

3 “(2) The action authorized by this section shall be filed within two years  
4 of the alleged unlawful disclosure.

5 “(3) In an action brought under this section, the court may allow the  
6 prevailing party costs, disbursements and reasonable attorney fees.

7 **“SECTION 46.** ORS 33.710 is amended to read:

8 “33.710. (1) As used in this section and ORS 33.720, unless the context  
9 requires otherwise:

10 “(a) ‘Governing body’ means the city council, board of commissioners,  
11 board of directors, county court or other managing board of a municipal  
12 corporation, including a board managing a municipally owned public utility  
13 or a dock commission and [a] **the** governing board [*established for*] **of** a  
14 public university [*pursuant to ORS 352.054*] **listed in ORS 352.002.**

15 “(b) ‘Municipal corporation’ means any county, city, port, school district,  
16 union high school district, community college district or public university  
17 **listed in ORS 352.002** with a governing board [*established pursuant to ORS*  
18 *352.054*] and all other public or quasi-public corporations, including a mu-  
19 nicipal utility or dock commission operated by a separate board or commis-  
20 sion.

21 “(2) The governing body may commence a proceeding in the circuit court  
22 of the county in which the municipal corporation or the greater part thereof  
23 is located, for the purpose of having a judicial examination and judgment  
24 of the court as to the regularity and legality of:

25 “(a) The proceedings in connection with the establishment or creation of  
26 the municipal corporation, including any action or proceedings proclaiming  
27 the creation of the municipal corporation or declaring the result of any  
28 election therein.

29 “(b) The proceedings of the governing body and of the municipal corpo-  
30 ration providing for and authorizing the issue and sale of bonds of the mu-

1 municipal corporation, whether the bonds or any of them have or have not been  
2 sold or disposed of.

3 “(c) Any order of the governing body levying a tax.

4 “(d) The authorization of any contract and as to the validity of the con-  
5 tract, whether or not it has been executed.

6 “(e) Any decision of the governing body that raises novel or important  
7 legal issues that would be efficiently and effectively resolved by a proceeding  
8 before the decision becomes effective, when the decision will:

9 “(A) Require a significant expenditure of public funds;

10 “(B) Significantly affect the lives or businesses of a significant number  
11 of persons within the boundaries of the governing body; or

12 “(C) Indirectly impose a significant financial burden on the cost of con-  
13 ducting business within the boundaries of the governing body.

14 “(f) The authority of the governing body to enact any ordinance, resolu-  
15 tion or regulation.

16 “(g) Any ordinance, resolution or regulation enacted by the governing  
17 body, including the constitutionality of the ordinance, resolution or regu-  
18 lation.

19 “(3) All proceedings of the municipal corporation may be judicially ex-  
20 amined and determined in one special proceeding, or any part thereof may  
21 be separately examined and determined by the court.

22 “(4) Nothing in this section allows a governing body to have a judicial  
23 examination and judgment of the court without a justiciable controversy.

24 **“SECTION 47.** ORS 62.720 is amended to read:

25 “62.720. (1) All intangible personal property distributable in the course  
26 of a voluntary or involuntary dissolution of a cooperative that is unclaimed  
27 by the owner within two years after the date for final distribution is pre-  
28 sumed abandoned. Such property shall be subject to the provisions of ORS  
29 98.302 to 98.436 and 98.992, except that with respect to agricultural cooper-  
30 atives, the report of unclaimed property shall be filed with the Department

1 of State Lands as set forth in ORS 98.352. A copy of the report shall also  
2 be filed with [*the State Board of Higher Education*] **Oregon State Univer-**  
3 **sity**.

4 “(2) All unclaimed property specified in the report required by ORS 98.352  
5 shall be delivered within the time specified in ORS 98.362 to the Department  
6 of State Lands which shall assume custody and shall be responsible for the  
7 safekeeping thereof. The department shall reconcile the report to the deliv-  
8 ered funds, deduct the costs as provided for in subsection (3) of this section,  
9 and forward the funds to [*the State Board of Higher Education*] **Oregon**  
10 **State University** within 14 working days of receipt of the funds. Any person  
11 who pays or delivers unclaimed property to the Department of State Lands  
12 under this section is relieved of all liability to the extent of the value of the  
13 property so paid or delivered for any claim which then exists or which  
14 thereafter may arise or be made in respect to the property.

15 “(3) All funds received under this section shall be used [*for the benefit of*  
16 *Oregon State University*] in such programs related to agricultural research  
17 as the university may determine except for:

18 “(a) The payment of claims which may be made pursuant to this section;  
19 and

20 “(b) The payment of expenses of mailing and publication in connection  
21 with any unclaimed property, reasonable service charges and expenses of the  
22 Department of State Lands in connection with claims made pursuant to ORS  
23 98.392 to 98.402.

24 “(4) The provisions of ORS 98.392 to 98.402 are applicable to claims  
25 against unclaimed property delivered to [*the State Board of Higher*  
26 *Education*] **Oregon State University** pursuant to this section. [*The State*  
27 *Board of Higher Education* ] **Oregon State University** shall pay such claims  
28 from funds delivered to it pursuant to this section within 30 days of receipt  
29 of a verified copy of a finding and decision of the Department of State Lands  
30 made pursuant to ORS 98.396 or a certified copy of a judgment made pursu-

1 ant to ORS 98.402.

2 “(5) As used in this section, an agricultural cooperative is any cooperative  
3 in which farmers act together in producing, processing, preparing for market,  
4 handling or marketing the agricultural products of such farmers, and any  
5 cooperative in which farmers act together in purchasing, testing, grading,  
6 processing, distributing and furnishing farm supplies or farm business ser-  
7 vices.

8 “(6) The provisions of this section are applicable with respect to the vol-  
9 untary or involuntary dissolution of any cooperative, which dissolution  
10 commenced on or after January 1, 1970.

11 **“SECTION 48.** ORS 147.425 is amended to read:

12 “147.425. (1) As used in this section:

13 “(a) ‘Health care provider’ has the meaning given that term in ORS  
14 192.556.

15 “(b) ‘Law enforcement agency’ means:

16 “(A) A city or municipal police department.

17 “(B) A county sheriff’s office.

18 “(C) The Oregon State Police.

19 “(D) A district attorney.

20 “(E) A police department established by a university under ORS 352.383  
21 or 353.125.

22 “(F) A special campus security officer commissioned under ORS [352.385]  
23 **352.118.**

24 “(G) An authorized tribal police officer as defined in section 1, chapter  
25 644, Oregon Laws 2011.

26 “(c) ‘Person crime’ means a person felony or person Class A misdemeanor,  
27 as those terms are defined in the rules of the Oregon Criminal Justice  
28 Commission.

29 “(d) ‘Personal representative’ means a person selected under subsection  
30 (2) of this section to accompany the victim of a crime to certain phases of



1 an investigation and prosecution.

2 “(e) ‘Protective service worker’ means an employee or contractor of a lo-  
3 cal or state agency whose role it is to protect children or vulnerable adults  
4 from abuse or neglect.

5 “(2) A victim of a person crime, who is at least 15 years of age at the time  
6 the crime is committed, may select a person who is at least 18 years of age  
7 as the victim’s personal representative for purposes of this section. The vic-  
8 tim may not select a person who is a suspect in, or a party or witness to,  
9 the crime as a personal representative.

10 “(3) Except for grand jury proceedings and child abuse assessments oc-  
11 ccurring at a child advocacy center recognized by the Department of Justice,  
12 a personal representative may accompany the victim to those phases of the  
13 investigation, including medical examinations, and prosecution of the crime  
14 at which the victim is entitled or required to be present.

15 “(4) A health care provider, law enforcement agency, protective service  
16 worker or court may not prohibit a personal representative from accompa-  
17 nying a victim as authorized by subsection (3) of this section unless the  
18 health care provider, law enforcement agency, protective service worker or  
19 court believes that the personal representative would compromise the pro-  
20 cess.

21 “(5) A health care provider, law enforcement agency, protective service  
22 worker or court is immune from any liability, civil or criminal, that might  
23 otherwise be incurred or imposed with respect to a decision under subsection  
24 (4) of this section to prohibit a personal representative from accompanying  
25 a victim.

26 “(6) The fact that a personal representative was allowed or was not al-  
27 lowed to accompany a victim may not be used as a basis for excluding oth-  
28 erwise admissible evidence.

29 “(7) The fact that a victim has or has not selected a personal represen-  
30 tative under this section may not be used as evidence in the criminal case.

1       **“SECTION 49.** ORS 147.425, as amended by section 44, chapter 644,  
2 Oregon Laws 2011, and section 20, chapter 180, Oregon Laws 2013, is  
3 amended to read:

4       “147.425. (1) As used in this section:

5       “(a) ‘Health care provider’ has the meaning given that term in ORS  
6 192.556.

7       “(b) ‘Law enforcement agency’ means:

8       “(A) A city or municipal police department.

9       “(B) A county sheriff’s office.

10       “(C) The Oregon State Police.

11       “(D) A district attorney.

12       “(E) A police department established by a university under ORS 352.383  
13 or 353.125.

14       “(F) A special campus security officer commissioned under ORS [352.385]  
15 **352.118.**

16       “(c) ‘Person crime’ means a person felony or person Class A misdemeanor,  
17 as those terms are defined in the rules of the Oregon Criminal Justice  
18 Commission.

19       “(d) ‘Personal representative’ means a person selected under subsection  
20 (2) of this section to accompany the victim of a crime to certain phases of  
21 an investigation and prosecution.

22       “(e) ‘Protective service worker’ means an employee or contractor of a lo-  
23 cal or state agency whose role it is to protect children or vulnerable adults  
24 from abuse or neglect.

25       “(2) A victim of a person crime, who is at least 15 years of age at the time  
26 the crime is committed, may select a person who is at least 18 years of age  
27 as the victim’s personal representative for purposes of this section. The vic-  
28 tim may not select a person who is a suspect in, or a party or witness to,  
29 the crime as a personal representative.

30       “(3) Except for grand jury proceedings and child abuse assessments oc-

1 curring at a child advocacy center recognized by the Department of Justice,  
2 a personal representative may accompany the victim to those phases of the  
3 investigation, including medical examinations, and prosecution of the crime  
4 at which the victim is entitled or required to be present.

5 “(4) A health care provider, law enforcement agency, protective service  
6 worker or court may not prohibit a personal representative from accompa-  
7 nying a victim as authorized by subsection (3) of this section unless the  
8 health care provider, law enforcement agency, protective service worker or  
9 court believes that the personal representative would compromise the pro-  
10 cess.

11 “(5) A health care provider, law enforcement agency, protective service  
12 worker or court is immune from any liability, civil or criminal, that might  
13 otherwise be incurred or imposed with respect to a decision under subsection  
14 (4) of this section to prohibit a personal representative from accompanying  
15 a victim.

16 “(6) The fact that a personal representative was allowed or was not al-  
17 lowed to accompany a victim may not be used as a basis for excluding oth-  
18 erwise admissible evidence.

19 “(7) The fact that a victim has or has not selected a personal represen-  
20 tative under this section may not be used as evidence in the criminal case.

21 **“SECTION 50.** ORS 174.117 is amended to read:

22 “174.117. (1) Subject to ORS 174.108, as used in the statutes of this state  
23 ‘special government body’ means any of the following:

24 “(a) A public corporation created under a statute of this state and spe-  
25 cifically designated as a public corporation.

26 “(b) A school district.

27 “(c) A public charter school established under ORS chapter 338.

28 “(d) An education service district.

29 “(e) A community college district or community college service district  
30 established under ORS chapter 341.

1 “(f) An intergovernmental body formed by two or more public bodies.

2 “(g) Any entity that is created by statute, ordinance or resolution that is  
3 not part of state government or local government.

4 “(h) Any entity that is not otherwise described in this section that is:

5 “(A) Not part of state government or local government;

6 “(B) Created pursuant to authority granted by a statute, ordinance or  
7 resolution, but not directly created by that statute, ordinance or resolution;  
8 and

9 “(C) Identified as a governmental entity by the statute, ordinance or re-  
10 solution authorizing the creation of the entity, without regard to the specific  
11 terms used by the statute, ordinance or resolution.

12 “(i) [*A university with a governing board listed in ORS 352.054*] **A public**  
13 **university listed in ORS 352.002.**

14 “(2) Subject to ORS 174.108, as used in the statutes of this state ‘special  
15 government body’ includes:

16 “(a) An entity created by statute for the purpose of giving advice only to  
17 a special government body;

18 “(b) An entity created by a special government body for the purpose of  
19 giving advice to the special government body, if the document creating the  
20 entity indicates that the entity is a public body; and

21 “(c) Any entity created by a special government body described in sub-  
22 section (1) of this section, other than an entity described in paragraph (b)  
23 of this subsection, unless the document creating the entity indicates that the  
24 entity is not a governmental entity or the entity is not subject to any sub-  
25 stantial control by the special government body.

26 “**SECTION 51.** ORS 182.122 is amended to read:

27 “182.122. (1) As used in this section:

28 “(a) ‘Executive department’ has the meaning given that term in ORS  
29 174.112.

30 “(b) ‘Information systems’ means computers, hardware, software, storage

1 media, networks, operational procedures and processes used in the collection,  
2 processing, storage, sharing or distribution of information within, or with  
3 any access beyond ordinary public access to, the state's shared computing  
4 and network infrastructure.

5 “(2) The Oregon Department of Administrative Services has responsibility  
6 for and authority over information systems security in the executive depart-  
7 ment, including taking all measures reasonably necessary to protect the  
8 availability, integrity or confidentiality of information systems or the infor-  
9 mation stored in information systems. The Oregon Department of Adminis-  
10 trative Services shall, after consultation and collaborative development with  
11 agencies, establish a state information systems security plan and associated  
12 standards, policies and procedures.

13 “(3) The Oregon Department of Administrative Services, in its sole dis-  
14 cretion, shall:

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

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

19 “(c) Conduct vulnerability assessments of agency information systems for  
20 the purpose of evaluating and responding to the susceptibility of information  
21 systems to attack, disruption or any other event that threatens the avail-  
22 ability, integrity or confidentiality of information systems or the information  
23 stored in information systems.

24 “(4) The Oregon Department of Administrative Services shall contract  
25 with qualified, independent consultants for the purpose of conducting vul-  
26 nerability assessments under subsection (3) of this section.

27 “(5) In collaboration with agencies, the Oregon Department of Adminis-  
28 trative Services shall develop and implement policies for responding to  
29 events that damage or threaten the availability, integrity or confidentiality  
30 of information systems or the information stored in information systems,

1 whether those systems are within, interoperable with or outside the state’s  
2 shared computing and network infrastructure. In the policies, the department  
3 shall prescribe actions reasonably necessary to:

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

7 “(b) Promptly alert other persons of the event and of the actions reason-  
8 ably necessary to prevent or mitigate the damage caused or threatened by  
9 the event;

10 “(c) Implement forensic techniques and controls developed under sub-  
11 section (6) of this section;

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

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

16 “(6) After consultation and collaborative development with agencies, the  
17 Oregon Department of Administrative Services shall implement forensic  
18 techniques and controls for the security of information systems, whether  
19 those systems are within, interoperable with or outside the state’s shared  
20 computing and network infrastructure. The techniques and controls must  
21 include the use of specialized expertise, tools and methodologies, to investi-  
22 gate events that damage or threaten the availability, integrity or  
23 confidentiality of information systems or the information stored in informa-  
24 tion systems. The department shall consult with the Oregon State Police, the  
25 Office of Emergency Management, the Governor and others as necessary in  
26 developing forensic techniques and controls under this section.

27 “(7) The Oregon Department of Administrative Services shall ensure that  
28 reasonably appropriate remedial actions are undertaken when the department  
29 finds that such actions are reasonably necessary by reason of vulnerability  
30 assessments of information systems under subsection (3) of this section,

1 evaluation of events under subsection (5) of this section and other evalu-  
2 ations and audits.

3 “(8)(a) Agencies are responsible for the security of computers, hardware,  
4 software, storage media, networks, operational procedures and processes used  
5 in the collection, processing, storage, sharing or distribution of information  
6 outside the state’s shared computing and network infrastructure following  
7 information security standards, policies and procedures established by the  
8 Oregon Department of Administrative Services and developed collaboratively  
9 with agencies. Agencies may establish plans, standards and measures that  
10 are more stringent than the standards established by the department to ad-  
11 dress specific agency needs if those plans, standards and measures do not  
12 contradict or contravene the state information systems security plan. Inde-  
13 pendent agency security plans shall be developed within the framework of  
14 the state information systems security plan.

15 “(b) An agency shall report the results of any vulnerability assessment,  
16 evaluation or audit conducted by the agency to the department for the pur-  
17 poses of consolidating statewide security reporting and, when appropriate,  
18 to prompt a state incident response.

19 “(9) This section does not apply to:

20 “(a) Research and student computer systems used by or in conjunction  
21 with [*the State Board of Higher Education or*] any public university listed in  
22 ORS 352.002; and

23 “(b)(A) Gaming systems and networks operated by the Oregon State Lot-  
24 tery or its contractors; or

25 “(B) The results of Oregon State Lottery reviews, evaluations and vul-  
26 nerability assessments of computer systems outside the state’s shared com-  
27 puting and network infrastructure.

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

30 “**SECTION 52.** ORS 182.415 is amended to read:

1 “182.415. As used in ORS 182.415 to 182.435 unless the context requires  
2 otherwise:

3 “(1) ‘Furnishings’ includes furniture usually used in connection with oc-  
4 cupancy of a household but does not include rugs, draperies, ranges,  
5 refrigerators, washers, dryers or any item of furnishings received by the state  
6 or one of its agencies as a gift, nor does it include any furniture purchased  
7 for the state-owned residence required in relation to the official duties of an  
8 institutional executive [*or the Chancellor of the Oregon University System*  
9 *prior to September 9, 1971*].

10 “(2) ‘Housing’ includes single and multiple family dwellings, apartments,  
11 and manufactured dwellings and manufactured dwelling pads, available on  
12 a monthly tenancy but does not include guard stations maintained by the  
13 State Forestry Department or dormitory facilities at any state institution or  
14 at any public university listed in ORS 352.002.

15 “(3) ‘Dormitory’ includes any facility that houses students and those fa-  
16 cilities used primarily for sleeping purposes by the employees of the De-  
17 partment of Human Services or the Oregon Health Authority.

18 “(4) ‘State agency’ has the meaning given that term in ORS 291.002.

19 **“SECTION 53.** ORS 183.635 is amended to read:

20 “183.635. (1) Except as provided in this section, all agencies must use ad-  
21 ministrative law judges assigned from the Office of Administrative Hearings  
22 established under ORS 183.605 to conduct contested case hearings, without  
23 regard to whether those hearings are subject to the procedural requirements  
24 for contested case hearings.

25 “(2) The following agencies need not use administrative law judges as-  
26 signed from the office:

27 “(a) Attorney General.

28 “(b) Boards of stewards appointed by the Oregon Racing Commission.

29 “(c) Bureau of Labor and Industries and the Commissioner of the Bureau  
30 of Labor and Industries.



- 1 “(d) Department of Corrections.
- 2 “(e) Department of Education, State Board of Education and Superinten-  
3 dent of Public Instruction.
- 4 “(f) Department of Human Services for vocational rehabilitation services  
5 cases under 29 U.S.C. 722(c) and disability determination cases under 42  
6 U.S.C. 405.
- 7 “(g) Department of Revenue.
- 8 “(h) Department of State Police.
- 9 “(i) Employment Appeals Board.
- 10 “(j) Employment Relations Board.
- 11 “(k) Energy Facility Siting Council.
- 12 “(L) Fair Dismissal Appeals Board.
- 13 “(m) Governor.
- 14 “(n) Land Conservation and Development Commission.
- 15 “(o) Land Use Board of Appeals.
- 16 “(p) Local government boundary commissions created pursuant to ORS  
17 199.430.
- 18 “(q) [*Oregon University System and*] Public universities listed in ORS  
19 352.002.
- 20 “(r) Oregon Youth Authority.
- 21 “(s) Psychiatric Security Review Board.
- 22 “(t) The Oregon Health Authority for hearings conducted under ORS  
23 161.315 to 161.351.
- 24 “(u) Public Utility Commission.
- 25 “(v) State Accident Insurance Fund Corporation.
- 26 “(w) State Apprenticeship and Training Council.
- 27 “(x) State Board of Parole and Post-Prison Supervision.
- 28 “(y) State Land Board.
- 29 “(z) State Treasurer.
- 30 “(3) The Workers’ Compensation Board is exempt from using administra-

1 tive law judges assigned from the office for any hearing conducted by the  
2 board under ORS chapters 147, 654 and 656. Except as specifically provided  
3 in this subsection, the Department of Consumer and Business Services must  
4 use administrative law judges assigned from the office only for contested  
5 cases arising out of the department's powers and duties under:

6 “(a) ORS 86A.095 to 86A.198, 86A.990 and 86A.992 and ORS chapter 59;

7 “(b) ORS chapter 455;

8 “(c) ORS chapter 674;

9 “(d) ORS chapters 706 to 716;

10 “(e) ORS chapter 717;

11 “(f) ORS chapters 723, 725 and 726; and

12 “(g) ORS chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748  
13 and 750.

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

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

21 “(a) Federal law requires that a different administrative law judge or  
22 hearing officer be used; or

23 “(b) Use of an administrative law judge from the office could result in a  
24 loss of federal funds.

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

29 **“SECTION 54.** ORS 184.631 is amended to read:

30 “184.631. (1) The Department of Transportation shall establish a public-

1 private partnership research and development program.

2 “(2) As part of the program established under this section, the department  
3 may enter into joint research and development agreements for the purpose  
4 of developing products for market that may reduce the cost of maintenance  
5 and preservation or extend the useful life of the state’s highways or that  
6 may improve highway safety. The department may enter into agreements  
7 with the following:

8 “(a) Individuals.

9 “(b) Businesses.

10 “(c) Nonprofit organizations.

11 “[*d*] *The State Board of Higher Education.*]

12 “[*e*] (d) The governing board of a public university [*with a governing*  
13 *board*] listed in ORS [*352.054*] **352.002**.

14 “(3) The department may enter into agreements under subsection (2) of  
15 this section that allow the department to obtain royalties or other financial  
16 benefits from the sale or use of products developed through the public-private  
17 partnership research and development program.

18 “(4) Moneys that the department is authorized to spend on planning and  
19 research may be used for development of products under this section.

20 “(5) The department shall adopt rules that govern the solicitation and  
21 selection of product development projects that will receive funding under the  
22 program established under this section.

23 **“SECTION 55.** ORS 184.897 is amended to read:

24 “184.897. The Department of Transportation and the Department of Land  
25 Conservation and Development, after consultation with and in cooperation  
26 with other state agencies [*and the Oregon University System*], shall:

27 “(1) Educate the public about the need to reduce greenhouse gas emissions  
28 from motor vehicles with a gross vehicle weight rating of 10,000 pounds or  
29 less; and

30 “(2) Educate the public about the costs and benefits of reducing

1 greenhouse gas emissions.

2 **“SECTION 56.** ORS 192.501, as amended by section 1, chapter 37, Oregon  
3 Laws 2014, and section 1, chapter 64, Oregon Laws 2014, is amended to read:

4 “192.501. The following public records are exempt from disclosure under  
5 ORS 192.410 to 192.505 unless the public interest requires disclosure in the  
6 particular instance:

7 “(1) Records of a public body pertaining to litigation to which the public  
8 body is a party if the complaint has been filed, or if the complaint has not  
9 been filed, if the public body shows that such litigation is reasonably likely  
10 to occur. This exemption does not apply to litigation which has been con-  
11 cluded, and nothing in this subsection shall limit any right or opportunity  
12 granted by discovery or deposition statutes to a party to litigation or po-  
13 tential litigation.

14 “(2) Trade secrets. ‘Trade secrets,’ as used in this section, may include,  
15 but are not limited to, any formula, plan, pattern, process, tool, mechanism,  
16 compound, procedure, production data, or compilation of information which  
17 is not patented, which is known only to certain individuals within an or-  
18 ganization and which is used in a business it conducts, having actual or  
19 potential commercial value, and which gives its user an opportunity to ob-  
20 tain a business advantage over competitors who do not know or use it.

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

29 “(a) The arrested person’s name, age, residence, employment, marital sta-  
30 tus and similar biographical information;

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

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

3       “(d) The identity of and biographical information concerning both com-  
4 plaining party and victim;

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

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

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

11       “(4) Test questions, scoring keys, and other data used to administer a li-  
12 censing examination, employment, academic or other examination or testing  
13 procedure before the examination is given and if the examination is to be  
14 used again. Records establishing procedures for and instructing persons ad-  
15 ministering, grading or evaluating an examination or testing procedure are  
16 included in this exemption, to the extent that disclosure would create a risk  
17 that the result might be affected.

18       “(5) Information consisting of production records, sale or purchase records  
19 or catch records, or similar business records of a private concern or enter-  
20 prise, required by law to be submitted to or inspected by a governmental  
21 body to allow it to determine fees or assessments payable or to establish  
22 production quotas, and the amounts of such fees or assessments payable or  
23 paid, to the extent that such information is in a form [*which*] **that** would  
24 permit identification of the individual concern or enterprise. This exemption  
25 does not include records submitted by long term care facilities as defined in  
26 ORS 442.015 to the state for purposes of reimbursement of expenses or de-  
27 termining fees for patient care. Nothing in this subsection shall limit the  
28 use [*which*] **that** can be made of such information for regulatory purposes  
29 or its admissibility in any enforcement proceeding.

30       “(6) Information relating to the appraisal of real estate prior to its ac-

1 quisation.

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

5 “(8) Investigatory information relating to any complaint filed under ORS  
6 659A.820 or 659A.825, until such time as the complaint is resolved under ORS  
7 659A.835, or a final order is issued under ORS 659A.850.

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

10 “(10) Records, reports and other information received or compiled by the  
11 Director of the Department of Consumer and Business Services under ORS  
12 697.732.

13 “(11) Information concerning the location of archaeological sites or ob-  
14 jects as those terms are defined in ORS 358.905, except if the governing body  
15 of an Indian tribe requests the information and the need for the information  
16 is related to that Indian tribe’s cultural or religious activities. This ex-  
17 emption does not include information relating to a site that is all or part  
18 of an existing, commonly known and publicized tourist facility or attraction.

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

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

24 “(14) Writings prepared by or under the direction of faculty of public ed-  
25 ucational institutions, in connection with research, until publicly released,  
26 copyrighted or patented.

27 “(15) Computer programs developed or purchased by or for any public  
28 body for its own use. As used in this subsection, ‘computer program’ means  
29 a series of instructions or statements which permit the functioning of a  
30 computer system in a manner designed to provide storage, retrieval and ma-

1 nipulation of data from such computer system, and any associated documen-  
2 tation and source material that explain how to operate the computer  
3 program. ‘Computer program’ does not include:

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

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

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

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

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

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

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

1 “(b) Financial statements. As used in this paragraph, ‘financial  
2 statement’ means a financial statement of a nonregulated corporation having  
3 an affiliated interest, as defined in ORS 759.390, with a telecommunications  
4 carrier, as defined in ORS 133.721.

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

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

11 “(a) Personal and corporate financial statements and information, in-  
12 cluding tax returns;

13 “(b) Credit reports;

14 “(c) Project appraisals, excluding appraisals obtained in the course of  
15 transactions involving an interest in real estate that is acquired, leased,  
16 rented, exchanged, transferred or otherwise disposed of as part of the project,  
17 but only after the transactions have closed and are concluded;

18 “(d) Market studies and analyses;

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

21 “(f) Commitment letters;

22 “(g) Project pro forma statements;

23 “(h) Project cost certifications and cost data;

24 “(i) Audits;

25 “(j) Project tenant correspondence requested to be confidential;

26 “(k) Tenant files relating to certification; and

27 “(L) Housing assistance payment requests.

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

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

30 “(b) Identify those areas of structural or operational vulnerability that



1 would permit unlawful disruption to, or interference with, services; or

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

6 “(23) Records or information that would reveal or otherwise identify se-  
7 curity measures, or weaknesses or potential weaknesses in security measures,  
8 taken or recommended to be taken to protect:

9 “(a) An individual;

10 “(b) Buildings or other property;

11 “(c) Information processing, communication or telecommunication sys-  
12 tems, including the information contained in the systems; or

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

15 “(24) Personal information held by or under the direction of officials of  
16 the Oregon Health and Science University[,] **or** a public university listed in  
17 ORS 352.002 [*or the Oregon University System*] about a person who has or  
18 who is interested in donating money or property to the Oregon Health and  
19 Science University[, *the system*] or a public university, if the information is  
20 related to the family of the person, personal assets of the person or is inci-  
21 dental information not related to the donation.

22 “(25) The home address, professional address and telephone number of a  
23 person who has or who is interested in donating money or property to [*the*  
24 *Oregon University System or*] a public university listed in ORS 352.002.

25 “(26) Records of the name and address of a person who files a report with  
26 or pays an assessment to a commodity commission established under ORS  
27 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the  
28 Oregon Wheat Commission created under ORS 578.030.

29 “(27) Information provided to, obtained by or used by a public body to  
30 authorize, originate, receive or authenticate a transfer of funds, including

1 but not limited to a credit card number, payment card expiration date,  
2 password, financial institution account number and financial institution  
3 routing number.

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

5 “(29) The electronic mail address of a student who attends a public uni-  
6 versity listed in ORS 352.002 or Oregon Health and Science University.

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

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

14 “(a) The home address and home telephone number of the public safety  
15 officer contained in the voter registration records for the public safety offi-  
16 cer.

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

20 “(c) The name of the public safety officer contained in county real prop-  
21 erty assessment or taxation records. This exemption:

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

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

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

29 “(D) Does not apply to disclosure of records among public bodies as de-  
30 fined in ORS 174.109 for governmental purposes; and

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

4 “(32) Unless the public records request is made by a financial institution,  
5 as defined in ORS 706.008, consumer finance company licensed under ORS  
6 chapter 725, mortgage banker or mortgage broker licensed under ORS  
7 86A.095 to 86A.198, or title company for business purposes, records described  
8 in paragraph (a) of this subsection, if the exemption from disclosure of the  
9 records is sought by an individual described in paragraph (b) of this sub-  
10 section using the procedure described in paragraph (c) of this subsection:

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

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

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

19 “(b) The individual claiming the exemption from disclosure must be a  
20 district attorney, a deputy district attorney, the Attorney General or an as-  
21 sistant attorney general, the United States Attorney for the District of  
22 Oregon or an assistant United States attorney for the District of Oregon, a  
23 city attorney who engages in the prosecution of criminal matters or a deputy  
24 city attorney who engages in the prosecution of criminal matters.

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

1 termination of the exemption or ceases to qualify for the exemption.

2 “(33) The following voluntary conservation agreements and reports:

3 “(a) Land management plans required for voluntary stewardship agree-  
4 ments entered into under ORS 541.423; and

5 “(b) Written agreements relating to the conservation of greater sage  
6 grouse entered into voluntarily by owners or occupiers of land with a soil  
7 and water conservation district under ORS 568.550.

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

11 “(a) Apply to the formulas for determining dividends to be paid to em-  
12 ployers insured by the State Accident Insurance Fund Corporation;

13 “(b) Apply to contracts for advertising, public relations or lobbying ser-  
14 vices or to documents related to the formation of such contracts;

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

18 “(d) Provide the basis for opposing the discovery of documents in liti-  
19 gation pursuant to the applicable rules of civil procedure.

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

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

25 “(37) Any document or other information related to an audit of a public  
26 body, as defined in ORS 174.109, that is in the custody of an auditor or audit  
27 organization operating under nationally recognized government auditing  
28 standards, until the auditor or audit organization issues a final audit report  
29 in accordance with those standards or the audit is abandoned. This ex-  
30 emption does not prohibit disclosure of a draft audit report that is provided

1 to the audited entity for the entity’s response to the audit findings.

2 “(38)(a) Personally identifiable information collected as part of an elec-  
3 tronic fare collection system of a mass transit system.

4 “(b) The exemption from disclosure in paragraph (a) of this subsection  
5 does not apply to public records that have attributes of anonymity that are  
6 sufficient, or that are aggregated into groupings that are broad enough, to  
7 ensure that persons cannot be identified by disclosure of the public records.

8 “(c) As used in this subsection:

9 “(A) ‘Electronic fare collection system’ means the software and hardware  
10 used for, associated with or relating to the collection of transit fares for a  
11 mass transit system, including but not limited to computers, radio commu-  
12 nication systems, personal mobile devices, wearable technology, fare instru-  
13 ments, information technology, data storage or collection equipment, or other  
14 equipment or improvements.

15 “(B) ‘Mass transit system’ has the meaning given that term in ORS  
16 267.010.

17 “(C) ‘Personally identifiable information’ means all information relating  
18 to a person that acquires or uses a transit pass or other fare payment me-  
19 dium in connection with an electronic fare collection system, including but  
20 not limited to:

21 “(i) Customer account information, date of birth, telephone number,  
22 physical address, electronic mail address, credit or debit card information,  
23 bank account information, Social Security or taxpayer identification number  
24 or other identification number, transit pass or fare payment medium balances  
25 or history, or similar personal information; or

26 “(ii) Travel dates, travel times, frequency of use, travel locations, service  
27 types or vehicle use, or similar travel information.

28 **“SECTION 57.** ORS 192.501, as amended by section 3, chapter 455, Oregon  
29 Laws 2005, section 7, chapter 608, Oregon Laws 2007, section 2, chapter 687,  
30 Oregon Laws 2007, section 2, chapter 48, Oregon Laws 2008, section 3, chap-

1 ter 57, Oregon Laws 2009, section 2, chapter 135, Oregon Laws 2009, section  
2 4, chapter 222, Oregon Laws 2009, section 2, chapter 769, Oregon Laws 2009,  
3 section 15, chapter 9, Oregon Laws 2011, section 2, chapter 285, Oregon Laws  
4 2011, section 69, chapter 637, Oregon Laws 2011, section 2, chapter 325,  
5 Oregon Laws 2013, section 108, chapter 768, Oregon Laws 2013, section 2,  
6 chapter 37, Oregon Laws 2014, and section 2, chapter 64, Oregon Laws 2014,  
7 is amended to read:

8 “192.501. The following public records are exempt from disclosure under  
9 ORS 192.410 to 192.505 unless the public interest requires disclosure in the  
10 particular instance:

11 “(1) Records of a public body pertaining to litigation to which the public  
12 body is a party if the complaint has been filed, or if the complaint has not  
13 been filed, if the public body shows that such litigation is reasonably likely  
14 to occur. This exemption does not apply to litigation which has been con-  
15 cluded, and nothing in this subsection shall limit any right or opportunity  
16 granted by discovery or deposition statutes to a party to litigation or po-  
17 tential litigation.

18 “(2) Trade secrets. ‘Trade secrets,’ as used in this section, may include,  
19 but are not limited to, any formula, plan, pattern, process, tool, mechanism,  
20 compound, procedure, production data, or compilation of information which  
21 is not patented, which is known only to certain individuals within an or-  
22 ganization and which is used in a business it conducts, having actual or  
23 potential commercial value, and which gives its user an opportunity to ob-  
24 tain a business advantage over competitors who do not know or use it.

25 “(3) Investigatory information compiled for criminal law purposes. The  
26 record of an arrest or the report of a crime shall be disclosed unless and only  
27 for so long as there is a clear need to delay disclosure in the course of a  
28 specific investigation, including the need to protect the complaining party  
29 or the victim. Nothing in this subsection shall limit any right constitu-  
30 tionally guaranteed, or granted by statute, to disclosure or discovery in

1 criminal cases. For purposes of this subsection, the record of an arrest or the  
2 report of a crime includes, but is not limited to:

3 “(a) The arrested person’s name, age, residence, employment, marital sta-  
4 tus and similar biographical information;

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

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

7 “(d) The identity of and biographical information concerning both com-  
8 plaining party and victim;

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

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

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

15 “(4) Test questions, scoring keys, and other data used to administer a li-  
16 censing examination, employment, academic or other examination or testing  
17 procedure before the examination is given and if the examination is to be  
18 used again. Records establishing procedures for and instructing persons ad-  
19 ministering, grading or evaluating an examination or testing procedure are  
20 included in this exemption, to the extent that disclosure would create a risk  
21 that the result might be affected.

22 “(5) Information consisting of production records, sale or purchase records  
23 or catch records, or similar business records of a private concern or enter-  
24 prise, required by law to be submitted to or inspected by a governmental  
25 body to allow it to determine fees or assessments payable or to establish  
26 production quotas, and the amounts of such fees or assessments payable or  
27 paid, to the extent that such information is in a form [*which*] **that** would  
28 permit identification of the individual concern or enterprise. This exemption  
29 does not include records submitted by long term care facilities as defined in  
30 ORS 442.015 to the state for purposes of reimbursement of expenses or de-

1 terminating fees for patient care. Nothing in this subsection shall limit the  
2 use [*which*] **that** can be made of such information for regulatory purposes  
3 or its admissibility in any enforcement proceeding.

4 “(6) Information relating to the appraisal of real estate prior to its ac-  
5 quisition.

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

9 “(8) Investigatory information relating to any complaint filed under ORS  
10 659A.820 or 659A.825, until such time as the complaint is resolved under ORS  
11 659A.835, or a final order is issued under ORS 659A.850.

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

14 “(10) Records, reports and other information received or compiled by the  
15 Director of the Department of Consumer and Business Services under ORS  
16 697.732.

17 “(11) Information concerning the location of archaeological sites or ob-  
18 jects as those terms are defined in ORS 358.905, except if the governing body  
19 of an Indian tribe requests the information and the need for the information  
20 is related to that Indian tribe’s cultural or religious activities. This ex-  
21 emption does not include information relating to a site that is all or part  
22 of an existing, commonly known and publicized tourist facility or attraction.

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

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

28 “(14) Writings prepared by or under the direction of faculty of public ed-  
29 ucational institutions, in connection with research, until publicly released,  
30 copyrighted or patented.



1       “(15) Computer programs developed or purchased by or for any public  
2 body for its own use. As used in this subsection, ‘computer program’ means  
3 a series of instructions or statements which permit the functioning of a  
4 computer system in a manner designed to provide storage, retrieval and ma-  
5 nipulation of data from such computer system, and any associated documen-  
6 tation and source material that explain how to operate the computer  
7 program. ‘Computer program’ does not include:

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

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

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

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

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

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

24       “(19)(a) Audits or audit reports required of a telecommunications carrier.  
25 As used in this paragraph, ‘audit or audit report’ means any external or  
26 internal audit or audit report pertaining to a telecommunications carrier, as  
27 defined in ORS 133.721, or pertaining to a corporation having an affiliated  
28 interest, as defined in ORS 759.390, with a telecommunications carrier that  
29 is intended to make the operations of the entity more efficient, accurate or  
30 compliant with applicable rules, procedures or standards, that may include

1 self-criticism and that has been filed by the telecommunications carrier or  
2 affiliate under compulsion of state law. ‘Audit or audit report’ does not mean  
3 an audit of a cost study that would be discoverable in a contested case pro-  
4 ceeding and that is not subject to a protective order; and

5 “(b) Financial statements. As used in this paragraph, ‘financial  
6 statement’ means a financial statement of a nonregulated corporation having  
7 an affiliated interest, as defined in ORS 759.390, with a telecommunications  
8 carrier, as defined in ORS 133.721.

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

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

15 “(a) Personal and corporate financial statements and information, in-  
16 cluding tax returns;

17 “(b) Credit reports;

18 “(c) Project appraisals, excluding appraisals obtained in the course of  
19 transactions involving an interest in real estate that is acquired, leased,  
20 rented, exchanged, transferred or otherwise disposed of as part of the project,  
21 but only after the transactions have closed and are concluded;

22 “(d) Market studies and analyses;

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

25 “(f) Commitment letters;

26 “(g) Project pro forma statements;

27 “(h) Project cost certifications and cost data;

28 “(i) Audits;

29 “(j) Project tenant correspondence requested to be confidential;

30 “(k) Tenant files relating to certification; and

1       “(L) Housing assistance payment requests.

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

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

4       “(b) Identify those areas of structural or operational vulnerability that

5 would permit unlawful disruption to, or interference with, services; or

6       “(c) Disrupt, interfere with or gain unauthorized access to public funds

7 or to information processing, communication or telecommunication systems,

8 including the information contained in the systems, that are used or operated

9 by a public body.

10       “(23) Records or information that would reveal or otherwise identify se-

11 curity measures, or weaknesses or potential weaknesses in security measures,

12 taken or recommended to be taken to protect:

13       “(a) An individual;

14       “(b) Buildings or other property;

15       “(c) Information processing, communication or telecommunication sys-

16 tems, including the information contained in the systems; or

17       “(d) Those operations of the Oregon State Lottery the security of which

18 are subject to study and evaluation under ORS 461.180 (6).

19       “(24) Personal information held by or under the direction of officials of

20 the Oregon Health and Science University[,] **or** a public university listed in

21 ORS 352.002 [*or the Oregon University System*] about a person who has or

22 who is interested in donating money or property to the Oregon Health and

23 Science University[, *the system*] or a public university, if the information is

24 related to the family of the person, personal assets of the person or is inci-

25 dental information not related to the donation.

26       “(25) The home address, professional address and telephone number of a

27 person who has or who is interested in donating money or property to [*the*

28 *Oregon University System or*] a public university listed in ORS 352.002.

29       “(26) Records of the name and address of a person who files a report with

30 or pays an assessment to a commodity commission established under ORS

1 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the  
2 Oregon Wheat Commission created under ORS 578.030.

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

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

9 “(29) The electronic mail address of a student who attends a public uni-  
10 versity listed in ORS 352.002 or Oregon Health and Science University.

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

12 “(a) The home address and home telephone number of the public safety  
13 officer contained in the voter registration records for the public safety offi-  
14 cer.

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

18 “(c) The name of the public safety officer contained in county real prop-  
19 erty assessment or taxation records. This exemption:

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

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

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

27 “(D) Does not apply to disclosure of records among public bodies as de-  
28 fined in ORS 174.109 for governmental purposes; and

29 “(E) May not result in liability for the county if the name of the public  
30 safety officer is disclosed after a request for exemption from disclosure is

1 made under this subsection.

2 “(31) Unless the public records request is made by a financial institution,  
3 as defined in ORS 706.008, consumer finance company licensed under ORS  
4 chapter 725, mortgage banker or mortgage broker licensed under ORS  
5 86A.095 to 86A.198, or title company for business purposes, records described  
6 in paragraph (a) of this subsection, if the exemption from disclosure of the  
7 records is sought by an individual described in paragraph (b) of this sub-  
8 section using the procedure described in paragraph (c) of this subsection:

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

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

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

17 “(b) The individual claiming the exemption from disclosure must be a  
18 district attorney, a deputy district attorney, the Attorney General or an as-  
19 sistant attorney general, the United States Attorney for the District of  
20 Oregon or an assistant United States attorney for the District of Oregon, a  
21 city attorney who engages in the prosecution of criminal matters or a deputy  
22 city attorney who engages in the prosecution of criminal matters.

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

30 “(32) The following voluntary conservation agreements and reports:

1       “(a) Land management plans required for voluntary stewardship agree-  
2 ments entered into under ORS 541.423; and

3       “(b) Written agreements relating to the conservation of greater sage  
4 grouse entered into voluntarily by owners or occupiers of land with a soil  
5 and water conservation district under ORS 568.550.

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

9       “(a) Apply to the formulas for determining dividends to be paid to em-  
10 ployers insured by the State Accident Insurance Fund Corporation;

11       “(b) Apply to contracts for advertising, public relations or lobbying ser-  
12 vices or to documents related to the formation of such contracts;

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

16       “(d) Provide the basis for opposing the discovery of documents in liti-  
17 gation pursuant to the applicable rules of civil procedure.

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

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

23       “(36) Any document or other information related to an audit of a public  
24 body, as defined in ORS 174.109, that is in the custody of an auditor or audit  
25 organization operating under nationally recognized government auditing  
26 standards, until the auditor or audit organization issues a final audit report  
27 in accordance with those standards or the audit is abandoned. This ex-  
28 emption does not prohibit disclosure of a draft audit report that is provided  
29 to the audited entity for the entity’s response to the audit findings.

30       “(37)(a) Personally identifiable information collected as part of an elec-

1 tronic fare collection system of a mass transit system.

2 “(b) The exemption from disclosure in paragraph (a) of this subsection  
3 does not apply to public records that have attributes of anonymity that are  
4 sufficient, or that are aggregated into groupings that are broad enough, to  
5 ensure that persons cannot be identified by disclosure of the public records.

6 “(c) As used in this subsection:

7 “(A) ‘Electronic fare collection system’ means the software and hardware  
8 used for, associated with or relating to the collection of transit fares for a  
9 mass transit system, including but not limited to computers, radio commu-  
10 nication systems, personal mobile devices, wearable technology, fare instru-  
11 ments, information technology, data storage or collection equipment, or other  
12 equipment or improvements.

13 “(B) ‘Mass transit system’ has the meaning given that term in ORS  
14 267.010.

15 “(C) ‘Personally identifiable information’ means all information relating  
16 to a person that acquires or uses a transit pass or other fare payment me-  
17 dium in connection with an electronic fare collection system, including but  
18 not limited to:

19 “(i) Customer account information, date of birth, telephone number,  
20 physical address, electronic mail address, credit or debit card information,  
21 bank account information, Social Security or taxpayer identification number  
22 or other identification number, transit pass or fare payment medium balances  
23 or history, or similar personal information; or

24 “(ii) Travel dates, travel times, frequency of use, travel locations, service  
25 types or vehicle use, or similar travel information.

26 **“SECTION 58.** ORS 195.033 is amended to read:

27 “195.033. (1) As used in this section, ‘affected local government’ means:

28 “(a) A city or county for which the Portland State University Population  
29 Research Center is preparing a population forecast;

30 “(b) A county that contains all or part of a city or an urban growth

1 boundary for which the center is preparing a population forecast; and

2 “(c) A local service district, as defined in ORS 174.116, that includes ter-  
3 ritory within the area subject to the population forecast.

4 “(2) For the purpose of land use planning, the center shall issue a popu-  
5 lation forecast for:

6 “(a) Each county except Multnomah, Clackamas and Washington Coun-  
7 ties;

8 “(b) The portions of Multnomah, Clackamas and Washington Counties  
9 that are not within Metro; and

10 “(c) The area within each urban growth boundary other than the urban  
11 growth boundary of Metro.

12 “(3) A local government with land use jurisdiction over land for which  
13 the center issues population forecasts under subsection (2) of this section  
14 shall apply the current final population forecast when changing the com-  
15 prehensive plan or a land use regulation of the local government.

16 “(4) The center shall issue population forecasts for each area described  
17 in subsection (2) of this section not less than once every four years on a  
18 schedule established by [*rule of the State Board of Higher Education*  
19 *adopted*] **standards adopted by Portland State University** in consultation  
20 with the Department of Land Conservation and Development.

21 “(5) When issuing a population forecast, the center shall:

22 “(a) Consider and, if appropriate, incorporate available local data and  
23 information about local conditions received from representatives of local  
24 governments and members of the public;

25 “(b) Cause, directly or with the assistance of the Department of Land  
26 Conservation and Development, the issuance of notice to all affected local  
27 governments and to members of the public that have provided a written re-  
28 quest for notice to the center; and

29 “(c) Post the methodology and supporting data used to make the popu-  
30 lation forecast on a publicly available website when the center causes notice



1 to be issued as described in paragraph (b) of this subsection.

2 “(6) A population forecast must forecast population for a 50-year period  
3 including:

4 “(a) Forecasts for intervals, within the 50-year period, that are established  
5 by [*rule of the State Board of Higher Education adopted*] **standards adopted**  
6 **by Portland State University** in consultation with the Department of Land  
7 Conservation and Development; and

8 “(b) Population cohorts as provided by [*rule of the board adopted*] **stan-**  
9 **dards adopted by the university** in consultation with the department.

10 “(7) Within 45 days after the center issues a proposed population forecast  
11 under this section, a member of the public or an affected local government  
12 may file objections with the center. An objection must be supported by the  
13 inclusion of data or information that supports the objection. If the center:

14 “(a) Does not receive an objection within the 45-day period, the proposed  
15 population forecast becomes final.

16 “(b) Receives an objection within the 45-day period, the center shall re-  
17 view the objections filed, make changes to the proposed population forecast,  
18 if necessary in the discretion of the center, and issue a final population  
19 forecast.

20 “(8) Periodically, the Department of Land Conservation and Development  
21 may require the center to submit its forecasting methodology and local data  
22 collection practices for review by an advisory committee established by the  
23 department and composed of experts in the field of population forecasting,  
24 representatives of cities and counties and members of the public.

25 “(9) The issuance of a final population forecast under this section is:

26 “(a) Not a land use decision; and

27 “(b) A final decision not subject to further review or appeal.

28 “(10) The Land Conservation and Development Commission, in consulta-  
29 tion with [*the State Board of Higher Education*] **Portland State**  
30 **University**, shall adopt rules to implement the population forecasting pro-

1 gram required by this section.

2 “(11) Each biennium, the commission shall allocate, from the grant fund-  
3 ing described in ORS 197.639 (5), an amount of moneys that the Land Con-  
4 servation and Development Commission, in consultation with [*the State*  
5 *Board of Higher Education*] **Portland State University**, determines is suf-  
6 ficient to operate the population forecasting program required by this sec-  
7 tion.

8 **“SECTION 59.** ORS 196.438 is amended to read:

9 “196.438. (1) The Governor shall establish an Ocean Policy Advisory  
10 Council that is staffed by the State Department of Fish and Wildlife, the  
11 Department of Land Conservation and Development and other departments  
12 as the Governor deems necessary. The council shall be composed of:

13 “(a) The Governor or the Governor’s designee, as a nonvoting member;

14 “(b) The director or the director’s designee of the following agencies, as  
15 nonvoting members:

16 “(A) Department of Environmental Quality;

17 “(B) State Department of Fish and Wildlife;

18 “(C) State Department of Geology and Mineral Industries;

19 “(D) Department of Land Conservation and Development;

20 “(E) Department of State Lands;

21 “(F) Parks and Recreation Department;

22 “(G) State Department of Agriculture; and

23 “(H) [*On behalf of the State Board of Higher Education,*] The director or  
24 director’s designee of Oregon State University, Sea Grant College;

25 “(c) A member of the governing body of Coos, Curry, Douglas or Lane  
26 County to be appointed by the Governor, chosen in consultation with and  
27 with the approval of a majority of the members of the governing bodies of  
28 Coos, Curry, Douglas and Lane Counties;

29 “(d) A member of the governing body of Clatsop, Lincoln or Tillamook  
30 County to be appointed by the Governor, chosen in consultation with and

1 with the approval of a majority of the members of the governing bodies of  
2 Clatsop, Lincoln and Tillamook Counties;

3 “(e) An elected city official from a coastal city bordering the territorial  
4 sea to be appointed by the Governor with advice from an Oregon coastal zone  
5 management association;

6 “(f) A representative of each of the following ocean interests, to be ap-  
7 pointed by the Governor, and subject to confirmation by the Senate pursuant  
8 to section 4, Article III, Oregon Constitution:

9 “(A) Commercial ocean fisheries of the North Coast from Newport north;

10 “(B) Commercial ocean fisheries of the South Coast south of Newport;

11 “(C) Charter, sport or recreation ocean fisheries of the North Coast from  
12 Newport north;

13 “(D) Charter, sport or recreation ocean fisheries of the South Coast south  
14 of Newport;

15 “(E) Ports marine navigation or transportation;

16 “(F) Coastal nonfishing recreation interests of surfing, diving, kayaking  
17 or windsurfing;

18 “(G) A coastal conservation or environmental organization;

19 “(H) Oregon Indian tribes appointed after consultation with the Commis-  
20 sion on Indian Services;

21 “(I) A coastwide organization representing a majority of small ports and  
22 local governments, as a nonvoting member; and

23 “(J) A statewide conservation or environmental organization; and

24 “(g) Two representatives of the public, at least one of whom shall be a  
25 resident of a county bordering the territorial sea, to be appointed by the  
26 Governor.

27 “(2) The term of office of each member appointed by the Governor is four  
28 years, but a member serves at the pleasure of the Governor. Before the ex-  
29 piration of the term of a member, the Governor shall appoint a successor  
30 whose term begins on July 1 next following. A member is eligible for reap-

1 pointment. If there is a vacancy for any cause, the Governor shall make an  
2 appointment to become immediately effective for the unexpired term.

3 “(3) A majority of the voting members of the council constitutes a quorum  
4 for the transaction of business.

5 “(4) The voting members of the council shall elect a person from among  
6 the membership to chair the council.

7 **“SECTION 60.** ORS 200.025 is amended to read:

8 “200.025. (1) There is created, in the Office of the Governor, the Advocate  
9 for Minority, Women and Emerging Small Business who shall be appointed  
10 by the Governor.

11 “(2) There is created in the Oregon Business Development Department the  
12 Office for Minority, Women and Emerging Small Business, the employees of  
13 which shall be appointed by the Director of the Oregon Business Develop-  
14 ment Department.

15 “(3)(a) The director may prescribe the duties and assignments of all offi-  
16 cers and employees of the Office for Minority, Women and Emerging Small  
17 Business. The director shall establish the compensation of all officers and  
18 employees of the office.

19 “(b) The officers and employees of the office shall be allowed reimburse-  
20 ment for reasonable and necessary travel and other expenses incurred in the  
21 performance of their duties.

22 “(4) The Advocate for Minority, Women and Emerging Small Business  
23 shall:

24 “(a) Advise the Governor and the director on activities and initiatives  
25 that may promote the economic integration of minorities, women and  
26 emerging small businesses into the business sector;

27 “(b) Prepare an annual report to the Governor, director and Legislative  
28 Assembly on the status of minorities and women in the marketplace, accom-  
29 plishments and resolutions of issues of concern to minority and women’s  
30 enterprises and recommendations for executive and legislative actions; and

1 “(c) Carry out other duties that may be assigned by the Governor.

2 “(5) The Office for Minority, Women and Emerging Small Business shall:

3 “(a) Provide information to minority, women and emerging small busi-  
4 nesses;

5 “(b) Assist in the development and implementation of an aggressive  
6 strategy for this state, based on research and monitoring, that encourages  
7 participation of minorities, women and emerging small businesses in the  
8 state’s economy;

9 “(c) Make recommendations to the director on the research, development  
10 and implementation of the plan for the involvement of disadvantaged and  
11 minority groups and emerging small businesses in all state programs;

12 “(d) Maintain an Oregon Opportunity Register and Clearinghouse for in-  
13 formation on public agency and other contract solicitations for professional  
14 services, supplies and services and other bid opportunities, in consultation  
15 with [*the State Board of Higher Education*] **public universities listed in**  
16 **ORS 352.002**, the Department of Transportation and other entities;

17 “(e) Monitor the certification and compliance program for disadvantaged,  
18 minority, women and emerging small businesses under ORS 200.055;

19 “(f) Investigate complaints and possible abuses of the certification pro-  
20 gram; and

21 “(g) Assist in the promotion and coordination of plans, programs and op-  
22 erations of state government that strengthen minority and women partic-  
23 ipation in the economic life of this state.

24 “**SECTION 61.** ORS 200.055 is amended to read:

25 “200.055. (1) Any disadvantaged, minority, women or emerging small  
26 business enterprise is entitled to be certified as such upon application to the  
27 Oregon Business Development Department. If the application is approved by  
28 the department, the department shall certify the applicant as a disadvan-  
29 tagged, minority, women or emerging small business enterprise. The enterprise  
30 shall be considered so certified by any public contracting agency.

1 “(2) In consultation with [*the State Board of Higher Education*] **public**  
2 **universities listed in ORS 352.002** and the Department of Transportation,  
3 and with the approval of the Advocate for Minority, Women and Emerging  
4 Small Business, the Oregon Business Development Department by rule shall  
5 adopt a uniform standard form and procedure designed to provide complete  
6 documentation that a business enterprise is certified as a disadvantaged,  
7 minority, women or emerging small business enterprise. The department shall  
8 compile and make available upon request a list of certified disadvantaged,  
9 minority, women or emerging small business enterprises.

10 “(3) Any business enterprise that is refused certification as a disadvan-  
11 tagged business enterprise or denied recertification as such or whose certi-  
12 fication is revoked may appeal directly to the United States Department of  
13 Transportation.

14 “(4) Any business enterprise that is refused certification as a minority,  
15 women or emerging small business enterprise or has its certification revoked  
16 may request a contested case hearing as provided in ORS chapter 183.

17 “(5) The Oregon Business Development Department shall be the sole  
18 agency authorized to certify enterprises as disadvantaged, minority, women  
19 or emerging small business enterprises eligible to perform on public con-  
20 tracts in this state.

21 “(6) The Oregon Business Development Department by rule may establish  
22 a fee not to exceed \$100 for a copy of the list of certified disadvantaged,  
23 minority, women and emerging small business enterprises and may assess  
24 state agencies for services under ORS 200.005 to 200.075.

25 “(7) The Department of Transportation may collect a fee, not to exceed  
26 \$200, from a bidder upon bidder prequalifications to cover the costs of the  
27 Oregon Business Development Department in administering ORS 200.005 to  
28 200.075. The Department of Transportation shall transfer such fees to the  
29 credit of the account established under subsection (8) of this section.

30 “(8) The Oregon Business Development Department shall establish a spe-

1 cial account in which to deposit fees and assessments. The special account  
2 is continuously appropriated to the department to meet its expenses in ad-  
3 ministering ORS 200.005 to 200.075.

4 **“SECTION 62.** ORS 238.215 is amended to read:

5 “238.215. Notwithstanding any other provision of this chapter:

6 “(1) An employee, as defined in ORS 243.910 (2), who is an active member  
7 of the system and who has elected, and not canceled that election, to be as-  
8 sisted under ORS 243.920 (1) by the [*State Board of Higher Education or*]  
9 governing board of a public university [*with a governing board*] listed in ORS  
10 [*352.054*] **352.002**, may not contribute to the fund on any part of the annual  
11 salary of the employee in excess of \$4,800 at any time during which the  
12 **governing** board assists the employee under ORS 243.920 (1).

13 “(2) The current service pension, whether for service or disability retire-  
14 ment, under this chapter provided by the contributions of the employers of  
15 such employee shall be:

16 “(a) If the [*State Board of Higher Education or*] governing board is as-  
17 sisting such employee under ORS 243.920 (1) at the time of retirement, a  
18 pension equal to the annuity provided by the employee’s accumulated con-  
19 tributions to the fund.

20 “(b) If the **governing** board is not assisting such employee under ORS  
21 243.920 (1) at the time of retirement, but previously so assisted the employee:

22 “(A) For service before the date the **governing** board last ceased to assist  
23 the employee, a pension equal to the annuity provided by the employee’s  
24 accumulated contributions to the fund before that date.

25 “(B) For service on and after the date the **governing** board last ceased  
26 to so assist the employee, a pension computed as provided in ORS 238.300 (2),  
27 but if the employee retires before reaching the normal retirement age,  
28 actuarially reduced and computed on the then attained age. For the purpose  
29 of computing the pension under this subparagraph, only the number of years  
30 of membership of the employee after the day before that date and only the

1 salary of the employee on which the employee contributes to the fund for  
2 those years shall be considered.

3 “(3) Subsection (2) of this section does not apply to an employee, as de-  
4 fined in ORS 243.910 (2), who is an active member of the system, who elected  
5 to be assisted by the State Board of Higher Education or governing board  
6 under ORS 243.920 (1) before January 1, 1968, who canceled that election  
7 within the first 60 days of the calendar year 1968 as provided in ORS 243.940  
8 (5) and who does not thereafter elect to be assisted by the board under ORS  
9 243.920 (1).

10 “(4) Subsection (2) of this section does not apply to an employee, as de-  
11 fined in ORS 243.910 (2), who is an active member of the system and has been  
12 an active member of the system continuously since any date before January  
13 1, 1968; who elected to be assisted by the State Board of Higher Education  
14 or governing board under ORS 243.920 (1) before January 1, 1968; and who  
15 cancels that election in any calendar year after 1968, but before the calendar  
16 year in which the employee retires, as provided in ORS 243.940 (5) and does  
17 not thereafter elect to be assisted by the board under ORS 243.920 (1). In this  
18 case the benefit, whether for service or disability retirement, shall be com-  
19 puted as under ORS 238.300; however, for service during periods in which the  
20 employee was assisted by the board under ORS 243.920 (1), a year of mem-  
21 bership as used in ORS 238.300 (2) shall be a portion of a year which is re-  
22 presented by a fraction the numerator of which is \$4,800 and the denominator  
23 of which is the salary earned by the employee in that year. However, in no  
24 case shall the fraction be greater than one.

25 **“SECTION 63.** ORS 240.185 is amended to read:

26 “240.185. (1) On and after January 1, 1984, the number of persons em-  
27 ployed by the state shall not exceed 1.5 percent of the state’s population of  
28 the prior year.

29 “(2) The population figure shall be that required by ORS 190.510 to  
30 190.610.



1 “(3) This section applies to all full-time equivalent budgeted positions.

2 “(4) This section does not apply to the Governor, the Secretary of State,  
3 the State Treasurer, the Supreme Court or the Legislative Assembly in the  
4 conduct of duties vested in any of them by the Oregon Constitution. How-  
5 ever, this exception applies only to the office of the Governor and not to the  
6 executive branch of government.

7 “(5) This section does not apply to personnel who administer unemploy-  
8 ment insurance benefits programs of the Employment Department, to per-  
9 sonnel who administer programs required to be implemented as a condition  
10 for the continued certification of the Employment Division Law by the  
11 United States Secretary of Labor or to personnel who administer programs  
12 implemented by the United States Department of Labor under federal law if  
13 the state is required to enter into contracts to provide such programs.

14 “[~~(6)~~ *This section does not apply to personnel whose positions are funded*  
15 *by the gifts, grants and contracts program in the Oregon University System.*]

16 “[~~(7)~~ **(6)** In order to assess the effect of subsection (1) of this section, the  
17 Oregon Department of Administrative Services by December 31 of each  
18 even-numbered year shall conduct a workload analysis of each state agency,  
19 regardless of whether the agency is exempt from the application of sub-  
20 section (1) of this section. The workload analysis of each agency shall be  
21 submitted to the Legislative Assembly prior to its convening in the subse-  
22 quent odd-numbered year regular session and shall accompany the agency’s  
23 budget request before the Joint Ways and Means Committee.

24 “**SECTION 64.** ORS 243.107 is amended to read:

25 “243.107. A person employed by a public university listed in ORS 352.002  
26 or the Oregon Health and Science University may be considered an eligible  
27 employee for participation in one of the group benefit plans described in ORS  
28 243.135 if the [*State Board of Higher Education or the*] governing board of  
29 the public university, or the Oregon Health and Science University Board  
30 of Directors for Oregon Health and Science University employees, determines

1 that funds are available therefor and if:

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

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

9 **“SECTION 65.** ORS 243.650, as amended by section 1, chapter 15, Oregon  
10 Laws 2014, is amended to read:

11 “243.650. As used in ORS 243.650 to 243.782, unless the context requires  
12 otherwise:

13 “(1) ‘Appropriate bargaining unit’ means the unit designated by the Em-  
14 ployment Relations Board or voluntarily recognized by the public employer  
15 to be appropriate for collective bargaining. However, an appropriate bar-  
16 gaining unit may not include both academically licensed and unlicensed or  
17 nonacademically licensed school employees. Academically licensed units may  
18 include but are not limited to teachers, nurses, counselors, therapists, psy-  
19 chologists, child development specialists and similar positions. This limita-  
20 tion does not apply to any bargaining unit certified or recognized prior to  
21 June 6, 1995, or to any school district with fewer than 50 employees.

22 “(2) ‘Board’ means the Employment Relations Board.

23 “(3) ‘Certification’ means official recognition by the board that a labor  
24 organization is the exclusive representative for all of the employees in the  
25 appropriate bargaining unit.

26 “(4) ‘Collective bargaining’ means the performance of the mutual obli-  
27 gation of a public employer and the representative of its employees to meet  
28 at reasonable times and confer in good faith with respect to employment re-  
29 lations for the purpose of negotiations concerning mandatory subjects of  
30 bargaining, to meet and confer in good faith in accordance with law with

1 respect to any dispute concerning the interpretation or application of a col-  
2 lective bargaining agreement, and to execute written contracts incorporating  
3 agreements that have been reached on behalf of the public employer and the  
4 employees in the bargaining unit covered by such negotiations. The obli-  
5 gation to meet and negotiate does not compel either party to agree to a  
6 proposal or require the making of a concession. This subsection may not be  
7 construed to prohibit a public employer and a certified or recognized repre-  
8 sentative of its employees from discussing or executing written agreements  
9 regarding matters other than mandatory subjects of bargaining that are not  
10 prohibited by law as long as there is mutual agreement of the parties to  
11 discuss these matters, which are permissive subjects of bargaining.

12 “(5) ‘Compulsory arbitration’ means the procedure whereby parties in-  
13 volved in a labor dispute are required by law to submit their differences to  
14 a third party for a final and binding decision.

15 “(6) ‘Confidential employee’ means one who assists and acts in a confi-  
16 dential capacity to a person who formulates, determines and effectuates  
17 management policies in the area of collective bargaining.

18 “(7)(a) ‘Employment relations’ includes, but is not limited to, matters  
19 concerning direct or indirect monetary benefits, hours, vacations, sick leave,  
20 grievance procedures and other conditions of employment.

21 “(b) ‘Employment relations’ does not include subjects determined to be  
22 permissive, nonmandatory subjects of bargaining by the Employment Re-  
23 lations Board prior to June 6, 1995.

24 “(c) After June 6, 1995, ‘employment relations’ does not include subjects  
25 that the Employment Relations Board determines to have a greater impact  
26 on management’s prerogative than on employee wages, hours, or other terms  
27 and conditions of employment.

28 “(d) ‘Employment relations’ does not include subjects that have an in-  
29 substantial or de minimis effect on public employee wages, hours, and other  
30 terms and conditions of employment.

1       “(e) For school district bargaining, ‘employment relations’ excludes class  
2 size, the school or educational calendar, standards of performance or criteria  
3 for evaluation of teachers, the school curriculum, reasonable dress, grooming  
4 and at-work personal conduct requirements respecting smoking, gum chewing  
5 and similar matters of personal conduct, the standards and procedures for  
6 student discipline, the time between student classes, the selection, agendas  
7 and decisions of 21st Century Schools Councils established under ORS  
8 329.704, requirements for expressing milk under ORS 653.077, and any other  
9 subject proposed that is permissive under paragraphs (b), (c) and (d) of this  
10 subsection.

11       “(f) For employee bargaining involving employees covered by ORS 243.736,  
12 ‘employment relations’ includes safety issues that have an impact on the  
13 on-the-job safety of the employees or staffing levels that have a significant  
14 impact on the on-the-job safety of the employees.

15       “(g) For all other employee bargaining except school district bargaining  
16 and except as provided in paragraph (f) of this subsection, ‘employment re-  
17 lations’ excludes staffing levels and safety issues (except those staffing levels  
18 and safety issues that have a direct and substantial effect on the on-the-job  
19 safety of public employees), scheduling of services provided to the public,  
20 determination of the minimum qualifications necessary for any position, cri-  
21 teria for evaluation or performance appraisal, assignment of duties, workload  
22 when the effect on duties is insubstantial, reasonable dress, grooming, and  
23 at-work personal conduct requirements respecting smoking, gum chewing,  
24 and similar matters of personal conduct at work, and any other subject pro-  
25 posed that is permissive under paragraphs (b), (c) and (d) of this subsection.

26       “(8) ‘Exclusive representative’ means the labor organization that, as a  
27 result of certification by the board or recognition by the employer, has the  
28 right to be the collective bargaining agent of all employees in an appropriate  
29 bargaining unit.

30       “(9) ‘Fact-finding’ means identification of the major issues in a particular

1 labor dispute by one or more impartial individuals who review the positions  
2 of the parties, resolve factual differences and make recommendations for  
3 settlement of the dispute.

4 “(10) ‘Fair-share agreement’ means an agreement between the public em-  
5 ployer and the recognized or certified bargaining representative of public  
6 employees whereby employees who are not members of the employee organ-  
7 ization are required to make an in-lieu-of-dues payment to an employee or-  
8 ganization except as provided in ORS 243.666. Upon the filing with the board  
9 of a petition by 30 percent or more of the employees in an appropriate bar-  
10 gaining unit covered by such union security agreement declaring they desire  
11 that the agreement be rescinded, the board shall take a secret ballot of the  
12 employees in the unit and certify the results thereof to the recognized or  
13 certified bargaining representative and to the public employer. Unless a  
14 majority of the votes cast in an election favor the union security agreement,  
15 the board shall certify deauthorization of the agreement. A petition for de-  
16 authorization of a union security agreement must be filed not more than 90  
17 calendar days after the collective bargaining agreement is executed. Only  
18 one such election may be conducted in any appropriate bargaining unit dur-  
19 ing the term of a collective bargaining agreement between a public employer  
20 and the recognized or certified bargaining representative.

21 “(11) ‘Final offer’ means the proposed contract language and cost sum-  
22 mary submitted to the mediator within seven days of the declaration of im-  
23 passe.

24 “(12) ‘Labor dispute’ means any controversy concerning employment re-  
25 lations or concerning the association or representation of persons in negoti-  
26 ating, fixing, maintaining, changing, or seeking to arrange terms or  
27 conditions of employment relations, regardless of whether the disputants  
28 stand in the proximate relation of employer and employee.

29 “(13) ‘Labor organization’ means any organization that has as one of its  
30 purposes representing employees in their employment relations with public

1 employers.

2 “(14) ‘Last best offer package’ means the offer exchanged by parties not  
3 less than 14 days prior to the date scheduled for an interest arbitration  
4 hearing.

5 “(15) ‘Legislative body’ means the Legislative Assembly, the city council,  
6 the county commission and any other board or commission empowered to  
7 levy taxes.

8 “(16) ‘Managerial employee’ means an employee of the State of Oregon  
9 or [*the Oregon University System*] **a public university listed in ORS 352.002**  
10 who possesses authority to formulate and carry out management decisions  
11 or who represents management’s interest by taking or effectively recom-  
12 mending discretionary actions that control or implement employer policy,  
13 and who has discretion in the performance of these management responsi-  
14 bilities beyond the routine discharge of duties. A ‘managerial employee’ need  
15 not act in a supervisory capacity in relation to other employees. Notwith-  
16 standing this subsection, ‘managerial employee’ does not include faculty  
17 members at a community college, college or university.

18 “(17) ‘Mediation’ means assistance by an impartial third party in recon-  
19 ciling a labor dispute between the public employer and the exclusive repre-  
20 sentative regarding employment relations.

21 “(18) ‘Payment-in-lieu-of-dues’ means an assessment to defray the cost for  
22 services by the exclusive representative in negotiations and contract admin-  
23 istration of all persons in an appropriate bargaining unit who are not mem-  
24 bers of the organization serving as exclusive representative of the employees.  
25 The payment must be equivalent to regular union dues and assessments, if  
26 any, or must be an amount agreed upon by the public employer and the ex-  
27 clusive representative of the employees.

28 “(19) ‘Public employee’ means an employee of a public employer but does  
29 not include elected officials, persons appointed to serve on boards or com-  
30 missions, incarcerated persons working under section 41, Article I of the

1 Oregon Constitution, or persons who are confidential employees, supervisory  
2 employees or managerial employees.

3 “(20) ‘Public employer’ means the State of Oregon, and the following  
4 political subdivisions: Cities, counties, community colleges, school districts,  
5 special districts, mass transit districts, metropolitan service districts, public  
6 service corporations or municipal corporations and public and quasi-public  
7 corporations.

8 “(21) ‘Public employer representative’ includes any individual or individ-  
9 uals specifically designated by the public employer to act in its interests in  
10 all matters dealing with employee representation, collective bargaining and  
11 related issues.

12 “(22) ‘Strike’ means a public employee’s refusal in concerted action with  
13 others to report for duty, or his or her willful absence from his or her posi-  
14 tion, or his or her stoppage of work, or his or her absence in whole or in  
15 part from the full, faithful or proper performance of his or her duties of  
16 employment, for the purpose of inducing, influencing or coercing a change  
17 in the conditions, compensation, rights, privileges or obligations of public  
18 employment; however, nothing shall limit or impair the right of any public  
19 employee to lawfully express or communicate a complaint or opinion on any  
20 matter related to the conditions of employment.

21 “(23) ‘Supervisory employee’ means any individual having authority in the  
22 interest of the employer to hire, transfer, suspend, lay off, recall, promote,  
23 discharge, assign, reward or discipline other employees, or responsibly to  
24 direct them, or to adjust their grievances, or effectively to recommend such  
25 action, if in connection therewith, the exercise of the authority is not of a  
26 merely routine or clerical nature but requires the use of independent judg-  
27 ment. Failure to assert supervisory status in any Employment Relations  
28 Board proceeding or in negotiations for any collective bargaining agreement  
29 does not thereafter prevent assertion of supervisory status in any subsequent  
30 board proceeding or contract negotiation. Notwithstanding the provisions of

1 this subsection, ‘supervisory employee’ does not include:

2 “(a) A nurse, charge nurse or nurse holding a similar position if that  
3 position has not traditionally been classified as supervisory; or

4 “(b) A firefighter prohibited from striking by ORS 243.736 who assigns,  
5 transfers or directs the work of other employees but does not have the au-  
6 thority to hire, discharge or impose economic discipline on those employees.

7 “(24) ‘Unfair labor practice’ means the commission of an act designated  
8 an unfair labor practice in ORS 243.672.

9 “(25) ‘Voluntary arbitration’ means the procedure whereby parties in-  
10 volved in a labor dispute mutually agree to submit their differences to a  
11 third party for a final and binding decision.

12 **“SECTION 66.** ORS 243.800 is amended to read:

13 “243.800. (1) Notwithstanding any provision of ORS chapter 238 or 238A  
14 or ORS 243.910 to 243.945, [*the State Board of Higher Education and*] the  
15 governing board of a public university [*with a governing board*] listed in ORS  
16 [*352.054*] **352.002** shall establish and administer an Optional Retirement Plan  
17 for administrative and academic employees of the [*Oregon University System*  
18 *or*] public university. The Optional Retirement Plan must be a qualified plan  
19 under the Internal Revenue Code, capable of accepting funds transferred  
20 under subsection (7) of this section without the transfer being treated as a  
21 taxable event under the Internal Revenue Code, and willing to accept those  
22 funds. Retirement and death benefits shall be provided under the plan by the  
23 purchase of annuity contracts, fixed or variable or a combination thereof,  
24 or by contracts for investments in mutual funds.

25 “(2) An administrative or academic employee may elect to participate in  
26 the Optional Retirement Plan upon completion of:

27 “(a) Six hundred hours of employment, or the equivalent as determined  
28 by the [*State Board of Higher Education or the*] governing board; and

29 “(b) Six months of employment that is not interrupted by more than 30  
30 consecutive working days.



1 “(3) An administrative or academic employee may make an irrevocable  
2 election to participate in the Optional Retirement Plan within six months  
3 after being employed. An election under this subsection is effective on the  
4 first day of the month following the completion of the requirements of sub-  
5 section (2) of this section.

6 “(4) An administrative or academic employee who does not elect to par-  
7 ticipate in the Optional Retirement Plan:

8 “(a) Remains or becomes a member of the Public Employees Retirement  
9 System in accordance with ORS chapters 238 and 238A; or

10 “(b) Continues to be assisted by the [*State Board of Higher Education*  
11 *or*] governing board under ORS 243.920 if the employee is being so assisted.

12 “(5) Except as provided in subsection (6) of this section, employees who  
13 elect to participate in the Optional Retirement Plan are ineligible for active  
14 membership in the Public Employees Retirement System or for any assistance  
15 by the [*State Board of Higher Education or*] governing board under ORS  
16 243.920 as long as those employees are employed in the [*Oregon University*  
17 *System or*] public university and the plan is in effect.

18 “(6)(a) An administrative or academic employee who elects to participate  
19 in the Optional Retirement Plan, who has creditable service under ORS  
20 chapter 238 as defined by ORS 238.005 and who is not vested shall be con-  
21 sidered by the Public Employees Retirement Board to be a terminated mem-  
22 ber under the provisions of ORS 238.095 as of the effective date of the  
23 election, and the amount credited to the member account of the member shall  
24 be transferred directly to the Optional Retirement Plan by the Public Em-  
25 ployees Retirement Board in the manner provided by subsection (7) of this  
26 section.

27 “(b) An administrative or academic employee who elects to participate in  
28 the Optional Retirement Plan, who has creditable service under ORS chapter  
29 238 as defined by ORS 238.005 and who is vested shall be considered to be  
30 an inactive member by the Public Employees Retirement Board and shall

1 retain all the rights, privileges and options under ORS chapter 238 unless the  
2 employee makes a written request to the Public Employees Retirement Board  
3 for a transfer of the amounts credited to the member account of the member  
4 to the Optional Retirement Plan. A request for a transfer must be made at  
5 the time the member elects to participate in the Optional Retirement Plan.  
6 Upon receiving the request, the Public Employees Retirement Board shall  
7 transfer all amounts credited to the member account of the member directly  
8 to the Optional Retirement Plan, and shall terminate all rights, privileges  
9 and options of the employee under ORS chapter 238.

10 “(c) An administrative or academic employee who elects to participate in  
11 the Optional Retirement Plan, and who is not a vested member of the pension  
12 program of the Oregon Public Service Retirement Plan as described in ORS  
13 238A.115 on the date that the election becomes effective, shall be considered  
14 to be a terminated member of the pension program by the Public Employees  
15 Retirement Board as of the effective date of the election.

16 “(d) An administrative or academic employee who elects to participate in  
17 the Optional Retirement Plan, and who is a vested member of the pension  
18 program of the Oregon Public Service Retirement Plan as described in ORS  
19 238A.115 on the date that the election becomes effective, shall be considered  
20 an inactive member of the pension program by the Public Employees Re-  
21 tirement Board as of the effective date of the election. An employee who is  
22 subject to the provisions of this paragraph retains all the rights, privileges  
23 and options of an inactive member of the pension program. If the actuarial  
24 equivalent of the employee’s benefit under the pension program at the time  
25 that the election becomes effective is \$5,000 or less, the employee may make  
26 a written request to the Public Employees Retirement Board for a transfer  
27 of the employee’s interest under the pension program to the Optional Re-  
28 tirement Plan. The request must be made at the time the member elects to  
29 participate in the Optional Retirement Plan. Upon receiving the request, the  
30 Public Employees Retirement Board shall transfer the amount determined to

1 be the actuarial equivalent of the employee's benefit under the pension pro-  
2 gram directly to the Optional Retirement Plan, and shall terminate the  
3 membership of the employee in the pension program.

4 “(e) An administrative or academic employee who elects to participate in  
5 the Optional Retirement Plan, and who is a vested member of the individual  
6 account program of the Oregon Public Service Retirement Plan as described  
7 in ORS 238A.320 on the date that the election becomes effective, shall be  
8 considered an inactive member of the individual account program by the  
9 Public Employees Retirement Board as of the effective date of the election.  
10 An employee who is subject to the provisions of this paragraph retains all  
11 the rights, privileges and options of an inactive member of the individual  
12 account program. An administrative or academic employee who elects to  
13 participate in the Optional Retirement Plan, and who is a member of the  
14 individual account program of the Oregon Public Service Retirement Plan,  
15 may make a written request to the Public Employees Retirement Board that  
16 all amounts in the member's employee account, rollover account and em-  
17 ployer account, to the extent the member is vested in those accounts under  
18 ORS 238A.320, be transferred to the Optional Retirement Plan. The request  
19 must be made at the time the member elects to participate in the Optional  
20 Retirement Plan. Upon receiving the request, the Public Employees Retire-  
21 ment Board shall transfer the amounts directly to the Optional Retirement  
22 Plan, and shall terminate the membership of the employee in the individual  
23 account program upon making the transfer.

24 “(f) Notwithstanding paragraphs (b), (d) and (e) of this subsection, the  
25 Public Employees Retirement Board may not treat any employee as an inac-  
26 tive member under the provisions of this subsection for the purpose of re-  
27 ceiving any benefit under ORS chapter 238 or 238A that requires that the  
28 employee be separated from all service with participating public employers  
29 and with employers who are treated as part of a participating public  
30 employer's controlled group under the federal laws and rules governing the

1 status of the **Public Employees Retirement** System and the Public Em-  
2 ployees Retirement Fund as a qualified governmental retirement plan and  
3 trust.

4 “(7) Any amounts transferred from the Public Employees Retirement Fund  
5 under subsection (6) of this section shall be transferred directly to the Op-  
6 tional Retirement Plan by the Public Employees Retirement Board and may  
7 not be made available to the employee.

8 “(8) An employee participating in the Optional Retirement Plan who was  
9 hired before July 1, 2014, shall contribute monthly an amount equal to the  
10 percentage of the employee’s salary that the employee would otherwise have  
11 contributed as an employee contribution to the Public Employees Retirement  
12 System if the employee had not elected to participate in the Optional Re-  
13 tirement Plan.

14 “(9) For an employee participating in the Optional Retirement Plan who  
15 was hired before July 1, 2014, the [*State Board of Higher Education or*] gov-  
16 erning board shall contribute monthly to the Optional Retirement Plan the  
17 percentage of salary of the employee equal to the percentage of salary that  
18 would otherwise have been contributed as an employer contribution on be-  
19 half of the employee to the Public Employees Retirement System, before any  
20 offset under ORS 238.229 (2), if the employee had not elected to participate  
21 in the Optional Retirement Plan.

22 “(10) For an employee participating in the Optional Retirement Plan who  
23 was hired on or after July 1, 2014, the [*State Board of Higher Education*]  
24 **governing board** shall contribute monthly to the Optional Retirement Plan:

25 “(a) Eight percent of the employee’s salary; and

26 “(b) A percentage of the employee’s salary equal to the percentage of  
27 salary contributed by the employee to the [*Oregon University System*] **public**  
28 **university’s** Tax-Deferred Investment 403(b) Plan under ORS 243.820, up to  
29 four percent of the employee’s salary in each pay period.

30 “(11) Both employee and employer contributions to an Optional Retire-

1 ment Plan shall be remitted directly to the companies that have issued an-  
2 nuity contracts to the participating employees or directly to the mutual  
3 funds.

4 “(12) Benefits under the Optional Retirement Plan are payable to em-  
5 ployees who elect to participate in the plan and their beneficiaries by the  
6 selected annuity provider or mutual fund in accordance with the terms of the  
7 annuity contracts or the terms of the contract with the mutual fund. Em-  
8 ployees electing to participate in the Optional Retirement Plan agree that  
9 benefits payable under the plan are not obligations of the State of Oregon  
10 or of the Public Employees Retirement System.

11 **“SECTION 67.** ORS 243.820 is amended to read:

12 “243.820. (1) In order to obtain the advantages of 26 U.S.C. 403(b), or any  
13 equivalent provision of federal law, an employer may agree with an employee  
14 who performs services for an educational institution that:

15 “(a) The employee’s salary will be reduced monthly by a stated amount,  
16 or the employee will forgo monthly a salary increase of a stated amount; and

17 “(b) On behalf of the employee, the employer shall contribute monthly an  
18 amount equal to the stated amount determined under paragraph (a) of this  
19 subsection as premiums for an annuity contract or to a custodial account for  
20 investment in the stock of regulated investment companies as defined in 26  
21 U.S.C. 403(b)(7)(C). The amount contributed by the employer under this  
22 subsection may not exceed the stated amount.

23 “(2) Notwithstanding any other provision of law, pursuant to an agree-  
24 ment under subsection (1) of this section, the stated amounts shall be for-  
25 warded by the employer as annuity premiums to the company or association  
26 with which it has entered into an annuity contract or to the regulated in-  
27 vestment company or its transfer agent for the benefit of the employee.

28 “(3) An employer may make nonelective employer contributions on behalf  
29 of an employee who performs services for an educational institution as pre-  
30 miums for an annuity contract, or to a custodial account for investment in

1 the stock of regulated investment companies as defined in 26 U.S.C.  
2 403(b)(7)(C), for the purpose of obtaining the advantages of 26 U.S.C. 403(b)  
3 or any equivalent provision of federal law. Employer contributions under this  
4 subsection are in addition to any employee contributions under subsection  
5 (1) of this section.

6 “(4) As used in this section:

7 “(a) ‘Educational institution’ means an educational institution that  
8 normally maintains a regular faculty and curriculum and normally has a  
9 regularly organized body of students in attendance at the place where its  
10 educational activities are carried on or an education service district.

11 “(b) ‘Employer’ means [*the State Board of Higher Education, any other*] a  
12 state agency, a community college district, a school district, a public uni-  
13 versity listed in ORS 352.002, the Oregon Health and Science University or  
14 an education service district employing an individual who performs services  
15 for an educational institution.

16 “**SECTION 68.** ORS 243.850 is amended to read:

17 “243.850. (1) An eligible football coach and [*the State Board of Higher*  
18 *Education or*] the governing board of a public university [*with a governing*  
19 *board*] listed in ORS [*352.054*] **352.002** may enter into an agreement to provide  
20 that:

21 “(a) The coach’s salary will be reduced monthly by a stated amount that  
22 is not less than \$25 a month, or the coach will forgo monthly a salary in-  
23 crease of a stated amount that is not less than \$25 a month; and

24 “(b) The **governing** board will contribute monthly an amount equal to the  
25 stated amount determined under paragraph (a) of this subsection for the  
26 month to a designated qualified football coaches plan. The amount contrib-  
27 uted by the employer shall not exceed the stated amount.

28 “(2) The amount by which an eligible football coach’s salary or wages is  
29 reduced by reason of the salary reduction or forgoing of a salary increase  
30 authorized by subsection (1) of this section shall continue to be included as

1 regular compensation for the purpose of computing the retirement, pension  
2 and Social Security benefits earned by the coach, but that amount shall not  
3 be considered current taxable income for the purpose of computing federal  
4 and state income taxes withheld on behalf of that coach.

5 “(3) For the purposes of this section:

6 “(a) ‘Eligible football coach’ means a staff member of a public university  
7 listed in ORS 352.002 who primarily coaches football as a full-time employee  
8 of a four-year university described in 26 U.S.C. 170(b)(1)(A)(ii).

9 “(b) ‘Qualified football coaches plan’ has the meaning given that term in  
10 29 U.S.C. 1002(37).

11 **“SECTION 69.** ORS 243.910 is amended to read:

12 “243.910. As used in ORS 243.910 to 243.945:

13 “(1) ‘Board’ means [*the State Board of Higher Education for public uni-*  
14 *versities listed in ORS 351.011,*] the governing board of a public university  
15 [*with a governing board*] listed in ORS [*352.054*] **352.002** and for the Oregon  
16 Health and Science University, the Oregon Health and Science University  
17 Board of Directors.

18 “(2) ‘Employees’ means the persons appointed or employed by or under the  
19 authority of the board who hold academic rank as determined by the board.

20 “(3) ‘System’ means the Public Employees Retirement System established  
21 by ORS 238.600.

22 **“SECTION 70.** ORS 243.945 is amended to read:

23 “243.945. Notwithstanding ORS 243.910 to 243.945, any person who is hired  
24 on or after September 9, 1995, is not eligible to be assisted by the [*Oregon*  
25 *University System*] **board** under the provisions of ORS 243.910 to 243.945.

26 **“SECTION 71.** ORS 244.050 is amended to read: N244.050.

27 “244.050. (1) On or before April 15 of each year the following persons shall  
28 file with the Oregon Government Ethics Commission a verified statement of  
29 economic interest as required under this chapter:

30 “(a) The Governor, Secretary of State, State Treasurer, Attorney General,

1 Commissioner of the Bureau of Labor and Industries, district attorneys and  
2 members of the Legislative Assembly.

3 “(b) Any judicial officer, including justices of the peace and municipal  
4 judges, except any pro tem judicial officer who does not otherwise serve as  
5 a judicial officer.

6 “(c) Any candidate for a public office designated in paragraph (a) or (b)  
7 of this subsection.

8 “(d) The Deputy Attorney General.

9 “(e) The Legislative Administrator, the Legislative Counsel, the Legisla-  
10 tive Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the  
11 House of Representatives.

12 “(f) [*The Chancellor and Vice Chancellors of the Oregon University System*  
13 *and*] The president and vice presidents, or their administrative equivalents,  
14 in each public university listed in ORS 352.002.

15 “(g) The following state officers:

16 “(A) Adjutant General.

17 “(B) Director of Agriculture.

18 “(C) Manager of State Accident Insurance Fund Corporation.

19 “(D) Water Resources Director.

20 “(E) Director of Department of Environmental Quality.

21 “(F) Director of Oregon Department of Administrative Services.

22 “(G) State Fish and Wildlife Director.

23 “(H) State Forester.

24 “(I) State Geologist.

25 “(J) Director of Human Services.

26 “(K) Director of the Department of Consumer and Business Services.

27 “(L) Director of the Department of State Lands.

28 “(M) State Librarian.

29 “(N) Administrator of Oregon Liquor Control Commission.

30 “(O) Superintendent of State Police.



- 1 “(P) Director of the Public Employees Retirement System.
- 2 “(Q) Director of Department of Revenue.
- 3 “(R) Director of Transportation.
- 4 “(S) Public Utility Commissioner.
- 5 “(T) Director of Veterans’ Affairs.
- 6 “(U) Executive director of Oregon Government Ethics Commission.
- 7 “(V) Director of the State Department of Energy.
- 8 “(W) Director and each assistant director of the Oregon State Lottery.
- 9 “(X) Director of the Department of Corrections.
- 10 “(Y) Director of the Oregon Department of Aviation.
- 11 “(Z) Executive director of the Oregon Criminal Justice Commission.
- 12 “(AA) Director of the Oregon Business Development Department.
- 13 “(BB) Director of the Office of Emergency Management.
- 14 “(CC) Director of the Employment Department.
- 15 “(DD) Chief of staff for the Governor.
- 16 “(EE) Administrator of the Office for Oregon Health Policy and Research.
- 17 “(FF) Director of the Housing and Community Services Department.
- 18 “(GG) State Court Administrator.
- 19 “(HH) Director of the Department of Land Conservation and Develop-
- 20 ment.
- 21 “(II) Board chairperson of the Land Use Board of Appeals.
- 22 “(JJ) State Marine Director.
- 23 “(KK) Executive director of the Oregon Racing Commission.
- 24 “(LL) State Parks and Recreation Director.
- 25 “(MM) Public defense services executive director.
- 26 “(NN) Chairperson of the Public Employees’ Benefit Board.
- 27 “(OO) Director of the Department of Public Safety Standards and Train-
- 28 ing.
- 29 “(PP) Executive director of the Higher Education Coordinating Commis-
- 30 sion.

1 “(QQ) Executive director of the Oregon Watershed Enhancement Board.  
2 “(RR) Director of the Oregon Youth Authority.  
3 “(SS) Director of the Oregon Health Authority.  
4 “(TT) Deputy Superintendent of Public Instruction.  
5 “(h) Any assistant in the Governor’s office other than personal secretaries  
6 and clerical personnel.  
7 “(i) Every elected city or county official.  
8 “(j) Every member of a city or county planning, zoning or development  
9 commission.  
10 “(k) The chief executive officer of a city or county who performs the du-  
11 ties of manager or principal administrator of the city or county.  
12 “(L) Members of local government boundary commissions formed under  
13 ORS 199.410 to 199.519.  
14 “(m) Every member of a governing body of a metropolitan service district  
15 and the executive officer thereof.  
16 “(n) Each member of the board of directors of the State Accident Insur-  
17 ance Fund Corporation.  
18 “(o) The chief administrative officer and the financial officer of each  
19 common and union high school district, education service district and com-  
20 munity college district.  
21 “(p) Every member of the following state boards and commissions:  
22 “(A) Board of Geologic and Mineral Industries.  
23 “(B) Oregon Business Development Commission.  
24 “(C) State Board of Education.  
25 “(D) Environmental Quality Commission.  
26 “(E) Fish and Wildlife Commission of the State of Oregon.  
27 “(F) State Board of Forestry.  
28 “(G) Oregon Government Ethics Commission.  
29 “(H) Oregon Health Policy Board.  
30 “[*I*] *State Board of Higher Education.*]

1 “[(J)] (I) Oregon Investment Council.  
2 “[(K)] (J) Land Conservation and Development Commission.  
3 “[(L)] (K) Oregon Liquor Control Commission.  
4 “[(M)] (L) Oregon Short Term Fund Board.  
5 “[(N)] (M) State Marine Board.  
6 “[(O)] (N) Mass transit district boards.  
7 “[(P)] (O) Energy Facility Siting Council.  
8 “[(Q)] (P) Board of Commissioners of the Port of Portland.  
9 “[(R)] (Q) Employment Relations Board.  
10 “[(S)] (R) Public Employees Retirement Board.  
11 “[(T)] (S) Oregon Racing Commission.  
12 “[(U)] (T) Oregon Transportation Commission.  
13 “[(V)] (U) Water Resources Commission.  
14 “[(W)] (V) Workers’ Compensation Board.  
15 “[(X)] (W) Oregon Facilities Authority.  
16 “[(Y)] (X) Oregon State Lottery Commission.  
17 “[(Z)] (Y) Pacific Northwest Electric Power and Conservation Planning  
18 Council.  
19 “[(AA)] (Z) Columbia River Gorge Commission.  
20 “[(BB)] (AA) Oregon Health and Science University Board of Directors.  
21 “[(CC)] (BB) Capitol Planning Commission.  
22 “[(DD)] (CC) Higher Education Coordinating Commission.  
23 “[(EE)] (DD) Oregon Growth Board.  
24 “[(FF)] (EE) Early Learning Council.  
25 “(q) The following officers of the State Treasurer:  
26 “(A) Deputy State Treasurer.  
27 “(B) Chief of staff for the office of the State Treasurer.  
28 “(C) Director of the Investment Division.  
29 “(r) Every member of the board of commissioners of a port governed by  
30 ORS 777.005 to 777.725 or 777.915 to 777.953.

1 “(s) Every member of the board of directors of an authority created under  
2 ORS 441.525 to 441.595.

3 “(t) Every member of a governing board of a public university [*with a*  
4 *governing board*] listed in ORS [~~352.054~~] **352.002**.

5 “(2) By April 15 next after the date an appointment takes effect, every  
6 appointed public official on a board or commission listed in subsection (1)  
7 of this section shall file with the Oregon Government Ethics Commission a  
8 statement of economic interest as required under ORS 244.060, 244.070 and  
9 244.090.

10 “(3) By April 15 next after the filing deadline for the primary election,  
11 each candidate described in subsection (1) of this section shall file with the  
12 commission a statement of economic interest as required under ORS 244.060,  
13 244.070 and 244.090.

14 “(4) Within 30 days after the filing deadline for the general election, each  
15 candidate described in subsection (1) of this section who was not a candidate  
16 in the preceding primary election, or who was nominated for public office  
17 described in subsection (1) of this section at the preceding primary election  
18 by write-in votes, shall file with the commission a statement of economic  
19 interest as required under ORS 244.060, 244.070 and 244.090.

20 “(5) Subsections (1) to (4) of this section apply only to persons who are  
21 incumbent, elected or appointed public officials as of April 15 and to persons  
22 who are candidates on April 15. Subsections (1) to (4) of this section also  
23 apply to persons who do not become candidates until 30 days after the filing  
24 deadline for the statewide general election.

25 “(6) If a statement required to be filed under this section has not been  
26 received by the commission within five days after the date the statement is  
27 due, the commission shall notify the public official or candidate and give the  
28 public official or candidate not less than 15 days to comply with the re-  
29 quirements of this section. If the public official or candidate fails to comply  
30 by the date set by the commission, the commission may impose a civil pen-

1 alty as provided in ORS 244.350.

2 **“SECTION 72.** ORS 270.100 is amended to read:

3 “270.100. (1)(a) Before offering for sale any real property or equitable in-  
4 terest therein owned by the state, the state agency acting for the state in  
5 such transaction shall report its intent of sale or transfer to the Oregon  
6 Department of Administrative Services. The department, or the agency spe-  
7 cifically designated by the department, shall notify other state agencies au-  
8 thorized to own real property of the intended sale or transfer to determine  
9 whether acquisition of the real property or interest therein would be advan-  
10 tageous to another state agency.

11 “(b) The department shall give political subdivisions, as defined in ORS  
12 271.005, the first opportunity after other state agencies to acquire, purchase,  
13 exchange or lease real property to be sold or disposed of by the State of  
14 Oregon. The state agency responsible for selling or transferring the property  
15 may require at the time of the sale or transfer that any state real property  
16 sold or transferred to a political subdivision, as defined in ORS 271.005, shall  
17 be for use for a public purpose or benefit, and not be for resale to a private  
18 purchaser.

19 “(c) If property is not disposed of under paragraph (a) or (b) of this sub-  
20 section, in accordance with rules adopted by the department, the state  
21 agency desiring to sell or transfer the property shall cause it to be appraised  
22 by one or more competent and experienced appraisers. Except as provided in  
23 ORS 273.825, if such property has an appraised value exceeding \$5,000 it shall  
24 not be sold to any private person except after notice calling for such pro-  
25 posals as set forth in ORS 270.130.

26 “(d) The department shall adopt rules to carry out the provisions of this  
27 section.

28 “(2) Before acquisition of any real property or interest therein by any  
29 state agency, except for highway right of way acquired by the Department  
30 of Transportation and park properties acquired by the State Parks and Re-

1 creation Department and property within the approved projected campus  
2 boundaries for public universities **listed in ORS 352.002** [*of the Oregon*  
3 *University System or public universities with governing boards listed in ORS*  
4 *352.054*], the state agency shall report its intent of acquisition to the Oregon  
5 Department of Administrative Services. The department shall notify other  
6 state agencies owning land of the intended acquisition to determine whether  
7 another state agency desires to sell or transfer property [*which*] **that** would  
8 meet the needs of the purchasing agency. In accordance with rules adopted  
9 by the Oregon Department of Administrative Services, if no other state  
10 agency desires to sell or transfer property [*which*] **that** would meet the needs  
11 of the agency, the agency may acquire the real property or interest therein,  
12 consistent with applicable provisions of law.

13 “(3) Before any terminal disposition of real property or an interest in real  
14 property, the state agency acting for the state in the transaction must secure  
15 approval of the transaction from the Oregon Department of Administrative  
16 Services.

17 “(4) Subsection (3) of this section does not apply to terminal disposition  
18 of the following real property:

19 “(a) Property controlled by the State Department of Fish and Wildlife;

20 “(b) State forestlands controlled by the State Forestry Department;

21 “(c) Property controlled by the Department of Transportation;

22 “(d) Property controlled by the Department of State Lands;

23 “(e) Property controlled by [*the Oregon University System or controlled*  
24 *by*] public universities [*with governing boards*] listed in ORS [*352.054*]  
25 **352.002**;

26 “(f) Property controlled by the legislative or judicial branches of state  
27 government; and

28 “(g) Property controlled by the State Parks and Recreation Department.

29 “(5) Notwithstanding the provisions of subsection (4) of this section, prior  
30 approval by the Oregon Department of Administrative Services is required

1 for the terminal disposition of public land for less than the fair market value  
2 of that land.

3 “(6) The provisions of ORS 184.634, 270.005 to 270.015, 270.100 to 270.190,  
4 273.416, 273.426 to 273.436, 273.551 and 308A.709 (1) to (4) do not apply to:

5 “(a) A home or farm acquired or sold by the Department of Veterans’  
6 Affairs under ORS 88.720, 406.050, 407.135, 407.145, 407.375 and 407.377.

7 “(b) Real property acquired or sold by the Housing and Community Ser-  
8 vices Department under the provisions of ORS 456.515 to 456.725 or ORS  
9 chapter 458.

10 **“SECTION 73.** ORS 273.155 is amended to read:

11 “273.155. The Department of State Lands, in carrying out its duties, may  
12 call upon all related state and county agencies, including [*the Oregon Uni-*  
13 *versity System,*] public universities [*with governing boards*] listed in ORS  
14 [*352.054*] **352.002** and any state or county officers or [*Oregon University Sys-*  
15 *tem or*] public university employees through whom necessary information and  
16 aid may be received. Such agencies, officers and employees shall cooperate  
17 with the department without additional compensation.

18 **“SECTION 74.** ORS 273.573 is amended to read:

19 “273.573. (1) To aid and advise the State Parks and Recreation Director  
20 in the performance of the functions related to the Natural Areas Program,  
21 the director may establish a natural areas advisory committee.

22 “(2) The advisory committee may assist the State Parks and Recreation  
23 Department:

24 “(a) In the development of policy for the Natural Areas Program through  
25 the review and approval of the Oregon Natural Areas Plan;

26 “(b) By reviewing nominations for registration and the voluntary dedi-  
27 cation of natural areas, and instruments of dedication for such areas;

28 “(c) In providing recommendations to the State Parks and Recreation  
29 Commission, State Land Board, State Board of Forestry, State Fish and  
30 Wildlife Commission, [*State Board of Higher Education*] **public universities**

1 **listed in ORS 352.002** and Oregon Transportation Commission regarding  
2 areas under their respective jurisdictions that are appropriate for dedication;  
3 and

4 “(d) In advising the State Parks and Recreation Commission in the  
5 adoption of rules that may be considered necessary in carrying out ORS  
6 273.563 to 273.591.

7 “(3) Members of the advisory committee are not entitled to compensation,  
8 but in the discretion of the director may be reimbursed from funds available  
9 to the department for actual and necessary travel and other expenses in-  
10 curred by them in the performance of their official duties in the manner and  
11 amount provided in ORS 292.495.

12 **“SECTION 75.** ORS 273.586 is amended to read:

13 “273.586. (1) A private individual or organization that is the owner of any  
14 registered natural area may voluntarily agree to dedicate that area as a state  
15 natural area by executing with the State Parks and Recreation Department  
16 an instrument of dedication. The instrument of dedication shall be effective  
17 upon its recording in the real property records of the office of the clerk of  
18 the county in which any or all of the state natural area is located.

19 “(2) Any public agency may dedicate lands under the provisions of ORS  
20 273.563 to 273.591 following the providing of opportunity for adequate public  
21 notice and hearing by the agency. The Oregon Transportation Commission,  
22 the State Fish and Wildlife Commission, the State Board of Forestry, the  
23 [*State Board of Higher Education*] **governing board of a public university**  
24 **listed in ORS 352.002**, the State Parks and Recreation Commission and the  
25 State Land Board shall, with the advice and assistance of the department,  
26 establish procedures for the dedication of state natural areas on land, the  
27 title of which is held by the State of Oregon, and which is under that  
28 agency’s management and control.

29 “(3) The instrument of dedication shall contain any information or pro-  
30 visions as the private owner, organization or agency and department consider



1 necessary to complete the dedication.

2 “(4) Dedication of a state natural area may be terminated as follows:

3 “(a) The dedication of a state natural area by a public agency may be  
4 terminated following the providing of opportunity for adequate public notice  
5 and hearing and a finding by that agency of an imperative and unavoidable  
6 necessity, or a finding by that agency, with the approval of the department,  
7 that the state natural area is no longer needed according to the guidelines  
8 of the Oregon Natural Areas Plan.

9 “(b) The dedication of a state natural area by a private individual or or-  
10 ganization may be terminated by the private individual or organization after  
11 the department is assured that there has been compliance with the proce-  
12 dures required by the terms of the dedication instrument.

13 “(c) The dedication of a state natural area may be terminated by the State  
14 Parks and Recreation Commission upon the advice of the department if the  
15 area is no longer needed according to the guidelines of the plan, or has  
16 permanently lost its natural character.

17 **“SECTION 76.** ORS 273.785 is amended to read:

18 “273.785. ORS 273.551 and 273.775 to 273.790 do not apply to:

19 “(1) Soil, clay, stone, sand and gravel acquired or used by state agencies  
20 for the purpose of constructing or repairing roads or other state facilities,  
21 or the proceeds from those materials.

22 “(2) Mineral or geothermal resource rights or proceeds from those rights  
23 acquired by the State Fish and Wildlife Commission pursuant to an agree-  
24 ment with the federal government under 16 U.S.C. 669 to 669i (P.L. 75-415).

25 “(3) Mineral or geothermal resource rights or proceeds from those rights  
26 if other disposition is required by federal rules or regulations or any agree-  
27 ment entered into at the time of acquisition of the mineral or geothermal  
28 resource rights by the state.

29 “(4) Proceeds of mineral and geothermal resource rights acquired by the  
30 state pursuant to ORS 530.010 and 530.030, other than those distributed under

1 ORS 530.110 (1)(c).

2 “(5) Mineral or geothermal resource rights or proceeds from those rights  
3 acquired after January 1, 1974, for the state by the Department of Veterans’  
4 Affairs pursuant to ORS 88.720, 406.050 (2), 407.135 or 407.145. After consul-  
5 tation, the Department of State Lands and the Department of Veterans’ Af-  
6 fairs shall enter into an interagency agreement governing consultation  
7 between them concerning mineral and geothermal resource values on prop-  
8 erties acquired for the state by the Department of Veterans’ Affairs. The  
9 Department of Veterans’ Affairs shall adopt rules relating to the release of  
10 mineral and geothermal rights on such properties.

11 “(6) Mineral or geothermal resource rights or proceeds from those rights  
12 given by a donor to any public university or office, department or activity  
13 under the control of the [*State Board of Higher Education*] **the governing**  
14 **board of a public university listed in ORS 352.002** that are acquired or  
15 held for the state by the [*State Board of Higher Education*] **public univer-**  
16 **sity** pursuant to ORS chapters 351 and 567. In managing mineral or  
17 geothermal resource leases, the [*State Board of Higher Education*] **governing**  
18 **board** shall consult with the Department of State Lands in accordance with  
19 an interagency agreement established by the department and the [*State*  
20 *Board of Higher Education*] **governing board** governing consultation be-  
21 tween the department and the [*State Board of Higher Education*] **public**  
22 **university** and governing management of the mineral or geothermal re-  
23 sources.

24 “(7) Mineral or geothermal resource rights or proceeds from those rights  
25 acquired and held by the Department of Transportation. In managing mineral  
26 or geothermal resource leases, the Department of Transportation shall enter  
27 into an intergovernmental agreement with the Department of State Lands  
28 governing consultation between the departments and governing management  
29 of the mineral or geothermal resources.

30 “(8) Mineral or geothermal resource rights or proceeds from those rights

1 acquired and held by the Housing and Community Services Department.

2 **“SECTION 77.** ORS 276.610 is amended to read:

3 “276.610. There is established a fund in the State Treasury to be known  
4 as the State Building Fund which shall be used for the construction, alter-  
5 ation and repair of buildings required for use of institutions and activities  
6 under the jurisdiction of the Department of Corrections, the Department of  
7 Human Services, the Oregon Health Authority, the governing boards of  
8 public universities [*with governing boards*] listed in ORS [352.054] **352.002** or  
9 the State Board of Education [*and the State Board of Higher Education*] and  
10 for the furnishing and equipping of buildings so constructed, altered or re-  
11 paired.

12 **“SECTION 78.** ORS 276.612 is amended to read:

13 “276.612. The Department of Corrections, the Department of Human Ser-  
14 vices, the Oregon Health Authority and the State Board of Education each  
15 shall determine the buildings to be constructed, altered, repaired, furnished  
16 and equipped for the use of institutions and activities under their respective  
17 jurisdictions. [*The State Board of Higher Education or*] The governing board  
18 of a public university [*with a governing board*] listed in ORS [352.054] **352.002**  
19 shall determine the buildings to be constructed, altered, repaired, furnished  
20 and equipped for the use of public universities or offices, departments or  
21 activities under its jurisdiction.

22 **“SECTION 79.** ORS 276.915 is amended to read:

23 “276.915. (1) An authorized state agency may construct or renovate a fa-  
24 cility only if the authorized state agency determines that the design incor-  
25 porates all reasonable cost-effective energy conservation measures and  
26 alternative energy systems. The determination by the authorized state agency  
27 shall include consideration of indoor air quality issues and operation and  
28 maintenance costs.

29 “(2) Whenever an authorized state agency determines that a major facility  
30 is to be constructed or renovated, the authorized state agency shall cause to

1 be included in the design phase of the construction or renovation a provision  
2 that requires an energy consumption analysis to be prepared for the facility  
3 under the direction of a professional engineer or registered architect or un-  
4 der the direction of a person that is prequalified in accordance with this  
5 section. The authorized state agency and the State Department of Energy  
6 shall agree to the list of energy conservation measures and alternative en-  
7 ergy systems that the energy consumption analysis will include. The energy  
8 consumption analysis and facility design shall be delivered to the State De-  
9 partment of Energy during the design development phase of the facility de-  
10 sign. The State Department of Energy shall review the energy consumption  
11 analysis and forward its findings to the authorized state agency within 10  
12 working days after receiving the energy consumption analysis, if practicable.

13 “(3) The State Department of Energy, in consultation with authorized  
14 state agencies, shall adopt rules to carry out the provisions of ORS 276.900  
15 to 276.915. These rules shall:

16 “(a) Include a simplified and usable method for determining which energy  
17 conservation measures and alternative energy systems are cost-effective. The  
18 method shall reflect the energy costs of the utility serving the facility.

19 “(b) Prescribe procedures for determining if a facility design incorporates  
20 all reasonable cost-effective energy conservation measures and alternative  
21 energy systems.

22 “(c) Establish fees through which an authorized state agency will reim-  
23 burse the State Department of Energy for the department’s review of energy  
24 consumption analyses and facility designs and the department’s reporting  
25 tasks. The fees imposed may not exceed 0.2 percent of the capital con-  
26 struction cost of the facility and must be included in the energy consumption  
27 analysis required in subsection (2) of this section. The State Department of  
28 Energy may provide for a waiver of fees and reviews if the authorized state  
29 agency demonstrates that the facility will be designed and constructed in a  
30 manner that incorporates only cost-effective energy conservation measures

1 or in a manner that exceeds the energy conservation provisions of the state  
2 building code by 20 percent or more.

3 “(d) Periodically define highly efficient facilities. A facility constructed  
4 or renovated after June 30, 2001, shall exceed the energy conservation pro-  
5 visions of the state building code by 20 percent or more, unless otherwise  
6 required by rules adopted under this section.

7 “(e) Establish guidelines for implementing subsection (4) of this section.

8 “(f) Establish guidelines for incorporating energy efficiency requirements  
9 into lease agreements of 10 or more years to be phased in as current lease  
10 agreements expire or as new lease agreements are entered into, allowing  
11 reasonable time for the owner to implement the requirements of this section.

12 “(g) Establish criteria by which the State Department of Energy deter-  
13 mines that a person is prequalified to perform work in accordance with this  
14 section.

15 “(4) Before June 30, 2015, an authorized state agency shall reduce the  
16 total amount of energy the authorized state agency uses in the authorized  
17 state agency’s owned facilities by at least 20 percent from a baseline amount  
18 the State Department of Energy determines by rule based on usage in cal-  
19 endar year 2000.

20 “(5) An authorized state agency shall report annually to the State De-  
21 partment of Energy concerning energy use in the authorized state agency’s  
22 facilities. The State Department of Energy shall specify by rule the form and  
23 content of and deadlines for the reports.

24 “(6) An authorized state agency that fails to achieve and maintain a 20  
25 percent reduction in energy use on and after June 30, 2015, shall submit  
26 biennial energy conservation plans to the State Department of Energy. The  
27 State Department of Energy shall specify by rule the form and content of and  
28 deadlines for the energy conservation plans.

29 “(7) The State Department of Energy by rule may require mandatory  
30 prequalification as a condition for a person to submit a bid or proposal to

1 perform the following work for an authorized state agency:

2 “(a) Direct an energy consumption analysis for an authorized state agency  
3 under subsection (2) of this section, unless the person is a professional en-  
4 gineer or a registered architect;

5 “(b) Enter into an energy savings performance contract; or

6 “(c) Perform energy audits, building commissioning, monitoring and ver-  
7 ification services and other services related to the operation and manage-  
8 ment of a facility’s energy systems, except for architectural, engineering,  
9 photogrammetric mapping, transportation planning or land surveying ser-  
10 vices as defined in ORS 279C.100.

11 “(8) The State Department of Energy may recover from authorized state  
12 agencies the costs associated with administering the provisions of this sec-  
13 tion, including costs associated with adopting rules, maintaining a state en-  
14 ergy use database and prequalifying a person under this section.

15 “(9) The State Department of Energy, the Oregon Department of Admin-  
16 istrative Services and [*the Oregon University System*] **public universities**  
17 **listed in ORS 352.002** shall jointly prepare a biennial report summarizing  
18 the progress toward achieving the goals of this section. The biennial report  
19 shall be made available to the public.

20 “**SECTION 80.** ORS 279A.065 is amended to read:

21 “279A.065. (1) The Attorney General shall prepare and maintain model  
22 rules that specify procedures for public contracting under the Public Con-  
23 tracting Code and that are appropriate for all contracting agencies to use.  
24 The Attorney General may devise and publish forms for use with the model  
25 rules. The Attorney General shall adopt the model rules in accordance with  
26 ORS chapter 183. Before adopting or amending a model rule, the Attorney  
27 General shall consult with the Director of the Oregon Department of Ad-  
28 ministrative Services, the Director of Transportation, representatives of  
29 county governments, representatives of city governments, representatives of  
30 school boards and other knowledgeable persons.

1 “(2) The Attorney General shall adopt model rules that specify procedures  
2 for all contracting agencies to use to enter into energy savings performance  
3 contracts. Before adopting or amending a rule under this subsection, the  
4 Attorney General shall consult with the Oregon Department of Administra-  
5 tive Services, the State Department of Energy, [*the Oregon University*  
6 *System,*] local contracting agencies and other knowledgeable persons. The  
7 Attorney General may develop standard contract forms for use with energy  
8 savings performance contracts.

9 “(3)(a) The Attorney General shall adopt model rules that specify proce-  
10 dures for all contracting agencies to use to procure construction  
11 manager/general contractor services. Before adopting or amending a rule  
12 under this subsection, the Attorney General shall consult with the Director  
13 of the Oregon Department of Administrative Services, the Director of  
14 Transportation, local contracting agencies, construction contractors, con-  
15 struction subcontractors and other knowledgeable persons.

16 “(b) Notwithstanding subsection (6) of this section, a contracting agency  
17 may not adopt the contracting agency’s own rules for procuring construction  
18 manager/general contractor services.

19 “(4) After each legislative session, the Attorney General shall review all  
20 laws the Legislative Assembly passed that affect public contracting to de-  
21 termine if the Attorney General should amend or repeal a model rule pre-  
22 pared under this section or adopt a new rule. If the Attorney General  
23 determines that a modification of the model rules is necessary, the Attorney  
24 General shall prepare the modification within such time as to allow the  
25 modification to take effect no later than 120 days after the effective date of  
26 the legislation that caused the Attorney General to modify the rule. The  
27 Attorney General may prepare a modification to take effect 121 or more days  
28 after the effective date of the legislation if the Attorney General, in a notice  
29 to the state agencies and persons listed in subsection (1) of this section,  
30 specifies when the modification will take effect.

1 “(5) A contracting agency that has not adopted the contracting agency’s  
2 own rules of procedure in accordance with subsection (6) of this section is  
3 subject to the model rules the Attorney General adopts under this section,  
4 including all modifications to the model rules that the Attorney General may  
5 adopt.

6 “(6)(a) A contracting agency may adopt the contracting agency’s own  
7 rules of procedure for public contracts that:

8 “(A) Specifically state that the model rules the Attorney General adopts  
9 under this section do not apply to the contracting agency; and

10 “(B) Prescribe the rules of procedure that the contracting agency will use  
11 for public contracts, which may include portions of the model rules the At-  
12 torney General adopts.

13 “(b) A contracting agency that adopts rules under this subsection shall  
14 review the rules each time the Attorney General modifies the model rules  
15 under this section to determine whether the contracting agency should  
16 modify the contracting agency’s rules to ensure compliance with statutory  
17 changes.

18 “**SECTION 81.** ORS 279C.800 is amended to read:

19 “279C.800. As used in ORS 279C.800 to 279C.870:

20 “(1) ‘Fringe benefits’ means the amount of:

21 “(a) The rate of contribution a contractor or subcontractor makes  
22 irrevocably to a trustee or to a third person under a plan, fund or program;  
23 and

24 “(b) The rate of costs to the contractor or subcontractor that may be  
25 reasonably anticipated in providing the following items, except for items that  
26 federal, state or local law requires the contractor or subcontractor to pro-  
27 vide:

28 “(A) Benefits to workers pursuant to an enforceable written commitment  
29 to the workers to carry out a financially responsible plan or program for:

30 “(i) Medical or hospital care;



1       “(ii) Pensions on retirement or death; or  
2       “(iii) Compensation for injuries or illness that result from occupational  
3 activity;  
4       “(B) Insurance to provide the benefits described in subparagraph (A) of  
5 this paragraph;  
6       “(C) Unemployment benefits;  
7       “(D) Life insurance;  
8       “(E) Disability and sickness insurance or accident insurance;  
9       “(F) Vacation and holiday pay;  
10       “(G) Costs of apprenticeship or other similar programs; or  
11       “(H) Other bona fide fringe benefits.  
12       “(2) ‘Housing’ has the meaning given that term in ORS 456.055.  
13       “(3) ‘Locality’ means the following district in which the public works, or  
14 the major portion thereof, is to be performed:  
15       “(a) District 1, composed of Clatsop, Columbia and Tillamook Counties;  
16       “(b) District 2, composed of Clackamas, Multnomah and Washington  
17 Counties;  
18       “(c) District 3, composed of Marion, Polk and Yamhill Counties;  
19       “(d) District 4, composed of Benton, Lincoln and Linn Counties;  
20       “(e) District 5, composed of Lane County;  
21       “(f) District 6, composed of Douglas County;  
22       “(g) District 7, composed of Coos and Curry Counties;  
23       “(h) District 8, composed of Jackson and Josephine Counties;  
24       “(i) District 9, composed of Hood River, Sherman and Wasco Counties;  
25       “(j) District 10, composed of Crook, Deschutes and Jefferson Counties;  
26       “(k) District 11, composed of Klamath and Lake Counties;  
27       “(L) District 12, composed of Gilliam, Grant, Morrow, Umatilla and  
28 Wheeler Counties;  
29       “(m) District 13, composed of Baker, Union and Wallowa Counties; and  
30       “(n) District 14, composed of Harney and Malheur Counties.

1       “(4) ‘Prevailing rate of wage’ means the rate of hourly wage, including  
2 all fringe benefits, that the Commissioner of the Bureau of Labor and In-  
3 dustries determines is paid in the locality to the majority of workers em-  
4 ployed on projects of a similar character in the same trade or occupation.

5       “(5) ‘Public agency’ means the State of Oregon or a political subdivision  
6 of the State of Oregon, or a county, city, district, authority, public corpo-  
7 ration or public entity organized and existing under law or charter or an  
8 instrumentality of the county, city, district, authority, public corporation or  
9 public entity.

10       “(6)(a) ‘Public works’ includes, but is not limited to:

11       “(A) Roads, highways, buildings, structures and improvements of all types,  
12 the construction, reconstruction, major renovation or painting of which is  
13 carried on or contracted for by any public agency to serve the public inter-  
14 est;

15       “(B) A project that uses funds of a private entity and \$750,000 or more  
16 of funds of a public agency for constructing, reconstructing, painting or  
17 performing a major renovation on a privately owned road, highway, building,  
18 structure or improvement of any type;

19       “(C) A project that uses funds of a private entity for constructing a pri-  
20 vately owned road, highway, building, structure or improvement of any type  
21 in which a public agency will use or occupy 25 percent or more of the square  
22 footage of the completed project;

23       “(D) Notwithstanding the provisions of ORS 279C.810 (2)(a), (b) and (c),  
24 a device, structure or mechanism, or a combination of devices, structures or  
25 mechanisms, that:

26       “(i) Uses solar radiation as a source for generating heat, cooling or elec-  
27 trical energy; and

28       “(ii) Is constructed or installed, with or without using funds of a public  
29 agency, on land, premises, structures or buildings that a public body, as de-  
30 fined in ORS 174.109, owns; or

1 “(E) Notwithstanding paragraph (b)(A) of this subsection and ORS  
2 279C.810 (2)(b) and (c), construction, reconstruction, painting or major reno-  
3 vation of a road, highway, building, structure or improvement of any type  
4 that occurs, with or without using funds of a public agency, on real property  
5 that [*the Oregon University System or an institution in the Oregon University*  
6 *System*] **a public university listed in ORS 352.002** owns.

7 “(b) ‘Public works’ does not include:

8 “(A) The reconstruction or renovation of privately owned property that  
9 a public agency leases; or

10 “(B) The renovation of publicly owned real property that is more than 75  
11 years old by a private nonprofit entity if:

12 “(i) The real property is leased to the private nonprofit entity for more  
13 than 25 years;

14 “(ii) Funds of a public agency used in the renovation do not exceed 15  
15 percent of the total cost of the renovation; and

16 “(iii) Contracts for the renovation were advertised or, if not advertised,  
17 were entered into before July 1, 2003, but the renovation has not been com-  
18 pleted on or before July 13, 2007.

19 “**SECTION 82.** ORS 282.076 is amended to read:

20 “282.076. (1) [*An athletic department of any university under the jurisdic-*  
21 *tion of the State Board of Higher Education or*] An athletic department of a  
22 public university [*with a governing board listed in ORS 352.054*] **listed in**  
23 **ORS 352.002** is not required to use state printing services controlled by the  
24 Director of the Oregon Department of Administrative Services or the  
25 designee of the director as required by ORS 282.020 (1).

26 “(2) A state agency that gives to the director prior written notice of its  
27 intent to use other printing services is not required to use state printing  
28 services controlled by the director or the director’s designee as required by  
29 ORS 282.020 (1), if the agency can demonstrate that these other printing  
30 services provide better value in the form of lower prices or better respon-

1 siveness than those services already provided by the Oregon Department of  
2 Administrative Services.

3 **“SECTION 83.** ORS 283.095 is amended to read:

4 “283.095. (1) As used in this section:

5 “(a) ‘Financing agreement’ has the meaning given that term in ORS  
6 283.085.

7 “(b) ‘State agency’ has the meaning given that term in ORS 283.089.

8 “(2) [*Except as provided in ORS 351.304:*]

9 “[*(a)*] If authorized by a provision of law other than ORS 283.085 to  
10 283.092, a state agency may enter into a financing agreement with a principal  
11 amount of \$100,000 or less.

12 “[*(b)*] (3) Notwithstanding any authority in a provision of law other than  
13 ORS 283.085 to 283.092, a state agency may not enter into a financing  
14 agreement in an amount that exceeds \$100,000.

15 **“SECTION 84.** ORS 283.143 is amended to read:

16 “283.143. (1) To encourage utilization of statewide integrated  
17 videoconferencing and statewide online access services, the Oregon Depart-  
18 ment of Administrative Services shall, in addition to any other charge or  
19 assessment for providing telecommunications services to state agencies, im-  
20 pose upon each agency and public corporation a surcharge, in an amount  
21 established by the department. All surcharge moneys collected shall be de-  
22 posited in the Oregon Department of Administrative Services Operating  
23 Fund, and may be expended only for state agency and public corporation  
24 telecommunication and videoconferencing activities, under such terms and  
25 conditions as the department may prescribe.

26 “(2) Notwithstanding subsection (1) of this section, the Oregon Depart-  
27 ment of Administrative Services shall not impose the surcharge established  
28 by this section on [*the Oregon University System*] **public universities listed**  
29 **in ORS 352.002** or the Oregon Health and Science University. The Oregon  
30 Department of Administrative Services shall enter into an agreement with

1 the [*Oregon University System*] **governing boards of public universities**  
2 and the Oregon Health and Science University on the amounts to be paid  
3 by [*the Oregon University System*] **public universities** and the Oregon  
4 Health and Science University to the Oregon Department of Administrative  
5 Services in lieu of the surcharge provided for in this section.

6 **“SECTION 85.** ORS 283.310 is amended to read:

7 “283.310. (1) The Oregon Department of Administrative Services shall  
8 control and regulate the acquisition, operation, use, maintenance and dis-  
9 posal of and access to motor vehicles used for:

10 “(a) State business by state agencies of this state; or

11 “(b) Official public business by a unit of local government or a state  
12 agency of another state, by an agency created by an interstate compact be-  
13 tween this state and another state or states, by a United States governmental  
14 agency, or by an American Indian tribe or an agency of an American Indian  
15 tribe, pursuant to an intergovernmental agreement between the agency or  
16 agencies and the department, entered into in accordance with ORS chapter  
17 190, for the provision of motor pool vehicles, supplies and services, or any  
18 of them.

19 “(2) The state agency on whose behalf a motor vehicle is used must state  
20 in writing in advance of such use that the particular activity for which the  
21 vehicle is to be used advances the lawful policies of the agency.

22 “[*(3) The State Board of Higher Education may not authorize or allow the*  
23 *use of any motor vehicle to transport students to an event or activity not di-*  
24 *rectly related to an officially sanctioned program, as established under ORS*  
25 *351.277, of a public university listed in ORS 352.002.]*

26 “[*(4) The State Board of Higher Education, in conjunction with the Oregon*  
27 *Department of Administrative Services, shall establish by rule vehicle opera-*  
28 *tion standards and training to promote safe vehicular travel practices in the*  
29 *conduct of all travel by employees, students and official volunteers at all public*  
30 *universities in the Oregon University System.]*

1       **“SECTION 86.** ORS 284.711 is amended to read:

2       “284.711. (1) The Oregon Innovation Council shall provide advice to the  
3 Governor, the Legislative Assembly, research institutions, public agencies  
4 that provide economic development and the private sector on issues related  
5 to:

6       “(a) Promoting agreements between research institutions and private in-  
7 dustry that increase technology transfer and the commercialization of re-  
8 search;

9       “(b) Promoting investment in specialized research facilities and signature  
10 research centers where Oregon has a distinct or emerging advantage for  
11 creating new products and businesses;

12       “(c) Stimulating seed and start-up capital investment and entrepreneurial  
13 capacity that will promote economic growth in Oregon traded sector indus-  
14 tries or Oregon growth businesses;

15       “(d) Developing the entrepreneurial and management capacity critical to  
16 the competitiveness of Oregon traded sector industries or Oregon growth  
17 businesses in rapidly growing global markets;

18       “(e) Enhancing the international competitiveness of Oregon traded sector  
19 industries or Oregon growth businesses; and

20       “(f) Identifying workforce issues for occupations critical to the  
21 competitiveness of Oregon traded sector industries or Oregon growth busi-  
22 nesses, including but not limited to scientific, engineering, information  
23 technology, business management and innovation-based economic develop-  
24 ment occupations.

25       “(2) The Oregon Innovation Council shall advise the Engineering and  
26 Technology Industry Council established in ORS 351.663 on how to coordi-  
27 nate the Engineering and Technology Industry Council’s goals and policies  
28 with the state plan developed under ORS 284.715.

29       “(3) The council, the Oregon Business Development Commission, the  
30 [*State Board of Higher Education*] **Higher Education Coordinating Com-**

1 **mission** and the office of the State Treasurer shall coordinate policies and  
2 programs related to the duties of the council.

3 “(4) Based on the state plan developed under ORS 284.715 and subject to  
4 the approval of the Oregon Business Development Department, the council  
5 may distribute moneys in the Oregon Innovation Fund by grant or loan or  
6 pursuant to contracts with research institutions, the private sector and  
7 public entities.

8 “(5) The council may assess and charge fees for making grants or loans  
9 under ORS 284.742.

10 **“SECTION 87.** ORS 284.735 is amended to read:

11 “284.735. (1) The Oregon Innovation Council may make grants and loans  
12 from the Oregon Commercialized Research Fund to Oregon growth busi-  
13 nesses.

14 “(2) To qualify for a grant or loan under this section, an Oregon growth  
15 business must enter into an agreement with one or more research insti-  
16 tutions to carry out proof of concept activities to:

17 “(a) Establish the commercial potential of research; and

18 “(b) Develop a business concept that can attract early stage private in-  
19 vestment, including angel capital and venture capital.

20 “(3) Proof of concept activities for which an Oregon growth business may  
21 receive a grant or loan under this section include:

22 “(a) The development of intellectual property;

23 “(b) The payment of salaries and related expenses for commercialized re-  
24 search;

25 “(c) The acquisition of equipment and supplies required for the proof of  
26 concept activities;

27 “(d) Furthering innovation-based economic development; and

28 “(e) Other activities as defined by rule of the council.

29 “(4) To receive a grant or loan, the Oregon growth business or a research  
30 institution that has entered into an agreement with the business must agree

1 to provide a cash match equivalent to:

2 “(a) 30 percent of the amount of the grant or loan for businesses with  
3 fewer than 20 employees.

4 “(b) 50 percent of the amount of the grant or loan for businesses with 20  
5 or more but fewer than 50 employees.

6 “(c) 75 percent of the amount of the grant or loan for businesses with 50  
7 or more but fewer than 100 employees.

8 “(5)(a) The council shall award grant or loan moneys to an Oregon growth  
9 business in a two-phase contract. Each phase of the contract shall have  
10 clearly defined performance measures included in the contract between the  
11 business and the council.

12 “(b) Under phase I of the contract, a business may be granted or loaned  
13 an initial investment not to exceed \$75,000. Phase I shall also include an  
14 agreement that upon successful completion of the performance measures for  
15 phase I, the business shall be eligible for funding under phase II. The amount  
16 of grant or loan moneys available to a business under both phases may not  
17 exceed \$200,000.

18 “(6) The council shall require any Oregon growth business that receives  
19 a grant or loan under this section and that moves more than 50 percent of  
20 the employees of the business out of the state within two years after re-  
21 ceiving grant or loan moneys to repay the total amount of the grant or loan  
22 moneys.

23 “(7) The council shall require an Oregon growth business that receives a  
24 loan under this section to repay the loan within five years after receiving  
25 the loan. The council shall deposit any loan moneys received under this  
26 subsection in the Oregon Commercialized Research Fund.

27 “(8) The council may award up to 15 percent of the amount of moneys  
28 available in the fund for grants or loans:

29 “(a) To the [*Oregon University System*] **Higher Education Coordinating**  
30 **Commission for distribution to public universities listed in ORS 352.002**



1 for education of faculty on issues related to developing effective technology  
2 transfer and commercialized research processes; and

3 “(b) For other activities as defined by rule of the council.

4 “(9) The council may adopt rules to administer this section. The council  
5 shall follow the advice of the Oregon Commercialized Research Fund Advi-  
6 sory Council when adopting rules to administer this section.

7 **“SECTION 88.** ORS 287A.001 is amended to read:

8 “287A.001. As used in this chapter:

9 “(1) ‘Advance refunding bond’ means a bond all or part of the proceeds  
10 of which are to be used to pay an outstanding bond one year or more after  
11 the advance refunding bond is issued.

12 “(2) ‘Agreement for exchange of interest rates’ means a contract, or an  
13 option or forward commitment to enter into a contract, for an exchange of  
14 interest rates for related bonds that provides for:

15 “(a) Payments based on levels or changes in interest rates; or

16 “(b) Provisions to hedge payment, rate, spread or similar exposure in-  
17 cluding, but not limited to, an interest rate floor or cap or an option, put  
18 or call.

19 “(3)(a) ‘Bond’ means a contractual undertaking or instrument of a public  
20 body to repay borrowed moneys.

21 “(b) ‘Bond’ does not mean a credit enhancement device.

22 “(4) ‘Capital construction’ has the meaning given that term in ORS  
23 310.140.

24 “(5) ‘Capital costs’ has the meaning given that term in ORS 310.140.

25 “(6) ‘Capital improvements’ has the meaning given that term in ORS  
26 310.140.

27 “(7)(a) ‘Credit enhancement device’ means a letter of credit, line of credit,  
28 standby bond purchase agreement, bond insurance policy, reserve surety bond  
29 or other device or facility used to enhance the creditworthiness, liquidity or  
30 marketability of bonds or agreements for exchange of interest rates.

1 “(b) ‘Credit enhancement device’ does not mean a bond.

2 “(8) ‘Current refunding bond’ means a bond the proceeds of which are to  
3 be used to pay or purchase an outstanding bond less than one year after the  
4 current refunding bond is issued.

5 “(9) ‘Forward current refunding’ means execution and delivery of a pur-  
6 chase agreement or similar instrument under which a public body contracts  
7 to sell current refunding bonds for delivery at a future date that is one year  
8 or more after execution of the purchase agreement or similar instrument.

9 “(10) ‘General obligation bond’ means exempt bonded indebtedness, as de-  
10 fined in ORS 310.140, that is secured by a commitment to levy ad valorem  
11 taxes outside the limits of sections 11 and 11b, Article XI, of the Oregon  
12 Constitution.

13 “(11) ‘Lawfully available funds’ means revenues or other moneys of a  
14 public body including, but not limited to, moneys credited to the general fund  
15 of the public body, revenues from an ad valorem tax and revenues derived  
16 from other taxes levied by the public body that are not dedicated, restricted  
17 or obligated by law or contract to an inconsistent expenditure or use.

18 “(12) ‘Operative document’ means a bond declaration, trust agreement,  
19 indenture, security agreement or other document in which a public body  
20 pledges revenue or property as security for a bond.

21 “(13) ‘Pledge’ means:

22 “(a) To create a lien on property pursuant to ORS 287A.310.

23 “(b) A lien created on property pursuant to ORS 287A.310.

24 “(14) ‘Public body’ means:

25 “(a) A county of this state;

26 “(b) A city of this state;

27 “(c) A local service district as defined in ORS 174.116 (2);

28 “(d) A special government body as defined in ORS 174.117;

29 “(e) Oregon Health and Science University;

30 “(f) A public university [*with a governing board*] listed in ORS [352.054]

1 **352.002**; or

2 “(g) Any other political subdivision of this state that is authorized by the  
3 Legislative Assembly to issue bonds.

4 “(15) ‘Refunding bond’ means an advance refunding bond, a current re-  
5 funding bond or a forward current refunding bond.

6 “(16) ‘Related bond’ means a bond for which the public body enters into  
7 an agreement for exchange of interest rates or obtains a credit enhancement  
8 device.

9 “(17) ‘Revenue’ means all fees, tolls, excise taxes, assessments, property  
10 taxes and other taxes, rates, charges, rentals and other income or receipts  
11 derived by a public body or to which a public body is entitled.

12 “(18) ‘Revenue bond’ means a bond that is not a general obligation bond.

13 “(19) ‘Termination payment’ means the amount payable under an agree-  
14 ment for exchange of interest rates by one party to another party as a result  
15 of the termination, in whole or part, of the agreement prior to the expiration  
16 of the stated term.

17 **“SECTION 89.** ORS 291.002 is amended to read:

18 “291.002. As used in ORS 291.001 to 291.034, 291.201 to 291.222, 291.232 to  
19 291.260, 291.261, 291.307 and 291.990, unless the context requires otherwise:

20 “(1) ‘Classification of expenditures’ means the major groups or categories  
21 of expenditures for the purpose of budget-making and accounting that are  
22 established as provided in ORS 291.206.

23 “(2) ‘Dedicated fund’ means a fund in the State Treasury, or a separate  
24 account or fund in the General Fund in the State Treasury, that by law is  
25 dedicated, appropriated or set aside for a limited object or purpose, but  
26 ‘dedicated fund’ does not include a revolving fund or a trust fund.

27 “(3) ‘Department’ means the Oregon Department of Administrative Ser-  
28 vices.

29 “(4) ‘Director’ means the Director of the Oregon Department of Adminis-  
30 trative Services.

1 “(5) ‘Legislatively adopted budget’ means the budget enacted by the Leg-  
2 islative Assembly during an odd-numbered year regular session.

3 “(6) ‘Legislatively approved budget’ means the legislatively adopted  
4 budget as modified by the Emergency Board meeting in an interim period or  
5 by the Legislative Assembly meeting in special session or in an even-  
6 numbered year regular session.

7 “(7) ‘Revolving fund’ means a fund in the State Treasury, established by  
8 law, from which is paid the cost of goods or services furnished to or by a  
9 state agency, and which is replenished through charges made for such goods  
10 or services or through transfers from other accounts or funds; and specif-  
11 ically includes funds derived from receipts by [*the State Board of Higher*  
12 *Education*] **public universities listed in ORS 352.002** of tuition, fees,  
13 dormitory earnings, student activity receipts and sales of products and ser-  
14 vices incident to education functions.

15 “(8) ‘State agency’ or ‘agency’ means every state officer, board, commis-  
16 sion, department, institution, branch or agency of the state government,  
17 whose costs are paid wholly or in part from funds held in the State Treasury,  
18 except:

19 “(a) The Legislative Assembly, the courts and their officers and commit-  
20 tees;

21 “(b) The Public Defense Services Commission; and

22 “(c) The Secretary of State and the State Treasurer in the performance  
23 of the duties of their constitutional offices.

24 “(9) ‘State officer’ means any elected or appointed state officer, including  
25 members of boards and commissions, except the members and officers of the  
26 Legislative Assembly, the courts, the Secretary of State and the State  
27 Treasurer in the performance of the duties of their constitutional offices and  
28 the members of the Public Defense Services Commission.

29 “(10) ‘Trust fund’ means a fund in the State Treasury in which designated  
30 persons or classes of persons have a vested beneficial interest or equitable

1 ownership, or which was created or established by a gift, grant, contribution,  
2 devise or bequest that limits the use of the fund to designated objects or  
3 purposes.

4 **“SECTION 90.** ORS 291.038, as amended by section 4, chapter 102, Oregon  
5 Laws 2014, is amended to read:

6 “291.038. (1) The State Chief Information Officer shall oversee policy for  
7 and coordinate planning, architecture and standardization of all information  
8 and telecommunications technology by state government and agencies of  
9 state government so that statewide and individual state agencies’ plans and  
10 activities are addressed in the most integrated, economic and efficient man-  
11 ner, in a manner that minimizes duplication, fragmentation, redundancy and  
12 cost in state agency operations and in a manner that most effectively meets  
13 state agency program needs.

14 “(2) To facilitate accomplishment of the purpose set forth in subsection  
15 (1) of this section, the State Chief Information Officer shall:

16 “(a) Adopt rules, policies and standards to plan for, develop architecture  
17 for and standardize the state’s information resources and technologies. In  
18 developing rules, policies and standards, the State Chief Information Officer  
19 shall consult with state agencies that have needs that information resources  
20 may satisfy. State agencies shall cooperate with the State Chief Information  
21 Officer in preparing and complying with rules, policies and standards.

22 “(b) Formulate rules, policies and standards to promote electronic com-  
23 munication and information sharing among state agencies and programs,  
24 between state and local governments and with the public where appropriate.

25 “(c) Seek to minimize duplicative or redundant advisory boards by re-  
26 commending streamlined governance structures for information technology  
27 projects that involve more than one state agency, board or commission.

28 “(3) The State Chief Information Officer shall formulate rules, policies,  
29 plans, standards and specifications to ensure that information resources and  
30 technologies fit together in a statewide system capable of providing ready

1 access to information, computing or telecommunication resources. Plans and  
2 specifications that the State Chief Information Officer adopts must be based  
3 on industry standards for open systems to the greatest extent possible. Before  
4 adopting rules described in subsection (2) of this section, the State Chief  
5 Information Officer shall present the proposed rules to the Joint Legislative  
6 Committee on Information Management and Technology. The State Chief  
7 Information Officer has the responsibility to review, oversee and ensure that  
8 state agencies' rules and planning, acquisition and implementation activities  
9 align with and support the statewide information resources management  
10 plan. The Oregon Department of Administrative Services is responsible for  
11 procuring information technology fairly, competitively and in a manner that  
12 is consistent with the State Chief Information Officer's rules.

13 “(4)(a) The policy of the State of Oregon is that state government tele-  
14 communications networks should be designed to provide state-of-the-art ser-  
15 vices where economically and technically feasible, using shared, rather than  
16 dedicated, lines and facilities.

17 “(b) The department shall, when procuring telecommunications network  
18 services, consider achieving the economic development and quality of life  
19 outcomes set forth in the Oregon benchmarks.

20 “(5)(a) The department, upon request, may furnish and deliver statewide  
21 integrated videoconferencing and statewide online access service to a public  
22 or private entity that primarily conducts activities for the direct good or  
23 benefit of the public or community at large in providing educational, eco-  
24 nomic development, health care, human services, public safety, library or  
25 other public services. The department shall adopt rules with respect to fur-  
26 nishing the service.

27 “(b) The department shall establish statewide integrated  
28 videoconferencing and statewide online access user fees, services, delivery,  
29 rates and long range plans. The rates must reflect the department's cost in  
30 providing the service.

1       “(c) The department by rule shall restrict the department’s furnishing or  
2 delivery of Internet access service to private entities if the service would  
3 directly compete with two or more local established providers of Internet  
4 access services within the local exchange telecommunications service area.

5       “(d) The rates and services established and provided under this section  
6 are not subject to the Public Utility Commission’s regulation or authority.

7       “(6) An organization or organizations recognized as tax exempt under  
8 section 501(c)(3) of the Internal Revenue Code that primarily conduct activ-  
9 ities for the direct good or benefit of the public or community at large in  
10 providing educational, economic development, health care, human services,  
11 public safety, library or other public services and have formed an affiliation  
12 with one or more federal, state or local governmental units within this state  
13 may apply to the department for designation as a community of interest. The  
14 application must be in the form that the department prescribes and contain  
15 information regarding the governmental affiliation relationship, the tax ex-  
16 empt status of each organization and the public benefit services the organ-  
17 ization provides or intends to provide. The department shall establish an  
18 application review and appeal process to ensure that designating the organ-  
19 izations as a community of interest for the purposes of including the organ-  
20 ization in telecommunications contracts under ORS 283.520 will result in  
21 providing educational, medical, library or other services for public benefit.

22       “(7) This section does not apply to [*the State Board of Higher Education*  
23 *or*] any public university listed in ORS 352.002.

24       “(8) As used in this section:

25       “(a) ‘Information resources’ means media, instruments and methods for  
26 planning, collecting, processing, transmitting and storing data and informa-  
27 tion, including telecommunications.

28       “(b) ‘Information technology’ includes, but is not limited to, present and  
29 future forms of hardware, software and services for data processing, office  
30 automation and telecommunications.

1 “(c) ‘Internet access service’ means electronic connectivity to the Internet  
2 and the services of the Internet.

3 “(d) ‘Open systems’ means systems that allow state agencies freedom of  
4 choice by providing a vendor-neutral operating environment where different  
5 computers, applications, system software and networks operate together eas-  
6 ily and reliably.

7 “(e) ‘State-of-the-art services’ includes equipment, facilities and the capa-  
8 bility to distribute digital communication signals that transmit voice, data,  
9 video and images over a distance.

10 “(f) ‘Statewide integrated videoconferencing’ means a statewide electronic  
11 system capable of transmitting video, voice and data communications.

12 “(g) ‘Statewide online access’ means electronic connectivity to informa-  
13 tion resources such as computer conferencing, electronic mail, databases and  
14 Internet access.

15 “(h) ‘Telecommunications’ means hardware, software and services for  
16 transmitting voice, data, video and images over a distance.

17 **“SECTION 91. ORS 291.229 is amended to read:**

18 “291.229. (1) As part of the development of the legislatively adopted  
19 budget in each odd-numbered year regular session of the Legislative Assem-  
20 bly, the Oregon Department of Administrative Services shall make a report  
21 to the Joint Committee on Ways and Means on the actions taken by state  
22 agencies during the previous biennium to attain a ratio of at least 11 non-  
23 supervisory employees to every supervisory employee, as defined in ORS  
24 243.650.

25 “(2) As used in this section:

26 “(a) ‘State agency’ means all state officers, boards, commissions, depart-  
27 ments, institutions, branches, agencies, divisions and other entities, without  
28 regard to the designation given to those entities, that are within the execu-  
29 tive branch of government as described in Article III, section 1, of the  
30 Oregon Constitution.



1 “(b) ‘State agency’ does not include:  
2 “(A) The legislative department as defined in ORS 174.114;  
3 “(B) The judicial department as defined in ORS 174.113;  
4 “(C) The Public Defense Services Commission;  
5 “(D) The Secretary of State and the State Treasurer in the performance  
6 of the duties of their constitutional offices;  
7 “(E) Semi-independent state agencies listed in ORS 182.454;  
8 “(F) The Oregon Tourism Commission;  
9 “(G) The Oregon Film and Video Office;  
10 “[*H*] *The Oregon University System*;  
11 “[*I*] **(H)** The Oregon Health and Science University;  
12 “[*J*] **(I)** The Travel Information Council;  
13 “[*K*] **(J)** Oregon Corrections Enterprises;  
14 “[*L*] **(K)** The Oregon State Lottery Commission;  
15 “[*M*] **(L)** The State Accident Insurance Fund Corporation;  
16 “[*N*] **(M)** The Oregon Health Insurance Exchange Corporation;  
17 “[*O*] **(N)** The Oregon Utility Notification Center;  
18 “[*P*] **(O)** Oregon Community Power;  
19 “[*Q*] **(P)** The Citizens’ Utility Board;  
20 “[*R*] **(Q)** A special government body as defined in ORS 174.117;  
21 “[*S*] **(R)** Any other public corporation created under a statute of this  
22 state and specifically designated as a public corporation; and  
23 “[*T*] **(S)** Any other semi-independent state agency denominated by stat-  
24 ute as a semi-independent state agency.

25 **“SECTION 92.** ORS 291.231 is amended to read:

26 “291.231. (1) Notwithstanding ORS 291.229, a state agency that employs  
27 more than 100 employees and has not, by April 11, 2012, attained a ratio of  
28 at least 11 to 1 of employees of the state agency who are not supervisory  
29 employees to supervisory employees:

30 “(a) May not fill the position of a supervisory employee until the agency

1 has increased the agency's ratio of employees to supervisory employees so  
2 that the ratio is at least one additional employee to supervisory employees;  
3 and

4 “(b) Shall, not later than October 31, 2012, lay off or reclassify the number  
5 of supervisory employees necessary to attain the increase in the ratio speci-  
6 fied in paragraph (a) of this subsection if the increase in that ratio is not  
7 attained under paragraph (a) of this subsection or through attrition.

8 “(2) Notwithstanding ORS 291.229, a state agency that employs more than  
9 100 employees and has complied with the requirements of subsection (1) of  
10 this section, but has not attained a ratio of at least 11 to 1 of employees of  
11 the state agency who are not supervisory employees to supervisory employ-  
12 ees:

13 “(a) May not fill the position of a supervisory employee until the agency  
14 has increased the agency's ratio of employees to supervisory employees by  
15 at least one additional employee; and

16 “(b) Not later than October 31 of each subsequent year, shall lay off or  
17 reclassify the number of supervisory employees necessary to increase the  
18 agency's ratio of employees to supervisory employees so that the ratio is at  
19 least one additional employee to supervisory employees.

20 “(3) Layoffs or reclassifications required under this section must be made  
21 in accordance with the terms of any applicable collective bargaining agree-  
22 ment. A supervisory employee who is reclassified into a classified position  
23 pursuant to this section shall be compensated in the salary range for the  
24 classified position unless otherwise provided by an applicable collective  
25 bargaining agreement.

26 “(4) Upon application from a state agency, the Director of the Oregon  
27 Department of Administrative Services may grant a state agency an excep-  
28 tion from the requirements of subsections (1) to (3) of this section. The di-  
29 rector may grant an exception under this section that:

30 “(a) Applies to a particular position if the director determines the excep-

1 tion is necessary to allow the state agency to maintain public or state agency  
2 employee safety;

3 “(b) Applies to a division, unit, office, branch or other smaller part of the  
4 state agency if the director determines the exception is necessary to allow  
5 the state agency to maintain public or state agency employee safety or be-  
6 cause of the geographic location of the division, unit, office, branch or other  
7 smaller part of the state agency; or

8 “(c) The director determines is warranted because the state agency has  
9 supervisory employees exercising authority over personnel who are not em-  
10 ployees of the state agency, the state agency has a significant number of  
11 part-time or seasonal employees or the state agency has another unique  
12 personnel need.

13 “(5) Not later than five business days before the director proposes to  
14 grant an exception under this section, the director shall notify each collec-  
15 tive bargaining agent of the public or state agency employees in the appro-  
16 priate bargaining unit for the state agency requesting an exception.

17 “(6) The department shall report all exceptions granted under this sub-  
18 section to the Joint Committee on Ways and Means, the Joint Interim  
19 Committee on Ways and Means or the Emergency Board.

20 “(7) As used in this section:

21 “(a)(A) ‘State agency’ means all state officers, boards, commissions, de-  
22 partments, institutions, branches, agencies, divisions and other entities,  
23 without regard to the designation given to those entities, that are within the  
24 executive branch of government as described in Article III, section 1, of the  
25 Oregon Constitution.

26 “(B) ‘State agency’ does not include:

27 “(i) The legislative department as defined in ORS 174.114;

28 “(ii) The judicial department as defined in ORS 174.113;

29 “(iii) The Public Defense Services Commission;

30 “(iv) The Secretary of State and the State Treasurer in the performance

1 of the duties of their constitutional offices;  
2 “(v) Semi-independent state agencies listed in ORS 182.454;  
3 “(vi) The Oregon Tourism Commission;  
4 “(vii) The Oregon Film and Video Office;  
5 “[*viii*] *The Oregon University System*;  
6 “[*ix*] **(viii)** The Oregon Health and Science University;  
7 “[*x*] **(ix)** The Travel Information Council;  
8 “[*xi*] **(x)** Oregon Corrections Enterprises;  
9 “[*xii*] **(xi)** The Oregon State Lottery Commission;  
10 “[*xiii*] **(xii)** The State Accident Insurance Fund Corporation;  
11 “[*xiv*] **(xiii)** The Oregon Health Insurance Exchange Corporation;  
12 “[*xv*] **(xiv)** The Oregon Utility Notification Center;  
13 “[*xvi*] **(xv)** Oregon Community Power;  
14 “[*xvii*] **(xvi)** The Citizens’ Utility Board;  
15 “[*xviii*] **(xvii)** A special government body as defined in ORS 174.117;  
16 “[*xix*] **(xviii)** Any other public corporation created under a statute of  
17 this state and specifically designated as a public corporation; and  
18 “[*xx*] **(xix)** Any other semi-independent state agency denominated by  
19 statute as a semi-independent state agency.

20 “(b) ‘Supervisory employee’ has the meaning given that term in ORS  
21 243.650.

22 **“SECTION 93.** ORS 291.375 is amended to read:

23 “291.375. (1) Prior to the submission of any application for financial as-  
24 sistance or grants from the United States or any agency of the United States  
25 by or on behalf of any agency of this state, the application must be submitted  
26 for legislative review in the following manner:

27 “(a) If the application is to be submitted to the federal government when  
28 the Legislative Assembly is in session, the application shall be submitted to  
29 the Joint Committee on Ways and Means for review.

30 “(b) If the application is to be submitted to the federal government when

1 the Legislative Assembly is not in session, the application shall be submitted  
2 to the Emergency Board or to the Joint Interim Committee on Ways and  
3 Means for review.

4 “(2) If the legislative agency authorized under subsection (1) of this sec-  
5 tion to review applications described therein approves the application, it may  
6 be submitted to the appropriate federal agency. If the legislative agency  
7 disapproves of the application, it may not be submitted to any federal agency  
8 unless it is or can be modified to meet the objections of the legislative  
9 agency.

10 “(3) Notwithstanding subsection (1) of this section, the Joint Committee  
11 on Ways and Means, the Emergency Board or the Joint Interim Committee  
12 on Ways and Means may exempt any state agency from the requirements of  
13 this section. Project grants for departmental research, organized activities  
14 related to instruction, sponsored research or other sponsored programs car-  
15 ried on within [*the Oregon University System or*] the public universities [*with*  
16 *governing boards listed in ORS 352.054*] **listed in ORS 352.002**, for which no  
17 biennial expenditure limitations have been established, are exempt from the  
18 requirements of this section.

19 “(4) The review required by this section is in addition to and not in lieu  
20 of the requirements of ORS 293.550.

21 **“SECTION 94.** ORS 292.043 is amended to read:

22 “292.043. (1) As used in this section:

23 “(a) ‘Foundation’ means:

24 “(A) A tax exempt organization designated by a rule adopted by a state  
25 agency; or

26 “(B) A tax exempt organization designated by [*the State Board of Higher*  
27 *Education or*] the governing board of a public university [*with a governing*  
28 *board*] listed in ORS [*352.054*] **352.002** to solicit contributions for the support  
29 of [*a*] **the** public university [*listed in ORS 352.002*].

30 “(b) ‘Salary and wages’ has the meaning given that term in ORS 292.014.

1 “(2) Any state official authorized to disburse funds in payment of salaries  
2 or wages of the officers and employees of a state agency, or of the officers,  
3 teachers, instructors and other employees of a public university listed in  
4 ORS 352.002, is authorized, upon written request of the individual, to deduct  
5 each month from the salary or wages of the individual the amount of money  
6 designated by the individual for payment to a foundation.

7 “(3) The individual may withdraw the authorization at any time if the  
8 individual so notifies such officer in writing.

9 “(4) The moneys so deducted shall be paid over promptly to the foundation  
10 designated by the individual. Subject to any rules **or standards** prescribed  
11 by a state agency[, *the State Board of Higher Education*] or the governing  
12 board of the public university, the state official authorized to disburse the  
13 funds in payment of salaries and wages may prescribe any procedures nec-  
14 essary to carry out this section.

15 **“SECTION 95.** ORS 292.044 is amended to read:

16 “292.044. (1) As used in this section:

17 “(a) ‘Employee’ means officers, faculty, teachers, instructors and other  
18 employees of a public university listed in ORS 352.002.

19 “(b) ‘Nonprofit organization’ means an organization described in section  
20 501(c)(3) of the Internal Revenue Code that is exempt from income tax under  
21 section 501(a) of the Internal Revenue Code.

22 “(2)[(a) *The Chancellor of the Oregon University System or a designee of*  
23 *the chancellor may approve a written request made by a public university or*  
24 *office, department or activity under the jurisdiction of the State Board of*  
25 *Higher Education, in which an employee of the public university or office, de-*  
26 *partment or activity may designate an amount from the salary or wages of the*  
27 *employee for payment to a qualifying nonprofit organization. A request made*  
28 *to the chancellor under this section must identify the nonprofit organization*  
29 *to whom payments would be made.]*

30 “[b] The governing board of a public university [*with a governing*

1 *board*] listed in ORS [352.054] **352.002** may approve a written request made  
2 by the university or office, department or activity under the **governing**  
3 board's jurisdiction, in which an employee of the university or office, de-  
4 partment or activity may designate an amount from the salary or wages of  
5 the employee for payment to a qualifying nonprofit organization. A request  
6 made under this section must identify the nonprofit organization to whom  
7 payments would be made.

8 “(3) Upon written approval and a written request of an employee of the  
9 public university or office, department or activity to which the approval ap-  
10 plies, the state official within the [*Oregon University System or*] public uni-  
11 versity [*with a governing board*] listed in ORS [352.054] **352.002** authorized  
12 to disburse funds in payment of salaries or wages shall deduct from the sal-  
13 ary or wages of the employee the amount of money designated by the em-  
14 ployee for payment to the nonprofit organization.

15 “(4) The moneys deducted from the salaries or wages under subsection (3)  
16 of this section shall be paid over promptly to the nonprofit organization.

17 “(5) The [*Oregon University System and the*] governing board of a public  
18 university [*with a governing board*] listed in ORS [352.054] **352.002** shall  
19 prescribe procedures for determining whether an organization qualifies as a  
20 nonprofit organization under this section.

21 **“SECTION 96.** ORS 319.415 is amended to read:

22 “319.415. (1) On or before July 15 of each year, the Oregon Department  
23 of Administrative Services, after consultation with the Department of  
24 Transportation and the State Marine Board, shall determine the amount of  
25 the motor vehicle fuel tax imposed under ORS 319.010 to 319.430 during the  
26 preceding fiscal year with respect to fuel purchased and used to operate or  
27 propel motor boats. The amount determined shall be reduced by the amount  
28 of any refunds for motor boats used for commercial purposes actually paid  
29 during the preceding year on account of ORS 319.280 (1)(a).

30 “(2)(a) The Oregon Department of Administrative Services shall estimate

1 the amount of fuel described in subsection (1) of this section that is used to  
2 operate or propel motor boats by conducting a statistically valid, unbiased,  
3 independent survey of boat owners. The survey shall be conducted once every  
4 four years and shall be designed to estimate the average daily fuel con-  
5 sumption by motor boats and the total days of motor boat use per year. The  
6 survey shall be used to determine the amount of the transfer required by  
7 subsection (3) of this section for the first transfer that occurs after the sur-  
8 vey is completed. If the tax rate changes during the fiscal year, the amount  
9 of tax to be transferred shall be prorated based on the percentage of total  
10 motor boat use taking place during each tax period.

11 “(b) In years when no survey is conducted, the amount to be transferred  
12 under subsection (3) of this section shall be calculated by multiplying the  
13 per boat fuel consumption factors from the preceding survey by the number  
14 of motor boats as shown by the annual actual count of boat registrations.  
15 The resulting amount, in gallons per year, shall be the basis for the deter-  
16 mination of the amount to be transferred.

17 “(c) The survey required by paragraph (a) of this subsection shall be de-  
18 veloped by a research department within [*the Oregon University System*]  
19 **Oregon State University**, in consultation with the State Marine Board and  
20 the Department of Transportation. The Oregon Department of Administrative  
21 Services shall contract for the development and conduct of the survey, and  
22 the costs shall be paid by the Department of Transportation. Costs paid by  
23 the Department of Transportation may be deducted from the amount trans-  
24 ferred to the State Marine Board under subsection (3) of this section.

25 “(3) The Oregon Department of Administrative Services shall certify the  
26 amount of the estimate made under subsection (1) of this section, as reduced  
27 by refunds, to the Department of Transportation, to the State Marine Board  
28 and to the State Treasurer. Thereupon, that amount shall be transferred from  
29 the Department of Transportation Driver and Motor Vehicle Suspense Ac-  
30 count to the Boating Safety, Law Enforcement and Facility Account created



1 under ORS 830.140, and is continuously appropriated to the State Marine  
2 Board for the purposes for which the moneys in the Boating Safety, Law  
3 Enforcement and Facility Account are appropriated.

4 **“SECTION 97.** ORS 321.185 is amended to read:

5 “321.185. (1) There hereby is established in the State Treasury in the  
6 General Fund an account to be known as the Forest Research and Exper-  
7 iment Account, which account hereby is appropriated continuously to the  
8 [*State Board of Higher Education*] **Higher Education Coordinating Com-**  
9 **mission for distribution to Oregon State University** for the purposes of  
10 ORS 526.215 and 526.225.

11 “(2) The Forest Research and Experiment Account shall consist of allo-  
12 cations from harvest taxes as provided in ORS 321.015 (1).

13 **“SECTION 98.** ORS 326.500, as amended by section 4, chapter 739, Oregon  
14 Laws 2013, is amended to read:

15 “326.500. (1) The STEM Investment Council is established. The council  
16 shall function under the joint direction and control of the State Board of  
17 Education and the [*State Board of*] Higher Education **Coordinating Com-**  
18 **mission.**

19 “(2)(a) The council is established for the purpose of assisting the Super-  
20 intendent of Public Instruction[, *the Commissioner for Community College*  
21 *Services and the Chancellor of the Oregon University System*] **and the exec-**  
22 **utive director of the Higher Education Coordinating Commission** in  
23 jointly developing and overseeing a long-term strategy that advances the  
24 following educational goals related to science, technology, engineering and  
25 mathematics:

26 “(A) Double the percentage of students in 4th and 8th grades who are  
27 proficient or advanced in mathematics and science, as determined using a  
28 nationally representative assessment of students’ knowledge in mathematics  
29 and science; and

30 “(B) Double the number of students who earn a post-secondary degree

1 requiring proficiency in science, technology, engineering or mathematics.

2 “(b) Achievement of the goals described in paragraph (a) of this sub-  
3 section shall be determined based on a comparison between the 2014-2015  
4 school year or academic year and the 2024-2025 school year or academic year.

5 “(3) To advance the educational goals described in subsection (2) of this  
6 section, the council shall make recommendations to:

7 “(a) The Superintendent of Public Instruction regarding the adminis-  
8 tration of the STEM Investment Grant Program established in ORS 327.380;  
9 and

10 “(b) The Superintendent of Public Instruction[, *the Commissioner for*  
11 *Community College Services and the Chancellor of the Oregon University*  
12 *System*] **and the executive director of the Higher Education Coordinat-**  
13 **ing Commission** regarding other investments in science, technology, engi-  
14 neering and mathematics that are made or overseen by the State Board of  
15 Education or the [*State Board of*] Higher Education **Coordinating Com-**  
16 **mission.**

17 “(4) The council consists of nine members from the private sector who are  
18 jointly appointed by the Superintendent of Public Instruction[, *the Commis-*  
19 *sioner for Community College Services and the Chancellor of the Oregon Uni-*  
20 *versity System*] **and the executive director of the Higher Education**  
21 **Coordinating Commission** and serve at the pleasure of the  
22 superintendent[, *commissioner and chancellor*] **and the executive director.**

23 “(5) To aid and advise the council in the performance of the council’s  
24 duties, the council:

25 “(a) Shall recruit educators and administrators from kindergarten through  
26 grade 12 and from post-secondary education to be nonvoting advisory mem-  
27 bers of the council;

28 “(b) May recruit nonvoting advisory members to the council who are in  
29 addition to the members identified in paragraph (a) of this subsection; and

30 “(c) May establish advisory and technical committees that the council

1 considers necessary.

2 “(6)(a) The Superintendent of Public Instruction[, *the Commissioner for*  
3 *Community College Services and the Chancellor of the Oregon University*  
4 *System*] **and the executive director of the Higher Education Coordinat-**  
5 **ing Commission** shall jointly appoint a council director. The council di-  
6 rector shall serve at the pleasure of the superintendent[, *commissioner and*  
7 *chancellor*] **and the executive director.**

8 “(b) Except as otherwise directed by the Superintendent of Public  
9 Instruction[, *the Commissioner for Community College Services and the*  
10 *Chancellor of the Oregon University System*] **and the executive director of**  
11 **the Higher Education Coordinating Commission**, the activities of the  
12 council shall be directed and supervised by the council director.

13 “(7) Members of the council are not entitled to compensation or re-  
14 imbursement for expenses and serve as volunteers of the council.

15 “(8) The council shall submit an annual report to the State Board of Ed-  
16 ucation, the [*State Board of*] Higher Education **Coordinating Commission**  
17 and the Legislative Assembly on the progress made toward achieving the  
18 goals described in subsection (2) of this section and the distribution of funds  
19 under the STEM Investment Grant Program.

20 “**SECTION 99.** ORS 326.500, as amended by sections 4 and 6, chapter 739,  
21 Oregon Laws 2013, is amended to read:

22 “326.500. (1) The STEM Investment Council is established. The council  
23 shall function under the joint direction and control of the State Board of  
24 Education and the [*State Board of*] Higher Education **Coordinating Com-**  
25 **mission.**

26 “(2)(a) The council is established for the purpose of assisting the Super-  
27 intendent of Public Instruction[, *the Commissioner for Community College*  
28 *Services and the Chancellor of the Oregon University System*] **and the exec-**  
29 **utive director of the Higher Education Coordinating Commission** in  
30 jointly developing and overseeing a long-term strategy that advances the

1 following educational goals related to science, technology, engineering and  
2 mathematics:

3 “(A) Having a specified percentage of students in 4th and 8th grades who  
4 are proficient or advanced in mathematics and science, as determined using  
5 a nationally representative assessment of students’ knowledge in mathemat-  
6 ics and science; and

7 “(B) Having a specified number of students who earn a post-secondary  
8 degree requiring proficiency in science, technology, engineering or math-  
9 ematics.

10 “(b) Achievement of the goals described in paragraph (a) of this sub-  
11 section shall be determined based on percentages and numbers determined  
12 by the council.

13 “(3) To advance the educational goals described in subsection (2) of this  
14 section, the council shall make recommendations to:

15 “(a) The Superintendent of Public Instruction regarding the adminis-  
16 tration of the STEM Investment Grant Program established in ORS 327.380;  
17 and

18 “(b) The Superintendent of Public Instruction[, *the Commissioner for*  
19 *Community College Services and the Chancellor of the Oregon University*  
20 *System*] **and the executive director of the Higher Education Coordinat-**  
21 **ing Commission** regarding other investments in science, technology, engi-  
22 neering and mathematics that are made or overseen by the State Board of  
23 Education or the [*State Board of*] Higher Education **Coordinating Com-**  
24 **mission.**

25 “(4) The council consists of nine members from the private sector who are  
26 jointly appointed by the Superintendent of Public Instruction[, *the Commis-*  
27 *sioner for Community College Services and the Chancellor of the Oregon Uni-*  
28 *versity System*] **and the executive director of the Higher Education**  
29 **Coordinating Commission** and serve at the pleasure of the  
30 superintendent[, *commissioner and chancellor*] **and the executive director.**

1       “(5) To aid and advise the council in the performance of the council’s  
2 duties, the council:

3       “(a) Shall recruit educators and administrators from kindergarten through  
4 grade 12 and from post-secondary education to be nonvoting advisory mem-  
5 bers of the council;

6       “(b) May recruit nonvoting advisory members to the council who are in  
7 addition to the members identified in paragraph (a) of this subsection; and

8       “(c) May establish advisory and technical committees that the council  
9 considers necessary.

10       “(6)(a) The Superintendent of Public Instruction[, *the Commissioner for*  
11 *Community College Services and the Chancellor of the Oregon University*  
12 *System*] **and the executive director of the Higher Education Coordinat-**  
13 **ing Commission** shall jointly appoint a council director. The council di-  
14 rector shall serve at the pleasure of the superintendent[, *commissioner and*  
15 *chancellor*] **and the executive director.**

16       “(b) Except as otherwise directed by the Superintendent of Public  
17 Instruction[, *the Commissioner for Community College Services and the*  
18 *Chancellor of the Oregon University System*] **and the executive director of**  
19 **the Higher Education Coordinating Commission**, the activities of the  
20 council shall be directed and supervised by the council director.

21       “(7) Members of the council are not entitled to compensation or re-  
22 imbursement for expenses and serve as volunteers of the council.

23       “(8) The council shall submit an annual report to the State Board of Ed-  
24 ucation, the [*State Board of*] Higher Education **Coordinating Commission**  
25 and the Legislative Assembly on the progress made toward achieving the  
26 goals described in subsection (2) of this section and the distribution of funds  
27 under the STEM Investment Grant Program.

28       “**SECTION 100.** ORS 327.380 is amended to read:

29       “327.380. (1) The STEM Investment Grant Program is established to pro-  
30 vide funding to school districts, community colleges and public universities

1 listed in ORS 352.002 to advance the goals described in ORS 326.500 (2).

2 “(2) The STEM Investment Council shall evaluate grant applications and  
3 make recommendations on the applications to the Chief Education Officer.  
4 Under the direction of the Chief Education Officer, the Department of Edu-  
5 cation shall distribute moneys for the grant program and otherwise admin-  
6 ister the grant program.

7 “(3)(a) An application for a grant awarded under this section may be  
8 submitted by:

9 “(A) A school district;

10 “(B) A community college district;

11 “(C) A public university;

12 “(D) The Department of Education;

13 “(E) The Department of Community Colleges and Workforce Development;

14 “[~~(F)~~ *The Oregon University System*];

15 “[~~(G)~~] (F) Any other state agency; or

16 “[~~(H)~~] (G) Any combination of entities identified in this paragraph that  
17 are organized as a partnership or a regional effort to improve student  
18 achievement in science, technology, engineering or mathematics.

19 “(b) A grant awarded under this section may be used for:

20 “(A) Classroom or extracurricular activities that further the development  
21 of skills related to science, technology, engineering or mathematics; or

22 “(B) A project that is related to science, technology, engineering or  
23 mathematics and that involves collaboration with a private entity.

24 “(4) When evaluating applications for a grant, the council:

25 “(a) Shall give priority to applications for activities or projects that  
26 produce the largest impact at the lowest cost or for the greatest number of  
27 students throughout this state, including grants for activities or projects  
28 that:

29 “(A) Are determined by the council to be likely to become self-supporting  
30 within three years;

1 “(B) Expand evidence-based, effective practices in science, technology,  
2 engineering or mathematics;

3 “(C) Can be replicated by other entities in this state;

4 “(D) Show evidence of attracting matching funds;

5 “(E) If the applicant is an entity identified in subsection (3)(a)(A) to (C)  
6 of this section, have demonstrable support from the governing body of the  
7 entity;

8 “(F) Help improve access by underrepresented groups to activities that  
9 involve science, technology, engineering or mathematics; or

10 “(G) Are elements of a partnership or a regional effort to improve student  
11 achievement in science, technology, engineering or mathematics;

12 “(b) May give priority to applications for activities or projects that ben-  
13 efit students in more than one student group among students in kindergarten  
14 through grade 12, students in community colleges and students in universi-  
15 ties;

16 “(c) Shall attempt to achieve a balance, as determined by the council,  
17 among grants that are awarded for the sole benefit of students in  
18 kindergarten through grade 12, students in community colleges and students  
19 in universities; and

20 “(d) Shall take into consideration geographic and demographic diversity.

21 **“SECTION 101.** ORS 327.380, as amended by section 8, chapter 739,  
22 Oregon Laws 2013, is amended to read:

23 “327.380. (1) The STEM Investment Grant Program is established to pro-  
24 vide funding to school districts, community colleges and public universities  
25 listed in ORS 352.002 to advance the goals described in ORS 326.500 (2).

26 “(2) The STEM Investment Council shall evaluate grant applications and  
27 make recommendations on the applications to the Superintendent of Public  
28 Instruction. Under the direction of the Superintendent of Public Instruction,  
29 the Department of Education shall distribute moneys for the grant program  
30 and otherwise administer the grant program.

1 “(3)(a) An application for a grant awarded under this section may be  
2 submitted by:

3 “(A) A school district;

4 “(B) A community college district;

5 “(C) A public university;

6 “(D) The Department of Education;

7 “(E) The Department of Community Colleges and Workforce Development;

8 “[*(F) The Oregon University System;*]

9 “[*(G)*] (F) Any other state agency; or

10 “[*(H)*] (G) Any combination of entities identified in this paragraph that  
11 are organized as a partnership or a regional effort to improve student  
12 achievement in science, technology, engineering or mathematics.

13 “(b) A grant awarded under this section may be used for:

14 “(A) Classroom or extracurricular activities that further the development  
15 of skills related to science, technology, engineering or mathematics; or

16 “(B) A project that is related to science, technology, engineering or  
17 mathematics and that involves collaboration with a private entity.

18 “(4) When evaluating applications for a grant, the council:

19 “(a) Shall give priority to applications for activities or projects that  
20 produce the largest impact at the lowest cost or for the greatest number of  
21 students throughout this state, including grants for activities or projects  
22 that:

23 “(A) Are determined by the council to be likely to become self-supporting  
24 within three years;

25 “(B) Expand evidence-based, effective practices in science, technology,  
26 engineering or mathematics;

27 “(C) Can be replicated by other entities in this state;

28 “(D) Show evidence of attracting matching funds;

29 “(E) If the applicant is an entity identified in subsection (3)(a)(A) to (C)  
30 of this section, have demonstrable support from the governing body of the



1 entity;

2 “(F) Help improve access by underrepresented groups to activities that  
3 involve science, technology, engineering or mathematics; or

4 “(G) Are elements of a partnership or a regional effort to improve student  
5 achievement in science, technology, engineering or mathematics;

6 “(b) May give priority to applications for activities or projects that ben-  
7 efit students in more than one student group among students in kindergarten  
8 through grade 12, students in community colleges and students in universi-  
9 ties;

10 “(c) Shall attempt to achieve a balance, as determined by the council,  
11 among grants that are awarded for the sole benefit of students in  
12 kindergarten through grade 12, students in community colleges and students  
13 in universities; and

14 “(d) Shall take into consideration geographic and demographic diversity.

15 **“SECTION 102.** ORS 329.489 is amended to read:

16 “329.489. (1) Within the State of Oregon’s kindergarten through grade 12  
17 education system, proficiency for students in American Sign Language shall  
18 be in accordance with rules adopted by the State Board of Education pursu-  
19 ant to ORS chapter 329 and any other applicable state or federal law.

20 “(2) The State Board of Education is encouraged to continue to:

21 “(a) Coordinate with [*the State Board of Higher Education*] **public uni-**  
22 **versities listed in ORS 352.002** and the Oregon School for the Deaf to de-  
23 velop curricula for American Sign Language courses;

24 “(b) Implement programs to locate and prepare qualified teachers and in-  
25 terpreters of American Sign Language; and

26 “(c) Assist public high schools in identifying local and regional needs and  
27 resources available for American Sign Language courses.

28 **“SECTION 103.** ORS 329.810 is amended to read:

29 “329.810. (1) After consulting with representatives of teachers, adminis-  
30 trators, school boards, schools of education, [*the Oregon University System,*]

1 the public universities [*with governing boards*] listed in ORS [352.054] **352.002**  
2 and such others as it considers appropriate, the Department of Education  
3 shall approve training for mentors and beginning teachers and administra-  
4 tors in programs qualifying for grants-in-aid under ORS 329.788 to 329.820.

5 “(2) The training curriculum for mentors shall be based on research and  
6 knowledge of the needs of beginning teachers and administrators.

7 “(3) Mentors shall be trained to build relationships of trust and mutual  
8 collaboration with beginning teachers and administrators.

9 “(4) Mentors shall receive professional development before the school year  
10 begins and throughout the school year.

11 **“SECTION 104.** ORS 339.331 is amended to read:

12 “339.331. (1) There is created the Center for School Safety within the  
13 [*Oregon University System*] **University of Oregon**. The mission of the center  
14 shall be to:

15 “(a) Serve as the central point for data analysis;

16 “(b) Conduct research;

17 “(c) Disseminate information about successful school safety programs, re-  
18 search results and new programs; and

19 “(d) Provide technical assistance for improving the safety of schools in  
20 collaboration with the Department of Education and others.

21 “(2) To fulfill its mission, the Center for School Safety shall:

22 “(a) Establish a clearinghouse for information and materials concerning  
23 school violence prevention and intervention services. As used in this para-  
24 graph, ‘intervention services’ means any preventive, developmental, correc-  
25 tive or supportive service or treatment provided to a student who is at risk  
26 of school failure, is at risk of participation in violent behavior or juvenile  
27 crime or has been expelled from the school district. ‘Intervention services’  
28 may include, but is not limited to:

29 “(A) Screening to identify students at risk for emotional disabilities or  
30 antisocial behavior;

1 “(B) Direct instruction in academic, social, problem-solving and conflict  
2 resolution skills;

3 “(C) Alternative education programs;

4 “(D) Psychological services;

5 “(E) Identification and assessment of abilities;

6 “(F) Counseling services;

7 “(G) Medical services;

8 “(H) Day treatment;

9 “(I) Family services; and

10 “(J) Work and community service programs.

11 “(b) Provide program development and implementation expertise and  
12 technical support to schools, law enforcement agencies and communities. The  
13 expertise and support may include coordinating training for administrators,  
14 teachers, students, parents and other community representatives.

15 “(c) Analyze the data collected in compliance with section 5, chapter 618,  
16 Oregon Laws 2001.

17 “(d) Research and evaluate school safety programs so schools and com-  
18 munities are better able to address their specific needs.

19 “(e) Promote interagency efforts to address discipline and safety issues  
20 within communities throughout the state.

21 “(f) Prepare and disseminate information regarding the best practices in  
22 creating safe and effective schools.

23 “(g) Advise the State Board of Education on rules and policies.

24 “(h) Provide an annual report on the status of school safety in Oregon  
25 by July 1 of each year to:

26 “(A) The Governor;

27 “(B) The Attorney General;

28 “(C) The State Board of Education; and

29 “(D) All relevant legislative committees.

30 “(3) The University of Oregon Institute on Violence and Destructive Be-

1 havior shall provide staff support to the Center for School Safety board of  
2 directors and shall manage the center.

3 “(4) The Center for School Safety board of directors may seek and accept  
4 public and private funds for the center.

5 **SECTION 105.** ORS 339.336 is amended to read:

6 339.336. (1) The [*Oregon University System*] **University of Oregon** may  
7 seek and accept contributions of funds and assistance from the United States,  
8 its agencies or from any other source, public or private, and agree to condi-  
9 tions thereon not inconsistent with ORS 339.331, 339.333 and 339.339. All  
10 such funds are to aid in financing the functions of the Center for School  
11 Safety and shall be deposited in the Center for School Safety Account and  
12 shall be disbursed for the purpose for which contributed.

13 (2) The Center for School Safety Account is established in the General  
14 Fund of the State Treasury. Except for moneys otherwise designated by  
15 statute, all federal funds or other moneys received by the [*Oregon University*  
16 *System*] **University of Oregon** for the center shall be paid into the State  
17 Treasury and credited to the account. All moneys in the account are appro-  
18 priated continuously to the **Higher Education Coordinating Commission**  
19 **for distribution to the University of Oregon** [*Oregon University System*]  
20 and shall be used by the [*system*] **university** for the purposes of carrying out  
21 ORS 339.331, 339.333 and 339.339.

22 **SECTION 106.** ORS 342.147 is amended to read:

23 “342.147. (1) After considering recommendations of the State Board of  
24 Education, the Teacher Standards and Practices Commission shall establish  
25 by rule standards for approval of teacher education institutions and teacher  
26 education programs. Public teacher education institutions shall be approved  
27 for programs of more than four years’ duration only if teacher education  
28 programs which are reasonably attainable in a four-year period are also  
29 available in the system of higher education and are designed to culminate  
30 in a baccalaureate degree that qualifies its graduates for entry-level teaching

1 licenses.

2 “(2) The commission shall establish rules that allow teacher education  
3 programs leading to graduate degrees to commence prior to the student’s  
4 completion of baccalaureate degree requirements and that allow the com-  
5 bined use of undergraduate and graduate level course work in achieving  
6 program completion.

7 “(3) Whenever any teacher education institution or program is denied  
8 approved status or has such status withdrawn, such denial or withdrawal  
9 must be treated as a contested case within the meaning of ORS chapter 183.

10 “(4) Nothing in this section is intended to grant any authority to the  
11 commission relating to granting degrees or establishing degree requirements  
12 that are within the authority of [*the State Board of Higher Education or any*  
13 *of the*] public universities listed in ORS 352.002, or that are within the au-  
14 thority of the governing board of any private institution of higher education.

15 **“SECTION 107.** ORS 342.443 is amended to read:

16 “342.443. (1) The Oregon Education Investment Board shall report  
17 biennially to the Legislative Assembly longitudinal data on the number and  
18 percentage of:

19 “(a) Minority students enrolled in community colleges;

20 “(b) Minority students applying for admission to public universities listed  
21 in ORS 352.002;

22 “(c) Minority students accepted in public universities;

23 “(d) Minority students graduated from public universities;

24 “(e) Minority candidates seeking to enter public teacher education pro-  
25 grams in this state;

26 “(f) Minority candidates admitted to public teacher education programs;

27 “(g) Minority candidates who have completed approved public teacher  
28 education programs;

29 “(h) Minority candidates receiving Oregon teaching licenses based on  
30 preparation in this state and preparation in other states;

1 “(i) Minority teachers who are newly employed in the public schools in  
2 this state; and

3 “(j) Minority teachers already employed in the public schools.

4 “(2) The board also shall report comparisons of minorities’ and  
5 nonminorities’ scores on basic skills, pedagogy and subject matter tests.

6 “(3) The [*Oregon University System*] **Higher Education Coordinating**  
7 **Commission**, the public universities [*with governing boards*] listed in ORS  
8 [352.054] **352.002**, the Department of Education, the Teacher Standards and  
9 Practices Commission, community colleges and school districts shall cooper-  
10 ate with the board in collecting data and preparing the report.

11 **“SECTION 108.** ORS 342.443, as amended by section 5, chapter 778,  
12 Oregon Laws 2013, is amended to read:

13 “342.443. (1) The Education and Workforce Policy Advisor shall report  
14 biennially to the Legislative Assembly longitudinal data on the number and  
15 percentage of:

16 “(a) Minority students enrolled in community colleges;

17 “(b) Minority students applying for admission to public universities listed  
18 in ORS 352.002;

19 “(c) Minority students accepted in public universities;

20 “(d) Minority students graduated from public universities;

21 “(e) Minority candidates seeking to enter public teacher education pro-  
22 grams in this state;

23 “(f) Minority candidates admitted to public teacher education programs;

24 “(g) Minority candidates who have completed approved public teacher  
25 education programs;

26 “(h) Minority candidates receiving Oregon teaching licenses based on  
27 preparation in this state and preparation in other states;

28 “(i) Minority teachers who are newly employed in the public schools in  
29 this state; and

30 “(j) Minority teachers already employed in the public schools.

1 “(2) The advisor also shall report comparisons of minorities’ and  
2 nonminorities’ scores on basic skills, pedagogy and subject matter tests.

3 “(3) The [*Oregon University System*] **Higher Education Coordinating**  
4 **Commission**, the public universities [*with governing boards*] listed in ORS  
5 [352.054] **352.002**, the Department of Education, the Teacher Standards and  
6 Practices Commission, community colleges and school districts shall cooper-  
7 ate with the advisor in collecting data and preparing the report.

8 **“SECTION 109.** ORS 342.447 is amended to read:

9 “342.447. (1) The [*State Board of Higher Education*] **Higher Education**  
10 **Coordinating Commission** shall require each public teacher education  
11 program in this state to prepare a plan with specific goals, strategies and  
12 deadlines for the recruitment, admission, retention and graduation of mi-  
13 nority teachers.

14 “(2) The [*state board*] **commission** shall review the plans for the ade-  
15 quacy and feasibility of the plans and, after making necessary revisions,  
16 shall adopt the plans.

17 “(3) The [*state board*] **commission** shall adopt rules governing:

18 “(a) The contents of the plans;

19 “(b) The [*state board’s*] **commission’s** initial and biennial review process,  
20 including timetables for revising plans; and

21 “(c) Other matters necessary for carrying out the provisions of ORS  
22 342.433 to 342.449 and 351.077.

23 **“SECTION 110.** ORS 343.465 is amended to read:

24 “343.465. (1) It is the policy of this state to respect the unique nature of  
25 each child, family and community with particular attention to cultural and  
26 linguistic diversity, and to support a system of services for preschool chil-  
27 dren with disabilities and their families that:

28 “(a) Recognizes the importance of the child’s family, supports and builds  
29 on each family’s strengths and respects family decision-making and input  
30 regarding service options and public policy.

1 “(b) Identifies, evaluates and refers services for preschool children with  
2 disabilities at the earliest possible time.

3 “(c) Uses specialized services and all other community services and pro-  
4 grams for children, including community preschools, Head Start programs,  
5 community health clinics, family support programs and other child-oriented  
6 agencies.

7 “(d) Uses a variety of funding sources for preschool children with disa-  
8 bilities and their families, including public and private funding, insurance  
9 and family resources.

10 “(e) Assists families in utilizing necessary services in the most cost-  
11 effective and efficient manner possible by using a coordinated planning and  
12 implementation process.

13 “(f) Insures that all children and their families, regardless of disability,  
14 risk factors or cultural or linguistic differences, are able to utilize services  
15 for which they would otherwise be qualified.

16 “(g) Encourages services and supports for preschool children with disa-  
17 bilities and their families in their home communities and in settings with  
18 children without disabilities.

19 “(h) Recognizes the importance of developing and supporting well-trained  
20 and competent personnel to provide services to preschool children with dis-  
21 abilities, and their families.

22 “(i) Evaluates the system’s impact on the child and family, including child  
23 progress, service quality, family satisfaction, transition into public schooling,  
24 longitudinal and cumulative reporting over several biennia and interagency  
25 coordination at both the state and local level.

26 “(j) Reports information described in paragraph (i) of this subsection to  
27 the State Interagency Coordinating Council, the Governor, the State Board  
28 of Education, the public universities [*with governing boards*] listed in ORS  
29 [352.054] **352.002** and the Legislative Assembly each biennium.

30 “(2) In carrying out the provisions of subsection (1) of this section, the



1 Department of Education, the Department of Human Services[,] **and** the  
2 public universities [*with governing boards*] listed in ORS [352.054] **352.002**  
3 [*and the Oregon University System*] shall coordinate services to preschool  
4 children with disabilities, or who are at risk of developing disabling condi-  
5 tions, and their families. All program planning, standards for service, poli-  
6 cies regarding services delivery and budget development for services for  
7 preschool children with disabilities, and their families shall reflect the policy  
8 outlined in subsection (1) of this section and elaborated through rules and  
9 agreements.

10 **“SECTION 111.** ORS 343.961 is amended to read:

11 “343.961. (1) As used in this section:

12 “(a) ‘Day treatment program’ means a public or private program that  
13 provides treatment of children with a mental illness, an emotional disturb-  
14 ance or another mental health issue.

15 “(b) ‘Eligible day treatment program’ means a day treatment program  
16 with which the Oregon Health Authority contracts for long term care or  
17 treatment. ‘Eligible day treatment program’ does not include residential  
18 treatment programs or programs that provide care or treatment to juveniles  
19 who are in detention facilities.

20 “(c) ‘Eligible residential treatment program’ means a residential treat-  
21 ment program with which the Oregon Health Authority, the Department of  
22 Human Services or the Oregon Youth Authority contracts for long term care  
23 or treatment. ‘Eligible residential treatment program’ does not include psy-  
24 chiatric day treatment programs or programs that provide care or treatment  
25 to juveniles who are in detention facilities.

26 “(d) ‘Residential treatment program’ means a public or private residential  
27 program that provides treatment of children with a mental illness, an emo-  
28 tional disturbance or another mental health issue.

29 “(e) ‘Student’ means a child who is placed in an eligible day treatment  
30 program or eligible residential treatment program by a public or private en-

1 tity or by the child’s parent.

2 “(2) The Department of Education shall be responsible for payment of the  
3 costs of education of students in eligible day treatment programs and eligible  
4 residential treatment programs by contracting with the school district in  
5 which the eligible day treatment program or eligible residential treatment  
6 program is located. The costs of education do not include transportation,  
7 care, treatment or medical expenses.

8 “(3)(a) The school district in which an eligible day treatment program or  
9 eligible residential treatment program is located is responsible for providing  
10 the education of a student, including the identification, location and evalu-  
11 ation of the student for the purpose of determining the student’s eligibility  
12 to receive special education and related services.

13 “(b) A school district that is responsible for providing an education under  
14 this subsection may provide the education:

15 “(A) Directly or through another school district or an education service  
16 district; and

17 “(B) In the facilities of an eligible day treatment program or eligible  
18 residential treatment program, the facilities of a school district or the facil-  
19 ities of an education service district.

20 “(c) When a student is no longer in an eligible day treatment program  
21 or eligible residential treatment program, the responsibilities imposed by this  
22 subsection terminate and become the responsibilities of the school district  
23 where the student is a resident, as determined under ORS 339.133 and 339.134.

24 “(4) The school district where the student is a resident is responsible for  
25 providing transportation to a student enrolled in an eligible day treatment  
26 program. Transportation must be provided by the school district where the  
27 student is a resident each day the student is scheduled to receive services  
28 from the eligible day treatment program.

29 “(5) A school district may request the Department of Education to com-  
30 bine several eligible day treatment programs or eligible residential treatment

1 programs into one contract with another school district or an education  
2 service district.

3 “(6) The Oregon Health Authority, the Department of Human Services or  
4 the Oregon Youth Authority shall give the school district providing the ed-  
5 ucation at an eligible day treatment program or an eligible residential  
6 treatment program 14 days’ notice, to the extent practicable, before a student  
7 is dismissed from the program.

8 “(7) The Department of Education may make advances to school districts  
9 responsible for providing an education to students under this section from  
10 funds appropriated for that purpose based on the estimated agreed cost of  
11 educating the students per school year. Advances equal to 25 percent of the  
12 estimated cost may be made on September 1, December 1 and March 1 of the  
13 current year. The balance may be paid whenever the full determination of  
14 cost is made.

15 “(8) School districts that provide the education described in this section  
16 on a year-round plan may apply for 25 percent of the funds appropriated for  
17 that purpose on July 1, October 1, January 1, and 15 percent on April 1. The  
18 balance may be paid whenever the full determination of cost is made.

19 “(9) In addition to the payment methods described in this section, the  
20 Department of Education may[:]

21 “[*a*] negotiate [*interagency*] **intergovernmental** agreements to pay for  
22 the cost of education in day treatment programs and residential treatment  
23 programs operated under the auspices of [*the State Board of Higher Educa-*  
24 *tion or*] the governing board of a public university [*with a governing board*]  
25 listed in ORS [352.054] **352.002**[:; and]

26 “[*b*] Negotiate intergovernmental agreements to pay for the cost of educa-  
27 tion in day treatment programs and residential treatment programs operated  
28 under the auspices of] **or** the Oregon Health and Science University Board  
29 of Directors.

30 “**SECTION 112.** ORS 344.259 is amended to read:

1 “344.259. (1) The [*State Board of Education*] **Higher Education Coordi-**  
2 **nating Commission** shall coordinate continuing education in lower divi-  
3 sion, developmental, adult self-improvement, professional and technical  
4 education for agencies under its regulatory authority. The [*State Board of*  
5 *Higher Education*] **commission** shall coordinate continuing education in  
6 upper division and graduate education for public universities under its ju-  
7 risdiction.

8 “(2) When significantly adverse impact is alleged by one or more of the  
9 agencies listed in this subsection, the affected parties jointly shall provide  
10 for written agreements. These agreements shall allocate responsibility for  
11 planning and providing continuing education or off-campus instruction in  
12 specific areas or by specific types. The agencies are:

13 “[*(a) The State Board of Education.*]

14 “[*(b)*] **(a)** The [*State Board of Higher Education*] **Higher Education Co-**  
15 **ordinating Commission.**

16 “[*(c)*] **(b)** Community college districts.

17 “[*(d)*] **(c)** Independent colleges.

18 “[*(e)*] **(d)** Proprietary schools.

19 “[*(f)*] **(e)** The governing board of a public university [*with a governing*  
20 *board*] listed in ORS [*352.054*] **352.002.**

21 “(3) In the event the affected parties fail to reach a written agreement  
22 within 120 days following receipt of written notice of the allegation, either  
23 party may request the Education and Workforce Policy Advisor to review  
24 and to recommend resolution.

25 “(4) Nothing in this section prohibits the offering of upper division or  
26 graduate programs within 30 miles of the campus of a public university listed  
27 in ORS 352.002 offering the program, or the offering of lower division pro-  
28 grams within 30 miles of the campus offering the program in areas outside  
29 a community college district. Such programs are entitled to the same college  
30 credit and financial support as programs offered on the campus of the uni-

1    versity.

2    “**SECTION 113.** ORS 348.283 is amended to read:

3    “348.283. (1) There is established within the Higher Education Coordinating Commission the Oregon Troops to Teachers program. Through the  
4 program, the commission shall pay for all of the resident tuition charges of  
5 a veteran imposed by a public post-secondary institution, provided the veteran:  
6  
7

8    “(a) Was discharged from the Armed Forces of the United States;

9    “(b) Is a resident of Oregon; and

10   “(c) Agrees to teach:

11   “(A) In an Oregon school district or public charter school classified as  
12 serving a high poverty area for not less than three years; or

13   “(B) In the area of mathematics, science or special education for not less  
14 than four years.

15   “(2) An award under subsection (1) of this section shall be used for the  
16 purpose of paying resident tuition. The commission may not award funds  
17 under subsection (1) of this section for the purpose of paying for books,  
18 supplies, housing, food or any other costs associated with attending a public  
19 post-secondary institution.

20   “(3) The commission shall adopt rules necessary for the implementation  
21 and administration of this section in consultation with the Department of  
22 Education[, *the Oregon University System*] and the public universities [*with*  
23 *governing boards*] listed in ORS [~~352.054~~] **352.002**.

24   “**SECTION 114.** ORS 348.849 is amended to read:

25   “348.849. (1) There is established the Oregon 529 College Savings Board  
26 to administer ORS 348.841 to 348.873.

27   “(2) The board shall consist of:

28   “(a) The State Treasurer or a designee of the State Treasurer;

29   “(b) A member of the [*State Board of Higher Education*] **Higher Education**  
30 **Coordinating Commission**, to be selected by the [*State Board of*

1 *Higher Education*] **commission**;

2 “(c) A representative of accredited private colleges and universities lo-  
3 cated in this state, who shall be appointed by the State Treasurer; and

4 “(d) Two public members, who by reason of their education and experience  
5 are qualified to serve, and who shall be appointed by the State Treasurer.

6 “(3) The State Treasurer shall designate the board chairperson from  
7 among the members of the board. The chairperson shall serve at the pleasure  
8 of the State Treasurer.

9 “(4)(a) The board member who is a member of the [*State Board of Higher*  
10 *Education*] **Higher Education Coordinating Commission** shall serve at the  
11 pleasure of the [*State Board of Higher Education*] **commission** but may not  
12 serve on the board following the end of the member’s term on the [*State*  
13 *Board of Higher Education*] **commission**.

14 “(b) The representative of private colleges and universities and the public  
15 members of the board shall serve at the pleasure of the State Treasurer for  
16 a term of office of three years. These members of the board may be reap-  
17 pointed to subsequent terms.

18 “(5) The State Treasurer [*and the Oregon University System*] shall provide  
19 staff and assistance to the board in the administration of the Oregon 529  
20 College Savings Network as directed by the board.

21 “(6) A member of the board is entitled to compensation and expenses as  
22 provided in ORS 292.495.

23 “(7) A majority of the members of the board constitutes a quorum for the  
24 transaction of business.

25 **“SECTION 115.** ORS 348.890 is amended to read:

26 “348.890. (1) The Higher Education Coordinating Commission shall pro-  
27 vide policy direction to implement regional partnership proposals and any  
28 other joint program or activity approved by the State Board of Education[,  
29 *the State Board of Higher Education*] and the governing board of a public  
30 university [*with a governing board*] listed in ORS [*352.054*] **352.002**.

1 “(2) [*Notwithstanding ORS 351.063 (3),*] The Department of Community  
2 Colleges and Workforce Development and [*the Oregon University System*]  
3 **public universities listed in ORS 352.002** may use appropriations from the  
4 General Fund to implement agreements approved by the Higher Education  
5 Coordinating Commission that provide direct aid to a student, or other in-  
6 centives that encourage shared use of facilities, programs and other re-  
7 sources of public universities listed in ORS 352.002 and community colleges.

8 **“SECTION 116.** ORS 351.054 is amended to read:

9 “351.054. The Higher Education Coordinating Commission is authorized  
10 to:

11 “(1) Request, as part of the funding request under ORS 351.052, appropri-  
12 ations for budgetary items, including but not limited to education and gen-  
13 eral operations, statewide public services, state funded debt service, capital  
14 improvements, deferred maintenance, special initiatives and investments; and

15 “(2) Allocate moneys, from funds appropriated to the commission and  
16 other available moneys, [*among the office of the Chancellor of the Oregon*  
17 *University System and*] **to** public universities listed in ORS 352.002.

18 **“SECTION 117.** ORS 351.065 is amended to read:

19 “351.065. (1) [*The State Board of Higher Education may, for each public*  
20 *university or office, department or activity under its control, and*] A governing  
21 board as defined in ORS 352.029 may, for the public university under its  
22 control, adopt standards and specific orders by or through the president of  
23 each public university governing access to personnel records of the public  
24 university or office, department or activity that are less than 25 years old.

25 “(2) Standards adopted under subsection (1) of this section shall require  
26 that personnel records be subjected to restrictions on access unless upon a  
27 finding by the president of the public university that the public interest in  
28 maintaining individual rights to privacy in an adequate educational envi-  
29 ronment would not suffer by disclosure of such records. Access to such re-  
30 cords may be limited to designated classes of information or persons, or to

1 stated times and conditions, or to both, but cannot be limited for records  
2 more than 25 years old.

3 “(3) A standard or order promulgated pursuant to this section may not  
4 deny to a faculty member full access to the member’s personnel file or re-  
5 cords kept by the [*board or the*] public university, except as provided in  
6 subsections (7) and (8) of this section.

7 “(4) The number of files relating to the evaluation of a faculty member  
8 is limited to three, to be kept in designated, available locations.

9 “(5) Any evaluation received by telephone must be documented in each  
10 of the faculty member’s files by means of a written summary of the conver-  
11 sation with the names of the conversants identified.

12 “(6) A faculty member is entitled to submit, for placement in the three  
13 files, evidence rebutting, correcting, amplifying or explaining any document  
14 contained therein and other material that the member believes might be of  
15 assistance in the evaluation process.

16 “(7) Letters and other information submitted in confidence to the [*board*]  
17 **State Board of Higher Education** or its public universities, offices, de-  
18 partments or activities prior to July 1, 1975, shall be maintained in the files  
19 designated **by the governing board of the public university currently**  
20 **employing the faculty member**. However, if a faculty member requests  
21 access to those files, the anonymity of the contributor of letters and other  
22 information obtained prior to July 1, 1975, shall be protected. The full text  
23 shall be made available except that portions of the text that would serve to  
24 identify the contributor shall be excised by a faculty committee. Only the  
25 names of the contributors and the excised portions of the documents may be  
26 kept in a file other than the three prescribed by subsection (4) of this sec-  
27 tion.

28 “(8)(a) Confidential letters and other information submitted to or solicited  
29 after July 1, 1975, by the [*board*] **State Board of Higher Education** or its  
30 public universities, offices, departments or activities prior to the employment



1 of a prospective faculty member are exempt from the provisions of this sec-  
2 tion. However, if the member is **currently** employed by *[the board or its]* a  
3 public *[universities,]* **university or its** offices, departments or activities, the  
4 confidential preemployment materials shall be placed in the three authorized  
5 files. If a faculty member requests access to the member's files, the ano-  
6 nymity of the contributor of confidential preemployment letters and other  
7 preemployment information shall be protected. The full text shall be made  
8 available, except that portions of the text that would serve to identify the  
9 contributor shall be excised and retained in a file other than the three des-  
10 ignated in subsection (4) of this section.

11 “(b) Confidential letters and other information submitted to or solicited  
12 by a public university *[with a governing board]* listed in ORS *[352.054 after*  
13 *July 1, 2014]* **352.002 after the date that the university became a uni-**  
14 **versity with a governing board**, and prior to the employment of a pro-  
15 spective faculty member are exempt from the provisions of this section.  
16 However, if the member is employed by the university, the confidential pre-  
17 employment materials shall be placed in the three authorized files. If a fac-  
18 ulty member requests access to the member's files, the anonymity of the  
19 contributor of confidential preemployment letters and other preemployment  
20 information shall be protected. The full text shall be made available, except  
21 that portions of the text that would serve to identify the contributor shall  
22 be excised and retained in a file other than the three designated in sub-  
23 section (4) of this section.

24 “(9) Classroom survey evaluation by students of a faculty member's  
25 classroom or laboratory performance shall be anonymous. The record of  
26 tabulated reports shall be placed in at least one of the files designated in  
27 subsection (4) of this section. All survey instruments used to obtain evalu-  
28 ation data shall be returned to the faculty member.

29 “(10) A public university *[with a governing board]* listed in ORS *[352.054]*  
30 **352.002** and, after July 1, 1975, **but before the date on which the public**

1 **university became a university with a governing board**, the State Board  
2 of Higher Education and its public universities, offices, departments or ac-  
3 tivities, when evaluating its employed faculty members, may not solicit or  
4 accept letters, documents or other materials, given orally or in written form,  
5 from individuals or groups who wish their identity kept anonymous or the  
6 information they provide kept confidential.

7 “(11) A standard or order promulgated pursuant to this section does not  
8 limit the authority of a public university to prepare, without identification  
9 of individual persons who have not consented thereto, statistical or demo-  
10 graphic reports from personnel records.

11 “(12) Any category of personnel records specifically designated as confi-  
12 dential pursuant to valid standards or orders pursuant to this section is not  
13 a public record for the purposes of ORS 192.420.

14 “(13) As used in this section, ‘personnel records’ means records containing  
15 information kept by the public university, office, department or activity  
16 concerning a faculty member and furnished by the faculty member or by  
17 others about the faculty member at the request of the faculty member or the  
18 public university, office, department or activity, including, but not limited  
19 to, information concerning discipline, membership activity, employment per-  
20 formance or other personal records of individual persons.

21 **SECTION 118.** ORS 351.067 is amended to read:

22 “351.067. (1) [*The State Board of Higher Education, in carrying out its*  
23 *authority under ORS 351.070, and*] The governing board of a public university  
24 [*with a governing board*] listed in ORS [352.054] **352.002** may authorize receipt  
25 of compensation for any officer or employee from private or public resources,  
26 including, but not limited to, income from:

27 “(a) Consulting;

28 “(b) Appearances and speeches;

29 “(c) Intellectual property conceived, reduced to practice or originated and  
30 therefore owned within the public university;

1 “(d) Providing services or other valuable consideration for a private cor-  
2 poration, individual, or entity, whether paid in cash or in-kind, stock or  
3 other equity interest, or anything of value regardless of whether there is a  
4 licensing agreement between the [*Oregon University System or*] public uni-  
5 versity and the private entity; and

6 “(e) Performing public duties paid by private organizations, including in-  
7 stitution corporate affiliates, that augments an officer’s or employee’s pub-  
8 licly funded salary. Such income shall be authorized and received in  
9 accordance with policies and standards established by each **governing** board.

10 “(2) Each **governing** board may not authorize compensation, as described  
11 in subsection (1) of this section, that, in the **governing** board’s judgment,  
12 does not comport with the mission of the public university or substantially  
13 interferes with an officer’s or employee’s duties to the university.

14 “(3) Any compensation described and authorized under subsection (1) of  
15 this section is considered official compensation or reimbursement of expenses  
16 for purposes of ORS 244.040 and is not considered an honorarium prohibited  
17 by ORS 244.042. If authorization or receipt of the compensation creates a  
18 potential conflict of interest, the officer or employee shall report the poten-  
19 tial conflict in writing in accordance with **standards of the governing**  
20 board [*standards*]. The disclosure is a public record subject to public in-  
21 spection.

22 “(4) Each **governing** board shall adopt standards governing employee  
23 outside employment and activities, including potential conflict of interest,  
24 as defined by **standards of the governing** board [*standard*] and consistent  
25 with ORS 244.020, and the public disclosure thereof, and procedures for re-  
26 porting and hearing potential or actual conflict of interest complaints.

27 “**SECTION 119.** ORS 351.077 is amended to read:

28 “351.077. (1) The Higher Education Coordinating Commission shall ensure  
29 the implementation of the plans developed [*by the State Board of Higher*  
30 *Education*] under ORS 342.447 for recruitment of minority teachers.

1 “(2) The commission shall report biennially to the Legislative Assembly  
2 on the implementation and results of the plans. The report may include rec-  
3 ommendations on ways in which the Legislative Assembly can assist in in-  
4 creasing the number of minority teachers.

5 **“SECTION 120.** ORS 351.094 is amended to read:

6 “351.094. (1)[(a) *The State Board of Higher Education shall provide group*  
7 *insurance to employees of the Oregon University System through the Public*  
8 *Employees’ Benefit Board or may elect to provide an alternative group health*  
9 *and welfare insurance benefit plan to employees of the Oregon University*  
10 *System on or after October 1, 2016, if the benefit plan is offered through the*  
11 *health insurance exchange under ORS 741.310, unless their participation is*  
12 *precluded by federal law.]*

13 “[*(b)*] The governing board of each **public** university [*with a governing*  
14 *board*] listed in ORS [352.054] **352.002** shall provide group insurance to em-  
15 ployees of the university through the Public Employees’ Benefit Board or  
16 may elect to provide an alternative group health and welfare insurance  
17 benefit plan to employees of the university on or after October 1, 2016, if the  
18 benefit plan is offered through the health insurance exchange under ORS  
19 741.310, unless their participation is precluded by federal law.

20 “(2) For the purposes of ORS 243.555 to 243.575, if [*the State Board of*  
21 *Higher Education or*] the governing board of a public university [*with a*  
22 *governing board*] listed in ORS [352.054] **352.002** chooses not to participate  
23 in the benefit plans offered through the Public Employees’ Benefit Board, the  
24 [*State Board of Higher Education or*] governing board may have the authority  
25 granted to the Public Employees’ Benefit Board under ORS 243.555 to 243.575  
26 for the administration of an appropriate expense reimbursement plan.

27 “(3)[(a) *The State Board of Higher Education shall offer one or more de-*  
28 *ferred compensation plans to employees of the Oregon University System. The*  
29 *Oregon University System shall, at the discretion of the board, choose whether*  
30 *to offer its employees the state deferred compensation plan established under*

1 *ORS 243.401 to 243.507 or another deferred compensation plan that the board*  
2 *elects to make available to the employees of the Oregon University System.]*

3 “[(b)] The governing board of each public university [*with a governing*  
4 *board*] listed in ORS [352.054] **352.002** shall offer one or more deferred com-  
5 pensation plans to employees of the university. The governing board shall  
6 choose whether to offer its employees the state deferred compensation plan  
7 established under ORS 243.401 to 243.507 or another deferred compensation  
8 plan that the governing board elects to make available to the employees of  
9 the university.

10 **“SECTION 121.** ORS 351.097 is amended to read:

11 “351.097. [(1) *The payment of salary or compensation of the officers, teach-*  
12 *ers, instructors and other employees of the Oregon University System, where*  
13 *such salary or compensation is payable out of the State Treasury and is fixed*  
14 *by law or the State Board of Higher Education at a definite rate per hour, day,*  
15 *week, month or year, shall be made weekly, biweekly, semimonthly or monthly*  
16 *with any necessary adjustments, as provided in this section.]*

17 “[2) *With the approval of the board, the Chancellor of the Oregon Univer-*  
18 *sity System shall make out, certify and transmit to the board at the end of each*  
19 *pay period a payroll, duly verified by the chancellor or other designated officer*  
20 *and approved by the proper auditing committee or officer, showing the names*  
21 *of the several officers, teachers, instructors and other employees during the*  
22 *preceding payroll period, the rate of compensation of each by the hour, day,*  
23 *week, month or year, the time employed, the amount due and any other facts*  
24 *the board requires. The board, if it approves the payroll, shall draw a warrant*  
25 *on the State Treasurer for the aggregate amount allowed in favor of the*  
26 *chancellor, who shall immediately pay over the moneys received to the several*  
27 *parties entitled thereto and take receipts therefor, which shall be transmitted*  
28 *to the board.]*

29 “[3) *Notwithstanding subsection (2) of this section and pursuant to ORS*  
30 *293.330, the State Board of Higher Education may authorize the chancellor to*

1 *designate a person employed by and located at each public university under the*  
2 *jurisdiction of the board to implement and administer the payroll system se-*  
3 *lected by the board to pay employees designated by the board. The person shall*  
4 *be under bond to the State of Oregon.]*

5 “[4] When an employee **of a public university listed in ORS 352.002**  
6 receives payment of salary or compensation in an amount greater than the  
7 employee’s entitlement, the amount of the overpayment may be deducted from  
8 salary or compensation earned by the employee. The deduction may be in  
9 such form and manner as the [State Board of Higher Education] **governing**  
10 **board of the public university** may prescribe.

11 **“SECTION 122.** ORS 351.105 is amended to read:

12 “351.105. In order to carry out the duties described in ORS 352.008, [*the*  
13 *State Board of Higher Education and*] the governing board of a public uni-  
14 versity [*with a governing board*] listed in ORS [352.054] **352.002**, in consulta-  
15 tion with the Oregon Health Authority and the Alcohol and Drug Policy  
16 Commission, shall adopt standards that, as a minimum, describe the content  
17 of what shall be included in the policy and plan described in ORS 352.008.

18 **“SECTION 123.** ORS 351.155 is amended to read:

19 “351.155. Notwithstanding the applicable provisions of ORS 279.835 to  
20 279.855, 279A.140 to 279A.155, 279A.250 to 279A.290, 279A.990, 279B.200 to  
21 279B.240, 279B.270, 279B.275, 279B.280, 279C.360, 279C.365, 279C.370, 279C.375,  
22 279C.380, 279C.385, 279C.500 to 279C.530, 279C.540, 279C.545, 279C.600 to  
23 279C.625, 279C.650 to 279C.670 and 279C.800 to 279C.870, [*the State Board of*  
24 *Higher Education and*] the governing board of a public university listed in  
25 ORS [352.054] **352.002** may, in the management of all forestlands under each  
26 **governing** board’s control and supervision, sell the forest products on such  
27 lands in the same manner as is provided in ORS 530.059, and for that purpose  
28 each **governing** board shall have the same powers with respect to exper-  
29 imental or research projects in the field of forestland management or for  
30 forest product utilization on forestlands under its control as the State

1 Forester has pursuant to the provisions of ORS 530.050 and 530.059.

2 **“SECTION 124.** ORS 351.203 is amended to read:

3 “351.203. [*The State Board of Higher Education and the*] Public universi-  
4 ties [*with governing boards*] listed in ORS [*352.054*] **352.002** shall cooperate  
5 with the Chief Education Officer of the Oregon Education Investment Board  
6 in the development of a state comprehensive education plan including post-  
7 secondary education and in review of the [*board’s*] **universities’** programs  
8 and budget. [*The board and*] The public universities [*with governing boards*  
9 *listed in ORS 352.054*] shall submit in timely fashion to the Chief Education  
10 Officer the data as is appropriate in a form prescribed by the officer.

11 **“SECTION 125.** ORS 351.205 is amended to read:

12 “351.205. [*The State Board of Higher Education*] **The governing boards**  
13 **of public universities listed in ORS 352.002** may allow interchange of  
14 members of the faculties of public universities [*listed in ORS 351.011*] with  
15 faculty members of comparable institutions of other states or countries for  
16 a period of one year. Such exchange service shall, for all purposes, be deemed  
17 continued service with the Oregon public university covered, with salary  
18 paid to the absent faculty member accordingly. Salary for the visiting faculty  
19 member shall not be paid by the Oregon public university covered.

20 **“SECTION 126.** ORS 351.296 is amended to read:

21 “351.296. (1) As used in this section, ‘institution of higher education’  
22 means:

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

24 “(b) A community college operated under ORS chapter 341; or

25 “(c) The Oregon Health and Science University.

26 “(2) An institution of higher education shall allow members and agents  
27 of the Armed Forces of the United States to recruit on a public campus and  
28 shall set [*rules and*] standards for such recruitment that are the same as for  
29 all other employment recruitment activities allowed on the campus.

30 **“SECTION 127.** ORS 351.641 is amended to read:

1       “351.641. (1) The [*State Board of Higher Education*] **governing board of**  
2 **a public university listed in ORS 352.002** shall exempt a student who is  
3 not a citizen or a lawful permanent resident of the United States from paying  
4 nonresident tuition and fees for enrollment in a public university listed in  
5 ORS 352.002 if the student:

6       “(a) During each of the three years immediately prior to receiving a high  
7 school diploma or leaving school before receiving a high school diploma, at-  
8 tended an elementary or a secondary school in this state;

9       “(b) During each of the five years immediately prior to receiving a high  
10 school diploma or leaving school before receiving a high school diploma, at-  
11 tended an elementary or a secondary school in any state or territory of the  
12 United States, the District of Columbia or the Commonwealth of Puerto  
13 Rico;

14       “(c) No more than three years before initially enrolling in a public uni-  
15 versity listed in ORS 352.002, received a high school diploma from a second-  
16 ary school in this state or received the equivalent of a high school diploma;  
17 and

18       “(d) Shows intention to become a citizen or a lawful permanent resident  
19 of the United States by submitting to the public university the student at-  
20 tends or plans to attend:

21       “(A) An official copy of the student’s application to register with a federal  
22 immigration program or federal deportation deferral program or a statement  
23 of intent that the student will seek to obtain citizenship as permitted under  
24 federal law; and

25       “(B) An affidavit stating that the student has applied for a federal indi-  
26 vidual taxpayer identification number or other official federal identification  
27 document.

28       “(2) The **governing** board shall exempt a student who is financially de-  
29 pendent upon a person who is not a citizen or a lawful permanent resident  
30 of the United States from paying nonresident tuition and fees for enrollment



1 in a public university listed in ORS 352.002 if the student:

2 “(a) During each of the three years immediately prior to receiving a high  
3 school diploma or leaving school before receiving a high school diploma, at-  
4 tended an elementary or a secondary school in this state and resided in this  
5 state with the person upon whom the student is dependent;

6 “(b) During each of the five years immediately prior to receiving a high  
7 school diploma or leaving school before receiving a high school diploma, at-  
8 tended an elementary or a secondary school in any state or territory of the  
9 United States, the District of Columbia or the Commonwealth of Puerto Rico  
10 and resided with the person upon whom the student is dependent;

11 “(c) No more than three years before initially enrolling in a public uni-  
12 versity listed in ORS 352.002, received a high school diploma from a second-  
13 ary school in this state or received the equivalent of a high school diploma;  
14 and

15 “(d) For a student who is not already a citizen or lawful permanent resi-  
16 dent of the United States, shows intention to become a citizen or a lawful  
17 permanent resident of the United States by submitting to the public univer-  
18 sity the student attends or plans to attend:

19 “(A) An official copy of the student’s application to register with a federal  
20 immigration program or federal deportation deferral program or a statement  
21 of intent that the student will seek to obtain citizenship as permitted under  
22 federal law; and

23 “(B) An affidavit stating that the student has applied for a federal indi-  
24 vidual taxpayer identification number or other official federal identification  
25 document.

26 “(3) A student continues to qualify for exemption from nonresident tuition  
27 and fees under subsection (1) or (2) of this section for five years after initial  
28 enrollment under the exemption in a public university listed in ORS 352.002.

29 “(4) A student who is a citizen or a lawful permanent resident of the  
30 United States and who has resided outside of Oregon for more than three

1 years while serving in the Armed Forces of the United States, but who oth-  
2 erwise meets the requirements of subsection (1) or (2) of this section, shall  
3 qualify for exemption from nonresident tuition and fees for enrollment in a  
4 public university listed in ORS 352.002 without having to reestablish resi-  
5 dency in Oregon.

6 “(5) The **governing** board shall adopt [*rules*] **standards** to implement the  
7 provisions of this section.

8 “(6) Not later than July 1 of each year, the [*Oregon University System*]  
9 **Higher Education Coordinating Commission** shall report to the Speaker  
10 of the House of Representatives, the President of the Senate and the interim  
11 committees of the Legislative Assembly with subject matter authority over  
12 higher education, for the preceding academic year:

13 “(a) The number of students that applied and were accepted into public  
14 universities under this section; and

15 “(b) The financial impact of this section on [*the Oregon University*  
16 *System*] **public universities listed in ORS 352.002.**

17 **“SECTION 128.** ORS 351.642 is amended to read:

18 “351.642. (1) As used in this section:

19 “(a) ‘Active member of the Armed Forces of the United States’ includes  
20 officers and enlisted personnel of the Armed Forces of the United States who:

21 “(A) Reside in this state while assigned to duty at any base, station, shore  
22 establishment or other facility in this state;

23 “(B) Reside in this state while serving as members of the crew of a ship  
24 that has an Oregon port or shore establishment as its home port or perma-  
25 nent station; or

26 “(C) Reside in another state or a foreign country and establish Oregon  
27 residency by filing Oregon state income taxes no later than 12 months before  
28 leaving active duty.

29 “(b) ‘Armed Forces of the United States’ includes:

30 “(A) The Army, Navy, Air Force, Marine Corps and Coast Guard of the

1 United States;

2 “(B) Reserve components of the Army, Navy, Air Force, Marine Corps and  
3 Coast Guard of the United States; and

4 “(C) The National Guard of the United States and the Oregon National  
5 Guard.

6 “(c) ‘Dependent children’ includes any children of an active member of the  
7 Armed Forces of the United States, of an active member of the commissioned  
8 corps of the National Oceanic and Atmospheric Administration or of a  
9 member of the Public Health Service of the United States Department of  
10 Health and Human Services detailed by proper authority for duty with the  
11 Army or Navy of the United States, who:

12 “(A) Are under 18 years of age and not married, otherwise emancipated  
13 or self-supporting; or

14 “(B) Are under 23 years of age, unmarried, enrolled in a full-time course  
15 of study in an institution of higher learning and dependent on the member  
16 for over one-half of their support.

17 “(2) Active members of the Armed Forces of the United States, active  
18 members of the commissioned corps of the National Oceanic and Atmospheric  
19 Administration and members of the Public Health Service of the United  
20 States Department of Health and Human Services detailed by proper au-  
21 thority for duty with the Army or Navy of the United States, and their  
22 spouses and dependent children, are considered residents of this state for the  
23 purpose of admission and for the purpose of determining fees and tuition to  
24 be paid by such individuals while attending any public university listed in  
25 ORS 352.002.

26 “(3) [*The State Board of Higher Education and*] The governing board of  
27 a public university [*with a governing board*] listed in ORS [352.054] **352.002**  
28 may contract with the Armed Forces of the United States to furnish educa-  
29 tional service to active members of the Armed Forces of the United States.

30 “(4) [*The State Board of Higher Education and*] The governing board shall

1 determine the number of such students that should be accepted and shall  
2 make final decisions on admission of individual applicants.

3 “(5) Students attending the public universities under contracts with the  
4 Armed Forces of the United States under this section shall pay fees and tu-  
5 tion customarily charged Oregon students.

6 “(6) Payments made by the Armed Forces of the United States under such  
7 contracts shall be deposited in a designated account in the same manner that  
8 fees and tuition payments for resident students are deposited and credited.

9 **“SECTION 129.** ORS 351.643 is amended to read:

10 “351.643. (1) A student at a public university listed in ORS 352.002 who  
11 is a member of the military, a member of the commissioned corps of the  
12 National Oceanic and Atmospheric Administration or a member of the Public  
13 Health Service of the United States Department of Health and Human Ser-  
14 vices detailed by proper authority for duty with the Army or Navy of the  
15 United States and who is ordered to federal or state active duty for more  
16 than 30 consecutive days has the following rights:

17 “(a) With regard to a course in which the student is enrolled and for  
18 which the student has paid tuition and fees, the right to:

19 “(A) Withdraw from the course, subject to the provisions of subsection (2)  
20 of this section;

21 “(B) Receive a grade of incomplete and, upon release from active duty,  
22 complete the course in accordance with the practice of the public university  
23 for completion of incomplete courses; or

24 “(C) Continue and complete the course for full credit, subject to the pro-  
25 visions of subsection (3) of this section;

26 “(b) The right to a credit described in ORS 351.644 for all amounts paid  
27 for room, board, tuition and fees;

28 “(c) If the student elects to withdraw from the public university, the right  
29 to be readmitted and reenrolled at the public university within one year after  
30 release from active duty without a requirement of redetermination of admis-

1 sion eligibility; and

2 “(d) The right to continuation of scholarships and grants awarded to the  
3 student that were funded by the public university or the Higher Education  
4 Coordinating Commission before the student was ordered to active duty.

5 “(2) If the student elects to withdraw from a course under subsection  
6 (1)(a)(A) of this section, the public university may not:

7 “(a) Give the student academic credit for the course from which the stu-  
8 dent withdraws;

9 “(b) Give the student a failing grade or a grade of incomplete or make  
10 any other negative annotation on the student’s record; or

11 “(c) Alter the student’s grade point average due to the student’s with-  
12 drawal from the course.

13 “(3) A student who elects to continue and complete a course for full credit  
14 under subsection (1)(a)(C) of this section is subject to the following condi-  
15 tions:

16 “(a) Course sessions the student misses due to active duty shall be  
17 counted as excused absences and may not adversely impact the student’s  
18 grade for the course or rank in the student’s class.

19 “(b) The student may not be automatically excused from completing  
20 course assignments due during the period the student serves on active duty.

21 “(c) A letter grade or a grade of pass may be awarded only if, in the  
22 opinion of the teacher of the course, the student completes sufficient work  
23 and demonstrates sufficient progress toward meeting course requirements to  
24 justify the grade.

25 “(4) The Higher Education Coordinating Commission and the governing  
26 board of a public university [*with a governing board listed in ORS 352.054*]  
27 **listed in ORS 352.002** shall adopt standards for the administration of this  
28 section.

29 “(5) As used in this section, ‘member of the military’ means a person who  
30 is a member of:

1       “(a) The Oregon National Guard or the National Guard of any other state  
2 or territory; or

3       “(b) The reserves of the Army, Navy, Air Force, Marine Corps or Coast  
4 Guard of the United States.

5       “**SECTION 130.** ORS 351.644 is amended to read:

6       “351.644. (1)(a) The amount of the credit specified in ORS 351.643 (1)(b)  
7 shall be based on:

8       “(A) The amount of room and board paid by the student for a term that  
9 the student does not complete because the student is ordered to active duty;  
10 and

11       “(B) The amount of tuition and fees paid by the student for a course from  
12 which the student withdraws.

13       “(b) The amount of the credit shall be prorated based on the number of  
14 weeks remaining in the term or course when the student withdraws.

15       “(c) At the time a student withdraws from a course at a public university  
16 listed in ORS 352.002 or from the public university, the student must elect  
17 to claim the credit:

18       “(A) As a credit toward tuition and fees or room and board if the student  
19 reenrolls at the public university under ORS 351.643 (1)(c); or

20       “(B) As a monetary payment.

21       “(2) A student who elects to claim the credit by the method described in  
22 subsection (1)(c)(A) of this section may change the method of claiming the  
23 credit to the method described in subsection (1)(c)(B) of this section by giv-  
24 ing notice to the public university from which the student withdraws.

25       “(3) A student who elects to claim the credit by the method described in  
26 subsection (1)(c)(A) of this section must use the credit or change the method  
27 of claiming the credit under subsection (2) of this section within one year  
28 after release from active duty.

29       “(4) A personal representative of a student who elected to claim the credit  
30 by the method described in subsection (1)(c)(A) of this section may claim a

1 monetary payment upon presenting evidence to the public university that the  
2 student died while serving on active duty.

3 “(5) [*The State Board of Higher Education and*] The governing board of  
4 a public university [*with a governing board*] listed in ORS [352.054] **352.002**  
5 shall adopt standards for the administration of this section, including stan-  
6 dards setting the amount of credit and the method by which the credit is  
7 prorated.

8 “**SECTION 131.** ORS 351.646 is amended to read:

9 “351.646. A public university listed in ORS 352.002 shall give credit for  
10 education and training obtained by a person while serving in the Armed  
11 Forces of the United States, as defined in ORS 351.642. The education and  
12 training for which credit may be given must meet the standards adopted by  
13 the [*State Board of Higher Education*] **Higher Education Coordinating**  
14 **Commission** or the governing board of a public university [*with a governing*  
15 *board*] listed in ORS [352.054] **352.002**.

16 “**SECTION 132.** ORS 351.647 is amended to read:

17 “351.647. The Legislative Assembly finds that:

18 “(1) It is in the interest of this state and its people that Oregon residents  
19 have access to the post-secondary institutions in the Northwest which best  
20 provide for the educational needs of those students;

21 “(2) The people of Oregon and their post-secondary institutions benefit  
22 through the provision of access to Oregon colleges and universities for stu-  
23 dents from the state of Washington and from the enhanced economic and  
24 cultural well-being of the northwest region;

25 “(3) The state should reduce or eliminate the nonresident tuition barriers  
26 [*which*] **that** might exist between the states of Oregon and Washington to  
27 restrict or inhibit enrollment of residents of one of these states in a com-  
28 munity college or public college or university in the other state;

29 “(4) The general policy statement on reduction of admission and tuition  
30 barriers between the states of Oregon and Washington shall not apply to

1 students at the Oregon Health and Science University, where enrollment  
2 priority shall continue to be given to qualified Oregon residents; and

3 “(5) [*The State Board of Higher Education and*] The Higher Education  
4 Coordinating Commission shall develop plans to carry out the intent of this  
5 policy within the appropriations available, and shall report to the appropri-  
6 ate legislative review agency before implementing the plan.

7 **“SECTION 133.** ORS 351.657 is amended to read:

8 “351.657. The State Board of Education and the [*State Board of Higher*  
9 *Education*] **Higher Education Coordinating Commission** shall report an-  
10 nually on or before February 1 to committees of the Legislative Assembly  
11 related to veterans and military affairs and to higher education regarding  
12 students who have received tuition relief and assistance under ORS 351.656  
13 and 352.375 including but not limited to the following:

14 “(1) The number of nonresident veterans who were assessed reduced tui-  
15 tion rates under ORS 352.375 and the amount of nonresident tuition moneys  
16 not assessed as a result of receiving the reduced tuition rates under ORS  
17 352.375;

18 “(2) The number of qualified students receiving tuition waivers under  
19 ORS 351.656, the amount of tuition waived and the relationship of the qual-  
20 ified student to a service member or Purple Heart recipient under ORS  
21 351.656; and

22 “(3) Any other relevant information.

23 **“SECTION 134.** ORS 351.695 is amended to read:

24 “351.695. [*(1) A university within the Oregon University System may deposit*  
25 *moneys received for its university venture development fund in the Higher*  
26 *Education Donation Fund established under ORS 351.130.*]

27 “[~~(2)~~] (1) Notwithstanding ORS 351.697 (5), the State Treasurer, as pay-  
28 ment for expenses, may deduct a fee pursuant to ORS 293.718 from a uni-  
29 versity venture development fund administered by a **public** university listed  
30 in ORS 352.002 or the Oregon Health and Science University.



1       “[(3)] (2) A **public** university listed in ORS 352.002 or the Oregon Health  
2 and Science University may direct that moneys credited to its university  
3 venture development fund be held and invested by the university’s affiliated  
4 foundation. Any moneys held by an affiliated foundation under this section  
5 or ORS 351.697 are not subject to the provisions of ORS chapter 293 or 295  
6 and may not be considered public or state funds for any purpose. Moneys  
7 transferred to an affiliated foundation under this section or ORS 351.697 may  
8 be used only as provided under ORS 351.692, 351.695, 351.697 and 353.445.

9       “[(4) *At the request of a university within the Oregon University System,*  
10 *moneys in the Higher Education Donation Fund that were deposited by the*  
11 *university under this section may be transferred to the university’s affiliated*  
12 *foundation.*]

13       “[(5)] (3) A **public** university listed in ORS 352.002 or the Oregon Health  
14 and Science University may retain or may elect to have its affiliated foun-  
15 dation retain some or all of the principal contributed to a university venture  
16 development fund for investment to perpetuate and increase the moneys  
17 available for expenditure. The balance of the fund and the earnings on that  
18 balance may be used as provided under ORS 351.692, 351.695, 351.697 and  
19 353.445.

20       “**SECTION 135.** ORS 351.697 is amended to read:

21       “351.697. (1) Each **public** university listed in ORS 352.002 and Oregon  
22 Health and Science University may elect to establish a university venture  
23 development fund as provided in this section for the purpose of facilitating  
24 the commercialization of university research and development. A university  
25 shall direct that the university venture development fund be administered,  
26 in whole or in part, by the university or by the university’s affiliated foun-  
27 dation.

28       “(2) The purposes of a university venture development fund are to provide:

29       “(a) Capital for university entrepreneurial programs;

30       “(b) Opportunities for students to gain experience in applying research to

1 commercial activities;

2 “(c) Proof-of-concept funding for transforming research and development  
3 concepts into commercially viable products and services;

4 “(d) Entrepreneurial opportunities for persons interested in transforming  
5 research into viable commercial ventures that create jobs in this state; and

6 “(e) Tax credits for contributors to university research commercialization  
7 activities.

8 “(3) Each university that elects to establish a university venture devel-  
9 opment fund shall:

10 “(a) Notify the Department of Revenue of the establishment of the fund;

11 “(b) Either directly or through its affiliated foundation, solicit contribu-  
12 tions to the fund and receive, manage and disburse moneys contributed to  
13 the fund;

14 “(c) Subject to ORS 315.521 (1), 351.692 and 353.445 (3), issue tax credit  
15 certificates to contributors to the fund in the amount of the contributions;

16 “(d) Establish a grant program that meets the requirements for a venture  
17 grant program under policies adopted under ORS 351.692 by [*the State Board*  
18 *of Higher Education or*] the governing board of a public university [*with a*  
19 *governing board*] listed in ORS [352.054] **352.002** or under policies adopted by  
20 the Oregon Health and Science University Board of Directors under ORS  
21 353.445; and

22 “(e) Subject to available moneys from the fund, provide qualified grant  
23 applicants with moneys for the purpose of facilitating the commercialization  
24 of university research and development.

25 “(4) Except as provided in subsection (5) of this section, moneys in a  
26 university venture development fund shall be disbursed only as directed by  
27 a university.

28 “(5) A university or its affiliated foundation may charge its customary  
29 administrative assessment to manage its university venture development fund  
30 in an amount not to exceed three percent of the fund’s average balance

1 during the fiscal year of the university or its affiliated foundation. The ad-  
2 ministrative assessment may be paid from the assets in the fund. Except as  
3 authorized by law, no other fees or indirect costs shall be charged against  
4 the university venture development fund or any associated grants or other  
5 disbursements from the fund.

6 “(6) A university that has established a university venture development  
7 fund shall monitor the use of grants made from the fund and identify the  
8 income realized by the university as the result of the use of the grants. In-  
9 come consists of cash realized from royalties, milestone and license fee pay-  
10 ments and cash from the sale of equity. The university shall cause the  
11 transfer of 20 percent of the income realized from the grants to the General  
12 Fund, but not to exceed the amount of the tax credits issued by the univer-  
13 sity as a result of contributions to its university venture development fund.  
14 Immediately upon deposit of the transferred amount into the General Fund,  
15 the university may issue new tax credits to equal the transferred amount.

16 “(7) A university that has established a university venture development  
17 fund shall report annually to the Legislative Assembly or, if the Legislative  
18 Assembly is not in session, to the interim legislative committees on revenue.  
19 The report shall be at the end of the fiscal year of the university or of its  
20 affiliated foundation and provide information for that fiscal year. The uni-  
21 versity shall include in the report the following information pertaining to its  
22 university venture development fund:

23 “(a) The amount of donations received for the fund;

24 “(b) The amount of income received from the fund;

25 “(c) The amount of disbursements and grants paid from the fund;

26 “(d) The amount of income and royalties received from disbursements  
27 from the fund; and

28 “(e) The amount of moneys transferred from the fund to the General Fund.

29 **“SECTION 136.** ORS 351.708 is amended to read:

30 “351.708. (1) As used in this section, ‘employee group’ means each category

1 of employee employed by a public institution of higher education, including  
2 at least categories for:

3 “(a) Administrative or management employees;

4 “(b) Faculty employees; and

5 “(c) Classified or professional nonfaculty employees.

6 “(2) The [*State Board of Higher Education*] **Higher Education Coordi-**  
7 **nating Commission** shall establish baselines and conduct an annual review  
8 of each public university listed in ORS 352.002 with respect to the employ-  
9 ment of all employee groups. Each public university shall provide the nec-  
10 essary data for the [*board’s*] **commission’s** report prior to September 1 of  
11 each year. The [*board*] **commission** shall use data available from a national  
12 post-secondary data collection system within the United States Department  
13 of Education. The [*board*] **commission** shall report the results of the reviews  
14 to the Legislative Assembly and the Governor’s office prior to December 1  
15 of each year.

16 “(3) The Department of Community Colleges and Workforce Development  
17 shall determine definitions and data that will be used for annual reviews and  
18 conduct an annual review of each community college district with respect  
19 to the employment of all employee groups. The department shall use data  
20 available from a national post-secondary data collection system within the  
21 United States Department of Education. The department shall report the re-  
22 sults of the reviews to the Legislative Assembly and the Governor before  
23 December 1 of each year.

24 “(4) An annual review under this section must include:

25 “(a) Examination of data related to the ratio of instruction provided by  
26 the following faculty categories:

27 “(A) Full-time faculty;

28 “(B) Part-time faculty; and

29 “(C) Graduate assistants.

30 “(b) The pay differential for the faculty categories.

1 “(c) The average contracted wages for each employee group.

2 “(d) The number of employees in each employee group within a public  
3 university or community college district, and a ratio of the number of em-  
4 ployees in each employee group to the number of students enrolled in the  
5 university or district, both full-time and part-time.

6 “(e) The health care and other benefits provided for each faculty category.

7 “(f) A recommendation on whether a different method of data tracking  
8 would improve the ability of the Legislative Assembly to obtain the most  
9 precise and relevant data on staffing ratios without placing undue financial  
10 burdens on public universities and community colleges.

11 **“SECTION 137.** ORS 351.711 is amended to read:

12 “351.711. Not later than July 1 of each year, the [*State Board of Higher*  
13 *Education*] **Higher Education Coordinating Commission** shall report to  
14 the Legislative Assembly in the manner provided by ORS 192.245:

15 “(1) For each public university listed in ORS 352.002, the number of em-  
16 ployees and the number of full-time equivalent employees of the university  
17 in the following categories:

18 “(a) Supervisory employees, as defined in ORS 243.650 (23), who supervise  
19 classified employees covered by a collective bargaining agreement;

20 “(b) Full-time faculty;

21 “(c) Part-time faculty; and

22 “(d) Classified employees.

23 “[*(2) The number of supervisory employees as defined in ORS 243.650 (23)*  
24 *and the number of nonsupervisory employees in the office of the Chancellor of*  
25 *the Oregon University System.*]

26 “[*(3)*] **(2)** A recommendation on whether a different method of data  
27 tracking would improve the ability of the Legislative Assembly to obtain the  
28 most precise and relevant data on staffing ratios without placing undue fi-  
29 nancial burdens on public universities.

30 **“SECTION 138.** ORS 351.735, as amended by section 2, chapter 83, Oregon

1 Laws 2014, and section 1, chapter 113, Oregon Laws 2014, is amended to read:

2 “351.735. (1) As used in this section, ‘student access programs’ means  
3 scholarship, loan, grant and access programs described in ORS chapter 348.

4 “(2) The Higher Education Coordinating Commission shall be guided by  
5 the legislative findings in ORS 341.009, 351.001 and 351.003 and the goals and  
6 mission of post-secondary education set forth in ORS 351.006 and 351.009.

7 “(3) The Higher Education Coordinating Commission shall:

8 “(a) Advise and assist the Oregon Education Investment Board on:

9 “(A) State goals and associated achievement compacts for the state post-  
10 secondary education system, including community colleges and public uni-  
11 versities listed in ORS 352.002, and for student access programs.

12 “(B) Strategic investments in the state’s community colleges, public uni-  
13 versities and student access programs necessary to achieve state post-  
14 secondary education goals.

15 “(C) Coordination of the post-secondary elements of data collection and  
16 structure, with the advice and recommendation of the state’s independent  
17 institutions, community colleges and public universities, as appropriate, in  
18 order to assist the Oregon Education Investment Board in the construction  
19 of a state longitudinal data system, as authorized by law.

20 “(b) Adopt a strategic plan for achieving state post-secondary education  
21 goals, taking into consideration the contributions of this state’s independent  
22 institutions, philanthropic organizations and other organizations dedicated  
23 to helping Oregonians reach state goals. State post-secondary education  
24 goals as described in this section should include, but need not be limited to:

25 “(A) Increasing the educational attainment of the population;

26 “(B) Increasing this state’s global economic competitiveness and the  
27 quality of life of its residents;

28 “(C) Ensuring affordable access for qualified Oregon students at each  
29 college or public university;

30 “(D) Removing barriers to on-time completion; and

1       “(E) Tracking progress toward meeting the state’s post-secondary educa-  
2 tion goals established in the strategic plan described in this paragraph.

3       “(c)(A) Each biennium, after receiving funding requests from the state’s  
4 community colleges and public universities as authorized by law, recommend  
5 to the Governor and the Oregon Education Investment Board a consolidated  
6 higher education budget request aligned with the strategic plan described in  
7 subsection (3)(b) of this section, including appropriations for:

8       “(i) Student access programs;

9       “(ii) Public universities listed in ORS 352.002, including but not limited  
10 to education and general operations, statewide public services and state-  
11 funded debt service;

12       “(iii) Community colleges, including but not limited to education and  
13 general operations and state-funded debt service;

14       “(iv) New facilities or programs;

15       “(v) Capital improvements and deferred maintenance; and

16       “(vi) Special initiatives and investments.

17       “(B) In the development of the consolidated higher education budget re-  
18 quest:

19       “(i) Determine the costs necessary to provide quality post-secondary edu-  
20 cation;

21       “(ii) Solicit input from educators, education policy experts, appropriate  
22 legislative committees, students and other persons interested in the develop-  
23 ment of the funding model; and

24       “(iii) Solicit public input regarding educational priorities.

25       “(d) Adopt rules governing the distribution of appropriations from the  
26 Legislative Assembly to community colleges, public universities listed in  
27 ORS 352.002 and student access programs. These rules must be based on al-  
28 location formulas developed in consultation with the state’s community col-  
29 leges and public universities, as appropriate.

30       “(e) Approve or disapprove any significant change to the academic pro-

1 gram of a community college or a public university listed in ORS 352.002. In  
2 reaching a decision under this paragraph, the commission shall consider the  
3 recommendation from the community college or public university seeking to  
4 make the change to an academic program that is issued pursuant to the ob-  
5 ligation of the governing board of a community college or public university  
6 to review and approve academic programs. The commission shall ensure that  
7 approved programs:

8 “(A) Are consistent with the mission statement of the community college  
9 or public university;

10 “(B) Do not unnecessarily duplicate academic programs offered by  
11 Oregon’s other community colleges or public universities;

12 “(C) Are not located in a geographic area that will cause undue hardship  
13 to Oregon’s other community colleges or public universities; and

14 “(D) Are allocated among Oregon’s community colleges and public uni-  
15 versities to maximize the achievement of statewide needs and requirements.

16 “(f) For public universities listed in ORS 352.002:

17 “(A) Approve the mission statement adopted by a governing board of a  
18 public university [*or by the State Board of Higher Education*].

19 “(B) Review and determine whether a proposed annual increase of resi-  
20 dent undergraduate enrollment fees[, *as described in ORS 351.063,*] of greater  
21 than five percent is appropriate.

22 “(C) Advise the Governor and the Legislative Assembly on issues of uni-  
23 versity governance.

24 “(D) Approve and authorize degrees.

25 “(g) Authorize degrees to be offered by independent post-secondary insti-  
26 tutions in this state under ORS 348.594 to 348.615.

27 “(h) Oversee the licensing of career schools under ORS 345.010 to 345.450.

28 “(i) Have the authority to enter into and administer interstate agreements  
29 regarding the provision of post-secondary distance education. The partic-  
30 ipation by an educational institution that is not based in this state in dis-



1 tance learning courses or programs that are part of an interstate agreement  
2 entered into and administered under this paragraph does not constitute op-  
3 erating in this state for purposes of ORS 348.594 to 348.615. The commission,  
4 by rule, may impose a fee on any educational institution that seeks to oper-  
5 ate under or participate in such interstate agreements. The fee amount shall  
6 be established to recover designated expenses incurred by the commission in  
7 participating in such agreements.

8 “(4) In addition to the duties described in subsections (2) and (3) of this  
9 section, the Higher Education Coordinating Commission shall advise the  
10 Legislative Assembly, the Governor, community colleges, public universities  
11 and other state boards and commissions on policies in order to:

12 “(a) Ensure or improve access to higher education by diverse and under-  
13 served populations.

14 “(b) Encourage student success and completion initiatives.

15 “(c) Improve the coordination of the provision of educational services,  
16 including:

17 “(A) Transfers and coenrollment throughout the higher education system;

18 “(B) Accelerated college credit programs for high school students;

19 “(C) Applied baccalaureate and other transfer degrees;

20 “(D) Programs and grants that span multiple institutions; and

21 “(E) Reciprocity agreements with other states.

22 “(d) In coordination with the State Board of Education, enhance the use  
23 and quality of dual credit, career and technical pathways and efforts to cre-  
24 ate a culture of college attendance in this state.

25 “(e) In coordination with the State Workforce Investment Board, local  
26 workforce investment boards, the Oregon Health and Science University and  
27 independent institutions, ensure that the state’s colleges and universities  
28 offer programs in high-demand occupations that meet Oregon’s workforce  
29 needs.

30 “(f) Improve economies of scale by encouraging and facilitating the use

1 of the shared services among post-secondary institutions in this state.

2 “(5) The Higher Education Coordinating Commission, in a manner con-  
3 sistent with ORS chapter 183, may adopt administrative rules.

4 “(6) With the exception of the rulemaking authority granted in subsection  
5 (5) of this section, the Higher Education Coordinating Commission may del-  
6 egate any of its powers, duties or functions to a committee of the commission  
7 or to the executive director of the commission.

8 “(7) The Higher Education Coordinating Commission may establish tech-  
9 nical or advisory committees to assist the commission in exercising its pow-  
10 ers, duties and functions.

11 “(8) The Higher Education Coordinating Commission may exercise only  
12 powers, duties and functions expressly granted by the Legislative Assembly.  
13 Except as otherwise expressly provided by law, all other authorities reside  
14 at the institutional level with the respective boards of the post-secondary  
15 institutions.

16 **“SECTION 139.** ORS 351.735, as amended by section 2, chapter 83, Oregon  
17 Laws 2014, and sections 1 and 2, chapter 113, Oregon Laws 2014, is amended  
18 to read:

19 “351.735. (1) As used in this section, ‘student access programs’ means  
20 scholarship, loan, grant and access programs described in ORS chapter 348.

21 “(2) The Higher Education Coordinating Commission shall be guided by  
22 the legislative findings in ORS 341.009, 351.001 and 351.003 and the goals and  
23 mission of post-secondary education set forth in ORS 351.006 and 351.009.

24 “(3) The Higher Education Coordinating Commission shall:

25 “(a) Develop state goals and associated achievement compacts for the  
26 state post-secondary education system, including community colleges and  
27 public universities listed in ORS 352.002, and for student access programs.

28 “(b) Determine strategic investments in the state’s community colleges,  
29 public universities and student access programs necessary to achieve state  
30 post-secondary education goals.

1       “(c) Coordinate the post-secondary elements of data collection and struc-  
2 ture, with the advice and recommendation of the state’s independent insti-  
3 tutions, community colleges and public universities, as appropriate, in order  
4 to construct a state longitudinal data system.

5       “(d) Adopt a strategic plan for achieving state post-secondary education  
6 goals, taking into consideration the contributions of this state’s independent  
7 institutions, philanthropic organizations and other organizations dedicated  
8 to helping Oregonians reach state goals. State post-secondary education  
9 goals as described in this section should include, but need not be limited to:

10       “(A) Increasing the educational attainment of the population;

11       “(B) Increasing this state’s global economic competitiveness and the  
12 quality of life of its residents;

13       “(C) Ensuring affordable access for qualified Oregon students at each  
14 college or public university;

15       “(D) Removing barriers to on-time completion; and

16       “(E) Tracking progress toward meeting the state’s post-secondary educa-  
17 tion goals established in the strategic plan described in this paragraph.

18       “(e)(A) Each biennium, after receiving funding requests from the state’s  
19 community colleges and public universities as authorized by law, recommend  
20 to the Governor a consolidated higher education budget request aligned with  
21 the strategic plan described in subsection (3)(d) of this section, including  
22 appropriations for:

23       “(i) Student access programs;

24       “(ii) Public universities listed in ORS 352.002, including but not limited  
25 to education and general operations, statewide public services and state-  
26 funded debt service;

27       “(iii) Community colleges, including but not limited to education and  
28 general operations and state-funded debt service;

29       “(iv) New facilities or programs;

30       “(v) Capital improvements and deferred maintenance; and

1       “(vi) Special initiatives and investments.

2       “(B) In the development of the consolidated higher education budget re-  
3 quest:

4       “(i) Determine the costs necessary to provide quality post-secondary edu-  
5 cation;

6       “(ii) Solicit input from educators, education policy experts, appropriate  
7 legislative committees, students and other persons interested in the develop-  
8 ment of the funding model; and

9       “(iii) Solicit public input regarding educational priorities.

10       “(f) Adopt rules governing the distribution of appropriations from the  
11 Legislative Assembly to community colleges, public universities listed in  
12 ORS 352.002 and student access programs. These rules must be based on al-  
13 location formulas developed in consultation with the state’s community col-  
14 leges and public universities, as appropriate.

15       “(g) Approve or disapprove any significant change to the academic pro-  
16 gram of a community college or a public university listed in ORS 352.002. In  
17 reaching a decision under this paragraph, the commission shall consider the  
18 recommendation from the community college or public university seeking to  
19 make the change to an academic program that is issued pursuant to the ob-  
20 ligation of the governing board of a community college or public university  
21 to review and approve academic programs. The commission shall ensure that  
22 approved programs:

23       “(A) Are consistent with the mission statement of the community college  
24 or public university;

25       “(B) Do not unnecessarily duplicate academic programs offered by  
26 Oregon’s other community colleges or public universities;

27       “(C) Are not located in a geographic area that will cause undue hardship  
28 to Oregon’s other community colleges or public universities; and

29       “(D) Are allocated among Oregon’s community colleges and public uni-  
30 versities to maximize the achievement of statewide needs and requirements.

1 “(h) For public universities listed in ORS 352.002:

2 “(A) Approve the mission statement adopted by a governing board of a  
3 public university [*or by the State Board of Higher Education*].

4 “(B) Review and determine whether a proposed annual increase of resi-  
5 dent undergraduate enrollment fees[, *as described in ORS 351.063,*] of greater  
6 than five percent is appropriate.

7 “(C) Advise the Governor and the Legislative Assembly on issues of uni-  
8 versity governance.

9 “(D) Approve and authorize degrees.

10 “(i) Authorize degrees to be offered by independent post-secondary insti-  
11 tutions in this state under ORS 348.594 to 348.615.

12 “(j) Oversee the licensing of career schools under ORS 345.010 to 345.450.

13 “(k) Have the authority to enter into and administer interstate agree-  
14 ments regarding the provision of post-secondary distance education. The  
15 participation by an educational institution that is not based in this state in  
16 distance learning courses or programs that are part of an interstate agree-  
17 ment entered into and administered under this paragraph does not constitute  
18 operating in this state for purposes of ORS 348.594 to 348.615. The commis-  
19 sion, by rule, may impose a fee on any educational institution that seeks to  
20 operate under or participate in such interstate agreements. The fee amount  
21 shall be established to recover designated expenses incurred by the commis-  
22 sion in participating in such agreements.

23 “(4) In addition to the duties described in subsections (2) and (3) of this  
24 section, the Higher Education Coordinating Commission shall advise the  
25 Legislative Assembly, the Governor, community colleges, public universities  
26 and other state boards and commissions on policies in order to:

27 “(a) Ensure or improve access to higher education by diverse and under-  
28 served populations.

29 “(b) Encourage student success and completion initiatives.

30 “(c) Improve the coordination of the provision of educational services,

1 including:

2 “(A) Transfers and coenrollment throughout the higher education system;

3 “(B) Accelerated college credit programs for high school students;

4 “(C) Applied baccalaureate and other transfer degrees;

5 “(D) Programs and grants that span multiple institutions; and

6 “(E) Reciprocity agreements with other states.

7 “(d) In coordination with the State Board of Education, enhance the use  
8 and quality of dual credit, career and technical pathways and efforts to cre-  
9 ate a culture of college attendance in this state.

10 “(e) In coordination with the State Workforce Investment Board, local  
11 workforce investment boards, the Oregon Health and Science University and  
12 independent institutions, ensure that the state’s colleges and universities  
13 offer programs in high-demand occupations that meet Oregon’s workforce  
14 needs.

15 “(f) Improve economies of scale by encouraging and facilitating the use  
16 of the shared services among post-secondary institutions in this state.

17 “(5) The Higher Education Coordinating Commission, in a manner con-  
18 sistent with ORS chapter 183, may adopt administrative rules.

19 “(6) With the exception of the rulemaking authority granted in subsection  
20 (5) of this section, the Higher Education Coordinating Commission may del-  
21 egate any of its powers, duties or functions to a committee of the commission  
22 or to the executive director of the commission.

23 “(7) The Higher Education Coordinating Commission may establish tech-  
24 nical or advisory committees to assist the commission in exercising its pow-  
25 ers, duties and functions.

26 “(8) The Higher Education Coordinating Commission may exercise only  
27 powers, duties and functions expressly granted by the Legislative Assembly.  
28 Except as otherwise expressly provided by law, all other authorities reside  
29 at the institutional level with the respective boards of the post-secondary  
30 institutions.

1       **“SECTION 140.** ORS 351.751 is amended to read:

2       “351.751. (1) The Higher Education Coordinating Commission shall work  
3 with [*the State Board of Higher Education*] **public universities listed in**  
4 **ORS 352.002**, community college districts and independent for-profit and  
5 not-for-profit institutions of higher education to carry out the following  
6 goals:

7       “(a) Increase the number of students who receive academic credit for prior  
8 learning and the number of students who receive academic credit for prior  
9 learning that counts toward their major or toward earning their degree,  
10 certificate or credential, while ensuring that credit is awarded only for high  
11 quality course-level competencies;

12       “(b) Increase the number and type of academic credits accepted for prior  
13 learning in institutions of higher education, while ensuring that credit is  
14 awarded only for high quality course-level competencies;

15       “(c) Develop transparent policies and practices in awarding academic  
16 credit for prior learning to be adopted by the governing boards of public  
17 universities, community colleges and independent institutions of higher edu-  
18 cation;

19       “(d) Improve prior learning assessment practices across all institutions  
20 of higher education;

21       “(e) Create tools to develop faculty and staff knowledge and expertise in  
22 awarding academic credit for prior learning and to share exemplary policies  
23 and practices among institutions of higher education;

24       “(f) Develop articulation agreements when patterns of academic credit for  
25 prior learning are identified for particular programs and pathways; and

26       “(g) Develop outcome measures to track progress on the goals outlined in  
27 this section.

28       “(2) The Higher Education Coordinating Commission shall appoint an  
29 advisory committee to coordinate implementation of the goals in subsection  
30 (1) of this section. The committee shall include:

1       “(a) A member [*recommended for appointment by the State Board of Higher*  
2 *Education*] representing public universities in this state.

3       “(b) A member [*recommended for appointment by the Commissioner for*  
4 *Community College Services*] representing community colleges in this state.

5       “(c) A member representing independent not-for-profit institutions of  
6 higher education located in this state.

7       “(d) A member representing for-profit institutions of higher education of-  
8 fering degree programs to students in this state.

9       “(e) A member representing the business community.

10       “(f) A member representing the labor community.

11       “(g) A member who is a student at a two-year or four-year institution of  
12 higher education located in this state.

13       “(h) Other members appointed by the Higher Education Coordinating  
14 Commission based upon a demonstrated interest in and knowledge of prior  
15 learning programs.

16       “(3) The Higher Education Coordinating Commission shall submit an an-  
17 nual report to the Legislative Assembly no later than December 31 of each  
18 calendar year, in the manner prescribed by ORS 192.245, reporting on  
19 progress toward meeting the goals set forth in subsection (1) of this section.

20       “(4) For the purposes of this section, ‘prior learning’ means the knowledge  
21 and skills gained through work and life experience, through military training  
22 and experience and through formal and informal education and training from  
23 institutions of higher education in the United States and in other nations.

24       “**SECTION 141.** ORS 351.810 is amended to read:

25       “351.810. The [*State Board of Higher Education*] **public universities**  
26 **listed in ORS 352.002**, the Oregon Health and Science University and the  
27 Oregon members of the Western Interstate Commission for Higher Education  
28 are authorized to take any action necessary to achieving the ends of the  
29 Western Regional Higher Education Compact.

30       “**SECTION 142.** ORS 351.820 is amended to read:



1 “351.820. (1) Prior to June 1 of each even-numbered year, the Oregon  
2 members of the Western Interstate Commission for Higher Education shall  
3 determine the quotas of Oregon students for whom various kinds of educa-  
4 tional service should be purchased in out-of-state institutions during the next  
5 biennium and shall recommend to [*the State Board of Higher Education*] **the**  
6 **governing boards of public universities listed in ORS 352.002** and the  
7 Oregon Health and Science University Board of Directors the amount to be  
8 included in its biennial budget to cover the cost of such educational service  
9 for students enrolled in their respective institutions.

10 “(2) The [*State Board of Higher Education*] **governing boards of public**  
11 **universities listed in ORS 352.002** and the Oregon Health and Science  
12 University Board of Directors shall negotiate contracts with the Western  
13 Interstate Commission for Higher Education for educational service of the  
14 kind and amount indicated by the quotas determined under subsection (1) of  
15 this section. The [*board*] **governing boards** shall make payments required  
16 by such contracts out of the money appropriated to [*it*] **the universities** for  
17 that purpose.

18 “(3) The [*State Board of Higher Education*] **governing boards of public**  
19 **universities listed in ORS 352.002** may also contract with higher education  
20 institutions, or others, which are not members of the Western Interstate  
21 Commission for Higher Education, to furnish educational services to stu-  
22 dents who are residents of the State of Oregon in those areas of higher ed-  
23 ucation where the educational institutions of the State of Oregon are unable  
24 to provide the desired professional educational opportunities.

25 **“SECTION 143.** ORS 351.830 is amended to read:

26 “351.830. (1) Any Oregon resident desiring to take advantage of the  
27 Western Regional Higher Education Compact may make application to the  
28 [*State Board of Higher Education*] **Higher Education Coordinating Com-**  
29 **mission** for out-of-state educational service. From such applicants the  
30 [*board*] **commission** shall select students to fill the quotas determined under

1 ORS 351.820.

2 “(2) The [*board*] **commission** and the Oregon members of the Western  
3 Interstate Commission for Higher Education shall jointly establish criteria  
4 to be observed by the [*board*] **commission** in making such selections.

5 “(3) The [*board*] **commission** shall certify the names of the students se-  
6 lected to the Western Interstate Commission for Higher Education and to the  
7 out-of-state institution to which each student desires admission.

8 **“SECTION 144.** ORS 351.840 is amended to read:

9 “351.840. (1) The [*State Board of Higher Education*] **governing boards**  
10 **of public universities listed in ORS 352.002** and the Oregon Health and  
11 Science University Board of Directors may contract with the Western Inter-  
12 state Commission for Higher Education to furnish educational service in  
13 their respective Oregon public universities to out-of-state students.

14 “(2) The [*State Board of Higher Education*] **governing boards of public**  
15 **universities listed in ORs 352.002** and the Oregon Health and Science  
16 University Board of Directors shall determine the number of out-of-state  
17 students that should be accepted into their respective universities, and shall  
18 make final decisions on admission of individual applicants.

19 “(3) Payments made by the commission under such contracts shall be de-  
20 posited **with the public university attended by the student** [*in and cred-*  
21 *ited to a designated account in the Oregon University System Fund established*  
22 *by ORS 351.506 for students enrolled in public universities under the juris-*  
23 *isdiction of the State Board of Higher Education*] in the same manner that fees  
24 and tuition payments for resident students are deposited and credited. The  
25 estimated amount of the payments must be considered by the **governing**  
26 **board of the public university** in making its biennial budgetary requests.  
27 Payments made by the commission under such contracts must be deposited  
28 with the Oregon Health and Science University for students who enroll in  
29 that university under the terms of such contracts.

30 **“SECTION 145.** ORS 351.870 is amended to read:

1 “351.870. (1) The Legislative Assembly finds and declares that basic re-  
2 search is fundamental to the continuation and expansion of applied research  
3 and is thus a necessary ingredient in economic growth. The Legislative As-  
4 sembly further finds that basic research is itself an important activity which  
5 should be promoted.

6 “(2) It is the policy of this state that basic research is an appropriate and  
7 necessary activity of our public universities. Further, the State of Oregon  
8 has an obligation with other states and the federal government to encourage  
9 and finance basic research if the state and nation are to be active partic-  
10 ipants in a future which will require ever increasing levels of knowledge and  
11 understanding.

12 “(3) The Legislative Assembly acknowledges that a characteristic of basic  
13 research is that no defined result can be guaranteed and asserts that only  
14 through scholarly investigation can knowledge be advanced to be later de-  
15 veloped and applied.

16 “(4) The Legislative Assembly believes that moneys for basic research  
17 should be regularly appropriated and that such moneys should be used for  
18 support of qualified investigators and funding of research projects.

19 “[5) *The Legislative Assembly intends that in implementing the policy on*  
20 *basic research or any other research policy, the State Board of Higher Educa-*  
21 *tion, in keeping with the principle of academic freedom, shall ensure open and*  
22 *free inquiry and publication in all public universities under its jurisdiction.]*

23 **“SECTION 146.** ORS 352.012 is amended to read:

24 “352.012. For the purpose of requesting a state or nationwide criminal  
25 records check under ORS 181.534, a public university listed in ORS 352.002  
26 may require the fingerprints of a person who:

27 “(1)(a) Is employed or applying for employment by the university [*or*  
28 *Oregon University System*]; or

29 “(b) Provides services or seeks to provide services to the university [*or*  
30 *Oregon University System*] as a contractor or volunteer; and

1 “(2) Is, or will be, working or providing services in a position that is  
2 designated as a critical or security-sensitive position. As used in this sub-  
3 section, ‘critical or security-sensitive position’ means a position in which the  
4 person:

5 “(a) Has direct access to persons under 18 years of age or to student  
6 residence facilities because the person’s work duties require the person to  
7 be present in the residence facility;

8 “(b) Is providing information technology services and has control over,  
9 or access to, information technology systems that would allow the person to  
10 harm the information technology systems or the information contained in the  
11 systems;

12 “(c) Has access to information, the disclosure of which is prohibited by  
13 state or federal laws, rules or regulations or information that is defined as  
14 confidential under state or federal laws, rules or regulations;

15 “(d) Has access to property where chemicals, hazardous materials and  
16 other items controlled by state or federal laws or regulations are located;

17 “(e) Has access to laboratories, nuclear facilities or utility plants to  
18 which access is restricted in order to protect the health or safety of the  
19 public;

20 “(f) Has fiscal, financial aid, payroll or purchasing responsibilities as one  
21 of the person’s primary responsibilities; or

22 “(g) Has access to personal information about employees or members of  
23 the public including Social Security numbers, dates of birth, driver license  
24 numbers, medical information, personal financial information or criminal  
25 background information.

26 **“SECTION 147.** ORS 352.021 is amended to read:

27 “352.021. (1) As used in this section, ‘internment camp’ means a relocation  
28 center to which persons were ordered evacuated by Presidential Executive  
29 Order 9066, signed on February 19, 1942.

30 “(2) A person who meets the requirements of subsection (4) of this section

1 may request a public university listed in ORS 352.002 to award the person  
2 an honorary post-secondary degree.

3 “(3) A representative of a deceased person who meets the requirements  
4 of subsection (4) of this section may request a public university to award an  
5 honorary post-secondary degree on behalf of the deceased person.

6 “(4) Notwithstanding the requirements for a post-secondary degree estab-  
7 lished by a public university [*or by the State Board of Higher Education*], a  
8 public university that receives a request under subsection (2) or (3) of this  
9 section may award an honorary post-secondary degree to a person, or on  
10 behalf of a deceased person, who:

11 “(a) Was a student at the public university in 1942; and

12 “(b) Did not graduate from the public university because the person was  
13 ordered to an internment camp.

14 “**SECTION 148.** ORS 352.029 is amended to read:

15 “352.029. As used in ORS 351.365 to 351.379 and 352.025 to 352.146:

16 “(1) ‘Governing board’ means a governing board [*established by a univer-*  
17 *sity under ORS 352.054*] **of a public university listed in ORS 352.002** that  
18 manages the affairs of the university by exercising and carrying out all of  
19 the powers, rights and duties that are expressly conferred upon the **gov-**  
20 **erning** board by law, or that are implied by law or are incident to such  
21 powers, rights and duties.

22 “(2) ‘State bonds’ means ‘bonds’ as defined in ORS 286A.001 that are is-  
23 sued by the State Treasurer.

24 “(3) ‘University with a governing board’ means a public university listed  
25 in ORS [*352.054*] **352.002** that has established a governing board.

26 “**SECTION 149.** ORS 352.107 is amended to read:

27 “352.107. (1) A university with a governing board may:

28 “(a) Acquire, receive, hold, keep, pledge, control, convey, manage, use,  
29 lend, expend and invest all moneys, appropriations, gifts, bequests, stock and  
30 revenue from any source.

1 “(b) Borrow money for the needs of the university in such amounts and  
2 for such time and upon such terms as may be determined by the university  
3 or the governing board.

4 “(c) Make any and all contracts and agreements, enter into any partner-  
5 ship, joint venture or other business arrangement and create and participate  
6 fully in the operation of any business structure, including but not limited to  
7 the development of business structures and networks with any public or  
8 private government, nonprofit or for-profit person or entity, that in the  
9 judgment of the university or the governing board is necessary or appropri-  
10 ate.

11 “(d) Establish, collect and use charges, fines and fees for services, facili-  
12 ties, operations and programs.

13 “(e) Purchase, receive, subscribe for or otherwise acquire, own, hold, vote,  
14 use, sell, mortgage, lend, pledge, invest in or otherwise dispose of and deal  
15 in or with the shares, stock or other equity or interests in or obligations of  
16 any other entity. The State of Oregon may not have any proprietary or other  
17 interest in investments or funds referenced in this paragraph.

18 “(f) Acquire, purchase, purchase on a contractual basis, borrow, receive,  
19 own, hold, control, convey, sell, manage, operate, lease, lease-purchase, li-  
20 cense, lend, invest in, issue, improve, develop, use, expend and dispose of  
21 personal property, including intellectual property, of any nature, tangible or  
22 intangible.

23 “(g) Establish employee benefit plans of any type, subject to ORS 351.094.

24 “(h) Take, hold, grant, pledge or dispose of mortgages, liens and other  
25 security interests on real and personal property.

26 “(i) Spend all available moneys without appropriation or expenditure  
27 limitation approval from the Legislative Assembly, except for moneys re-  
28 ceived by a university with a governing board pursuant to a funding request  
29 submitted under ORS 352.089 (4) and the proceeds of state bonds issued for  
30 the benefit of a university with a governing board. The proceeds of state

1 bonds issued for the benefit of a university with a governing board must be  
2 held pursuant to an agreement entered into by the State Treasurer and a  
3 university with a governing board under ORS 352.135 (2). [*The provisions of*  
4 *ORS 351.450, 351.455 and 351.460 do not apply to state bonds issued for the*  
5 *benefit of a university with a governing board pursuant to Article XI-F(1) or*  
6 *XI-G of the Oregon Constitution.*]

7 “(j) Acquire, purchase, purchase on a contractual basis, borrow, receive,  
8 own, hold, control, convey, mortgage, pledge or otherwise encumber, sell,  
9 manage, operate, lease, lease-purchase, license, lend, invest in, improve, de-  
10 velop, use, expend and dispose of real property.

11 “(k) Erect, construct, improve, remodel, develop, repair, maintain, equip,  
12 furnish, lease, lend, convey, sell, manage, operate, use and dispose of any  
13 building, structure, land or project.

14 “(L) Acquire, by condemnation or otherwise, private property that is  
15 necessary or convenient. The right to acquire property by condemnation  
16 shall be exercised as provided by ORS chapter 35.

17 “(m) Establish policies for the organization, administration and develop-  
18 ment of the university which, to the extent set forth in those policies, shall  
19 have the force of law and may be enforced through university procedures  
20 that include an opportunity for appeal and in any court of competent juris-  
21 diction.

22 “(n) Sue in its own name, be sued in its own name and issue and enforce  
23 subpoenas in its own name.

24 “(o) Hire or retain attorneys for the provision of all legal services. A  
25 university with a governing board shall reimburse the State Treasurer for  
26 legal fees incurred in connection with state bonds issued at the request of  
27 the university.

28 “(p) Purchase any and all insurance, operate a self-insurance program or  
29 otherwise arrange for the equivalent of insurance coverage of any nature and  
30 the indemnity and defense of its officers, agents and employees or other

1 persons designated by the university.

2 “(q) Subject to the procedures set forth in ORS 352.089, establish, super-  
3 vise and control academic and other programs, units of operation and stan-  
4 dards, qualifications, policies and practices relating to university matters  
5 such as admissions, curriculum, grading, student conduct, credits, scholar-  
6 ships and the granting of academic degrees, certificates and other forms of  
7 recognition.

8 “(r) Enforce and recover any fees, charges and fines, including but not  
9 limited to tuition and mandatory enrollment fees.

10 “(s) Make available and perform any and all services on such terms as the  
11 governing board considers appropriate.

12 “(t) Delegate and provide for the further delegation of any and all powers  
13 and duties, subject to the limitations expressly set forth in law.

14 “(2) The budget for a university with a governing board shall be prepared  
15 in accordance with generally accepted accounting principles and adopted by  
16 the governing board in accordance with ORS 192.610 to 192.710.

17 “(3) A governing board or university with a governing board may perform  
18 any other acts that in the judgment of the **governing** board or university  
19 are required, necessary or appropriate to accomplish the rights and respon-  
20 sibilities granted to the **governing** board or university by law.

21 **SECTION 150.** ORS 352.129 is amended to read:

22 “352.129. (1) Notwithstanding ORS 352.102 and 352.107 and section 169,  
23 chapter 768, Oregon Laws 2013, the amendments to ORS 243.107 and 351.094  
24 by sections 88 and 113, chapter 768, Oregon Laws 2013, and the operative date  
25 set forth in section 171, chapter 768, Oregon Laws 2013, [a] **each** university  
26 with a governing board shall continue to participate with other public uni-  
27 versities listed in ORS 352.002 in all shared administrative services relating  
28 to:

29 “(a) Employee benefits, including but not limited to group insurance or  
30 deferred compensation plans authorized by ORS 351.094;



1 “(b) Collective bargaining with any statewide bargaining unit that in-  
2 cludes employees of two or more public universities listed in ORS 352.002;  
3 and

4 “(c) Risk management, the purchase of insurance or the management of  
5 a self-insurance program authorized by ORS [351.096 or] 352.107.

6 “(2) The shared administrative services listed in subsection (1) of this  
7 section must be done under the same terms, conditions, funding model and  
8 policy frameworks as those that exist on August 14, 2013, until July 1, 2015.  
9 On and after July 1, 2015, public universities listed in ORS 352.002 may  
10 choose to participate in shared services under an alternative shared services  
11 model.

12 “(3) Two or more public universities listed in ORS 352.002[, *including*  
13 *universities with governing boards,*] may participate in shared services not  
14 described in subsection (1) of this section, including but not limited to shared  
15 services involving legal services and information technology.

16 “[4] *Pursuant to ORS 352.025, and in order to ensure that the establish-*  
17 *ment of universities with governing boards does not negatively impact public*  
18 *universities that do not have governing boards, if a university with a governing*  
19 *board stops participating in a service shared by two or more public universities*  
20 *listed in ORS 352.002, including but not limited to the shared services listed*  
21 *in this section, and the withdrawal from the service has a negative effect on*  
22 *the remaining public universities, the Higher Education Coordinating Com-*  
23 *mission shall compensate universities suffering a negative impact through ei-*  
24 *ther reduction of appropriations made to the university with a governing board*  
25 *or any other method found to be appropriate by the commission.]*

26 “[5] *The office of the Chancellor of the Oregon University System shall*  
27 *coordinate public university shared services described in this section until a*  
28 *new entity to coordinate shared services is operational.]*

29 **“SECTION 151.** ORS 352.191 is amended to read:

30 “352.191. [*The Oregon University System*] **Portland State University** may

1 receive moneys from any public or private source to support the Mark O.  
2 Hatfield School of Government, the Center for Lakes and Reservoirs, the  
3 Graduate School of Social Work or the Institute of Portland Metropolitan  
4 Studies created under ORS 352.196, 352.207, 352.213 and 352.217. Gifts and  
5 grants received to support the Mark O. Hatfield School of Government, the  
6 Center for Lakes and Reservoirs, the Graduate School of Social Work or the  
7 Institute of Portland Metropolitan Studies shall be credited to the appropri-  
8 ate fund at Portland State University [*by the Oregon University System*].

9 **“SECTION 152.** ORS 352.221 is amended to read:

10 “352.221. (1) Pursuant to ORS 351.870, there is created [*within the Oregon*  
11 *University System*] the Oregon Renewable Energy Center. The Oregon  
12 Renewable Energy Center shall be administered by the Oregon Institute of  
13 Technology.

14 “(2) The purpose of the Oregon Renewable Energy Center is to engage in  
15 renewable energy system engineering and applied research.

16 “(3) The [*Oregon University System*] **Oregon Institute of Technology**  
17 may receive moneys from any public or private source to support the Oregon  
18 Renewable Energy Center. Gifts and grants received to support the Oregon  
19 Renewable Energy Center shall be credited to the appropriate fund at the  
20 Oregon Institute of Technology [*by the Oregon University System*].

21 **“SECTION 153.** ORS 352.223 is amended to read:

22 “352.223. (1) As used in this section:

23 “(a) ‘Allied health education programs’ includes, but is not limited to:

24 “(A) Radiologic science;

25 “(B) Nuclear medicine;

26 “(C) Sonography;

27 “(D) Vascular technology;

28 “(E) Dental hygiene;

29 “(F) Respiratory care;

30 “(G) Clinical laboratory sciences; and

1 “(H) Emergency medical services provider education.

2 “(b) ‘Allied health education programs’ does not include any undergradu-  
3 ate or graduate nursing program administered by Oregon Health and Science  
4 University.

5 “(2) There is created [*within the Oregon University System*] the Oregon  
6 Center for Health Professions. The Oregon Center for Health Professions  
7 shall be administered by the Oregon Institute of Technology.

8 “(3) The purposes of the Oregon Center for Health Professions are to:

9 “(a) Provide continued development of bachelor’s degree level education  
10 programs in areas of allied health;

11 “(b) Facilitate the creation of new partnerships between the health care  
12 industry and community colleges, private institutions of higher education  
13 and public universities listed in ORS 352.002 in order to increase the number  
14 of students and graduates in allied health education programs;

15 “(c) Provide continuing education, professional development and certifi-  
16 cate programs for allied health care professionals; and

17 “(d) Align with and complement educational partnerships between the  
18 Oregon Institute of Technology and Oregon Health and Science University  
19 focusing on allied health education programs.

20 “(4) The [*Oregon University System*] **Oregon Institute of Technology**  
21 may receive moneys from any public or private source to support the Oregon  
22 Center for Health Professions. Gifts and grants received to support the  
23 Oregon Center for Health Professions shall be credited to the appropriate  
24 fund at the Oregon Institute of Technology [*by the Oregon University*  
25 *System*].

26 “**SECTION 154.** ORS 352.230 is amended to read:

27 “352.230. (1) Oregon State University is designated and permanently  
28 adopted as the agricultural college of the state and shall provide, in ac-  
29 cordance with the objectives sought by Congress in the establishment of  
30 state agricultural colleges, instruction in agriculture and the mechanic arts.

1 The university is also a Sea Grant College dedicated to education and re-  
2 search in the marine sciences.

3 “(2) [*The State Board of Higher Education*] **Oregon State University,**  
4 **or any other public university listed in ORS 352.002 that receives au-**  
5 **thorization from the Higher Education Coordinating Commission,** is  
6 authorized to enter into agreements with its counterpart in the State of  
7 Idaho and with the Board of Regents of Washington State University for  
8 cooperative development of the program in Veterinary Medicine.

9 **“SECTION 155.** ORS 352.239 is amended to read:

10 “352.239. (1) [*There is created within the Oregon University System*] The  
11 Institute for Natural Resources **is created within Oregon State**  
12 **University.** The Institute for Natural Resources shall be administered by  
13 Oregon State University **and other public universities listed in ORS**  
14 **352.002** [*and other institutions in the Oregon University System*].

15 “(2) The Institute for Natural Resources shall serve the following pur-  
16 poses:

17 “(a) Serve as a clearinghouse for scientifically based natural resources  
18 information.

19 “(b) Provide scientifically based natural resources information to the  
20 public in integrated and accessible formats.

21 “(c) Coordinate efforts with other state agencies and bodies to provide  
22 natural resources information to the public in a comprehensive manner.

23 “(d) Facilitate and conduct research.

24 “(e) Provide information and technical tools to assist decision-making on  
25 natural resources issues.

26 “(f) Assist the State Parks and Recreation Commission in carrying out the  
27 Natural Areas Program by maintaining a data bank that contains a classi-  
28 fication of natural heritage resources and an inventory of the locations of  
29 the resources. At a minimum, the institute shall record in the data bank the  
30 location of state natural areas, the natural heritage resources in those areas,

1 sites that are inhabited by rare species, and lists that rank by rarity species,  
2 plant communities and ecosystem types. The institute shall make the infor-  
3 mation included in the data bank available to private landowners, research-  
4 ers and local, state and federal agencies.

5 “(g) Assist the State Parks and Recreation Department in carrying out  
6 the Natural Areas Program by reviewing and providing recommendations on  
7 proposals for registration and dedication of natural areas.

8 “(3) When making observations on private land, an employee of [*an in-*  
9 *stitution in the Oregon University System*] **Oregon State University or an-**  
10 **other public university listed in ORS 352.002** who is compiling  
11 information for the Natural Areas Program pursuant to subsection (2)(f) of  
12 this section must obtain permission from the landowner before entering the  
13 information into the data bank.

14 “(4) Using existing resources, state agencies designated by the Governor  
15 shall enter into a memorandum of understanding, or other agreement deemed  
16 appropriate by the Governor, with the institute that defines and clarifies the  
17 roles and responsibilities of the agencies in order to prevent duplication of  
18 effort and to ensure that agency resources are used efficiently.

19 “(5) State agencies may contract with the institute to fulfill agency needs  
20 regarding the collection, storage, integration, analysis, dissemination and  
21 monitoring of natural resources information and natural resources research  
22 and training.

23 **“SECTION 156.** ORS 352.247 is amended to read:

24 “352.247. (1) [*There is created within the Oregon University System*] The  
25 Oregon Climate Change Research Institute **is established at Oregon State**  
26 **University. In administering the institute, Oregon State University**  
27 **may seek the cooperation of other public universities listed in ORS**  
28 **352.002.** [*The institute shall be administered by Oregon State University and*  
29 *institutional partners within the Oregon University System.*]

30 “(2) The purpose of the Oregon Climate Change Research Institute is to:

1 “(a) Facilitate research by [*Oregon University System*] faculty **at public**  
2 **universities listed in ORS 352.002** on climate change and its effects on  
3 natural and human systems in Oregon;

4 “(b) Serve as a clearinghouse for climate change information;

5 “(c) Provide climate change information to the public in integrated and  
6 accessible formats;

7 “(d) Support the Oregon Global Warming Commission in developing  
8 strategies to prepare for and to mitigate the effects of climate change on  
9 natural and human systems; and

10 “(e) Provide technical assistance to local governments to assist them in  
11 developing climate change policies, practices and programs.

12 “(3) The Oregon Climate Change Research Institute shall assess, at least  
13 once each biennium, the state of climate change science, including biological,  
14 physical and social science, as it relates to Oregon and the likely effects of  
15 climate change on the state. The institute shall submit the assessment to the  
16 Legislative Assembly in the manner provided in ORS 192.245 and to the  
17 Governor.

18 “(4) State agencies may contract with the Oregon Climate Change Re-  
19 search Institute to fulfill agency needs regarding the collection, storage, in-  
20 tegration, analysis, dissemination and monitoring of climate change  
21 information, research and training.

22 **“SECTION 157.** ORS 352.252 is amended to read:

23 “352.252. (1) The Oceangoing Research Vessel Program is established at  
24 Oregon State University in order to assist in the research and study of the  
25 waters of the Pacific Coast. Potential areas of research include, but are not  
26 limited to:

27 “(a) Mapping the seabed in Oregon’s territorial sea, as defined in ORS  
28 196.405;

29 “(b) Analyzing marine ecosystems, including but not limited to existing  
30 marine reserves, existing marine protected areas, proposed marine reserves

1 and proposed marine protected areas;

2 “(c) Analyzing the potential effects of climate change, including but not  
3 limited to ocean acidification;

4 “(d) Compiling comprehensive assessments of overall ocean health;

5 “(e) Understanding ocean dynamics, including but not limited to natural  
6 hazards such as tsunamis; and

7 “(f) Installing instruments to effectively monitor the impact of wave en-  
8 ergy systems, marine reserves and marine protected areas on marine  
9 ecosystems and fish populations.

10 “(2) The Oceangoing Research Vessel Program shall solicit from state  
11 agencies and from students and faculty [*within the Oregon University*  
12 *System*] **of public universities listed in ORS 352.002** proposals for the use  
13 of a research vessel operated under the program.

14 “(3) In order to effectively allocate the use of research vessels operated  
15 under the Oceangoing Research Vessel Program, there is established a Re-  
16 search Vessel Council, consisting of seven members appointed by the Presi-  
17 dent of Oregon State University. The president shall appoint to the council:

18 “(a) At least one member who is a trained scientist with at least five  
19 years of marine research experience;

20 “(b) Upon request from the agency, at least one member from each of the  
21 following agencies:

22 “(A) State Department of Fish and Wildlife;

23 “(B) State Department of Geology and Mineral Industries;

24 “(C) Department of Land Conservation and Development; and

25 “(D) Department of Environmental Quality; and

26 “(c) At least one member who has expertise in marine operations or ma-  
27 rine education.

28 “(4) The Research Vessel Council shall evaluate proposals submitted un-  
29 der subsection (2) of this section on the basis of the:

30 “(a) Proposal’s geographical area of study;

1 “(b) Quality of the submitted management, research or educational ra-  
2 tionale; and

3 “(c) Feasibility of accommodating the proposed work within the schedule  
4 of federally funded projects for the research vessel.

5 “(5) The Research Vessel Council shall schedule the use of a research  
6 vessel for selected proposals as part of the University-National  
7 Oceanographic Laboratory System ship scheduling process.

8 “**SECTION 158.** ORS 352.383 is amended to read:

9 “352.383. (1) [*The State Board of Higher Education may, at the request of*  
10 *a public university under its control,*] **The governing board of a public**  
11 **university listed in ORS 352.002 may** authorize the university to establish  
12 a police department and commission one or more employees as police officers.  
13 A police department established under this section has all of the authority  
14 and immunity of a municipal police department of this state.

15 “(2) Police officers commissioned under this section:

16 “(a) May enforce criminal laws and any administrative rules and policies  
17 adopted by the **governing** board [*or the commissioning university*]; and

18 “(b) Have all the authority and immunity of a peace officer or police of-  
19 ficer of this state.

20 “(3) When a university establishes a police department and commissions  
21 one or more employees as police officers, the president of the university, in  
22 cooperation with the chief of the police department, shall establish a process  
23 by which the university will receive and respond to complaints involving the  
24 policies of the police department and the conduct of the police officers.

25 “(4) The **governing** board may:

26 “(a) Enter into an agreement, or authorize [*a*] **the** university under its  
27 control to enter into an agreement, with a municipal corporation or any de-  
28 partment, agency or political subdivision of this state for the provision of  
29 mutual aid by their respective police officers.

30 “(b) Adopt [*rules*] **standards** to carry out the provisions of this section.



1       **“SECTION 159.** ORS 352.390 is amended to read:

2       “352.390. (1) The [*State Board of Higher Education*] **Higher Education**  
3 **Coordinating Commission** shall cause to have prepared and submitted to  
4 the Legislative Assembly a program and time schedule for the establishment  
5 of regional services institutes at appropriate public universities. The pro-  
6 gram shall include academic curriculum and practical training appropriate  
7 to train students in various aspects of economic and community services  
8 planning, with particular emphasis on economic services planning for areas  
9 of the state that have common geographic, economic and social character-  
10 istics but that do not have sufficient population to qualify as metropolitan  
11 statistical areas.

12       “(2) In carrying out its duties under subsection (1) of this section, the  
13 [*board*] **commission** shall consult with the Oregon Business Development  
14 Department and shall rely on the department for technical advice and, as  
15 necessary, technical services. The [*board*] **commission** shall also consult  
16 with community colleges, the Oregon State University Extension Service,  
17 economic development districts and special districts providing community  
18 and economic development services in the region in order to prepare curric-  
19 ulum and programs with particular emphasis on streamlining existing pro-  
20 grams, avoiding duplication and overlap of programs, better utilizing  
21 students and resources and identifying needs in the region that are currently  
22 unaddressed.

23       “(3) In preparing programs for establishing regional services institutes,  
24 the [*board*] **commission** shall give priority to establishing institutes at  
25 Eastern Oregon University and Southern Oregon University. [*The board may*  
26 *also direct the hiring of an institute director and other staff as may be from*  
27 *time to time required.*]

28       **“SECTION 160.** ORS 352.610 is amended to read:

29       “352.610. (1) Oregon State University shall execute the trust created by  
30 the last will and testament of John T. Apperson, deceased. The university

1 shall administer the trust fund provided for and designated in the will as the  
2 J. T. Apperson Agricultural College Educational Fund.

3 “(2) Oregon State University may accept, receive, own, hold, sell and  
4 dispose of any and all real and personal property given, devised or  
5 bequeathed to the State Land Board by John T. Apperson in trust for the  
6 purpose of creating the J. T. Apperson Agricultural College Educational  
7 Fund. The university shall manage and use it in accordance with the di-  
8 rections contained in the will of John T. Apperson, deceased, for the purpose  
9 of defraying the expenses and assisting in the education at Oregon State  
10 University of deserving young men and women who are residents of Oregon  
11 and are unable to bear the expense of a collegiate course at that institution.

12 “(3) All necessary expenses incurred by Oregon State University in con-  
13 nection with the administration of the trust fund shall be payable out of the  
14 fund. [*The State Board of Higher Education or the university, if authority is*  
15 *delegated under ORS 351.070,*] **Oregon State University** may adopt any  
16 necessary [*rules*] **standards** for the transaction of business related to and the  
17 carrying out of this section and ORS 352.620.

18 “**SECTION 161.** ORS 352.669 is amended to read:

19 “352.669. The Legislative Assembly declares that all state agencies and  
20 the [*Oregon University System*] **Higher Education Coordinating Commis-**  
21 **sion** should pursue policies and engage in practices that enhance the vitality  
22 of independent higher education in Oregon and should cooperate with the  
23 state’s independent institutions.

24 “**SECTION 162.** ORS 353.040 is amended to read:

25 “353.040. (1) There is established an Oregon Health and Science Univer-  
26 sity Board of Directors consisting of [*10*] **9** members. The directors, except  
27 for the president of the university, shall be appointed by the Governor and  
28 shall be confirmed by the Senate in the manner prescribed in ORS 171.562  
29 and 171.565.

30 “(2) Except for the president of the university, the term of office of each

1 nonstudent member is four years. The term of office of the student member  
2 is two years. Before the expiration of the term of a member, the Governor  
3 shall appoint a successor whose term begins on October 1 next following. A  
4 member is eligible for reappointment for one additional term. If there is a  
5 vacancy for any cause, the Governor shall make an appointment to become  
6 effective immediately for the unexpired term. The board shall nominate a  
7 slate of candidates whenever a vacancy occurs or is announced and shall  
8 forward the recommended candidates to the Governor for consideration. To  
9 assist the Governor in appointing the student member, the duly organized  
10 and recognized entity of student government shall submit a list of nominees  
11 to the Governor for consideration.

12 “(3) The membership of the board shall be as follows:

13 “[*a*] *One representative who is a nonstudent member of the State Board*  
14 *of Higher Education.*]

15 “[*b*] **(a)** Seven representatives who, in the discretion of the Governor,  
16 have experience in areas related to the university missions or that are im-  
17 portant to the success of Oregon Health and Science University, including  
18 but not limited to higher education, health care, scientific research, engi-  
19 neering and technology and economic and business development.

20 “[*c*] **(b)** One representative who is a student enrolled at the university.

21 “[*d*] **(c)** The president of the university, who shall be an ex officio voting  
22 member.

23 “(4) Directors must be citizens of the United States. Except for the pres-  
24 ident of the university, no voting member may be an employee of the uni-  
25 versity.

26 “(5) The board shall select one of its members as chairperson and another  
27 as vice chairperson for such terms and with such duties and powers as the  
28 board considers necessary for performance of the functions of those offices.  
29 The board shall adopt bylaws concerning how a quorum shall be constituted  
30 and when a quorum shall be necessary.

1 “(6) The board shall meet at least once every three months at Oregon  
2 Health and Science University. The board shall meet at such other times and  
3 places specified by the chairperson or by a majority of the members of the  
4 board.

5 “(7) The Governor may remove any member of the board at any time for  
6 cause, after notice and public hearing, but not more than three members  
7 shall be removed within a period of four years, unless it is for corrupt con-  
8 duct in office.

9 **“SECTION 163. The amendments to ORS 353.040 by section 162 of**  
10 **this 2015 Act become operative on October 1, 2017.**

11 **“SECTION 164.** ORS 353.050 is amended to read:

12 “353.050. Except as otherwise provided in this chapter, the Oregon Health  
13 and Science University Board of Directors, or university officials acting un-  
14 der the authority of the board, shall exercise all the powers of the Oregon  
15 Health and Science University and shall govern the university. In carrying  
16 out its powers, rights and privileges, the university shall be a governmental  
17 entity performing governmental functions and exercising governmental pow-  
18 ers. The university or the board may either within or outside the state:

19 “(1) Determine or approve policies for the organization, administration  
20 and development of the university.

21 “(2) Appoint and employ any instructional, administrative, professional,  
22 trade, occupational and other personnel as are necessary or appropriate to  
23 carry out the missions of the university, and prescribe their compensation  
24 and terms of office or employment.

25 “(3) Make any and all contracts and agreements, enter into any partner-  
26 ship, joint venture or other business arrangement, create and participate  
27 fully in the operation of any business structure, including but not limited to  
28 the development of business structures for health care delivery systems and  
29 networks with any public or private government, nonprofit or for-profit per-  
30 son or entity that in the judgment of the university or the board is necessary

1 or appropriate to carry out the university's missions and goals.

2 “(4) Acquire, purchase, receive, hold, control, convey, sell, manage, oper-  
3 ate, lease, license, lend, invest, improve, develop, use, dispose of and hold  
4 title to real and personal property of any nature, including intellectual  
5 property, in its own name.

6 “(5) Sue in its own name and be sued, plead and be impleaded in all  
7 actions, suits or proceedings in any forum brought by or against it by any  
8 and all private or state, local, federal or other public entities, agencies or  
9 persons.

10 “(6) Encourage gifts and donations for the benefit of the university, and  
11 subject to the terms of the gift, retain, invest and use such gifts as deemed  
12 appropriate by the university or the board.

13 “(7) Acquire, receive, hold, keep, pledge, control, convey, manage, use,  
14 lend, expend and invest all funds, appropriations, gifts, bequests, stock and  
15 revenue from any source to the university.

16 “(8) Borrow money for the needs of the university, in such amounts and  
17 for such time and upon such terms as may be determined by the university  
18 or the board.

19 “(9) Erect, construct, improve, develop, repair, maintain, equip, furnish,  
20 lease, lend, convey, sell, manage, operate, use, dispose of and hold title to  
21 buildings, structures and lands for the university.

22 “(10) Purchase any and all insurance, operate a self-insurance program  
23 or otherwise arrange for the equivalent of insurance coverage of any nature  
24 and the indemnity and defense of its officers, agents and employees or other  
25 persons designated by the university to carry out or further the missions of  
26 the university.

27 “(11) Create, develop, supervise, control and adopt academic programs,  
28 including standards, qualifications, policies or practices relating to admis-  
29 sions, curriculum, academic advancement, grading policy, student conduct,  
30 credits and scholarships and the granting of academic degrees, certificates

1 and other forms of recognition.

2 “(12) Authorize, create, eliminate, establish, operate, reorganize, reduce  
3 or expand any program, school, institute, health care facility or other unit  
4 of operation.

5 “(13) Establish, charge, collect and use charges for enrollment into the  
6 university, including charges such as tuition for education and general ser-  
7 vices, incidental fees and such other charges found by the university to be  
8 necessary to carry out its educational programs. Fees realized in excess of  
9 amounts allocated and exceeding required reserves shall be considered sur-  
10 plus incidental fees and shall be allocated for programs under the control  
11 of the board and found to be advantageous to the cultural or physical de-  
12 velopment of students of the university upon the recommendation of the re-  
13 cognized student government of the university.

14 “(14) Establish, charge, collect and use charges and fees for university  
15 services and the use of university facilities.

16 “(15) Impose charges, fines, fees and such other regulations considered  
17 convenient or necessary to control and regulate traffic and parking of vehi-  
18 cles to the same extent allowed [*the State Board of Higher Education*] **gov-**  
19 **erning boards of public universities listed in ORS 352.002**. This authority  
20 includes the authority to enforce the regulations of the university in a court  
21 to the extent allowed the [*State Board of Higher Education*] **governing**  
22 **board of a public university listed in ORS 352.002** in [*enforcing the state*  
23 *board’s regulations as provided in ORS 352.360 (7)*] **ORS 352.118**.

24 “(16) Enforce and recover for payment to the university any fines that are  
25 authorized by this chapter.

26 “(17) Adopt, amend or repeal bylaws, administrative rules, regulations and  
27 orders applicable to the matters that are the subject of this chapter.

28 “(18) Contract with any state agency for the performance of such duties,  
29 functions and powers as is appropriate. A state agency shall not charge the  
30 university for such services an amount that is greater than the actual cost

1 of the services.

2 “(19) Purchase, receive, subscribe for or otherwise acquire, own, hold,  
3 vote, use, sell, mortgage, lend, pledge, invest in or otherwise dispose of and  
4 deal in or with the shares, stock or other equity or interests in or obligations  
5 of any other entity. Separate funds may be established for such investments.  
6 The State of Oregon shall have no proprietary or other interest in such in-  
7 vestments or such funds.

8 “(20) Make available, by lease or otherwise, or control access to any  
9 health care facilities or services or other of its properties and assets to such  
10 persons, firms, partnerships, associations or corporations and on such terms  
11 as considered appropriate, charge and collect rent or other fees or charges  
12 therefor and terminate or deny any such access or any such lease or other  
13 agreement for such reasons as considered appropriate and as may be con-  
14 sistent with its obligations under any such lease or other agreement.

15 “(21) Contract for the operation of any department, section, equipment or  
16 holdings of the university and enter into any agreements with any person,  
17 firm or corporation for the management by said person, firm or corporation  
18 on behalf of the university of any of its properties or for the more efficient  
19 or economical performance of clerical, accounting, administrative and other  
20 functions relating to its health care facilities.

21 “(22) Select and appoint faculty as medical and dental staff members and  
22 others licensed to practice the healing arts, delineate and define the privi-  
23 leges granted each such individual, adopt and direct a plan for faculty clin-  
24 ical income and set the terms and conditions of that plan (including such  
25 modifications to any such existing plan as considered necessary or appro-  
26 priate upon expiration of the term of such plan), and determine the extent  
27 to which and the terms upon which each such individual may provide  
28 teaching, research, consulting or other services at the university or any  
29 other health care facility.

30 “(23) Enter into affiliation, cooperation, territorial, management or other

1 similar agreements with other public or private universities or health care  
2 providers for the sharing, division, allocation or furnishing of services on  
3 an exclusive or a nonexclusive basis, referral of patients, management of fa-  
4 cilities, formation of health care delivery systems and other similar activ-  
5 ities.

6 “(24) Perform any other acts that in the judgment of the board or uni-  
7 versity are requisite, necessary or appropriate in accomplishing the purposes  
8 described in or carrying out the powers granted by this chapter.

9 “(25) Exercise these powers, notwithstanding that as a consequence of the  
10 exercise of such powers, the university engages in activities that might oth-  
11 erwise be deemed anticompetitive within the contemplation of state or fed-  
12 eral antitrust laws.

13 **“SECTION 165.** ORS 353.108 is amended to read:

14 “353.108. (1) Legal title to real property and facilities acquired by the  
15 State of Oregon prior to July 1, 1995, and utilized by Oregon Health and  
16 Science University shall remain with the State of Oregon. However, the  
17 university shall have the exclusive care, custody and control of such real  
18 property and facilities pursuant to an exclusive leasehold interest in the real  
19 property and facilities for a term of 99 years. The term of the leasehold shall  
20 begin on July 1, 1995, and shall renew automatically and perpetually for  
21 consecutive 99-year terms.

22 “(2) Notwithstanding any other provisions of Oregon law concerning the  
23 authority of state agencies to lease real property and facilities, the Oregon  
24 Department of Administrative Services acting on behalf of the State of  
25 Oregon shall execute a ground lease for all real property and facilities uti-  
26 lized by the university consistent with the provisions of this section.

27 “(3) The ground lease shall not be subject to any termination unless:

28 “(a) The State of Oregon causes all outstanding obligations of the uni-  
29 versity to be defeased under the terms of any applicable master indenture  
30 or financing agreement; and



1       “(b) There are no other conditions placed on the university.

2       “(4) Upon execution of the ground lease, the university shall pay the State  
3 of Oregon the sum of \$99 in consideration for the ground lease.

4       “(5) The ground lease executed under this section shall supersede the  
5 lease entered into between the State of Oregon and the university in De-  
6 cember 1995, with respect to the real property and facilities, including but  
7 not limited to provisions in the lease relating to or setting forth:

8       “(a) Purported limitations on the authority of [*the State Board of Higher*  
9 *Education*] **public universities listed in ORS 352.002** to bind the State of  
10 Oregon;

11       “(b) The term of the lease and the absence of any renewal provisions; and

12       “(c) Any circumstances under which the lease may be terminated.

13       “(6) The university shall manage and maintain all real property and fa-  
14 cilities utilized by the university. Real property and facilities of the State  
15 of Oregon leased to the university pursuant to this section shall not be sold  
16 by the university but may be encumbered by the university. Such real prop-  
17 erty and facilities shall only be encumbered by the State of Oregon in ac-  
18 cordance with state law and in a manner that would not impair the financial  
19 condition of the university or the rights of the holders of any obligations of  
20 the university issued or incurred under any master indenture or other fi-  
21 nancing agreement.

22       “**SECTION 166.** ORS 353.440 is amended to read:

23       “353.440. The Legislative Assembly finds that:

24       “(1) Public universities listed in ORS 352.002 and other educational sec-  
25 tors have academic programs that are related to or integrated with the pro-  
26 grams of Oregon Health and Science University.

27       “(2) It is in the best interest of the state that a coordinated approach be  
28 taken to these related and integrated academic programs.

29       “(3) In order to best ensure the continued harmony of such academic  
30 programs, the Oregon Health and Science University and public universities

1 shall coordinate such programs and shall advise each other of the following  
2 proposed changes to such academic programs:

3 “(a) Creation or significant revision, such as a merger or closure, of de-  
4 gree programs;

5 “(b) Creation or significant revision, such as a merger or closure, of  
6 schools; and

7 “(c) Creation or significant revision of major academic policies.

8 “(4) The Oregon Health and Science University and the Higher Education  
9 Coordinating Commission shall coordinate and advise each other of the fol-  
10 lowing types of proposed changes to their related or integrated academic  
11 programs:

12 “(a) Coordination of strategic plans for achieving higher education goals;

13 “(b) Seeking advice and input from each other on modifications to statu-  
14 tory educational missions;

15 “(c) Working to develop a statewide educational data system;

16 “(d) Collaborating as necessary on the creation of any new degree pro-  
17 grams; and

18 “(e) Notifying each other and commenting on tuition rate changes.

19 “(5) In order to further the coordination described by this section, Oregon  
20 Health and Science University officers shall maintain a role in the appro-  
21 priate committees of [*the State Board of Higher Education,*] the Higher Ed-  
22 ucation Coordinating Commission [*and the Oregon University System*].

23 “**SECTION 167.** ORS 354.090 is amended to read:

24 “354.090. [*The State Board of Higher Education*] **The Oregon Institute**  
25 **of Technology** is declared the managing agency of the FM radio station  
26 KTEC, licensed to the Oregon Institute of Technology, and as such shall  
27 prescribe [*rules and regulations*] **standards** in conformity with the regu-  
28 lations and laws of the United States Government relating to educational  
29 FM radio stations. By such [*rules and regulations the State Board of Higher*  
30 *Education*] **standards the Oregon Institute of Technology** shall make the

1 facilities of the radio station available in the training programs of the  
2 Oregon Institute of Technology.

3 **“SECTION 168.** ORS 354.090, as amended by section 162a, chapter 768,  
4 Oregon Laws 2013, is amended to read:

5 “354.090. The Oregon Institute of Technology is declared the managing  
6 agency of the FM radio station KTEC, licensed to the Oregon Institute of  
7 Technology, and as such shall prescribe [*rules and regulations*] **standards** in  
8 conformity with the regulations and laws of the United States Government  
9 relating to educational FM radio stations. By such [*rules and regulations*]  
10 **standards** the Oregon Institute of Technology shall make the facilities of  
11 the radio station available in the training programs of the [*university*]  
12 **Oregon Institute of Technology.**

13 **“SECTION 169.** ORS 357.004 is amended to read:

14 “357.004. As used in ORS 357.001 to 357.200, unless the context requires  
15 otherwise:

16 “(1) ‘Depository library’ means a library that is designated as such under  
17 ORS 357.095.

18 “(2)(a) ‘Issuing agency’ means state government, as that term is defined  
19 in ORS 174.111.

20 “(b) ‘Issuing agency’ does not include [*the State Board of Higher Educa-*  
21 *tion, or*] any public university **listed in ORS 352.002** or office, department  
22 or activity under the control of the **university** [*board, or the governing board*  
23 *of a public university with a governing board listed in ORS 352.054*].

24 “(3)(a) ‘Public document’ means informational matter produced for public  
25 distribution or access regardless of format, medium, source or copyright,  
26 originating in or produced with the imprint of, by the authority of or at the  
27 total or partial expense of any state agency. ‘Public document’ includes in-  
28 formational matter produced on computer diskettes, CD-ROMs, computer  
29 tapes, the Internet or in other electronic formats.

30 “(b) ‘Public document’ does not include:

- 1 “(A) Correspondence, forms, interoffice or intraoffice memoranda;  
2 “(B) Legislative bills;  
3 “(C) Oregon Revised Statutes or any edition thereof; or  
4 “(D) Reports and publications of the Oregon Supreme Court, the Oregon  
5 Court of Appeals and the Oregon Tax Court.

6 **“SECTION 170.** ORS 357.203 is amended to read:

7 “357.203. (1) The State Library and State of Oregon Law Library operating  
8 budget for services to state agencies shall be assessed against all state  
9 agencies [*except the Oregon University System*]. The State Library assessment  
10 shall be apportioned among the agencies as follows:

11 “(a) One-third of the assessment shall be based on the use of the State  
12 Library by the agency; and

13 “(b) Two-thirds of the assessment shall be based on the number of full-  
14 time equivalent employees budgeted by the agency.

15 “(2) Except as provided in subsection (4) of this section, the Oregon De-  
16 partment of Administrative Services shall cause the amount assessed to be  
17 transferred from the moneys appropriated to each state agency to the Mis-  
18 cellaneous Receipts Account for the State Library.

19 “(3) Subject to the provisions of subsection (5) of this section, the de-  
20 partment shall determine and may at any time redetermine which state funds  
21 or appropriations shall be assessed a reasonable share of State Library and  
22 State of Oregon Law Library operating expenses that support state agencies.  
23 In determining or redetermining the funds that shall be so assessed:

24 “(a) A fund consisting of moneys the use of which is restricted by the  
25 Oregon Constitution shall be assessed only those governmental service ex-  
26 penses ascertained as being necessarily incurred in connection with the  
27 purposes set forth in the Oregon Constitution.

28 “(b) Trust funds shall be assessed only those governmental service ex-  
29 penses ascertained as being necessarily incurred in connection with the  
30 purposes for which the trust fund was established.

1       “(c) State agencies shall be assessed only the State Library and State of  
2 Oregon Law Library expenditures that support state agencies.

3       “(4) The Oregon Department of Administrative Services shall cause the  
4 amount assessed against state agencies for the operating budget of the State  
5 of Oregon Law Library to be transferred to the Judicial Department. Moneys  
6 transferred under this subsection are continuously appropriated to the Judi-  
7 cial Department and may be used only for the costs of operating the State  
8 of Oregon Law Library.

9       “(5) Unless the Oregon Department of Administrative Services and the  
10 Judicial Department agree to a different methodology and formula, the State  
11 of Oregon Law Library assessment shall be apportioned on the basis of the  
12 number of full-time equivalent employees budgeted by the agency.

13       **“SECTION 171.** ORS 390.235 is amended to read:

14       “390.235. (1)(a) A person may not excavate or alter an archaeological site  
15 on public lands, make an exploratory excavation on public lands to deter-  
16 mine the presence of an archaeological site or remove from public lands any  
17 material of an archaeological, historical, prehistorical or anthropological  
18 nature without first obtaining a permit issued by the State Parks and Re-  
19 creation Department.

20       “(b) If a person who obtains a permit under this section intends to curate  
21 or arrange for alternate curation of an archaeological object that is uncov-  
22 ered during an archaeological investigation, the person must submit evidence  
23 to the State Historic Preservation Officer that the Oregon State Museum of  
24 Anthropology and the appropriate Indian tribe have approved the applicant’s  
25 curatorial facilities.

26       “(c) No permit shall be effective without the approval of the state agency  
27 or local governing body charged with management of the public land on  
28 which the excavation is to be made, and without the approval of the appro-  
29 priate Indian tribe.

30       “(d) The State Parks and Recreation Director, with the advice of the

1 Oregon Indian tribes and Executive Officer of the Commission on Indian  
2 Services, shall adopt rules governing the issuance of permits.

3 “(e) Disputes under paragraphs (b) and (c) of this subsection shall be re-  
4 solved in accordance with ORS 390.240.

5 “(f) Before issuing a permit, the State Parks and Recreation Director shall  
6 consult with:

7 “(A) The landowning or land managing agency; and

8 “(B) If the archaeological site in question is associated with a prehistoric  
9 or historic native Indian culture:

10 “(i) The Commission on Indian Services; and

11 “(ii) The most appropriate Indian tribe.

12 “(2) The State Parks and Recreation Department may issue a permit under  
13 subsection (1) of this section under the following circumstances:

14 “(a) To a person conducting an excavation, examination or gathering of  
15 such material for the benefit of a recognized scientific or educational insti-  
16 tution with a view to promoting the knowledge of archaeology or  
17 anthropology;

18 “(b) To a qualified archaeologist to salvage such material from unavail-  
19 able destruction; or

20 “(c) To a qualified archaeologist sponsored by a recognized institution of  
21 higher learning, private firm or an Indian tribe as defined in ORS 97.740.

22 “(3) Any archaeological materials, with the exception of Indian human  
23 remains, funerary objects, sacred objects and objects of cultural patrimony,  
24 recovered by a person granted a permit under subsection (2) of this section  
25 shall be under the stewardship of the State of Oregon to be curated by the  
26 Oregon State Museum of Anthropology unless:

27 “(a) The Oregon State Museum of Anthropology with the approval from  
28 the appropriate Indian tribe approves the alternate curatorial facilities se-  
29 lected by the permittee;

30 “(b) The materials are made available for nondestructive research by

1 scholars; and

2 “(c)(A) The material is retained by a recognized scientific, educational or  
3 Indian tribal institution for whose benefit a permit was issued under sub-  
4 section (2)(a) of this section;

5 “(B) [*The State Board of Higher Education*] **The governing board of a**  
6 **public university listed in ORS 352.002**, with the concurrence of the ap-  
7 propriate Indian tribe, grants approval for material to be curated by an ed-  
8 ucational facility other than the institution that collected the material  
9 pursuant to a permit issued under subsection (2)(a) of this section; or

10 “(C) The sponsoring institution or firm under subsection (2)(c) of this  
11 section furnishes the Oregon State Museum of Anthropology with a complete  
12 catalog of the material within six months after the material is collected.

13 “(4) The Oregon State Museum of Anthropology shall have the authority  
14 to transfer permanent possessory rights in subject material to an appropriate  
15 Indian tribe.

16 “(5) Except for sites containing human remains, funerary objects and ob-  
17 jects of cultural patrimony as defined in ORS 358.905, or objects associated  
18 with a prehistoric Indian tribal culture, the permit required by subsection  
19 (1) of this section or by ORS 358.920 shall not be required for forestry oper-  
20 ations on private lands for which notice has been filed with the State  
21 Forester under ORS 527.670.

22 “(6) As used in this section:

23 “(a) ‘Private firm’ means any legal entity that:

24 “(A) Has as a member of its staff a qualified archaeologist; or

25 “(B) Contracts with a qualified archaeologist who acts as a consultant to  
26 the entity and provides the entity with archaeological expertise.

27 “(b) ‘Qualified archaeologist’ means a person who has the following  
28 qualifications:

29 “(A) A post-graduate degree in archaeology, anthropology, history, clas-  
30 sics or other germane discipline with a specialization in archaeology, or a

1 documented equivalency of such a degree;

2 “(B) Twelve weeks of supervised experience in basic archaeological field  
3 research, including both survey and excavation and four weeks of laboratory  
4 analysis or curating; and

5 “(C) Has designed and executed an archaeological study, as evidenced by  
6 a Master of Arts or Master of Science thesis, or report equivalent in scope  
7 and quality, dealing with archaeological field research.

8 “(7) Violation of the provisions of subsection (1)(a) of this section is a  
9 Class B misdemeanor.

10 **“SECTION 172.** ORS 401.922 is amended to read:

11 “401.922. The Office of Emergency Management shall provide technical,  
12 clerical and other necessary support services to the Seismic Safety Policy  
13 Advisory Commission. The Department of Consumer and Business Services,  
14 the State Department of Geology and Mineral Industries, the Department of  
15 Land Conservation and Development, the Department of Transportation, the  
16 Oregon Health Authority, the Water Resources Department[,] **and** the public  
17 universities [*with governing boards*] listed in ORS [352.054] **352.002** [*and the*  
18 *Oregon University System*] shall provide assistance, as required, to the com-  
19 mission to enable it to meet its objectives.

20 **“SECTION 173.** ORS 408.506 is amended to read:

21 “408.506. The Department of Human Services, the Department of Trans-  
22 portation, the Housing and Community Services Department, the Employ-  
23 ment Department, the Department of Justice, the Judicial Department, [*the*  
24 *Oregon University System,*] public universities [*with governing boards*] listed  
25 in ORS [352.054] **352.002**, the Bureau of Labor and Industries, the Department  
26 of Community Colleges and Workforce Development and the Department of  
27 Veterans’ Affairs shall partner with the Oregon Military Department to  
28 provide reintegration services for veterans throughout this state through  
29 regional strategies.

30 **“SECTION 174.** ORS 442.830 is amended to read:



1 “442.830. (1) There is established the Oregon Patient Safety Commission  
2 Board of Directors consisting of 17 members, including the Public Health  
3 Officer and 16 directors who shall be appointed by the Governor and who  
4 shall be confirmed by the Senate in the manner prescribed in ORS 171.562  
5 and 171.565.

6 “(2) Membership on the board shall reflect the diversity of facilities,  
7 providers, insurers, purchasers and consumers that are involved in patient  
8 safety. Directors shall demonstrate interest, knowledge or experience in the  
9 area of patient safety.

10 “(3) The membership of the board shall be as follows:

11 “(a) The Public Health Officer or the officer’s designee;

12 “(b) One faculty member, who is not involved in the direct delivery of  
13 health care, of [*the Oregon University System,*] a public university [*with a*  
14 *governing board*] listed in ORS [*352.054*] **352.002** or a private Oregon univer-  
15 sity;

16 “(c) Two representatives of group purchasers of health care, one of whom  
17 shall be employed by a state or other governmental entity and neither of  
18 whom may provide direct health care services or have an immediate family  
19 member who is involved in the delivery of health care;

20 “(d) Two representatives of health care consumers, neither of whom may  
21 provide direct health care services or have an immediate family member who  
22 is involved in the delivery of health care;

23 “(e) Two representatives of health insurers, including a representative of  
24 a domestic not-for-profit health care service contractor, a representative of  
25 a domestic insurance company licensed to transact health insurance or a  
26 representative of a health maintenance organization;

27 “(f) One representative of a statewide or national labor organization;

28 “(g) Two physicians licensed under ORS chapter 677 who are in active  
29 practice;

30 “(h) Two hospital administrators or their designees;

1 “(i) One pharmacist licensed under ORS chapter 689;

2 “(j) One representative of an ambulatory surgical center or an outpatient  
3 renal dialysis facility;

4 “(k) One nurse licensed under ORS chapter 678 who is in active clinical  
5 practice; and

6 “(L) One nursing home administrator licensed under ORS chapter 678 or  
7 one nursing home director of nursing services.

8 “(4) The term of office of each director appointed by the Governor is four  
9 years. Before the expiration of the term of a director, the Governor shall  
10 appoint a successor whose term begins on July 2 next following. A director  
11 is eligible for reappointment for an additional term. If there is a vacancy for  
12 any cause, the Governor shall make an appointment to become effective im-  
13 mediately for the unexpired term. The board shall nominate a slate of can-  
14 didates whenever a vacancy occurs or is announced and shall forward the  
15 recommended candidates to the Governor for consideration.

16 “(5) The board shall select one of its members as chairperson and another  
17 as vice chairperson for the terms and with the duties and powers as the  
18 board considers necessary for performance of the functions of those offices.  
19 The board shall adopt bylaws as necessary for the efficient and effective  
20 operation of the commission.

21 “(6) The Governor may remove any member of the board at any time at  
22 the pleasure of the Governor, but not more than eight directors shall be re-  
23 moved within a period of four years, unless it is for corrupt conduct in office.  
24 The board may remove a director as specified in the commission bylaws.

25 “(7) The board may appoint subcommittees and advisory groups as needed  
26 to assist the board, including but not limited to one or more consumer ad-  
27 visory groups and technical advisory groups. The technical advisory groups  
28 shall include physicians, nurses and other licensed or certified professionals  
29 with specialty knowledge and experience as necessary to assist the board.

30 “(8) No voting member of the board may be an employee of the commis-

1 sion.

2 **“SECTION 175.** ORS 470.060 is amended to read:

3 “470.060. (1) The following may file with the State Department of Energy  
4 an application to obtain moneys for a small scale local energy project as  
5 provided in this chapter:

6 “(a) An individual who is an Oregon resident;

7 “(b) An Oregon business;

8 “(c) A nonprofit or public cooperative;

9 “(d) A nonprofit corporation;

10 “(e) An eligible federal agency;

11 “(f) An eligible state agency;

12 “(g) A public corporation created by this state;

13 “(h) An intergovernmental entity created pursuant to an intergovern-  
14 mental agreement under ORS 190.003 to 190.130;

15 “(i) A special district;

16 “(j) A local improvement district; [*or*]

17 **“(k) A public university listed in ORS 352.002; or**

18 **“[(*k*)] (L) A municipal corporation.**

19 “(2) Applications to obtain financing for a small scale local energy project  
20 shall be made in writing on a form prescribed by the State Department of  
21 Energy. Applications submitted to the State Department of Energy shall:

22 “(a) Describe the nature and purpose of the proposed small scale local  
23 energy project.

24 “(b) State whether any purposes other than energy production, but con-  
25 sistent with energy production, will be served by the proposed small scale  
26 local energy project, and the nature of the other purposes, if any.

27 “(c) Include an evaluation of the potential of the small scale local energy  
28 project to meet local community energy needs.

29 “(d) Include an evaluation of the potential environmental impacts of the  
30 small scale local energy project.

1 “(e) State whether any moneys other than those in the loan fund are  
2 proposed to be used for the development of the proposed small scale local  
3 energy project, and whether any other moneys are available or have been  
4 sought for the project.

5 “(f) Describe the source of moneys for repayment of the loan applied for.

6 “(3) If the application is for a loan other than an energy efficiency and  
7 sustainable technology loan to an individual, a fee of one-tenth of one per-  
8 cent of the amount of the loan applied for or \$2,500, whichever is less, shall  
9 be submitted with each application. In addition, the applicant may be re-  
10 quired to pay for costs incurred in connection with the application that ex-  
11 ceed the application fee and which the Director of the State Department of  
12 Energy determines are incurred solely in connection with processing the  
13 application. The applicant shall be advised of any additional costs the ap-  
14 plicant must pay before the costs are incurred.

15 **“SECTION 176.** ORS 471.580 is amended to read:

16 “471.580. (1) As used in this section:

17 “(a) ‘Alcohol equivalence’ means the amount of ethanol that would be  
18 expected to be present in a beverage based on the standard drink measure-  
19 ment used by the Centers for Disease Control and Prevention.

20 “(b) ‘Education provider’ means:

21 “(A) A community college, as defined in ORS 341.005, offering a food or  
22 beverage career program approved by the Higher Education Coordinating  
23 Commission;

24 “(B) A career school, as defined in ORS 345.010, offering a food or  
25 beverage career program approved by the Higher Education Coordinating  
26 Commission;

27 “(C) A public university offering a food or beverage career program ap-  
28 proved by the Higher Education Coordinating Commission or by the gov-  
29 erning board of a public university [*with a governing board*] listed in ORS  
30 [352.054] **352.002**; or

1 “(D) A private and independent institution of higher education, as defined  
2 in ORS 352.720, offering a food or beverage career program that qualifies for  
3 payment under ORS 352.740.

4 “(c) ‘Food or beverage career program’ means a course of study designed  
5 to qualify a person for a career in the food service industry or alcoholic  
6 beverage industry, including but not limited to a course of study in culinary  
7 arts, viticulture, winemaking, enology, brewing or restaurant management.

8 “(2) The charging or payment of tuition or a special fee for enrollment  
9 in a class that is part of a food or beverage career program or in a workshop  
10 or seminar concerning matters related to food or beverage industry  
11 workforce training, offered by an education provider, that includes the con-  
12 sumption of alcoholic beverages for educational purposes, is not a sale or  
13 purchase of, or other exchange of consideration for, alcoholic beverages.

14 “(3) Notwithstanding ORS 471.130, 471.406, 471.410 and 471.475, an educa-  
15 tion provider may serve alcoholic beverages to a person who is 18, 19 or 20  
16 years of age and may allow the person to possess and consume alcoholic  
17 beverages on a licensed or unlicensed premises that the education provider  
18 uses for educational purposes if:

19 “(a) The person is enrolled as a student in a required or elective class  
20 that is part of a food or beverage career program offered by the education  
21 provider;

22 “(b) The alcoholic beverages are served to, and possessed and consumed  
23 by, the person for educational purposes as part of the class curriculum or a  
24 workshop or seminar concerning food or beverage workforce training;

25 “(c) The service, possession and consumption of the alcoholic beverages  
26 are supervised by a faculty or staff member of the education provider who  
27 is 21 years of age or older;

28 “(d) The person does not purchase the alcoholic beverages; and

29 “(e) The amount served to the person for consumption purposes during  
30 any two-hour class, workshop or seminar period does not exceed two ounces

1 of alcohol equivalence.

2 “(4) Notwithstanding ORS 471.130 or 471.410, a person may serve alcoholic  
3 beverages to another person who is 18, 19 or 20 years of age on premises that  
4 an education provider uses for educational purposes if:

5 “(a) The person served is enrolled as a student in a required or elective  
6 class that is part of a food or beverage career program offered by the edu-  
7 cation provider;

8 “(b) The alcoholic beverages are served to, and consumed by, the person  
9 for educational purposes as part of the class curriculum or, with the ap-  
10 proval of the education provider, as part of a workshop or seminar concern-  
11 ing food or beverage workforce training;

12 “(c) The service and consumption of the alcoholic beverages are super-  
13 vised by a faculty or staff member of the education provider who is 21 years  
14 of age or older;

15 “(d) The person served does not purchase the alcoholic beverages; and

16 “(e) The amount served to the person for consumption purposes during  
17 any two-hour class period does not exceed two ounces of alcohol equivalence.

18 “(5) Notwithstanding ORS 471.130 or 471.410 or the prohibitions in ORS  
19 471.430, a person who is 18, 19 or 20 years of age may possess and consume  
20 alcoholic beverages on a licensed or unlicensed premises that an education  
21 provider uses for educational purposes if:

22 “(a) The person is enrolled as a student in a required or elective class  
23 that is part of a food or beverage career program offered by the education  
24 provider;

25 “(b) The person possesses and consumes the alcoholic beverages for edu-  
26 cational purposes as part of the class curriculum or, with the approval of the  
27 education provider, as part of a workshop or seminar concerning food or  
28 beverage workforce training;

29 “(c) The person possesses and consumes the alcoholic beverages under the  
30 supervision of a faculty or staff member of the education provider who is 21

1 years of age or older;

2 “(d) The person does not purchase the alcoholic beverages; and

3 “(e) The amount consumed by the person during any two-hour class,  
4 workshop or seminar period does not exceed two ounces of alcohol equiv-  
5 alence.

6 “(6) Notwithstanding ORS 471.410, a person who exercises control over  
7 private real property may allow a person who is 18, 19 or 20 years of age to  
8 remain on the property after the person who is 18, 19 or 20 years of age  
9 consumes an alcoholic beverage on the property in accordance with this  
10 section.

11 “(7) Subsections (3) to (5) of this section do not affect the ability of an  
12 education provider, a licensee or a permittee to make alcoholic beverages  
13 available to a person 21 years of age or older in accordance with this chapter  
14 or the ability of a person 21 years of age or older to possess or consume al-  
15 coholic beverages in accordance with this chapter.

16 “**SECTION 177.** Section 3, chapter 797, Oregon Laws 2001, as amended  
17 by section 162, chapter 768, Oregon Laws 2013, is amended to read:

18 “**Sec. 3.** Subject to available funding, if a building evaluated under sec-  
19 tion 2 (4), chapter 797, Oregon Laws 2001, is found by a board to pose an  
20 undue risk to life safety during a seismic event, the [*State Board of Higher*  
21 *Education,*] governing board of a public university [*with a governing board*]  
22 listed in [*section 3 of this 2013 Act*] **ORS 352.002**, local school district board,  
23 community college board or education service district board, as appropriate,  
24 shall develop a plan for seismic rehabilitation of the building or for other  
25 actions to reduce the risk. For a board that is subject to ORS 291.224, the  
26 board’s plan to rehabilitate or take other action to reduce the seismic risk  
27 of a building must be included in the capital construction program of the  
28 board. A board that is subject to ORS 291.224 shall rank the relative benefit  
29 of projects to reduce seismic risk in comparison with other life safety and  
30 code requirement projects. Subject to availability of funding, all seismic re-

1 habilitations or other actions to reduce seismic risk must be completed be-  
2 fore January 1, 2032. If the building is listed on a national or state register  
3 of historic places or properties or is designated as a landmark by local or-  
4 dinance, the plan for seismic rehabilitation or other action shall be devel-  
5 oped in a manner that gives consideration to preserving the character of the  
6 building.

7 **“SECTION 178.** ORS 461.543 is amended to read:

8 “461.543. (1) Except as otherwise specified in subsection (5) of this section,  
9 the Sports Lottery Account is continuously appropriated to and shall be used  
10 by the Higher Education Coordinating Commission to fund sports programs  
11 at public universities listed in ORS 352.002. Seventy percent of the revenues  
12 in the fund shall be used to fund nonrevenue producing sports and 30 percent  
13 shall be used for revenue producing sports. Of the total amount available  
14 in the fund, at least 50 percent shall be made available for women’s athletics.

15 “(2) The [board] **commission** shall allocate moneys in the Sports Lottery  
16 Account among the public universities, giving due consideration to:

17 “(a) The athletic conference to which the public university belongs and  
18 the relative costs of competing in that conference.

19 “(b) The level of effort being made by the public university to generate  
20 funds and support from private sources.

21 “(3) As used in subsections (1) to (3) of this section, ‘revenue producing  
22 sport’ is a sport that produces net revenue over expenditures during a cal-  
23 endar year or if its season extends into two calendar years, produces net  
24 revenue over expenditures during the season.

25 “(4) An amount equal to one percent of the moneys transferred to the  
26 Administrative Services Economic Development Fund from the State Lottery  
27 Fund shall be allocated from the Administrative Services Economic Devel-  
28 opment Fund to the Sports Lottery Account.

29 “(5) The amounts received by the Sports Lottery Account shall be allo-  
30 cated as follows:



1 “(a) Eighty-eight percent for the purposes specified in subsections (1) to  
2 (3) of this section, but not to exceed \$8 million annually, adjusted annually  
3 pursuant to the Consumer Price Index, as defined in ORS 327.006.

4 “(b) Twelve percent for the purpose of scholarships, to be distributed  
5 equally between scholarships based on academic merit and scholarships  
6 based on need, as determined by rule of the [*board*] **commission**, but not to  
7 exceed \$1,090,909 annually.

8 “(c) All additional money to the [*Oregon Student Access Commission*]  
9 **Office of Student Access and Completion** for the Oregon Opportunity  
10 Grant program under ORS 348.260.

11 **“SECTION 179.** ORS 526.215 is amended to read:

12 “526.215. To aid in the economic development of the State of Oregon, [*the*  
13 *State Board of Higher Education, or if Oregon State University establishes a*  
14 *governing board,*] Oregon State University[,] shall institute and carry on re-  
15 search and experimentation to develop the maximum yield from the  
16 forestlands of Oregon, to obtain the fullest utilization of the forest resource,  
17 and to study air and water pollution as it relates to the forest products in-  
18 dustries.

19 **“SECTION 180.** ORS 526.225 is amended to read:

20 “526.225. (1) [*The State Board of Higher Education shall establish a*] **The**  
21 **Forest Research Laboratory is established** at Oregon State University.  
22 [*and*] **In administering the laboratory, Oregon State University** shall  
23 cooperate with individuals, corporations, associations and public agencies  
24 wherever and whenever advisable to further the purposes of ORS 526.215, and  
25 may enter into any necessary agreements therefor.

26 “(2) In order that there may be close coordination between the research  
27 and experimentation programs and the wise management and use of Oregon’s  
28 forests for the production of goods and services that benefit all its citizens,  
29 the [*State Board of Higher Education*] **Higher Education Coordinating**  
30 **Commission, in consultation with Oregon State University,** shall ap-

1 point a Forest Research Laboratory Advisory Committee composed of 15  
2 members. Nine members shall be individuals who are actively and princi-  
3 pally engaged in timber management on forestlands, harvesting or the pro-  
4 cessing of forest products, one of whom shall be from a small woodland  
5 owner's association, three members shall be individuals who are the heads  
6 of state and federal public forestry agencies and three members shall be in-  
7 dividuals from the public at large. No individual who is a public member  
8 may have any relationship or pecuniary interest that would interfere with  
9 that individual representing the public interest. The advisory committee  
10 shall render practical counsel in the fields of forest management and use and  
11 forest harvest and utilization as they relate to the economic and social  
12 well-being of the people of Oregon.

13 **“SECTION 181.** ORS 561.364 is amended to read:

14 “561.364. (1) In order to eliminate unnecessary duplication of effort and  
15 expense, there shall be the fullest cooperation between Oregon State Uni-  
16 versity and the State Department of Agriculture, including the interchange  
17 of statistical information between the university and the department.

18 “(2) If, in the interest of economy and efficiency, either temporary or  
19 permanent, it appears advisable to have any of the laboratory or statistical  
20 work of the department performed by Oregon State University, the Director  
21 of Agriculture and the director of the experiment station shall work out a  
22 cooperative plan of operation and shall agree upon such a division of the  
23 funds available for such work as may meet with the approval of the Governor  
24 [*and the State Board of Higher Education*].

25 **“SECTION 182.** ORS 566.210 is amended to read:

26 “566.210. (1) [*The State Board of Higher Education*] **Oregon State Uni-**  
27 **versity** may hold institutes for the instruction of citizens of this state in the  
28 various branches of agriculture at such times and at such places as the  
29 **governing board of the university** may direct. The **governing** board shall  
30 [*make such rules and regulations*] **adopt standards** as it deems proper for

1 organizing and conducting the institutes, and shall employ an agent or  
2 agents to perform such work in connection therewith as it deems best.

3 “(2) The course of instruction at the institutes shall be so arranged as to  
4 present to those in attendance results of the most recent investigations in  
5 theoretical and practical agriculture.

6 “**SECTION 183.** ORS 567.005 is amended to read:

7 “567.005. [*The Oregon University System is authorized to construct at the*  
8 *site of*] Oregon State University at Corvallis[,] **is authorized to construct**  
9 such greenhouse facilities as may be necessary for testing seed potatoes for  
10 diseases, experimentation on insect control methods and materials, research  
11 on potato disease problems and for the development and testing of special  
12 varieties and strains of potatoes. The greenhouse facilities shall be under the  
13 control and management of the experiment station.

14 “**SECTION 184.** ORS 567.010 is amended to read:

15 “567.010. A separate account in the General Fund is established for the  
16 purposes described in ORS 567.005. Moneys in the account are continuously  
17 appropriated to the [*Oregon University System*] **Higher Education Coordi-**  
18 **nating Commission for distribution to Oregon State University** for the  
19 purposes described in ORS 567.005.

20 “**SECTION 185.** ORS 567.205 is amended to read:

21 “567.205. (1) In order to investigate and demonstrate the conditions under  
22 which useful plants may be grown on dry, arid or nonirrigated lands of this  
23 state and to determine the kinds of plants best adapted for growth on these  
24 lands, there is established in the manner provided for in ORS 567.205 to  
25 567.240, an experiment station in this state for such purpose.

26 “(2) The experiment station shall be located on such part of dry, arid or  
27 nonirrigated lands of this state as shall be selected by [*the State Board of*  
28 *Higher Education*] **Oregon State University** acting in cooperation with a  
29 representative of the United States Department of Agriculture.

30 “**SECTION 186.** ORS 567.210 is amended to read:

1 “567.210. The station shall be under the management and control of [*the*  
2 *State Board of Higher Education*] **Oregon State University** as a branch  
3 station [*of Oregon State*] **the** university.

4 “**SECTION 187.** ORS 567.220 is amended to read:

5 “567.220. [*The State Board of Higher Education*] **Oregon State Univer-**  
6 **sity** shall cause to be prepared and published full and complete annual re-  
7 ports of the work undertaken and accomplished by the station, and an  
8 edition of such number of copies as the [*board*] **university** shall determine  
9 shall be published annually and distributed free of charge. The cost of such  
10 publication and distribution shall be deemed a part of the general expense  
11 of the station.

12 “**SECTION 188.** ORS 567.230 is amended to read:

13 “567.230. The county court of the county in which the experimental sta-  
14 tion may be located may acquire by purchase or lease sufficient suitable land  
15 to be selected by [*the State Board of Higher Education*] **Oregon State Uni-**  
16 **versity**, acting in cooperation with a representative of the United States  
17 Department of Agriculture. In case the land is acquired by purchase, the  
18 purchase price shall be paid from the general funds of the county upon the  
19 order of the county court by a warrant, in the manner in which other claims  
20 against the county are paid. In case the site for the station is acquired by  
21 lease, the lease shall be made in favor of the State of Oregon for such term  
22 of years and upon such conditions as shall be required by [*the State Board*  
23 *of Higher Education*] **Oregon State University**, and the rent shall be paid  
24 out of the county treasury of the county in which the station is located by  
25 warrant drawn upon the county treasury by an order of the county court.

26 “**SECTION 189.** ORS 567.235 is amended to read:

27 “567.235. The county court of the county in which the station is located  
28 is authorized and directed to place upon the land acquired as provided in  
29 ORS 567.230 such buildings and other improvements, including a well, as may  
30 be required by [*the State Board of Higher Education*] **Oregon State Uni-**

1 **versity.** The expenses incurred thereby shall be paid in the manner provided  
2 by ORS 567.230 for payment of the purchase price or rent of the land.

3 **“SECTION 190.** ORS 567.325 is amended to read:

4 “567.325. [*The State Board of Higher Education*] **Oregon State Univer-**  
5 **sity** may cooperate in work in any special field of the experiment station  
6 with the federal government or any department, bureau, or office thereof, and  
7 may enter into any necessary agreement therefor with said government, de-  
8 partment, bureau or office.

9 **“SECTION 191.** ORS 567.330 is amended to read:

10 “567.330. [*The State Board of Higher Education*] **Oregon State Univer-**  
11 **sity** shall cause to be prepared and published at least once every two  
12 years[,] full and complete reports of the work undertaken and accomplished  
13 by the station. The reports shall be distributed free of charge. The cost of  
14 such publication and distribution shall be deemed part of the general ex-  
15 penses of the station.

16 **“SECTION 192.** ORS 567.405 is amended to read:

17 “567.405. In order to investigate and demonstrate methods for improving  
18 agricultural and livestock conditions in the range areas in southeastern  
19 Oregon, an agricultural experiment station is established and shall be lo-  
20 cated in Harney County in such place as may be selected by [*the State Board*  
21 *of Higher Education*] **Oregon State University.**

22 **“SECTION 193.** ORS 567.410 is amended to read:

23 “567.410. The station shall be under the control and management of [*the*  
24 *State Board of Higher Education*] **Oregon State University** through its di-  
25 rector of the Oregon agricultural experiment station, as a branch station of  
26 the Oregon agricultural experiment station.

27 **“SECTION 194.** ORS 567.430 is amended to read:

28 “567.430. [*The State Board of Higher Education*] **Oregon State Univer-**  
29 **sity** shall cause to be prepared and published at least once every two years  
30 a full and completed report of the work undertaken and accomplished by the

1 Harney County station. The reports shall be distributed free of charge and  
2 the cost of such publication and distribution shall be deemed a part of the  
3 general expense of the station.

4 **“SECTION 195.** ORS 567.455 is amended to read:

5 “567.455. To study and carry on investigations in horticultural, patholog-  
6 ical and other agricultural problems as affects the interests of this state,  
7 there is established an agricultural experimental area in Hood River and  
8 Wasco Counties to be operated as the Mid-Columbia Experiment Station  
9 under the control and management of [*the State Board of Higher Education*]  
10 **Oregon State University** through the Agricultural Experiment Station of  
11 Oregon State University.

12 **“SECTION 196.** ORS 567.475 is amended to read:

13 “567.475. [*The State Board of Higher Education*] **Oregon State Univer-**  
14 **sity** shall cause to be prepared and published once every two years a full and  
15 complete report of the work accomplished by the station. The report shall  
16 be distributed free of charge. The cost of such publication and distribution  
17 shall be deemed a part of the general expense of the station.

18 **“SECTION 197.** ORS 567.480 is amended to read:

19 “567.480. [*The State Board of Higher Education*] **Oregon State Univer-**  
20 **sity** may cooperate in the special work of the station with the United States  
21 Department of Agriculture or any office or bureau thereof, and may enter  
22 into any agreement therefor with said department, bureau or office.

23 **“SECTION 198.** ORS 567.505 is amended to read:

24 “567.505. There is established a branch agricultural experiment station of  
25 Oregon State University in southern Oregon, located in such part of south-  
26 ern Oregon as may be determined by the [*State Board of Higher Education*]  
27 **university**.

28 **“SECTION 199.** ORS 567.510 is amended to read:

29 “567.510. The station shall be under the management and control of [*the*  
30 *State Board of Higher Education*] **Oregon State University** as a branch

1 station of [*Oregon State*] **the** university.

2 “**SECTION 200.** ORS 567.515 is amended to read:

3 “567.515. [*The State Board of Higher Education*] **Oregon State Univer-**  
4 **sity** shall cause to be prepared and published at least once every two years  
5 a full and complete report of the work undertaken and accomplished by the  
6 station. The reports shall be distributed free of charge. The cost of such  
7 publication and distribution shall be deemed a part of the general expenses  
8 of the station.

9 “**SECTION 201.** ORS 567.520 is amended to read:

10 “567.520. [*The State Board of Higher Education*] **Oregon State Univer-**  
11 **sity** may cooperate in work in any special field of the station with the fed-  
12 eral government or any department, bureau or office thereof, and may enter  
13 into any necessary agreement therefor with said government, department,  
14 bureau or office.

15 “**SECTION 202.** ORS 567.575 is amended to read:

16 “567.575. All revenues derived from the land and experiment station not  
17 necessarily used in connection with the experiment station may be used by  
18 [*the State Board of Higher Education*] **Oregon State University** in the im-  
19 provement of the property referred to in this section and ORS 567.580 in re-  
20 pairing structures thereon, for the use and benefit of the experiment station  
21 generally and for conducting agricultural experiments in eastern Oregon and  
22 not otherwise.

23 “**SECTION 203.** ORS 567.580 is amended to read:

24 “567.580. The station shall at all times be under the exclusive management  
25 and control of [*the State Board of Higher Education*] **Oregon State Uni-**  
26 **versity** and shall be deemed a branch of the experiment station of [*Oregon*  
27 *State*] **the** university.

28 “**SECTION 204.** ORS 576.035 is amended to read:

29 “576.035. [*The State Board of Higher Education*] **Oregon State Univer-**  
30 **sity**, acting through the Federal Cooperative Extension Service of [*Oregon*

1 *State*] **the** university, shall cooperate with the Agriculture Marketing Ser-  
2 vice of the United States Department of Agriculture and with the appropri-  
3 ate offices of adjoining states to establish and maintain a food product  
4 market news service in the Klamath Basin and provide such services for the  
5 central Oregon and Malheur areas.

6 **SECTION 205.** ORS 576.768 is amended to read:

7 “576.768. (1) The report submitted by the Oregon Wine Board under ORS  
8 182.472 must include a description of the long term strategic plan created by  
9 the board and a description of the progress made in implementing the state-  
10 wide strategic objectives of the board during the most recent biennium.

11 “(2) Notwithstanding ORS 182.462:

12 “(a) The board shall prepare and submit annual plans and a budget re-  
13 commended by the board for promotion and for research during the next  
14 fiscal year.

15 “(b) The board shall adopt rules specifying the procedures, criteria and  
16 timelines for the preparation and approval of the annual plans and budget  
17 for promotion and for research.

18 “(c) The Director of the Oregon Business Development Department shall  
19 review the budget and plans submitted under this section. In reviewing the  
20 annual plans and budget, the director shall consider whether the information  
21 supplied by the board is factual and consistent with ORS 576.750 to 576.775  
22 and the positive development of the Oregon wine grape growing and wine  
23 making industries. The director shall either approve the budget and plans  
24 prior to the commencement of the next fiscal year or disapprove and return  
25 the budget and plans to the board with conditions necessary for approval  
26 prior to the commencement of the next fiscal year. In reviewing the budget  
27 and plans, the director may consult with and receive coordinated support  
28 from:

29 “(A) The State Department of Agriculture;

30 “(B) The Oregon Tourism Commission;



1 “(C) [*The Oregon University System, or if Oregon State University estab-*  
2 *lishes a governing board,*] Oregon State University;

3 “(D) The Department of Community Colleges and Workforce Development;  
4 and

5 “(E) The Oregon Liquor Control Commission.

6 “**SECTION 206.** ORS 634.657 is amended to read:

7 “634.657. (1) There is established an Integrated Pest Management Coordi-  
8 nating Committee, consisting of:

9 “(a) The State Integrated Pest Management Coordinator;

10 “(b) The integrated pest management coordinator for each state agency  
11 listed in ORS 634.660;

12 “(c) A representative of [*the Oregon University System*] **public universi-**  
13 **ties listed in ORS 352.002**, appointed by the [*State Board of Higher Educa-*  
14 *tion*] **Higher Education Coordinating Commission**; and

15 “(d) The integrated pest management coordinator for each public univer-  
16 sity listed in ORS 352.002.

17 “(2) The State Integrated Pest Management Coordinator shall chair the  
18 committee. The committee may elect a vice chair. The committee may assign  
19 duties to the chair and vice chair and provide them with the powers neces-  
20 sary to perform those duties.

21 “(3) A majority of the committee members is a quorum for the purpose  
22 of conducting business. Action by the committee requires approval by a ma-  
23 jority of the committee members.

24 “(4) The committee shall meet three times per year at the call of the chair  
25 for the purposes of:

26 “(a) Sharing information concerning the latest methods and approaches  
27 to integrated pest management used to reduce the risks posed by pests and  
28 concerning strategies related to pest management;

29 “(b) Sharing information concerning program successes and knowledge  
30 gained in the implementation of integrated pest management programs;

1 “(c) Developing an adaptive management approach to the improvement  
2 of integrated pest management by state agencies and public universities;

3 “(d) Identifying issues regarding risk reduction and evolving innovative  
4 approaches to addressing the issues;

5 “(e) Reporting on, and developing a set of performance metrics to ade-  
6 quately describe, state agency and public university progress in implement-  
7 ing integrated pest management;

8 “(f) Sharing information concerning the integrated pest management pro-  
9 grams of each state agency or public university in order to foster information  
10 exchange concerning the latest technological advances and protocols and to  
11 promote a consistent format for the programs;

12 “(g) Achieving reductions in risks from pests and from strategies relating  
13 to pest management; and

14 “(h) Evaluating the need for notification of pesticide use and the policies  
15 for notification as part of state agency and public university integrated pest  
16 management programs.

17 “(5) In addition to the meetings required under subsection (4) of this  
18 section, the committee may convene as the committee deems appropriate for  
19 the purpose of coordinating state integrated pest management efforts with  
20 the work of the Invasive Species Council. The committee and the council  
21 shall jointly address the technical and management approach challenges  
22 shared by programs to reduce risks from pests and reduce threats from  
23 invasive species.

24 “(6) The committee may identify threats of common interest to the com-  
25 mittee and the council, determine the resources needed for addressing the  
26 threats and provide the information to state agencies and public universities.

27 “(7) The committee shall prepare a biennial report to an interim commit-  
28 tee of the Legislative Assembly relating to pest management matters. The  
29 report shall describe the status of state agency and public university inte-  
30 grated pest management programs. The committee shall biennially provide

1 an opportunity for public comment and input for the report. The report on  
2 the state agency and public university integrated pest management programs  
3 shall include, but need not be limited to:

4 “(a) A description of the meetings, if any, between the State Integrated  
5 Pest Management Coordinator and state agencies or public universities;

6 “(b) A description of the meetings of the committee;

7 “(c) A description of advances, innovations and training activities in  
8 methodologies for reducing risks from pests;

9 “(d) A description of key problem matters, the approaches taken to ad-  
10 dress the matters and concerns remaining outstanding;

11 “(e) Performance metric results for the implementation of integrated pest  
12 management, including but not limited to state agency and public university  
13 progress toward the goal of protecting the economy, ecosystems and water  
14 quality of this state and protecting the health and welfare of children, the  
15 elderly and other members of the public;

16 “(f) The integrated pest management program status of each state agency  
17 and public university that uses state-owned or leased property;

18 “(g) Examples of cost-savings and expenditures resulting from integrated  
19 pest management program implementation; and

20 “(h) Any recommendations for integrated pest management program im-  
21 provements, including but not limited to any proposals for revising the defi-  
22 nition of ‘integrated pest management.’

23 “(8)(a) The committee may seek funding from public or private sources to  
24 enable the committee to develop pest risk and integrated pest management  
25 metrics or to develop new technologies, strategies and approaches for ad-  
26 dressing specific pest threats. Unless restricted by the donor, the committee  
27 may use moneys donated under this subsection for any purpose described in  
28 this subsection.

29 “(b) The State Department of Agriculture may accept funds donated under  
30 this subsection on behalf of the committee. The moneys shall be credited to

1 a subaccount within the Department of Agriculture Service Fund and, not-  
2 withstanding ORS 561.144 and 634.326, shall be dedicated for funding activ-  
3 ities of the committee. The Director of Agriculture shall draw warrants for  
4 the issuance of payments from the account as authorized by vote of a ma-  
5 jority of the committee.

6 **“SECTION 207.** ORS 659.860 is amended to read:

7 “659.860. (1) Any person claiming to be aggrieved by unlawful discrimi-  
8 nation as prohibited by ORS 659.850 may file a civil action in circuit court  
9 for equitable relief or, subject to the terms and conditions of ORS 30.265 to  
10 30.300, damages, or both. The court may order such other relief as may be  
11 appropriate. Damages shall be \$200 or actual damages, whichever is greater.

12 “(2) The action authorized by this section shall be filed within one year  
13 of the filing of a grievance.

14 “(3) An action may not be filed unless, within 180 days of the alleged  
15 discrimination, a grievance has been filed with the school district board,  
16 public charter school governing body, community college board of  
17 education[,] **or** governing board of a public university [*with a governing*  
18 *board*] listed in ORS **352.002** [*352.054 or State Board of Higher Education*].

19 “(4) An action may not be filed until 90 days after filing a grievance un-  
20 less only injunctive relief is sought pursuant to ORCP 79. The right to tem-  
21 porary or preliminary injunctive relief shall be independent of the right to  
22 pursue any administrative remedy available to complainants pursuant to  
23 ORS 659.850.

24 “(5) An action may not be filed if the school district board, public charter  
25 school governing body, community college board of education[,] **or** governing  
26 board of a public university [*with a governing board*] listed in ORS **352.002**  
27 [*352.054 or State Board of Higher Education*] has obtained a conciliation  
28 agreement with the person filing the grievance or if a final determination  
29 of a grievance has been made except as provided in ORS 183.480.

30 “(6) Notwithstanding the filing of a grievance, pursuant to subsection (3)

1 of this section, any person seeking to maintain an action under this section  
2 shall also file a notice of claim within 180 days of the alleged discrimination  
3 as required by ORS 30.275.

4 “(7) The court shall award reasonable attorney fees to a prevailing  
5 plaintiff in any action under this section. The court may award reasonable  
6 attorney fees and expert witness fees incurred by a defendant who prevails  
7 in the action if the court determines that the plaintiff had no objectively  
8 reasonable basis for asserting a claim or no objectively reasonable basis for  
9 appealing an adverse decision of a trial court.

10 “(8) Nothing in this section is intended to reduce the obligations of the  
11 education agencies under this section and ORS 659.850 and 659.855.

12 **“SECTION 208.** ORS 702.005 is amended to read:

13 “702.005. As used in ORS 702.005 to 702.065, 702.991 and 702.994:

14 “(1) ‘Agency contract’ means:

15 “(a) A written or oral agreement in which a student athlete authorizes a  
16 person, organization or legal, commercial or other entity to negotiate or so-  
17 licit on behalf of the student athlete a professional sports services contract  
18 or an endorsement contract; or

19 “(b) A written or oral agreement entered into by a student athlete that  
20 makes the student athlete ineligible to participate in an interscholastic or  
21 intercollegiate sport because of a violation of rules or regulations established  
22 by a state or national organization that governs student athlete eligibility  
23 or participation.

24 “(2)(a) ‘Athlete agent’ means an individual who, directly or indirectly:

25 “(A) Represents or attempts to represent a student athlete for the purpose  
26 of marketing the student athlete’s athletic ability or reputation for financial  
27 gain; or

28 “(B) Seeks to obtain a type of financial gain or benefit from securing a  
29 prospective student athlete’s enrollment at an educational institution or from  
30 a student athlete’s potential earnings as a professional athlete.

1 “(b) ‘Athlete agent’ does not include a spouse, parent, sibling, grandparent  
2 or legal guardian of the student athlete or an individual acting solely on  
3 behalf of a professional sports team or professional sports organization.

4 “(3) ‘Athletic director’ means:

5 “(a) An individual responsible for administering the overall athletic pro-  
6 gram of an educational institution or, if an educational institution has sep-  
7 arately administered athletic programs for male students and female  
8 students, the athletic program for males or the athletic program for females,  
9 as appropriate;

10 “(b) If the educational institution is a public or private elementary school  
11 or secondary school and the educational institution does not have a person  
12 responsible for administering the overall athletic program:

13 “(A) The principal of the educational institution; or

14 “(B) If the educational institution does not have a principal, the person  
15 designated by the governing body of the school district, education service  
16 district or charter school to manage the educational institution; or

17 “(c) If the educational institution is a community college or university  
18 and the educational institution does not have a person responsible for ad-  
19 ministering the overall athletic program:

20 “(A) The president of the educational institution; or

21 “(B) If the educational institution does not have a president, [*the*  
22 *Chancellor of the Oregon University System or, if the educational institution*  
23 *is not a part of the Oregon University System,*] the person designated by the  
24 governing body of the educational institution to manage the educational in-  
25 stitution.

26 “(4) ‘Contact’ means a communication, direct or indirect, between an  
27 athlete agent and a student athlete, to recruit or solicit the student athlete  
28 to enter into an agency contract.

29 “(5) ‘Educational institution’ means a public or private elementary school,  
30 secondary school, community college, university or other educational insti-

1 tution.

2 “(6) ‘Endorsement contract’ means an agreement under which a student  
3 athlete is employed or receives consideration to use on behalf of the other  
4 party any value that the student athlete may have because of publicity,  
5 reputation, following or fame obtained because of athletic ability or per-  
6 formance.

7 “(7) ‘Intercollegiate sport’ means a sport played at the collegiate level for  
8 which eligibility requirements for participation by a student athlete are es-  
9 tablished by a national association for the promotion or regulation of  
10 collegiate athletics.

11 “(8) ‘Person’ means an individual, corporation, business trust, estate,  
12 trust, partnership, limited liability company, association, joint venture, pub-  
13 lic body, as defined in ORS 174.109, or any other legal or commercial entity.

14 “(9) ‘Professional sports services contract’ means an agreement under  
15 which an individual is employed, or agrees to render services, as a player  
16 on a professional sports team, with a professional sports organization or as  
17 a professional athlete.

18 “(10) ‘Record’ means information that is inscribed on a tangible medium  
19 or that is stored in an electronic or other medium and is retrievable in  
20 perceivable form.

21 “(11) ‘Registration’ means registration as an athlete agent pursuant to  
22 ORS 702.005 to 702.065, 702.991 and 702.994.

23 “(12) ‘State’ means a state of the United States, the District of Columbia,  
24 Puerto Rico, the United States Virgin Islands or any territory or insular  
25 possession subject to the jurisdiction of the United States.

26 “(13) ‘Student athlete’ means an individual attending an educational in-  
27 stitution within this state who engages in, is eligible to engage in or may  
28 be eligible in the future to engage in any interscholastic or intercollegiate  
29 sport. If an individual is permanently ineligible to participate in a particular  
30 interscholastic or intercollegiate sport, the individual is not a student

1 athlete for purposes of that sport.

2 **“SECTION 209.** ORS 759.445 is amended to read:

3 “759.445. (1) There is established in the State Treasury, separate and dis-  
4 tinct from the General Fund, the Connecting Oregon Communities Fund.  
5 Moneys in the fund shall consist of amounts deposited in the fund under ORS  
6 759.405 and any other moneys deposited by a telecommunications carrier that  
7 elects to be subject to ORS 759.405 and 759.410, including amounts deposited  
8 pursuant to a performance assurance plan implemented by a telecommuni-  
9 cations carrier in connection with an application under 47 U.S.C. 271, as in  
10 effect on January 1, 2002. Interest earned on moneys in the fund shall accrue  
11 to the fund. Moneys in the fund may be invested as provided in ORS 293.701  
12 to 293.857. Moneys in the fund shall be used to provide access to advanced  
13 telecommunications technology in elementary schools and high schools, col-  
14 leges and universities, community colleges, public television corporations,  
15 rural health care providers, public libraries and other eligible persons.

16 “(2) Two dedicated accounts shall be established within the Connecting  
17 Oregon Communities Fund for purposes of supporting education and public  
18 access to advanced telecommunications services. The first \$25 million of the  
19 moneys deposited in the Connecting Oregon Communities Fund in both 2000  
20 and 2001 shall be appropriated to the School Technology Account established  
21 under subsection (3) of this section. Except as provided in subsection (8) of  
22 this section, any additional moneys available in the fund shall be appropri-  
23 ated to the Public Access Account established under subsection (4) of this  
24 section.

25 “(3) There is established the School Technology Account within the Con-  
26 necting Oregon Communities Fund. The purpose of the School Technology  
27 Account is to improve access to advanced telecommunications services for  
28 students attending public school in kindergarten through grade 12. Moneys  
29 in the account shall be expended as provided in section 34, chapter 1093,  
30 Oregon Laws 1999.



1 “(4)(a) There is established the Public Access Account within the Con-  
2 necting Oregon Communities Fund. The purpose of the Public Access Ac-  
3 count is to improve access to advanced telecommunications services for  
4 community colleges, universities, public libraries and rural health care pro-  
5 viders.

6 “(b) If funding has not been provided from other sources, the first \$3  
7 million available in the Public Access Account shall be transferred to the  
8 [*Oregon University System*] **Higher Education Coordinating Commission**  
9 for the purpose of funding the Oregon Wide Area Network project to provide  
10 and expand Internet access for [*the Oregon University System*] **public uni-**  
11 **versities listed in ORS 352.002.** [*The Oregon University System shall com-*  
12 *plete an audit of bandwidth utilization and report to the Joint Legislative*  
13 *Committee on Information Management and Technology during the Seventy-*  
14 *first Legislative Assembly in the manner provided in ORS 192.245.*]

15 “(c) Following the transfer of funds described in paragraph (b) of this  
16 subsection, the next \$1 million available in the Public Access Account shall  
17 be transferred to the [*Oregon University System*] **Higher Education Coor-**  
18 **inating Commission** for Oregon State University for the purpose of pro-  
19 viding virtual access to persons with disabilities.

20 “(d) Following the transfer of funds as described in paragraphs (b) and (c)  
21 of this subsection, the next \$2 million available in the Public Access Account  
22 shall be transferred to the Department of Community Colleges and  
23 Workforce Development for distribution to community colleges for the pur-  
24 pose of developing connectivity and distance education programs.

25 “(e) Following the transfer of funds described in paragraphs (b) to (d) of  
26 this subsection, the next \$4 million available in the Public Access Account  
27 shall be transferred to the [*Oregon University System*] **Higher Education**  
28 **Coordinating Commission** for video transport and network management  
29 services for [*the Oregon University System*] **public universities.**

30 “(f) Following the transfer of funds described in paragraphs (b) to (e) of

1 this subsection, the next \$5.5 million available in the Public Access Account  
2 shall be transferred to the Oregon Public Broadcasting Corporation for the  
3 purpose of digitizing the state television network, using the Oregon Enter-  
4 prise Network when possible.

5 “(g) Following the transfer of funds described in paragraphs (b) to (f) of  
6 this subsection, the next \$500,000 available in the Public Access Account  
7 shall be transferred to the Southern Oregon Public Television Corporation  
8 for the purpose of digitizing the state television network, using the Oregon  
9 Enterprise Network when possible.

10 “(h) Following the transfer of funds described in paragraphs (b) to (g) of  
11 this subsection, a public university listed in ORS 352.002 or the Oregon  
12 Health and Science University may apply for one-time matching funds up to  
13 \$1 million from the Public Access Account to endow a telecommunications  
14 chair for the purpose of increasing research and development of advanced  
15 telecommunications services applications. Only one chair may be endowed  
16 under this paragraph.

17 “(5)(a) The Oregon Business Development Commission shall approve ex-  
18 penditure of any remaining moneys in the Public Access Account consistent  
19 with this section and ORS 759.430.

20 “(b) Community colleges, public universities listed in ORS 352.002, public  
21 libraries, public television corporations and rural health care providers may  
22 apply to the Oregon Business Development Commission for funding from the  
23 Public Access Account under this subsection.

24 “(c) Funds received from the account shall be used for the purchase of  
25 advanced telecommunications services, equipment or recurring costs of tele-  
26 communications connectivity. Priority shall be given to collaborative  
27 projects that improve access to advanced telecommunications services.

28 “(d) Funds available in the Public Access Account under this subsection  
29 are continuously appropriated to the Oregon Business Development Depart-  
30 ment for the purposes described in this subsection.

1 “(6) Public libraries and rural health care providers must apply for federal  
2 universal service support in order to be eligible for a grant from the Public  
3 Access Account.

4 “(7) The video transport and network management services purchased  
5 with funds made available under this section shall be purchased through the  
6 Oregon Department of Administrative Services.

7 “(8) Any moneys deposited in the Connecting Oregon Communities Fund  
8 under subsection (1) of this section pursuant to a performance assurance plan  
9 implemented by a telecommunications carrier in connection with an appli-  
10 cation under 47 U.S.C. 271, as in effect on January 1, 2002, shall be placed  
11 in the School Technology Account to be expended as provided in section 34,  
12 chapter 1093, Oregon Laws 1999.

13 **“SECTION 210.** ORS 815.080 is amended to read:

14 “815.080. (1) A person commits the offense of providing a safety belt,  
15 harness equipment or a child safety system that does not comply with stan-  
16 dards if the person does any of the following:

17 “(a) Sells or offers for sale a new motor vehicle that is not equipped with  
18 safety belts, safety harnesses or child safety systems that comply with and  
19 are installed in compliance with the rules adopted by the Department of  
20 Transportation under ORS 815.055. This paragraph applies only to motor ve-  
21 hicles that are primarily designed for transportation of individuals and that  
22 have seating for one or more passengers side-by-side with the operator. This  
23 paragraph requires only that the vehicle be equipped with one seat belt or  
24 harness for the operator and one for at least one of the passengers seated  
25 beside the operator.

26 “(b) Sells or offers for sale any safety belt, safety harness, child safety  
27 system, anchor or other device for attaching or securing safety belts, safety  
28 harnesses or child safety system if the belt, harness, child safety system,  
29 anchor or device does not comply with the rules adopted by the department  
30 under ORS 815.055. This paragraph applies only to belts, harnesses, child

1 safety systems, anchors or devices for use or installation on a vehicle that  
2 is primarily designed for transportation of individuals.

3 “(c) Sells or offers for sale any safety belt, safety harness, child safety  
4 system, anchor or other device for attaching or securing safety belts, safety  
5 harnesses or child safety systems if the belt, harness, child safety system,  
6 anchor or device is not marked as required under federal safety standards  
7 and if the mark is not legible when the belt, harness, child safety system,  
8 anchor or other device is used or installed on a vehicle. This paragraph ap-  
9 plies only to belts, harnesses, child safety systems, anchors or devices for  
10 use or installation on a vehicle that is primarily designed for transportation  
11 of individuals.

12 “(d) Installs any safety belt, safety harness, child safety system, anchor  
13 or other device for attaching or securing safety belts, safety harnesses or  
14 child safety systems on a vehicle that is primarily designed for the trans-  
15 portation of individuals except in compliance with rules adopted by the de-  
16 partment under ORS 815.055.

17 “(2) This section does not apply to school buses or school activity vehicles  
18 that are subject to equipment standards adopted by the State Board of Edu-  
19 cation or the [*State Board of Higher Education under ORS 820.100*] **govern-**  
20 **ing board of a public university listed in ORS 352.002.**

21 “(3) The offense described in this section, providing a safety belt, harness  
22 equipment or a child safety system that does not comply with standards, is  
23 a Class C traffic violation.

24 “**SECTION 211.** ORS 820.100 is amended to read:

25 “820.100. (1) The State Board of Education shall adopt and enforce such  
26 reasonable standards relating to school bus and school activity vehicle con-  
27 struction and school bus and school activity vehicle equipment as the board  
28 deems necessary for safe and economical operation, except that the board  
29 may not authorize the use of school buses manufactured before April 1, 1977.

30 “(2) [*The State Board of Higher Education and*] The governing board of

1 a public university [*with a governing board*] listed in ORS [352.054] **352.002**  
2 may adopt and enforce separate standards of the type described under this  
3 section for school buses and school activity vehicles that are under the  
4 **governing** board’s jurisdiction, except that the **governing** board may not  
5 authorize the use of school buses manufactured before April 1, 1977.

6 “(3) The State Board of Education shall adopt and enforce standards for  
7 school bus stop arms authorized by ORS 820.105.

8 “(4) Standards adopted under this section:

9 “(a) Must be consistent with requirements established by statute or by  
10 rule adopted under statutory authority that relate to the same subject.

11 “(b) Shall be consistent with minimum uniform national standards, if such  
12 standards exist.

13 “(c) May include different requirements for different classes or types of  
14 school buses or school activity vehicles.

15 “(d) May include any exemptions determined appropriate under ORS  
16 820.150.

17 **“SECTION 212.** ORS 820.110 is amended to read:

18 “820.110. (1) The State Board of Education shall adopt and enforce rules  
19 to establish requirements of operation, qualifications or special training of  
20 drivers and special accident reports for school buses and school activity ve-  
21 hicles.

22 “(2) [*The State Board of Higher Education and*] The governing board of  
23 a public university [*with a governing board*] listed in ORS [352.054] **352.002**  
24 may adopt and enforce separate standards of the type described under this  
25 section for school buses and school activity vehicles that are under its ju-  
26 risdiction.

27 “(3) The rules and standards adopted under this section:

28 “(a) Are subject to ORS 820.190 and 820.200 and to any other statute or  
29 regulation relating to the operation of vehicles, qualifications of drivers and  
30 accident reports.

1 “(b) Must be consistent with requirements established by statute or by  
2 rule adopted under statutory authority that relate to the same subject.

3 “(c) May include different requirements for different classes or types of  
4 school buses or school activity vehicles.

5 “(d) May include any exemptions determined appropriate under ORS  
6 820.150.

7 “(4) If the Department of Transportation suspends, cancels or revokes any  
8 driving privileges of a person who holds a school bus endorsement under  
9 ORS 807.035 (5), the Department of Transportation shall notify the Depart-  
10 ment of Education of the suspension, cancellation or revocation.

11 **“SECTION 213.** ORS 820.120 is amended to read:

12 “820.120. (1) The State Board of Education shall adopt and enforce rules  
13 to provide for the inspection of school buses and school activity vehicles to  
14 assure that the vehicles are in compliance with requirements under stan-  
15 dards and rules established under ORS 820.100 and 820.110, as applicable, and  
16 that the vehicles are safe for operation. The rules may include intervals of  
17 inspections.

18 “(2) [*The State Board of Higher Education and*] The governing board of  
19 a public university [*with a governing board*] listed in ORS [*352.054*] **352.002**  
20 may adopt and enforce separate standards of the type described under this  
21 section for school buses and school activity vehicles that are under its ju-  
22 risdiction.

23 “(3) The rules and standards adopted under this section:

24 “(a) Are subject to any other statute or regulation relating to the safety  
25 of vehicles for operation and the inspection of vehicles.

26 “(b) May include different requirements for different classes or types of  
27 school buses or school activity vehicles.

28 “(c) May include any exemptions determined appropriate under ORS  
29 820.150.

30 **“SECTION 214.** ORS 820.130 is amended to read:

1 “820.130. The Department of Transportation shall issue registration for a  
2 school bus when notified that the vehicle conforms to applicable standards  
3 and rules under ORS 820.100 to 820.120 and that the vehicle is safe for op-  
4 eration on the highways. Notification required by this section shall be from:

5 “(1) The State Board of Education or its authorized representative re-  
6 garding vehicles under its regulatory authority.

7 “[~~(2) The State Board of Higher Education or its authorized representative~~  
8 ~~regarding vehicles under its jurisdiction.~~]

9 “[~~(3)~~ **(2)** The governing board of a public university [*with a governing*  
10 *board*] listed in ORS [~~352.054~~] **352.002** or the authorized representative of the  
11 **governing** board regarding vehicles under the **governing** board’s jurisdic-  
12 tion.

13 **“SECTION 215.** ORS 820.150 is amended to read:

14 “820.150. (1) The State Board of Education, by rule, may establish classes  
15 or types of vehicles that are not considered school buses or school activity  
16 vehicles for purposes of the Oregon Vehicle Code or classes of school buses  
17 or school activity vehicles that are not subject to regulation under the  
18 Oregon Vehicle Code either partially or completely.

19 “(2) [~~The State Board of Higher Education and~~] The governing board of  
20 a public university [*with a governing board*] listed in ORS [~~352.054~~] **352.002**  
21 may adopt separate standards of the type described under this section for  
22 vehicles that are under its jurisdiction.

23 “(3) Rules and standards adopted under this section are subject to the  
24 following:

25 “(a) Any exemption, either partial or total, established under this section  
26 may be based upon passenger capacity, on limited use or on any other basis  
27 the State Board of Education[,] **or** the governing board [*or the State Board*  
28 *of Higher Education*] considers appropriate.

29 “(b) An exemption, either partial or total, may not be established under  
30 this section for any vehicle that is marked with or displays the words ‘school

1 bus.’

2 “(c) Any vehicle determined not to be a school bus under this section is  
3 not a school bus within the definition established under ORS 801.460. Partial  
4 exemptions established for vehicles under this section may include removal  
5 of the vehicle from any provisions relating to school buses under the vehicle  
6 code.

7 “(d) Any vehicle determined not to be a school activity vehicle under this  
8 section is not a school activity vehicle within the definition established un-  
9 der ORS 801.455. Partial exemptions established for vehicles under this sec-  
10 tion may include removal of the vehicle from any provisions relating to  
11 school activity vehicles under the vehicle code.

12 “(e) In considering any rules and standards under this section, the boards  
13 shall consider the need to ensure student safety.

14 **“SECTION 216.** ORS 825.017 is amended to read:

15 “825.017. Except as provided in ORS 825.026 and 825.030, this chapter does  
16 not apply to the persons or vehicles described in this section. The exemption  
17 under this section applies to the following persons and vehicles:

18 “(1) Vehicles being used by, or under contract with, any school board,  
19 district or person responsible for the administration of elementary or sec-  
20 ondary school activities, and engaged exclusively in transporting students  
21 or combinations of students and other persons to or from school, to or from  
22 authorized school activities or other activities sponsored by the [*State Board*  
23 *of Higher Education*] **governing board of a public university listed in**  
24 **ORS 352.002**, or for purposes provided under ORS 332.427. This exemption  
25 shall not be affected by the charging of a fee to cover the costs of the  
26 transportation.

27 “(2) Vehicles being used in a taxicab operation if the vehicle:

28 “(a) Is a passenger vehicle with a passenger seating capacity that does  
29 not exceed five;

30 “(b) Carries passengers for hire where the destination and route traveled



1 may be controlled by a passenger and the fare is calculated on the basis of  
2 any combination of an initial fee, distance traveled or waiting time; and

3 “(c) Is transporting persons or property, or both, between points in  
4 Oregon.

5 “(3) Vehicles being used for the transportation of property by private  
6 carrier by means of a single vehicle or combination of vehicles with a com-  
7 bined weight that does not exceed 8,000 pounds.

8 “(4) Vehicles being used in operating implements of husbandry.

9 “(5) Vehicles being used as a hearse or ambulance.

10 “(6) Vehicles being used over any private road or thoroughfare.

11 “(7) Vehicles being used on any road, thoroughfare or property, other  
12 than a state highway, county road or city street, for the removal of forest  
13 products as defined in ORS 321.005, or the product of forest products con-  
14 verted to a form other than logs at or near the harvesting site, or when used  
15 for the construction or maintenance of the road, thoroughfare or property,  
16 pursuant to a written agreement or permit authorizing the use, construction  
17 or maintenance of the road, thoroughfare or property, with:

18 “(a) An agency of the United States;

19 “(b) The State Board of Forestry;

20 “(c) The State Forester; or

21 “(d) A licensee of an agency named in this subsection.

22 “(8) Vehicles being used on any county road for the removal of forest  
23 products as defined in ORS 321.005, or the products of forest products con-  
24 verted to a form other than logs at or near the harvesting site, if:

25 “(a) The use is pursuant to a written agreement entered into with the  
26 State Board of Forestry, the State Forester or an agency of the United  
27 States, authorizing the owner of the motor vehicle to use the road and re-  
28 quiring the owner to pay for or to perform the construction or maintenance  
29 of the county road, including any operator of a motor vehicle retained to  
30 transport logs, poles and piling for the owners who are exempt under this

1 section;

2 “(b) The board, officer or agency that entered into the agreement or  
3 granted the permit, by contract with the county court or board of county  
4 commissioners, has assumed the responsibility for the construction or main-  
5 tenance of the county road; and

6 “(c) Copies of the agreements or permits required by this subsection are  
7 filed with the Director of Transportation.

8 “(9) Vehicles being used in the transportation of persons for hire if the  
9 operation:

10 “(a) Is performed by a nonprofit entity;

11 “(b) Is not in competition with a regular route full-service scheduled  
12 carrier of persons that is subject to the provisions of this chapter or a ser-  
13 vice provided by a mass transit district formed under ORS chapter 267;

14 “(c) Is performed by use of vehicles operating in compliance with ORS  
15 820.020 to 820.070; and

16 “(d) Is approved by the Department of Transportation as complying with  
17 paragraphs (a) to (c) of this subsection.

18 “(10) Vehicles being used in transporting persons with disabilities, with  
19 or without their supervisors or assistants, to or from rehabilitation facilities  
20 or child care services if the motor vehicle is a passenger motor vehicle with  
21 a seating capacity of not more than 12 passengers. The exemption provided  
22 by this subsection applies only when the motor vehicle is operated by or  
23 under contract with any person responsible for the administration of reha-  
24 bilitation facilities as defined in ORS 344.710 to 344.730 or child care services  
25 provided by a facility licensed under ORS 329A.030 and 329A.250 to 329A.450.

26 “(11) Vehicles owned or operated by the United States or by any govern-  
27 mental jurisdiction within the United States except when owned or operated  
28 as a carrier of property for hire.

29 “(12) Vehicles owned or operated by a mass transit district created under  
30 ORS chapter 267.

1       “(13) Vehicles owned or operated by, or under contract with, a person  
2 responsible for the construction or reconstruction of a highway under con-  
3 tract with the Department of Transportation or with an agency of the United  
4 States when operated within the immediate construction project as described  
5 in the governmental agency contract during the construction period.

6       “(14) Vehicles owned or operated by, or under contract with, a charitable  
7 organization when exclusively engaged in performing transportation, either  
8 one way or round trip, necessary to the operation of the charitable organ-  
9 ization. As used in this subsection, ‘charitable organization’ means an or-  
10 ganization that has no capital stock and no provision for making dividends  
11 or profits, but derives its funds principally from public and private charity  
12 and holds them in trust for the promotion of the welfare of others and not  
13 for profit. Any organization claiming an exemption under this subsection  
14 shall file an affidavit with the department stating that it is organized and  
15 operated in accordance with the requirements of this subsection.

16       “(15) Vehicles with a maximum speed that does not exceed 35 miles per  
17 hour that are designed for off-road use and that are operated on the public  
18 highways in any one calendar year a number of miles that does not exceed  
19 15 percent of the total number of miles the vehicle is operated for that cal-  
20 endar year.

21       “(16) Passenger vehicles with a passenger seating capacity that does not  
22 exceed five when used in the transportation of new telephone books.

23       “(17) A vehicle that is used in a limousine service operation in which the  
24 destination and route traveled may be controlled by the passenger and the  
25 fare is calculated on the basis of any combination of initial fee, distance  
26 traveled and waiting time if the vehicle:

27       “(a) Is a passenger vehicle with a passenger seating capacity that does  
28 not exceed eight;

29       “(b) Carries passengers for hire between points in Oregon; and

30       “(c) Operates on an irregular route basis.

1 “(18) Fire trucks and rescue vehicles that are designated as emergency  
2 vehicles by the Department of Transportation under ORS 801.260, while in-  
3 volved in emergency and related operations.

4 “(19) A person who provides services related to the packing or loading  
5 of household goods if the person does not:

6 “(a) Provide or operate a motor vehicle for the movement of the household  
7 goods; and

8 “(b) Act as an agent for any person who does provide or operate a motor  
9 vehicle for the movement of the household goods.

10 “**SECTION 217.** Section 14, chapter 36, Oregon Laws 2012, as amended  
11 by section 4, chapter 434, Oregon Laws 2013, section 202d, chapter 747,  
12 Oregon Laws 2013, and section 155, chapter 768, Oregon Laws 2013, is  
13 amended to read:

14 “**Sec. 14.** (1) For the purposes of this section:

15 “(a) ‘Achievement compact’ means an agreement entered into between the  
16 Oregon Education Investment Board and the governing body of an education  
17 entity as described in this section.

18 “(b) ‘Education entity’ means:

19 “(A) A school district, as defined in ORS 332.002;

20 “(B) An education service district operated under ORS chapter 334;

21 “(C) A community college district or community college service district  
22 operated under ORS chapter 341;

23 “[*D*] *The Oregon University System established by ORS 351.011;*]

24 “[*E*] **(D)** A public university listed in ORS 352.002; and

25 “[*F*] **(E)** The health professions and graduate science programs of the  
26 Oregon Health and Science University operated under ORS chapter 353.

27 “(c) ‘Governing body of an education entity’ means:

28 “(A) For a school district, the school district board.

29 “(B) For an education service district, the board of directors of the edu-  
30 cation service district.

1 “(C) For a community college district or a community college service  
2 district, the board of education of the community college district.

3 “[*(D) For the Oregon University System, the State Board of Higher Edu-*  
4 *cation.*]

5 “[*(E) For a public university of the Oregon University System, the president*  
6 *of the university.*]

7 “[*(F)*] **(D)** For a public university with a governing board listed in [*section*  
8 *3 of this 2013 Act*] **ORS 352.054**, the governing board of the university.

9 “[*(G)*] **(E)** For the Oregon Health and Science University, the Oregon  
10 Health and Science University Board of Directors.

11 “(2)(a) Prior to the beginning of each fiscal year, the governing body of  
12 each education entity must enter into an achievement compact with the  
13 Oregon Education Investment Board for the fiscal year.

14 “(b) Governing bodies of education entities identified in subsection  
15 (1)(b)(A) to (C) of this section shall enter into achievement compacts as part  
16 of the budgeting process under ORS 294.305 to 294.565 and shall submit  
17 achievement compacts to the board prior to:

18 “(A) October 15 of each year for governing bodies of education entities  
19 identified in subsection (1)(b)(A) or (B) of this section; or

20 “(B) July 1 of each year for governing bodies of education entities iden-  
21 tified in subsection (1)(b)(C) of this section.

22 “(c) The board shall specify a process for adoption and a timeline for  
23 submission of achievement compacts for education entities identified in sub-  
24 section (1)(b)(D) [*to (F)*] **and (E)** of this section.

25 “(d) The board shall provide to each school district a number quantifying  
26 the district’s estimated level of funding for the next fiscal year compared to  
27 the determination of funding needed to ensure that the state’s system of  
28 kindergarten through grade 12 public education meets the quality goals  
29 specified under ORS 327.506.

30 “(3)(a) The board shall establish the terms for achievement compacts.

1 “(b) The terms of an achievement compact may include:

2 “(A) A description of goals for outcomes that are consistent with the ed-

3 ucational goals identified in ORS 329.015, the findings described in ORS

4 351.003 and the mission of education provided in ORS 351.009.

5 “(B) A description of the outcomes and measures of progress that will

6 allow each education entity to quantify:

7 “(i) Completion rates for:

8 “(I) Critical stages of learning and programs of study;

9 “(II) The attainment of diplomas, certificates and degrees; and

10 “(III) Achieving the high school and post-secondary education goals es-

11 tablished in ORS 351.009 and a projection of the progress needed to achieve

12 those goals by 2025;

13 “(ii) Validations of the quality of knowledge and skills acquired by stu-

14 dents of the education entity; and

15 “(iii) The relevance of the knowledge and skills acquired by the students

16 of the education entity and the means by which those skills and knowledge

17 will contribute to the workforce, the economy and society as described in

18 state policy.

19 “(C) Other information suggested by the governing body of an education

20 entity and approved by the board.

21 “(c) Notwithstanding the terms described in paragraph (b) of this sub-

22 section, for an achievement compact entered into by an education entity

23 identified in subsection [(1)(b)(F)] **(1)(b)(E)** of this section, the terms of the

24 achievement compact shall be limited to the enrollment of, and attainment

25 of degrees by, Oregon residents in programs for which the state provides

26 funding.

27 “(4)(a) The governing body of each education entity shall identify a target

28 number and percentage of students for achievement of the outcomes, meas-

29 ures of progress and goals specified in the achievement compact for the fiscal

30 year.

1 “(b) The governing body of each education entity shall provide a target  
2 number and percentage of students for the aggregate of all disadvantaged  
3 subgroups, as defined by federal law or specified by rules adopted by the  
4 board. The target number and percentage of students must reflect the edu-  
5 cation entity’s goals of improving education outcomes for disadvantaged  
6 student groups and closing any student achievement gaps between disadvan-  
7 taged student groups and other student groups.

8 “(5) As part of the process of entering into an achievement compact, the  
9 governing body of an education entity shall ensure that open communi-  
10 cations are provided to parents, students, teachers or faculty, employees,  
11 exclusive bargaining representatives and community representatives, as ap-  
12 propriate for the type of education entity represented by the governing body  
13 of the education entity. The purposes of the open communications are to  
14 explain and discuss the outcomes, measures of progress, goals and targets  
15 specified in the achievement compact for the fiscal year. The open commu-  
16 nications must be provided during each education entity’s public budget  
17 process.

18 “(6) The board shall specify the format of the achievement compacts and  
19 provide model achievement compacts to the governing body of each education  
20 entity.

21 “(7) The board may adopt a timeline and method for governing bodies of  
22 education entities to provide the board with a report at the end of a fiscal  
23 year that describes the achievements made by the education entities during  
24 the fiscal year. The report:

25 “(a) Must include disaggregated data for each disadvantaged student  
26 group specified by the board; and

27 “(b) May state achievements in numbers and percentages and in relation  
28 to the outcomes, measures of progress, goals and targets specified in the  
29 achievement compact for the fiscal year.

30 **SECTION 218.** ORS 348.900 is amended to read:

1 “348.900. (1) The Employment Department, in consultation with health  
2 care industry employers, shall perform a statewide and regional needs as-  
3 sessment for health care occupations to identify emerging occupations and  
4 occupations for which there is high demand or a shortage of workers. The  
5 assessment shall be performed as necessary on a periodic basis, as determined  
6 by the department, in consultation with industry employers. To perform the  
7 needs assessment, the department may consider any reliable data sources  
8 available to the department.

9 “(2) Based on the needs assessment, the Higher Education Coordinating  
10 Commission shall inform the community colleges, public universities listed  
11 in ORS 352.002, Oregon Health and Science University and health care in-  
12 dustry employers of the identified statewide needs and invite the develop-  
13 ment of health care education programs that are responsive to those needs.

14 “(3) When approving health care education programs, the commission, the  
15 governing board of a public university [*with a governing board listed in ORS*  
16 *352.054*] **listed in ORS 352.002** and the Oregon Health and Science Univer-  
17 sity Board of Directors shall use the statewide needs assessment to evaluate  
18 whether a program fulfills statewide needs. If the commission or the board  
19 determines there is a statewide need, the commission or the board shall fa-  
20 cilitate the:

21 “(a) Coordination of new health care education programs and existing  
22 health care education programs that are similar to the new health care ed-  
23 ucation programs to address the statewide need; and

24 “(b) Alignment of health care education programs relating to statewide  
25 access, student transferability between programs, course articulation and  
26 common student learning outcomes for health care education programs.

27 “(4) In the development and approval of health care education programs,  
28 community colleges, public universities, Oregon Health and Science Univer-  
29 sity, the commission, the governing board of a public university [*with a*  
30 *governing board listed in ORS 352.054*] **listed in ORS 352.002** and the Oregon



1 Health and Science University Board of Directors shall consider issues re-  
2 lated to statewide access, student transferability between programs, course  
3 articulation and common student learning outcomes for health care educa-  
4 tion programs. The community colleges, public universities, Oregon Health  
5 and Science University and commission shall continue to provide and im-  
6 prove upon an effective articulation and transfer framework for students in  
7 Oregon’s post-secondary sectors.

8 **“SECTION 219.** Section 44, chapter 1, Oregon Laws 2015, is amended to  
9 read:

10 **“Sec. 44.** (1) There is established the Oregon Marijuana Account, sepa-  
11 rate and distinct from the General Fund.

12 **“(2)** At the end of each month, the Oregon Liquor Control Commission  
13 shall certify the amount of moneys available for distribution in the Oregon  
14 Marijuana Account and, after withholding such moneys as it may deem  
15 necessary to carry out its obligations under sections 3 to 70, **chapter 1,**  
16 **Oregon Laws 2015** [*of this Act*], shall within 35 days of the month for which  
17 a distribution is made distribute the moneys as follows:

18 **“(a)** Forty percent [*shall*] **must** be transferred to the Common School  
19 Fund;

20 **“(b)** Twenty percent [*shall*] **must** be transferred to the Mental Health  
21 Alcoholism and Drug Services Account established under ORS 430.380;

22 **“(c)** Fifteen percent [*shall*] **must** be transferred to the State Police Ac-  
23 count established under ORS 181.175;

24 **“(d)** To assist local law enforcement in performing its duties under  
25 **sections 3 to 70, chapter 1, Oregon Laws 2015, 10** [*this Act, ten*] percent  
26 [*shall*] **must** be transferred to the cities of [*the*] **this** state in the following  
27 shares:

28 **“(A)** For all distributions made from the Oregon Marijuana Account be-  
29 fore July 1, 2017, in such shares as the population of each city bears to the  
30 population of the cities of [*the*] **this** state, as determined by [*the State Board*

1 *of Higher Education*] **Portland State University** last preceding such appor-  
2 tionment, under ORS 190.510 to 190.610; and

3 “(B) For all distributions made from the Oregon Marijuana Account on  
4 or after July 1, 2017:

5 “(i) Fifty percent of [*such ten*] **the 10** percent [*shall*] **must** be transferred  
6 in such shares as the number of licenses issued by the commission under  
7 sections 19 to 21, **chapter 1, Oregon Laws 2015**, [*of this Act*] during the  
8 calendar year preceding the date of the distribution for premises located in  
9 each city bears to the number of such licenses issued by the commission  
10 during such calendar year for all premises in [*the*] **this** state; and

11 “(ii) Fifty percent of [*such ten*] **the 10** percent [*shall*] **must** be transferred  
12 in such shares as the number of licenses issued by the commission under  
13 section 22, **chapter 1, Oregon Laws 2015**, [*of this Act*] during the calendar  
14 year preceding the date of the distribution for premises located in each city  
15 bears to the number of such licenses issued by the commission during such  
16 calendar year for all premises in [*the*] **this** state;

17 “(e) To assist local law enforcement in performing its duties under  
18 **sections 3 to 70, chapter 1, Oregon Laws 2015**, **10** [*this Act, ten*] percent  
19 [*shall*] **must** be transferred to counties in the following shares:

20 “(A) For all distributions made from the Oregon Marijuana Account be-  
21 fore July 1, 2017, in such shares as their respective populations bear to the  
22 total population of [*the*] **this** state, as estimated from time to time by [*the*  
23 *State Board of Higher Education*] **Portland State University**; and

24 “(B) For all distributions made from the Oregon Marijuana Account on  
25 or after July 1, 2017:

26 “(i) Fifty percent of [*such ten*] **the 10** percent [*shall*] **must** be transferred  
27 in such shares as the number of licenses issued by the commission under  
28 sections 19 to 21, **chapter 1, Oregon Laws 2015**, [*of this Act*] during the  
29 calendar year preceding the date of the distribution for premises located in  
30 each county bears to the number of such licenses issued by the commission

1 during such calendar year for all premises in [the] **this** state; and

2 “(ii) Fifty percent of [such ten] **the 10** percent [shall] **must** be transferred  
3 in such shares as the number of licenses issued by the commission under  
4 section 22, **chapter 1, Oregon Laws 2015**, [of this Act] during the calendar  
5 year preceding the date of the distribution for premises located in each  
6 county bears to the number of such licenses issued by the commission during  
7 such calendar year for all premises in [the] **this** state; and

8 “(f) Five percent [shall] **must** be transferred to the Oregon Health Au-  
9 thority to be used for the establishment, operation[,] and maintenance of al-  
10 cohool and drug abuse prevention, early intervention and treatment services.

11 “(3) It is the intent of this section that the moneys distributed from the  
12 Oregon Marijuana Account to the distributees in subsection (2) of this sec-  
13 tion are in addition to any other available moneys to such distributees and  
14 do not supplant moneys available from any other source.

15 “**SECTION 220. For purposes of Article XI-M, section 1, of the**  
16 **Oregon Constitution, a building owned by the State Board of Higher**  
17 **Education includes a building owned by:**

18 “(1) **The State Board of Higher Education on the date before August**  
19 **14, 2013, that, as a result of sections 2 and 3 of this 2015 Act and the**  
20 **amendments to ORS 352.054 by section 1 of this 2015 Act, is on the ef-**  
21 **fective date of this 2015 Act owned by another agency or public cor-**  
22 **poration of this state and used for purposes within the authority of the**  
23 **board on the date before the effective date of this 2015 Act.**

24 “(2) **An agency or public corporation of this state on or after the**  
25 **effective date of this 2015 Act and used for purposes within the au-**  
26 **thority of the board before the effective date of this 2015 Act.**

27 “**SECTION 221. For purposes of Article XV, section 8, of the Oregon**  
28 **Constitution, a person employed by the State Board of Higher Educa-**  
29 **tion includes a person who:**

30 “(1) **Was employed by the board on the date before August 14, 2013,**

1 and who, as a result of any provision of this 2015 Act, is employed by  
2 any board or commission established by law to supervise and coordi-  
3 nate the activities of Oregon’s institutions of post-secondary educa-  
4 tion, a public university listed in ORS 352,002, a public agency or a  
5 public corporation of this state in a capacity that was within the au-  
6 thority of the board on the date before the effective date of this 2015  
7 Act.

8 “(2) On or after the effective date of this 2015 Act, is employed by  
9 any board or commission established by law to supervise and coordi-  
10 nate the activities of Oregon’s institutions of post-secondary educa-  
11 tion, a public university listed in ORS 352,002, a public agency or a  
12 public corporation of this state in a capacity that was within the au-  
13 thority of the board before August 14, 2013.

14  
15 “NOTES

16  
17 “**SECTION 222.** Section 11, chapter 519, Oregon Laws 2011, as amended  
18 by section 2, chapter 37, Oregon Laws 2012, is amended to read:

19 “**Sec. 11.** (1) On March 15, 2016, the Chief Education Officer of the  
20 Oregon Education Investment Board shall deliver to the [*Chancellor of the*  
21 *Oregon University System*] **Higher Education Coordinating Commission**  
22 all records and property within the jurisdiction of the Chief Education Offi-  
23 cer that relate to the duties, functions and powers of the Oregon Education  
24 Investment Board. The [*Chancellor of the Oregon University System*] **Higher**  
25 **Education Coordinating Commission** shall take possession of the records  
26 and property.

27 “(2) On March 15, 2016, the Chief Education Officer shall deliver to the  
28 Early Learning System Director all records and property within the juris-  
29 diction of the Chief Education Officer that relate to the duties, functions and  
30 powers of the Early Learning Council. The Early Learning System Director

1 shall take possession of the records and property.

2 “(3) The Governor shall resolve any dispute between the Chief Education  
3 Officer and the [*Chancellor of the Oregon University System*] **Higher Edu-  
4 cation Coordinating Commission**, or the Chief Education Officer and the  
5 Early Learning System Director, relating to transfers of records and property  
6 under this section, and the Governor’s decision is final.

7 **“SECTION 223.** Section 1, chapter 90, Oregon Laws 2010, as amended by  
8 section 1, chapter 373, Oregon Laws 2011, is amended to read:

9 **“Sec. 1.** (1) There is created the Grow Oregon Council, consisting of 19  
10 members appointed as follows:

11 “(a) The President of the Senate shall appoint:

12 “(A) Two members from among members of the Senate who shall be from  
13 different political parties.

14 “(B) Two members representing municipal or regional economic develop-  
15 ment organizations.

16 “(C) One member who shall be a current or former business leader with  
17 fast-growth business experience.

18 “(b) The Speaker of the House of Representatives shall appoint:

19 “(A) Two members from among members of the House of Representatives  
20 who shall be from different political parties.

21 “(B) Two members representing municipal or regional economic develop-  
22 ment organizations.

23 “(C) One member who shall be a current or former business leader with  
24 fast-growth business experience.

25 “(D) One member representing a nonprofit business development organ-  
26 ization.

27 “(c) The [*Chancellor of the Oregon University System*] **executive director  
28 of the Higher Education Coordinating Commission** shall appoint:

29 “(A) One member representing [*the system*] **public universities listed in  
30 ORS 352.002** who shall be a current or former business leader.

1       **“(B) One member representing the community colleges in this state.**

2       “(d) The Director of the Oregon Business Development Department shall  
3 appoint:

4       “(A) One member representing the department.

5       “(B) One member representing a small business development center who  
6 shall be a current or former business leader.

7       “*[(e) The Department of Community Colleges and Workforce Development*  
8 *shall appoint one member representing the community colleges in this state.]*

9       “*[(f)]* (e) The Governor shall appoint:

10       “(A) Two members who are currently principals of Oregon-based compa-  
11 nies, or have been principals of Oregon-based companies within the past five  
12 years; and

13       “(B) Two members who represent trade associations.

14       “*[(g)]* (f) At least two of the nonlegislative members appointed should  
15 have knowledge of advanced market research tools and their application.

16       “(2) The council shall:

17       “(a) Identify and assess Oregon’s continuum of business development ser-  
18 vices with particular attention to the needs of stage two, high-growth busi-  
19 nesses, advanced market research, including but not limited to connectivity  
20 among business service providers, and infrastructure to support  
21 entrepreneurship and growth company capacity building.

22       “(b) Collaborate with state and local governments and their departments,  
23 community colleges, institutions of higher education and business and eco-  
24 nomic development organizations to identify areas for program modification,  
25 enhancement, coordination and creation to deliver a more robust continuum  
26 of services for stage two, high-growth businesses consistent with the princi-  
27 ples of economic gardening.

28       “(c) Make recommendations to the Seventy-seventh Legislative Assembly  
29 for program modification, enhancement, coordination and creation to deliver  
30 a more robust continuum of services for stage two, high-growth businesses

1 consistent with the principles of economic gardening.

2 “(d) Recommend program areas in which [*Oregon University System*]  
3 **public university** graduate programs and community colleges may choose  
4 to participate in order to assist in providing a more robust continuum of  
5 services for stage two, high-growth businesses consistent with the principles  
6 of economic gardening, including but not limited to courses of study and  
7 internships.

8 “(e) Make recommendations for criteria for stage two, high-growth busi-  
9 nesses as the criteria relate to recommended strategies for fast-growth  
10 stage-two business development.

11 “(f) Make recommendations for key metrics and outcomes to be measured  
12 should the state create an economic gardening program.

13 “(g) Make recommendations for how an economic gardening program may  
14 fit within efforts under way to support the development of the state’s mi-  
15 nority, women and emerging small business enterprises.

16 “(h) Explore opportunities for connecting market research and economic  
17 gardening services to capital access programs, including but not limited to  
18 the Building Opportunities for Oregon Small Business Today (BOOST) Ac-  
19 count.

20 “(i) Explore opportunities for facilitating the access of stage two, high-  
21 growth businesses to international markets.

22 “(j) Advise the Oregon Business Development Department or other ad-  
23 ministering entity on a pilot program providing economic gardening services,  
24 if such a pilot program is authorized.

25 “(3) A majority of the members of the council constitutes a quorum for  
26 the transaction of business.

27 “(4) Official action by the council requires the approval of a majority of  
28 the members of the council.

29 “(5) The council shall elect one of its members to serve as chairperson.

30 “(6) If there is a vacancy for any cause, the appointing authority shall

1 make an appointment to become immediately effective.

2 “(7)(a) The council shall meet at least once every three months, at times  
3 and places specified by the call of the chairperson or of a majority of the  
4 members of the council.

5 “(b) The Grow Oregon Council shall cease meeting once the council:

6 “(A) Completes its evaluation of the implementation of the pilot program  
7 providing economic gardening services, if such a program is authorized; or

8 “(B) Recommends against implementation of a pilot program.

9 “(8) The council may adopt rules necessary for the operation of the  
10 council.

11 “(9) Notwithstanding ORS 171.072, members of the council who are mem-  
12 bers of the Legislative Assembly are not entitled to mileage expenses or a  
13 per diem and serve as volunteers on the council. Other members of the  
14 council are not entitled to compensation or reimbursement for expenses and  
15 serve as volunteers on the council.

16 “(10) All agencies of state government, as defined in ORS 174.111, are di-  
17 rected to assist the council in the performance of its duties and, to the extent  
18 permitted by laws relating to confidentiality, to furnish such information and  
19 advice as the members of the council consider necessary to perform their  
20 duties.

21 **“SECTION 224. Sections 2, 3, 5 to 7, 220 and 221 of this 2015 Act, the**  
22 **amendments to statutes and session laws by sections 1, 8 to 161, 164**  
23 **to 219, 222 and 223 of this 2015 Act and the repeal of statutes and ses-**  
24 **sion laws by section 4 of this 2015 Act become operative on July 1, 2015.**

25 **“SECTION 225. This 2015 Act being necessary for the immediate**  
26 **preservation of the public peace, health and safety, an emergency is**  
27 **declared to exist, and this 2015 Act takes effect on its passage.”.**

28