

(To Resolve Conflicts)

B-Engrossed House Bill 2030

Ordered by the Senate May 22
Including House Amendments dated April 15 and Senate Amendments
dated May 22 to resolve conflicts

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Higher Education Coordinating Commission)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Clarifies authorities governing Office of Community Colleges and Workforce Development.

Updates references to Office of Student Access and Completion to reflect current agency structure.

Abolishes alternative student loan program.

Establishes June 30, 2021, repeal for Oregon Troops to Teachers program and Oregon Roadmap to Language Excellence Scholarships.

Clarifies that Higher Education Coordinating Commission, rather than Oregon Department of Administrative Services, is responsible for disbursement of state aid to community colleges.

Gives commission implied and direct authority to exercise powers, duties and functions granted to commission by Legislative Assembly.

Clarifies commission's use of fingerprints to conduct criminal background checks for specific positions.

Clarifies contents of reports on review of employees at public institutions of higher education.

Clarifies that public universities are eligible to participate in grant program for seismic rehabilitation of facilities.

Clarifies Oregon Promise program grant amount person is eligible to receive in certain circumstances.

Includes public universities in list of entities permitted to employ counselors who are not licensed.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to higher education; creating new provisions; amending ORS 97.130, 135.385, 315.237,
3 341.522, 341.626, 345.030, 348.180, 348.290, 348.563, 348.570, 350.075, 350.095, 350.150, 350.360,
4 366.931, 399.242, 401.910, 418.650, 657.350, 675.090 and 675.825 and section 2, chapter 91, Oregon
5 Laws 2018; repealing ORS 348.282, 348.283, 348.285, 348.625, 348.630, 348.635, 348.640, 348.655,
6 348.660, 348.665, 348.670, 348.675, 348.680, 348.685, 348.690 and 348.695; and prescribing an ef-
7 fective date.

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

9 **SECTION 1.** ORS 418.650 is amended to read:

10 418.650. (1) The Legislative Assembly of the State of Oregon finds and declares that:

11 (a) It is the policy of the State of Oregon to maintain a strong economy in order to provide its
12 citizens a stable and plentiful job market, and to conserve and protect its natural resources, scenic
13 beauty, historical and cultural sites and other community facilities;

14 (b) The development and maintenance of a healthy economy for Oregon depends substantially
15 upon a strong work ethic among Oregon's disadvantaged and at-risk young adults;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Many public lands and environmental resources, including parks, rangelands, forests, wildlife
2 habitats, fisheries, soils and waters are and will continue to be subject to resource production de-
3 mand and public uses;

4 (d) In order to instill and preserve superior work attitudes among Oregon's disadvantaged and
5 at-risk young adults and to maintain, protect and conserve the valuable resources of the State of
6 Oregon, programs need to be implemented which will assure continued economic productivity and
7 scenic beauty, as well as the public health, safety and social benefit;

8 (e) To these ends, conservation work programs may prove successful and cost-effective both in
9 providing jobs for disadvantaged and at-risk young adults and in assisting land preservation and
10 management agencies to conserve and protect natural and urban facilities; and

11 (f) As a result of such employment opportunities, benefits will redound to the state's environ-
12 mental maintenance and productivity, the state's economy and to the disadvantaged and at-risk
13 youth participants who benefit from the exposure to and respect for the work ethic in the context
14 of safeguarding and improving the environmental resources of the state.

15 (2) The general purposes of ORS 418.650 to 418.663 are:

16 (a) To establish a disadvantaged and at-risk youth work program in order to perform conserva-
17 tion work of public value in the most cost-effective manner;

18 (b) To utilize such a program as a means of needed assistance to protect, conserve, rehabilitate
19 and improve the natural, historical and cultural resources of the state; and

20 (c) To utilize such a program to increase educational, training and employment opportunities for
21 disadvantaged and at-risk youth for the purpose of improving work skills, instilling [*the*] a work
22 ethic and increasing employability.

23 **SECTION 2.** ORS 341.522 is amended to read:

24 341.522. (1) The Office of Student Access and Completion shall administer the Oregon Promise
25 program as provided by this section.

26 (2) Subject to subsections (7) to (10) of this section, the office shall provide a grant for commu-
27 nity college courses to a person who meets the criteria described in subsections (3) to (6) of this
28 section. The grant shall be limited as provided by subsections (7) to (10) of this section.

29 (3) A grant shall be awarded under this section to a person who meets the following criteria:

30 (a) Is enrolled in courses that are:

31 (A) Offered at a community college in this state; and

32 (B) Determined by the office, in accordance with rules adopted by the Higher Education Coor-
33 dinating Commission, to be required for completion of:

34 (i) A one-year curriculum for students who plan to transfer to another post-secondary institution
35 of education;

36 (ii) An associate degree; or

37 (iii) A program in career and technical education;

38 (b) Has been a resident of this state for at least 12 months prior to enrolling in the courses
39 described in paragraph (a) of this subsection;

40 (c) Attained the person's highest level of education in this state prior to:

41 (A) Receiving a diploma under ORS 329.451;

42 (B) Receiving a certificate for passing an approved high school equivalency test such as the
43 General Educational Development (GED) test as provided by ORS 350.175;

44 (C) Completing grade 12 in compliance with the requirements of ORS 339.035; or

45 (D) Completing grade 12 at a private or parochial school, as described in ORS 339.030 (1)(a);

1 (d) Except as provided in subsections (4) and (5) of this section, attained the person's highest
2 level of education as described in paragraph (c) of this subsection within six months from the date
3 that the person first enrolls in courses described in paragraph (a) of this subsection for the purpose
4 of receiving a grant under this section;

5 (e) Earned a cumulative grade point average of 2.5 or better in high school or otherwise dem-
6 onstrated an equivalent academic ability, as determined by the office according to rules adopted by
7 the commission;

8 (f) Completed and submitted the Free Application for Federal Student Aid for each academic
9 year and accepted all state and federal aid grants available to the person, if eligible to file the ap-
10 plication; and

11 (g) Has not completed either of the following:

12 (A) More than a total of 90 credit hours, or the equivalent, at a post-secondary institution of
13 education; or

14 (B) A curriculum, degree or program, as described in paragraph (a)(B) of this subsection.

15 (4)(a) If a person otherwise meets the required criteria and has been awarded a grant under
16 subsection (3) of this section, but the person enters into service with a career and technical student
17 organization relating to agriculture or farming that is approved by the Department of Education
18 under ORS 344.077 within six months after the person attained the person's highest level of educa-
19 tion as described in subsection (3)(c) of this section, the person will continue to be eligible to receive
20 the grant if the person first enrolls in courses described in subsection (3)(a) of this section within
21 six months of finishing the person's service with the career and technical student organization.

22 (b) In addition to the situation described in paragraph (a) of this subsection, the commission may
23 waive the requirement set forth in subsection (3)(d) of this section for a person who shows that the
24 person was unable to timely enroll in courses described in subsection (3)(a) of this section due to a
25 significant hardship. The commission may adopt rules to implement this paragraph.

26 (5) A member of the Oregon National Guard who has completed initial active duty training is
27 not required to comply with the criteria set forth in subsection (3)(d) of this section in order to re-
28 ceive a grant, provided that the member first enrolls in courses described in subsection (3)(a) of this
29 section within six months after completing initial active duty training, as evidenced by an official
30 form issued by the United States Department of Defense.

31 (6)(a) A person continues to remain eligible to receive a grant under this section if the person,
32 in addition to satisfying the criteria specified in subsection (3) of this section, meets the following
33 criteria:

34 (A) Maintains at least the minimum cumulative grade point average prescribed by the commis-
35 sion based on federal aid grant requirements;

36 (B) Makes satisfactory academic progress toward a curriculum, degree or program, as described
37 in subsection (3)(a)(B) of this section, as prescribed by the commission based on federal aid grant
38 requirements;

39 (C) Enrolls in courses described in subsection (3)(a) of this section for a sufficient number of
40 credit hours to be considered at least a half-time student each term for at least three terms in each
41 consecutive academic year; and

42 (D) Completes a first-year experience, as identified by the community college and reported by
43 the community college to the commission.

44 (b) A person who fails to meet an eligibility requirement described in paragraph (a) of this
45 subsection becomes ineligible to receive a grant under this section for the term after which the

1 person fails to meet the eligibility requirement, unless the eligibility requirement is waived by the
2 office according to rules adopted by the commission.

3 (7)(a) The total amount of a grant awarded under this section shall be based on each term that
4 a person is enrolled in courses described in subsection (3)(a) of this section. Except as provided in
5 subsections (9) and (10) of this section, after the amount of tuition for the person for the term is
6 reduced by any amounts received by the person in state and federal aid grants, the person shall be
7 eligible for a grant under this section in an amount that equals:

8 (A) Except as provided by paragraphs (b) and (c) of this subsection, not less than the greater
9 of:

10 (i) \$1,000; and

11 (ii) The person's actual cost for tuition.

12 (B) Not more than the lesser of:

13 (i) The average cost of tuition at a community college in this state, as determined by the office;
14 and

15 (ii) The person's actual cost for tuition.

16 (b) The amount of a grant, as calculated under paragraph (a) of this subsection, shall be reduced
17 by \$50 for each term that the person receives a grant under this section.

18 **(c)(A) If the office determines both that the person's actual cost for tuition exceeds the**
19 **amount set forth in paragraph (a)(A)(i) of this subsection and that the person's actual cost**
20 **for tuition exceeds the average cost of tuition at a community college in this state, the**
21 **person shall be eligible for a grant in an amount that equals the average cost of tuition at**
22 **a community college in this state.**

23 **(B) If the office determines that the person's actual cost for tuition is less than the**
24 **amount set forth in paragraph (a)(A)(i) of this subsection, the person shall be eligible for a**
25 **grant in an amount that equals the amount set forth in paragraph (a)(A)(i) of this sub-**
26 **section.**

27 [(c)] **(d)** The minimum amount of a grant, as calculated under [paragraph (a)] **paragraphs (a)**
28 **to (c)** of this subsection, may be prorated for a person who is enrolled in courses described in sub-
29 section (3)(a) of this section for a sufficient number of credit hours to be considered at least a
30 half-time student but not a full-time student.

31 [(d)] **(e)** The commission may prescribe by rule whether to include fees, and any limitations re-
32 lated to the inclusion of fees, when determining the actual cost of tuition or the average cost of
33 tuition under this subsection.

34 (8) The commission may adopt by rule the priority by which grants are awarded, which may
35 allow for preference to be given to persons enrolled in school districts or high schools that meet
36 specified criteria.

37 (9) Prior to the start of the fall term of each academic year, the commission shall determine
38 whether there are sufficient moneys to award a grant under this section to each person who meets
39 the criteria described in subsections (3) to (6) of this section. On the basis of this determination the
40 commission may:

41 (a) Limit eligibility to receive a grant under this section to a person whose family contribution,
42 as determined by the commission by rule, is at or below the level the commission determines is
43 necessary to allow the commission to operate the Oregon Promise program with available moneys;
44 or

45 (b) Reduce or eliminate any limitation on eligibility previously imposed by the commission under

1 paragraph (a) of this subsection.

2 (10)(a) If at any time the commission determines that there are insufficient moneys to provide
3 a grant to each person who has been awarded a grant under this section, the commission may:

4 (A) Decrease the total amount of the grant awarded; or

5 (B) Increase the amount that a person must pay under subsection (7)(b) of this section for each
6 term that the person receives a grant under this section.

7 (b) If at any time the commission determines that the amount of moneys available to operate the
8 Oregon Promise program exceeds the amount determined under subsection (9) of this section, the
9 commission may reduce or eliminate any limitation on eligibility to receive a grant under this sec-
10 tion that was previously imposed by the commission under subsection (9)(a) of this section.

11 (c) The commission shall promptly notify the interim committees of the Legislative Assembly
12 responsible for higher education each time the commission takes any action under paragraph (a) or
13 (b) of this subsection.

14 (11) The commission shall adopt any rules necessary for the administration of this section, in-
15 cluding any requirements related to:

16 (a) Specifying the form and timelines for submitting an application for a grant under this section;

17 (b) Determining whether a person is eligible for a grant under this section, including whether
18 the person shall be given priority as allowed under subsection (8) of this section;

19 (c) Implementing programs or policies that improve the academic success or completion rates for
20 persons who receive a grant under this section;

21 (d) Prescribing eligibility requirements and grant calculations for persons dually enrolled in a
22 community college and a public university; and

23 (e) Evaluating the impact of the program established under this section, including any require-
24 ments for reporting data needed for evaluations.

25 (12) No later than December 31 of each even-numbered year, the commission shall submit to an
26 interim legislative committee related to education a report that summarizes the commission's
27 findings on the impact of the program established under this section. The report shall include:

28 (a) Student completion rates of curricula, degrees and programs described in subsection (3)(a)(B)
29 of this section;

30 (b) The amount of federal aid grants received by persons who received a grant under this sec-
31 tion;

32 (c) The financial impact of the program on school districts that had students receive a grant
33 under this section;

34 (d) The financial impact and the enrollment impact of the program on community colleges and
35 public universities in this state; and

36 (e) The overall success rate of the program and financial impact of the program.

37 **SECTION 3.** ORS 675.825 is amended to read:

38 675.825. (1) A person may not:

39 (a) Attempt to obtain or obtain a license or license renewal by bribery or fraudulent represen-
40 tation.

41 (b) Engage in or purport to the public to be engaged in the practice of professional counseling
42 under the title "licensed professional counselor" unless the person is a licensee.

43 (c) Engage in or purport to the public to be engaged in the practice of marriage and family
44 therapy under the title of "licensed marriage and family therapist" unless the person is a licensee.

45 (d) Engage in the practice of professional counseling or marriage and family therapy unless:

1 (A) The person is a licensee, registered intern or graduate student pursuing a graduate degree
2 in counseling or marriage and family therapy; or

3 (B) The person is exempted from the licensing requirements of ORS 675.715 to 675.835 by sub-
4 section (3) of this section.

5 (e) Provide counseling or therapy services of a psychotherapeutic nature if the person's license
6 to practice as a professional counselor or as a marriage and family therapist has been revoked by
7 the Oregon Board of Licensed Professional Counselors and Therapists because the person engaged
8 in sexual activity with a client.

9 (2) A licensed psychologist whose license, or a regulated social worker whose authorization to
10 practice regulated social work, was issued prior to October 1, 1991, may use the title "marriage and
11 family therapist."

12 (3) The licensing requirements of ORS 675.715 to 675.835 do not apply to a person who is:

13 (a) Licensed, certified, registered or similarly regulated under the laws of this state and who is
14 performing duties within the authorized scope of practice of the license, certification, registration
15 or regulation.

16 (b) A recognized member of the clergy, provided that the person is acting in the person's
17 ministerial capacity.

18 (c) Employed by a local, state or federal agency, **a public university listed in ORS 352.002** or
19 any agency licensed or certified by the state to provide mental health or health services, if the
20 person's activities constituting professional counseling or marriage and family therapy are per-
21 formed within the scope of the person's employment.

22 (d) Authorized to provide addiction treatment services under rules of the Department of Human
23 Services.

24 (4) Nothing in ORS 675.715 to 675.835 limits or prevents the practice of a person's profession
25 or restricts a person from providing counseling services or services related to marriage and family
26 if the person:

27 (a) Does not meet the requirements of ORS 675.715 (1)(b); or

28 (b) Does not practice:

29 (A) Marriage and family therapy as defined in ORS 675.705 (6)(a); or

30 (B) Professional counseling as defined in ORS 675.705 (7)(a).

31 (5) Each violation of this section is a separate violation.

32 (6) The board may levy a civil penalty not to exceed \$2,500 for each separate violation of this
33 section.

34 **SECTION 4.** ORS 675.090 is amended to read:

35 675.090. (1) ORS 675.010 to 675.150 do not apply to:

36 (a) A person who teaches psychology, conducts psychological research or provides consulting
37 services to an organization or institution, provided that the person does not supervise direct psy-
38 chological services and does not treat any behavioral, emotional or mental disorder of an individual.

39 (b) The provision of expert testimony by a person described in paragraph (a) of this subsection.

40 (c) A graduate student enrolled in an approved psychology program who is pursuing a graduate
41 degree in psychology, provided that the graduate student renders services only for academic credit
42 as part of an organized and supervised training program.

43 (d) A person pursuing certification, licensure or a graduate degree in any of the certified or li-
44 censed professions exempted from ORS 675.010 to 675.150.

45 (e) A person who is licensed, certified or otherwise authorized by the State of Oregon to provide

1 mental health services, provided that the services are rendered within the person's lawful scope of
2 practice and that the person does not use the title "psychologist" in connection with the activities
3 described in this paragraph.

4 (f) A person who is employed by a local, state or federal government agency **or a public uni-**
5 **versity listed in ORS 352.002**, or employed by a community mental health program or drug and
6 alcohol treatment program licensed or certified by the State of Oregon, to the extent that the
7 person's activities and services are rendered within the person's scope of employment and are per-
8 formed within the confines of the employing agency and provided that the person does not use the
9 title "psychologist" in connection with the activities authorized under this paragraph.

10 (g) A person who is a recognized member of the clergy, provided that the person is acting in the
11 person's ministerial capacity and does not use the title "psychologist."

12 (h) A person who has credentials as a school psychologist, provided that the person is an em-
13 ployee of an educational institution and practices only within a school setting. A person acting un-
14 der this paragraph may use the title "school psychologist."

15 (2)(a) Notwithstanding subsection (1)(f) of this section, a person with a doctoral degree in psy-
16 chology who is employed by and practicing psychology at a local, state or federal government
17 agency, **a public university listed in ORS 352.002** or a community mental health program or drug
18 and alcohol treatment program licensed or certified by the State of Oregon may practice psychology
19 without a license under ORS 675.010 to 675.150 for no more than 24 months after the person begins
20 practicing psychology at the agency or program.

21 (b) Before the person obtains a license under ORS 675.010 to 675.150:

22 (A) The person may practice psychology only within the scope of the person's employment and
23 within the confines of the employing agency or program; and

24 (B) The person may not use the title "psychologist."

25 (3) A person performing the functions described in subsection (1)(a) and (b) of this section may
26 use the title "psychologist" only if the person holds a doctoral degree in psychology from an ap-
27 proved doctoral program in psychology.

28 (4) A person described in subsection (1)(c) of this section may use the title "psychological
29 intern" or "psychological trainee," provided that the training program described in subsection (1)(c)
30 of this section is under the supervision and responsibility of a licensed psychologist in accordance
31 with rules adopted by the Oregon Board of Psychology.

32 (5) Nothing in this section exempts from ORS 675.010 to 675.150 a person whose license to
33 practice psychology is revoked or suspended because the person engaged in sexual activity with a
34 client.

35 **NOTE:** Section 5 was deleted by amendment. Subsequent sections were not renumbered.

36 **SECTION 6.** ORS 657.350 is amended to read:

37 657.350. The **Higher Education Coordinating Commission** [*Director of the Employment De-*
38 *partment, in consultation with the Office of Community Colleges and Workforce Development,*] shall
39 promulgate rules as necessary for the administration of ORS 657.335 to 657.360, including but not
40 limited to procedures for approval, undertaking periodic reviews for continued approval, or for dis-
41 approval of career and technical training for an individual.

42 **SECTION 7.** ORS 350.150 is amended to read:

43 350.150. (1) The Office of Community Colleges and Workforce Development is established within
44 the Higher Education Coordinating Commission. The office shall function under the direction and
45 control of the commission, with the Director of the Office of Community Colleges and Workforce

1 Development serving as an administrative officer for community college matters.

2 (2) Except as provided in subsection (3) of this section, the commission may adopt any rules
3 necessary for the effective and efficient administration of the office or for the administration of laws
4 that the office is charged with administering.

5 (3) The commission, in consultation with the State Workforce and Talent Development Board,
6 workforce partners and the Education and Workforce Policy Advisor and pursuant to ORS chapter
7 183, may adopt any rules necessary for the administration of laws related to the federal Workforce
8 Innovation and Opportunity Act that the *[office or]* commission is charged with administering.

9 **SECTION 8.** ORS 350.095 is amended to read:

10 350.095. (1) The Higher Education Coordinating Commission is authorized to:

11 (a) Request, as part of the funding request under ORS 350.090, appropriations for budgetary
12 items, including but not limited to education and general operations, statewide public services, state
13 funded debt service, capital improvements, deferred maintenance, special initiatives and investments
14 or any other purpose listed under ORS 350.075 (3)(e); *[and]*

15 (b) Allocate moneys, from funds appropriated to the commission and other available moneys, to
16 public universities listed in ORS 352.002; **and**

17 **(c) Request, as part of the funding request relating to duties authorized under ORS**
18 **660.300 to 660.364, appropriations for budgetary items, including but not limited to workforce**
19 **development and coordination of the state workforce development system.**

20 (2) The commission shall certify to the Legislative Assembly, in any funding request pursuant
21 to subsection (1)(a) of this section for state bonds under Article XI-F(1) of the Oregon Constitution
22 for the benefit of a public university listed in ORS 352.002, its evaluation of the revenue sufficiency,
23 as defined in ORS 286A.830, of the public university that will receive the proceeds of any Article
24 XI-F(1) bonds approved by the Legislative Assembly.

25 **SECTION 9.** ORS 348.290 is amended to read:

26 348.290. The *[Executive]* Director of the Office of Student Access and Completion shall apply the
27 interest on the amount transferred to the Oregon Student Assistance Fund under section 4, chapter
28 377, Oregon Laws 1985, to provide financial aid, as defined in ORS 348.505, to students to study
29 barbering, hairdressing, manicure and esthetics at eligible post-secondary schools.

30 **SECTION 10.** ORS 315.237 is amended to read:

31 315.237. (1) As used in this section, “qualified scholarship” means a scholarship that meets the
32 criteria set forth or incorporated into the letter of employee and dependent scholarship program
33 certification issued *[by the Oregon Student Access Commission]* under ORS 348.618.

34 (2) A credit against the taxes otherwise due under ORS chapter 316 is allowed to a resident
35 employer (or, if the taxpayer is a corporation that is an employer, under ORS chapter 317 or 318)
36 that has received:

37 (a) Program certification *[from the commission]* under ORS 348.618; and

38 (b) Tax credit certification under ORS 348.621 for the calendar year in which the tax year of the
39 taxpayer begins.

40 (3) The amount of the credit allowed to a taxpayer under this section shall equal 50 percent of
41 the amount of qualified scholarship funds actually paid to or on behalf of qualified scholarship re-
42 cipients during the tax year.

43 (4) The credit allowed under this section may not exceed the tax liability of the taxpayer for the
44 tax year.

45 (5) The credit allowed to a taxpayer for a tax year under this section may not exceed \$50,000.

1 (6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a
2 particular year may be carried forward and offset against the taxpayer's tax liability for the next
3 succeeding tax year. Any credit remaining unused in the next succeeding tax year may be carried
4 forward and used in the second succeeding tax year, and likewise any credit not used in that second
5 succeeding tax year may be carried forward and used in the third succeeding tax year, and any
6 credit not used in that third succeeding tax year may be carried forward and used in the fourth
7 succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried
8 forward and used in the fifth succeeding tax year, but may not be carried forward for any tax year
9 thereafter.

10 (7) In the case of a credit allowed under this section for purposes of ORS chapter 316:

11 (a) A nonresident shall be allowed the credit under this section in the proportion provided in
12 ORS 316.117.

13 (b) If a change in the status of a taxpayer from resident to nonresident or from nonresident to
14 resident occurs, the credit allowed by this section shall be determined in a manner consistent with
15 ORS 316.117.

16 (c) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if the
17 Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the credit al-
18 lowed under this section shall be prorated or computed in a manner consistent with ORS 314.085.

19 (8) The credit shall be claimed on the form and in the time and manner in which the department
20 shall prescribe. If the taxpayer is required to do so by the department, the taxpayer shall file a copy
21 of the letter of tax credit certification [*issued by the commission*] with the taxpayer's return for the
22 tax year in which a credit under this section is claimed.

23 **SECTION 11.** ORS 366.931 is amended to read:

24 366.931. (1) As used in this section, "Armed Forces of the United States" [*has the meaning given*
25 *that term in ORS 348.282.*] **means:**

26 (a) **The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;**

27 (b) **The reserves of the Army, Navy, Air Force, Marine Corps and Coast Guard of the**
28 **United States; and**

29 (c) **The Oregon National Guard and a National Guard of any other state or territory.**

30 (2) To recognize and honor those who were killed in action or who died as a result of wounds
31 received in action while serving in the Armed Forces of the United States, the Department of
32 Transportation shall erect and maintain a Fallen Hero roadside memorial sign if:

33 (a) The Legislative Assembly adopts a concurrent resolution that recognizes the individual killed
34 in the line of duty; and

35 (b) The department receives the payment of a fee determined by the department under sub-
36 section (3) of this section.

37 (3) The department shall determine the amount of the fee required under subsection (2)(b) of this
38 section by rule. The fee may not exceed the direct and indirect expenses associated with erecting,
39 maintaining and removing a roadside memorial sign.

40 (4) The department shall deposit the fees that the department collects under this section into
41 the Roadside Memorial Fund established under ORS 366.932.

42 (5) A public body, as defined in ORS 174.109, may not expend moneys for the purpose of paying
43 the fee required under this section.

44 (6) The department, by rule, shall establish the size, design and location of a roadside memorial
45 sign erected under this section. The sign must include the name of the individual the sign is recog-

1 nizing.

2 **SECTION 12.** ORS 97.130 is amended to read:

3 97.130. (1) Any individual of sound mind who is 18 years of age or older, by completion of a
4 written signed instrument or by preparing or prearranging with any funeral service practitioner li-
5 censed under ORS chapter 692, may direct any lawful manner of disposition of the individual's re-
6 mains. Except as provided under subsection (6) of this section, disposition directions or disposition
7 prearrangements that are prepaid or that are filed with a funeral service practitioner licensed under
8 ORS chapter 692 are not subject to cancellation or substantial revision.

9 (2) A person within the first applicable listed class among the following listed classes that is
10 available at the time of death, in the absence of actual notice of a contrary direction by the
11 decedent as described under subsection (1) of this section or actual notice of opposition by com-
12 pletion of a written instrument by a member of the same class or a member of a prior class, may
13 direct any lawful manner of disposition of a decedent's remains by completion of a written instru-
14 ment:

15 (a) The spouse of the decedent.

16 (b) A son or daughter of the decedent 18 years of age or older.

17 (c) Either parent of the decedent.

18 (d) A brother or sister of the decedent 18 years of age or older.

19 (e) A guardian of the decedent at the time of death.

20 (f) A person in the next degree of kindred to the decedent.

21 (g) The personal representative of the estate of the decedent.

22 (h) The person nominated as the personal representative of the decedent in the decedent's last
23 will.

24 (i) A public health officer.

25 (3)(a) The decedent or any person authorized in subsection (2) of this section to direct the
26 manner of disposition of the decedent's remains may delegate such authority to any person 18 years
27 of age or older.

28 (b) Delegation of the authority to direct the manner of disposition of remains must be made by
29 completion of:

30 (A) The written instrument described in subsection (7) of this section; or

31 (B) A written instrument recognized by the Armed Forces of the United States, as that term is
32 defined in ORS [348.282] **366.931**, if the decedent died while serving in the Armed Forces of the
33 United States.

34 (c) The person to whom the authority is delegated has the same authority under subsection (2)
35 of this section as the person delegating the authority.

36 (4) If a decedent or the decedent's designee issues more than one authorization or direction for
37 the disposal of the decedent's remains, only the most recent authorization or direction is binding.

38 (5) A donation of anatomical gifts under ORS 97.951 to 97.982 takes priority over directions for
39 the disposition of a decedent's remains under this section only if the person making the donation is
40 of a priority under subsection (1) or (2) of this section the same as or higher than the priority of the
41 person directing the disposition of the remains.

42 (6) If the decedent directs a disposition under subsection (1) of this section and those financially
43 responsible for the disposition are without sufficient funds to pay for such disposition or the estate
44 of the decedent has insufficient funds to pay for the disposition, or if the direction is unlawful, the
45 direction is void and disposition shall be in accordance with the direction provided by the person

1 given priority in subsection (2) of this section and who agrees to be financially responsible.

2 (7) The signature of the individual delegating the authority to direct the manner of disposition
3 is required for the completion of the written instrument required in subsection (3)(b)(A) of this sec-
4 tion. The following form or a form substantially similar shall be used by all individuals:

5 _____

6
7 APPOINTMENT OF PERSON
8 TO MAKE DECISIONS
9 CONCERNING DISPOSITION
10 OF REMAINS
11

12 I, _____, appoint _____, whose address is
13 _____ and whose telephone number is (____) _____, as the person
14 to make all decisions regarding the disposition of my remains upon my death for my burial or
15 cremation. In the event _____ is unable to act, I appoint _____,
16 whose address is _____ and whose telephone number is (____)
17 _____, as my alternate person to make all decisions regarding the disposition of my re-
18 mains upon my death for my burial or cremation.

19 It is my intent that this Appointment of Person to Make Decisions Concerning Disposition of
20 Remains act as and be accepted as the written authorization presently required by ORS 97.130 (or
21 its corresponding future provisions) or any other provision of Oregon Law, authorizing me to name
22 a person to have authority to dispose of my remains.

23
24 DATED this ____ day of _____, _____.

25 _____
26 (Signature)

27
28 DECLARATION OF WITNESSES
29

30 We declare that _____ is personally known to us, that he/she signed this Ap-
31 pointment of Person to Make Decisions Concerning Disposition of Remains in our presence, that
32 he/she appeared to be of sound mind and not acting under duress, fraud or undue influence, and that
33 neither of us is the person so appointed by this document.

34
35
36 Witnessed By: _____ Date: _____

37
38 Witnessed By: _____ Date: _____
39 _____

40
41
42 (8) Subject to the provisions of ORS 97.951 to 97.982, if disposition of the remains of a decedent
43 has not been directed and authorized under this section within 10 days after the date of the death
44 of the decedent, a public health officer may direct and authorize disposition of the remains.

45 (9) Notwithstanding subsection (2) of this section, a person arrested for or charged with criminal

1 homicide by reason of the death of the decedent may not direct the disposition of the decedent's
2 remains. The disposition of the decedent's remains shall be made in accordance with the directions
3 of an eligible person within the first applicable class established under subsection (2) of this section.

4 (10) Notwithstanding subsections (2) and (3) of this section, if the person who has the authority
5 to direct the manner of disposition of cremated remains pursuant to subsection (1) or (2) of this
6 section transfers any portion of the cremated remains to another person, the recipient of the
7 cremated remains has the authority to direct the manner of disposition of the cremated remains in
8 the recipient's possession.

9 **SECTION 12a. If House Bill 2043 becomes law, section 12 of this 2019 Act (amending ORS**
10 **97.130) is repealed and ORS 97.130, as amended by section 1, chapter 83, Oregon Laws 2019**
11 **(Enrolled House Bill 2043), is amended to read:**

12 97.130. (1) Any individual of sound mind who is 18 years of age or older, by completion of a
13 written signed instrument or by preparing or prearranging with any funeral service practitioner li-
14 censed under ORS chapter 692, may direct any lawful manner of disposition of the individual's re-
15 mains. Except as provided under subsection (7) of this section, disposition directions or disposition
16 prearrangements that are prepaid or that are filed with a funeral service practitioner licensed under
17 ORS chapter 692 are not subject to cancellation or substantial revision.

18 (2) A person within the first applicable listed class among the following listed classes that is
19 available at the time of death, in the absence of actual notice of a contrary direction by the
20 decedent as described under subsection (1) of this section or actual notice of opposition by com-
21 pletion of a written instrument by a member of the same class or a member of a prior class, may
22 direct any lawful manner of disposition of a decedent's remains by completion of a written instru-
23 ment:

- 24 (a) The spouse of the decedent.
- 25 (b) A son or daughter of the decedent 18 years of age or older.
- 26 (c) Either parent of the decedent.
- 27 (d) A brother or sister of the decedent 18 years of age or older.
- 28 (e) A guardian of the decedent at the time of death.
- 29 (f) A person in the next degree of kindred to the decedent.
- 30 (g) The personal representative of the estate of the decedent.
- 31 (h) The person nominated as the personal representative of the decedent in the decedent's last
32 will.

33 (i) A public health officer.

34 (3)(a) The decedent or any person authorized in subsection (2) of this section to direct the
35 manner of disposition of the decedent's remains may delegate such authority to any person 18 years
36 of age or older.

37 (b) Delegation of the authority to direct the manner of disposition of remains must be made by
38 completion of:

39 (A) The written instrument described in subsection (8) of this section; or

40 (B) The form described in subsection (4) of this section.

41 (c) The person to whom the authority is delegated has the same authority under subsection (2)
42 of this section as the person delegating the authority.

43 (4)(a) A Record of Emergency Data, DD Form 93, or a successor form recognized by the Armed
44 Forces of the United States, as that term is defined in ORS [348.282] **366.931**, completed by a member
45 of the Armed Forces of the United States serves as a valid written instrument for purposes of sub-

1 section (3) of this section.

2 (b) In accordance with United States Department of Defense Instruction 1300.18, a member of
3 the Armed Forces of the United States shall complete the form described in this subsection and shall
4 verify the accuracy of the form at least annually.

5 (c) The form described in this subsection, regardless of the date on which the form was signed,
6 supersedes any other written instrument that directs the disposition of the decedent's remains.

7 (5) Except as provided in subsection (4)(c) of this section, if a decedent or the decedent's
8 designee issues more than one authorization or direction for the disposal of the decedent's remains,
9 only the most recent authorization or direction is binding.

10 (6) A donation of anatomical gifts under ORS 97.951 to 97.982 takes priority over directions for
11 the disposition of a decedent's remains under this section only if the person making the donation is
12 of a priority under subsection (1) or (2) of this section the same as or higher than the priority of the
13 person directing the disposition of the remains.

14 (7) If the decedent directs a disposition under subsection (1) of this section and those financially
15 responsible for the disposition are without sufficient funds to pay for such disposition or the estate
16 of the decedent has insufficient funds to pay for the disposition, or if the direction is unlawful, the
17 direction is void and disposition shall be in accordance with the direction provided by the person
18 given priority in subsection (2) of this section and who agrees to be financially responsible.

19 (8) The signature of the individual delegating the authority to direct the manner of disposition
20 is required for the completion of the written instrument required in subsection (3)(b)(A) of this sec-
21 tion. The following form or a form substantially similar shall be used by all individuals:

22 _____
23
24 APPOINTMENT OF PERSON
25 TO MAKE DECISIONS
26 CONCERNING DISPOSITION
27 OF REMAINS
28

29 I, _____, appoint _____, whose address is
30 _____ and whose telephone number is (____) _____, as the person
31 to make all decisions regarding the disposition of my remains upon my death for my burial or
32 cremation. In the event _____ is unable to act, I appoint _____,
33 whose address is _____ and whose telephone number is (____)
34 _____, as my alternate person to make all decisions regarding the disposition of my re-
35 mains upon my death for my burial or cremation.

36 It is my intent that this Appointment of Person to Make Decisions Concerning Disposition of
37 Remains act as and be accepted as the written authorization presently required by ORS 97.130 (or
38 its corresponding future provisions) or any other provision of Oregon Law, authorizing me to name
39 a person to have authority to dispose of my remains.

40
41 DATED this ____ day of _____, _____.

42 _____
43 (Signature)
44

45 DECLARATION OF WITNESSES

1 We declare that _____ is personally known to us, that he/she signed this Ap-
2 pointment of Person to Make Decisions Concerning Disposition of Remains in our presence, that
3 he/she appeared to be of sound mind and not acting under duress, fraud or undue influence, and that
4 neither of us is the person so appointed by this document.

5
6
7 Witnessed By:

8 _____ Date: _____

9 Witnessed By:

10 _____ Date: _____
11 _____
12

13 (9) Subject to the provisions of ORS 97.951 to 97.982, if disposition of the remains of a decedent
14 has not been directed and authorized under this section within 10 days after the date of the death
15 of the decedent, a public health officer may direct and authorize disposition of the remains.

16 (10) Notwithstanding subsection (2) of this section, a person arrested for or charged with crim-
17 inal homicide by reason of the death of the decedent may not direct the disposition of the decedent's
18 remains. The disposition of the decedent's remains shall be made in accordance with the directions
19 of an eligible person within the first applicable class established under subsection (2) of this section.

20 (11) Notwithstanding subsections (2) and (3) of this section, if the person who has the authority
21 to direct the manner of disposition of cremated remains pursuant to subsection (1) or (2) of this
22 section transfers any portion of the cremated remains to another person, the recipient of the
23 cremated remains has the authority to direct the manner of disposition of the cremated remains in
24 the recipient's possession.

25 **SECTION 13.** ORS 135.385 is amended to read:

26 135.385. (1) The court shall not accept a plea of guilty or no contest to a felony or other charge
27 on which the defendant appears in person without first addressing the defendant personally and
28 determining that the defendant understands the nature of the charge.

29 (2) The court shall inform the defendant:

30 (a) That by a plea of guilty or no contest the defendant waives the right:

31 (A) To trial by jury;

32 (B) Of confrontation; and

33 (C) Against self-incrimination.

34 (b) Of the maximum possible sentence on the charge, including the maximum possible sentence
35 from consecutive sentences.

36 (c) When the offense charged is one for which a different or additional penalty is authorized by
37 reason of the fact that the defendant may be adjudged a dangerous offender, that this fact may be
38 established after a plea in the present action, thereby subjecting the defendant to different or addi-
39 tional penalty.

40 (d) That if the defendant is not a citizen of the United States conviction of a crime may result,
41 under the laws of the United States, in deportation, exclusion from admission to the United States
42 or denial of naturalization.

43 (e) That if the defendant is entering a guilty plea pursuant to a plea offer and agreed disposition
44 recommendation under ORS 135.405, the court will agree to impose sentence as provided in the
45 agreed disposition recommendation.

1 (f) That if the defendant enters a plea of guilty or no contest to an offense involving domestic
2 violence, as defined in ORS 135.230, and is convicted of the offense, federal law may prohibit the
3 defendant from possessing, receiving, shipping or transporting any firearm or firearm ammunition
4 and that the conviction may negatively affect the defendant's ability to serve in the Armed Forces
5 of the United States as defined in ORS [348.282] **366.931** or to be employed in law enforcement.

6 **SECTION 14.** ORS 399.242 is amended to read:

7 399.242. (1) As used in this section, "service member" means:

8 (a) A member of the organized militia who is called into active service of the state by the
9 Governor under ORS 399.065 (1) for 30 or more consecutive days.

10 (b) A member of the Armed Forces of the United States, as that term is defined in ORS
11 [348.282] **366.931**, who is called into active federal service under Title 10 of the United States Code.

12 (2)(a) Except as provided in subsection (6) of this section, a service member who has obtained
13 the following services from a telecommunications service provider, an Internet service provider, a
14 health club as defined in ORS 431A.450, a health spa as defined in ORS 646A.030 or a provider of
15 television services may terminate or suspend the provision of services upon written notice and as
16 provided in paragraph (b) of this subsection:

17 (A) Telecommunications services.

18 (B) Internet services.

19 (C) Health spa services as defined in ORS 646A.030.

20 (D) Exercise or athletic activities offered by a health club.

21 (E) Television services, including but not limited to cable television, direct satellite and other
22 television-like services.

23 (b) The service member must provide proof to the service provider of the official orders showing
24 that the service member has been called into active service:

25 (A) At the time written notice is given; or

26 (B) If precluded by military necessity or circumstances that make the provision of proof at the
27 time of giving written notice unreasonable or impossible, within 90 days after written notice has
28 been given.

29 (3) A termination or suspension of services under this section is effective on the day written
30 notice is given under subsection (2) of this section.

31 (4)(a) A service member who terminates or suspends the provision of services under this section
32 and who is no longer in active service may reinstate the provision of services on the same terms
33 and conditions as originally agreed to with the service provider before the termination or suspension
34 upon written notice to the provider that the service member is no longer in active service. Written
35 notice under this subsection must be given within 90 days after termination of the service member's
36 active service.

37 (b) Upon receipt of the written notice of reinstatement, the service provider shall resume the
38 provision of services or, if the services are no longer available, provide substantially similar services
39 within a reasonable time not to exceed 30 days from the date of receipt of the written notice of
40 reinstatement.

41 (5) A service member who terminates, suspends or reinstates the provision of services under this
42 section:

43 (a) May not be charged a penalty, fee, loss of deposit or any other additional cost because of
44 the termination, suspension or reinstatement; and

45 (b) Is not liable for payment for any services after the effective date of the termination or sus-

1 pension, or until the effective date of a reinstatement of services as described in subsection (4) of
2 this section.

3 (6) A service member may terminate a contract for any service provided by a commercial mobile
4 radio services provider in accordance with 50 U.S.C. 535a.

5 **SECTION 15.** Section 2, chapter 91, Oregon Laws 2018, is amended to read:

6 **Sec. 2.** (1) As used in this section:

7 (a) “Armed Forces of the United States” has the meaning given that term in ORS [348.282]
8 **366.931.**

9 (b) “Descendant” has the meaning given that term in ORS 111.005.

10 (c) “Military medal” means a medal or decoration awarded to a person for military service in
11 the Armed Forces of the United States and presumed to be abandoned under ORS 98.302 to 98.436.

12 (d) “Service member” means the person to whom a military medal was initially awarded by the
13 Armed Forces of the United States.

14 (2) Notwithstanding ORS 98.382 and 98.384, the Department of State Lands may not sell or de-
15 stroy a military medal. Except as provided in subsection (4) of this section, upon receiving a military
16 medal, the department shall retain the military medal until a claim is filed for the military medal
17 by a service member or by a descendant of a deceased service member.

18 (3) The department may make a photograph or other visual depiction of the military medal
19 available to the public, together with any information in the records of the holder, excluding Social
20 Security numbers, that the department determines is necessary to facilitate the identification and
21 location of a service member or a descendant of a deceased service member.

22 (4) The department may deliver a military medal to one of the following custodians if the re-
23 cipient custodian agrees, in writing, to retain the military medal for the service member or a de-
24 scendant of a deceased service member:

25 (a) A military veterans’ organization qualified under section 501(c)(19) of the Internal Revenue
26 Code;

27 (b) The agency that awarded the military medal;

28 (c) A state or federal agency; or

29 (d) The Oregon Military Museum established under ORS 396.555.

30 (5) If the department transfers custody of a military medal as provided in subsection (4) of this
31 section, the department is relieved of any duty to safeguard the military medal.

32 (6) The department may adopt rules to implement the provisions of this section, including:

33 (a) Identifying procedures the department must take to reasonably identify a service member or
34 a descendant of a deceased service member.

35 (b) Specifying documentation necessary for a service member or a descendant of a deceased
36 service member to submit a claim for a military medal.

37 (c) Prioritizing claims if more than one of a deceased service member’s descendants submits a
38 claim for a military medal.

39 **SECTION 16.** ORS 348.180 is amended to read:

40 348.180. As used in this section and ORS 348.205, 348.250, 348.260[,] and 348.263 [and 348.285]:

41 (1) “Cost of education” includes but is not limited to, tuition, fees and living expenses.

42 (2) “Eligible post-secondary institution” means:

43 (a) A public university listed in ORS 352.002;

44 (b) A community college operated under ORS chapter 341;

45 (c) The Oregon Health and Science University; or

1 (d) An Oregon-based, generally accredited, not-for-profit institution of higher education.

2 (3) "Qualified student" means any resident student, or student exempted from paying nonresident
3 tuition under ORS 352.287, who plans to attend an eligible post-secondary institution and who:

4 (a) Has not achieved a baccalaureate or higher degree from any post-secondary institution;

5 (b) Is enrolled in an eligible program as defined by rule of the Higher Education Coordinating
6 Commission; and

7 (c) Is making satisfactory academic progress as defined by rule of the commission.

8 **SECTION 17.** ORS 341.626 is amended to read:

9 341.626. (1) Subject to rules adopted by the Higher Education Coordinating Commission and to
10 ORS 291.232 to 291.260, the Director of the Office of Community Colleges and Workforce Develop-
11 ment shall distribute state aid to each community college district and community college service
12 district.

13 (2) The rules adopted by the commission shall provide:

14 (a) No state aid for hobby and recreation classes;

15 (b) Procedures for proper and accurate record keeping;

16 (c) Procedures that will ensure reasonable year-to-year stability in the delivery of appropriated
17 moneys to the colleges; and

18 (d) Procedures to ensure that the full state appropriation is distributed to the colleges.

19 *[(3) Upon compliance with the rules adopted by the commission, the director shall, as soon as
20 practicable following the receipt of required reports from the districts, prepare, certify and transmit to
21 the Oregon Department of Administrative Services the names and the amounts due each district. The
22 Oregon Department of Administrative Services shall audit the amounts certified by the director and
23 draw its warrants on the State Treasury payable out of the General Fund to the districts.]*

24 **SECTION 18.** ORS 350.075 is amended to read:

25 350.075. (1) As used in this section, "student access programs" means scholarship, loan, grant
26 and access programs described in ORS chapter 348.

27 (2) The Higher Education Coordinating Commission shall be guided by the legislative findings
28 in ORS 341.009, 350.001 and 350.005 and the goals and mission of post-secondary education set forth
29 in ORS 350.009 and 350.014.

30 (3) The Higher Education Coordinating Commission shall:

31 (a) Develop state goals for the state post-secondary education system, including community col-
32 leges and public universities listed in ORS 352.002, and for student access programs.

33 (b) Determine strategic investments in the state's community colleges, public universities and
34 student access programs necessary to achieve state post-secondary education goals.

35 (c) Coordinate the post-secondary elements of data collection and structure, with the advice and
36 recommendation of the state's independent institutions, community colleges and public universities,
37 as appropriate, in order to construct a state longitudinal data system.

38 (d) Adopt a strategic plan for achieving state post-secondary education goals, taking into con-
39 sideration the contributions of this state's independent institutions, philanthropic organizations and
40 other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-
41 tion goals as described in this section should include, but need not be limited to:

42 (A) Increasing the educational attainment of the population;

43 (B) Increasing this state's global economic competitiveness and the quality of life of its resi-
44 dents;

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

1 (D) Removing barriers to on-time completion; and

2 (E) Tracking progress toward meeting the state's post-secondary education goals established in
3 the strategic plan described in this paragraph.

4 (e)(A) Each biennium, after receiving funding requests from the state's community colleges and
5 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
6 tion agency request budget aligned with the strategic plan described in paragraph (d) of this sub-
7 section, including appropriations for:

8 (i) Student access programs;

9 (ii) Public universities listed in ORS 352.002, including but not limited to education and general
10 operations, statewide public services and state-funded debt service;

11 (iii) Community colleges, including but not limited to education and general operations and
12 state-funded debt service;

13 (iv) New facilities or programs;

14 (v) Capital improvements and deferred maintenance;

15 (vi) Special initiatives and investments; and

16 (vii) Any other program, duty or function a public university listed in ORS 352.002 is authorized
17 to undertake.

18 (B) In the development of the consolidated higher education agency request budget:

19 (i) Determine the costs necessary to provide quality post-secondary education;

20 (ii) Solicit input from educators, education policy experts, appropriate legislative committees,
21 students and other persons interested in the development of the funding model; and

22 (iii) Solicit public input regarding educational priorities.

23 (f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to
24 community colleges, public universities listed in ORS 352.002 and student access programs. These
25 rules must be based on allocation formulas developed in consultation with the state's community
26 colleges and public universities, as appropriate.

27 (g) Approve or disapprove any significant change to the academic program of a community col-
28 lege or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the
29 commission shall consider the recommendation from the community college or public university
30 seeking to make the change to an academic program that is issued pursuant to the obligation of the
31 governing board of a community college or public university to review and approve academic pro-
32 grams. The commission shall ensure that approved programs:

33 (A) Are consistent with the mission statement of the community college or public university;

34 (B) Do not unnecessarily duplicate academic programs offered by Oregon's other community
35 colleges or public universities;

36 (C) Are not located in a geographic area that will cause undue hardship to Oregon's other
37 community colleges or public universities; and

38 (D) Are allocated among Oregon's community colleges and public universities to maximize the
39 achievement of statewide needs and requirements.

40 (h) For public universities listed in ORS 352.002:

41 (A) Approve the mission statement adopted by a governing board of a public university.

42 (B) Review and determine whether a proposed annual increase of resident undergraduate en-
43 rollment fees of greater than five percent is appropriate.

44 (C) Advise the Governor and the Legislative Assembly on issues of university governance.

45 (D) Approve and authorize degrees.

1 (E) Perform the evaluation and certification required by ORS 350.095.

2 (i) Authorize degrees to be offered by independent post-secondary institutions in this state under
3 ORS 348.594 to 348.615.

4 (j) Oversee the licensing of career schools under ORS 345.010 to 345.450.

5 (k) Have the authority to enter into and administer interstate agreements regarding the pro-
6 vision of post-secondary distance education. The participation by an educational institution that is
7 not based in this state in distance learning courses or programs that are part of an interstate
8 agreement entered into and administered under this paragraph does not constitute operating in this
9 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any
10 educational institution that seeks to operate under or participate in such interstate agreements. The
11 fee amount shall be established to recover designated expenses incurred by the commission in par-
12 ticipating in such agreements.

13 (L) Coordinate and collaborate with the Chief Education Office as provided by section 1, chapter
14 519, Oregon Laws 2011.

15 (4)(a) The Higher Education Coordinating Commission shall implement a process to review and
16 appropriately act on student complaints regarding any school operating in this state. As part of the
17 process implemented under this subsection, the commission may:

18 (A) Receive student complaints from students regarding a school;

19 (B) Specify the type of information that must be included in a student complaint;

20 (C) Investigate and resolve student complaints that relate to state financial aid;

21 (D) Refer a student complaint to another entity for investigation and resolution as provided in
22 paragraph (b) of this subsection;

23 (E) Adopt rules to implement the provisions of this subsection; and

24 (F) Enter into agreements to implement the provisions of this subsection.

25 (b) The commission may refer the investigation and resolution of a student complaint to:

26 (A) An appropriate state agency if the complaint alleges that a school has violated a state law
27 concerning consumer protection, civil rights, employment rights or environmental quality;

28 (B) A school's accrediting association if the complaint relates to the school's authorization to
29 offer academic degree programs or to the quality of the school's academic degree programs; or

30 (C) The school at which the student is enrolled if the commission determines that the complaint
31 should be resolved through the school's internal review process.

32 (c) As used in this subsection:

33 (A)(i) "School" means an independent institution of higher education that meets the require-
34 ments of ORS 348.597 (2)(a).

35 (ii) "School" does not mean a school that is exempt from ORS 348.594 to 348.615 under ORS
36 348.597 (2)(b) or (c).

37 (B) "Student" means a person who is enrolled at a school for the purpose of obtaining a degree,
38 certificate or other recognized educational credential offered by that school.

39 (5) A student complaint that is received by the Higher Education Coordinating Commission, in-
40 cluding but not limited to a student complaint filed under subsection (4) of this section, is not sub-
41 ject to disclosure under ORS 192.311 to 192.478.

42 (6) In addition to the duties described in subsections (2) to (4) of this section, the Higher Edu-
43 cation Coordinating Commission shall advise the Legislative Assembly, the Governor, community
44 colleges, public universities and other state boards and commissions on policies in order to:

45 (a) Ensure or improve access to higher education by diverse and underserved populations.

1 (b) Encourage student success and completion initiatives.

2 (c) Improve the coordination of the provision of educational services, including:

3 (A) Transfers and coenrollment throughout the higher education system;

4 (B) Accelerated college credit programs for high school students;

5 (C) Applied baccalaureate and other transfer degrees;

6 (D) Programs and grants that span multiple institutions; and

7 (E) Reciprocity agreements with other states.

8 (d) In coordination with the State Board of Education, enhance the use and quality of dual
9 credit, career and technical pathways and efforts to create a culture of college attendance in this
10 state.

11 (e) In coordination with the State Workforce and Talent Development Board, local workforce
12 development boards, the Oregon Health and Science University and independent institutions, ensure
13 that the state's colleges and universities offer programs in high-demand occupations that meet
14 Oregon's workforce needs.

15 (f) Improve economies of scale by encouraging and facilitating the use of the shared services
16 among post-secondary institutions in this state.

17 (7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
18 183, may adopt administrative rules.

19 (8) With the exception of the rulemaking authority granted in subsection (7) of this section, the
20 Higher Education Coordinating Commission may delegate any of its powers, duties or functions to
21 a committee of the commission or to the executive director of the commission.

22 (9) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,
23 enter into contracts and agreements, including grant agreements, with public and private entities
24 for those higher education and workforce development activities that are consistent with ORS
25 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
26 policies related to career schools and public universities.

27 (10)(a) The Higher Education Coordinating Commission may exercise only powers, duties and
28 functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by
29 law, all other authorities reside at the institutional level with the respective boards of the post-
30 secondary institutions.

31 **(b) The commission has implied and direct authority to implement the powers, duties and**
32 **functions expressly granted to the commission by the Legislative Assembly.**

33 **(c) Notwithstanding paragraph (b) of this subsection, the commission may not exercise**
34 **any authority, express or implied, statutorily provided to a governing board of a public uni-**
35 **versity listed in ORS 352.002 or a community college operated under ORS chapter 341.**

36 **SECTION 19.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section
37 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66,
38 Oregon Laws 2017, section 2, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws
39 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws 2017, is
40 amended to read:

41 350.075. (1) As used in this section, "student access programs" means scholarship, loan, grant
42 and access programs described in ORS chapter 348.

43 (2) The Higher Education Coordinating Commission shall be guided by the legislative findings
44 in ORS 341.009, 350.001 and 350.005 and the goals and mission of post-secondary education set forth
45 in ORS 350.009 and 350.014.

1 (3) The Higher Education Coordinating Commission shall:

2 (a) Develop state goals for the state post-secondary education system, including community col-
3 leges and public universities listed in ORS 352.002, and for student access programs.

4 (b) Determine strategic investments in the state's community colleges, public universities and
5 student access programs necessary to achieve state post-secondary education goals.

6 (c) Coordinate the post-secondary elements of data collection and structure, with the advice and
7 recommendation of the state's independent institutions, community colleges and public universities,
8 as appropriate, in order to construct a state longitudinal data system.

9 (d) Adopt a strategic plan for achieving state post-secondary education goals, taking into con-
10 sideration the contributions of this state's independent institutions, philanthropic organizations and
11 other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-
12 tion goals as described in this section should include, but need not be limited to:

13 (A) Increasing the educational attainment of the population;

14 (B) Increasing this state's global economic competitiveness and the quality of life of its resi-
15 dents;

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

17 (D) Removing barriers to on-time completion; and

18 (E) Tracking progress toward meeting the state's post-secondary education goals established in
19 the strategic plan described in this paragraph.

20 (e)(A) Each biennium, after receiving funding requests from the state's community colleges and
21 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
22 tion agency request budget aligned with the strategic plan described in paragraph (d) of this sub-
23 section, including appropriations for:

24 (i) Student access programs;

25 (ii) Public universities listed in ORS 352.002, including but not limited to education and general
26 operations, statewide public services and state-funded debt service;

27 (iii) Community colleges, including but not limited to education and general operations and
28 state-funded debt service;

29 (iv) New facilities or programs;

30 (v) Capital improvements and deferred maintenance;

31 (vi) Special initiatives and investments; and

32 (vii) Any other program, duty or function a public university listed in ORS 352.002 is authorized
33 to undertake.

34 (B) In the development of the consolidated higher education agency request budget:

35 (i) Determine the costs necessary to provide quality post-secondary education;

36 (ii) Solicit input from educators, education policy experts, appropriate legislative committees,
37 students and other persons interested in the development of the funding model; and

38 (iii) Solicit public input regarding educational priorities.

39 (f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to
40 community colleges, public universities listed in ORS 352.002 and student access programs. These
41 rules must be based on allocation formulas developed in consultation with the state's community
42 colleges and public universities, as appropriate.

43 (g) Approve or disapprove any significant change to the academic program of a community col-
44 lege or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the
45 commission shall consider the recommendation from the community college or public university

1 seeking to make the change to an academic program that is issued pursuant to the obligation of the
2 governing board of a community college or public university to review and approve academic pro-
3 grams. The commission shall ensure that approved programs:

4 (A) Are consistent with the mission statement of the community college or public university;

5 (B) Do not unnecessarily duplicate academic programs offered by Oregon's other community
6 colleges or public universities;

7 (C) Are not located in a geographic area that will cause undue hardship to Oregon's other
8 community colleges or public universities; and

9 (D) Are allocated among Oregon's community colleges and public universities to maximize the
10 achievement of statewide needs and requirements.

11 (h) For public universities listed in ORS 352.002:

12 (A) Approve the mission statement adopted by a governing board of a public university.

13 (B) Review and determine whether a proposed annual increase of resident undergraduate en-
14 rollment fees of greater than five percent is appropriate.

15 (C) Advise the Governor and the Legislative Assembly on issues of university governance.

16 (D) Approve and authorize degrees.

17 (E) Perform the evaluation and certification required by ORS 350.095.

18 (i) Authorize degrees to be offered by independent post-secondary institutions in this state under
19 ORS 348.594 to 348.615.

20 (j) Oversee the licensing of career schools under ORS 345.010 to 345.450.

21 (k) Have the authority to enter into and administer interstate agreements regarding the pro-
22 vision of post-secondary distance education. The participation by an educational institution that is
23 not based in this state in distance learning courses or programs that are part of an interstate
24 agreement entered into and administered under this paragraph does not constitute operating in this
25 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any
26 educational institution that seeks to operate under or participate in such interstate agreements. The
27 fee amount shall be established to recover designated expenses incurred by the commission in par-
28 ticipating in such agreements.

29 (4)(a) The Higher Education Coordinating Commission shall implement a process to review and
30 appropriately act on student complaints regarding any school operating in this state. As part of the
31 process implemented under this subsection, the commission may:

32 (A) Receive student complaints from students regarding a school;

33 (B) Specify the type of information that must be included in a student complaint;

34 (C) Investigate and resolve student complaints that relate to state financial aid;

35 (D) Refer a student complaint to another entity for investigation and resolution as provided in
36 paragraph (b) of this subsection;

37 (E) Adopt rules to implement the provisions of this subsection; and

38 (F) Enter into agreements to implement the provisions of this subsection.

39 (b) The commission may refer the investigation and resolution of a student complaint to:

40 (A) An appropriate state agency if the complaint alleges that a school has violated a state law
41 concerning consumer protection, civil rights, employment rights or environmental quality;

42 (B) A school's accrediting association if the complaint relates to the school's authorization to
43 offer academic degree programs or to the quality of the school's academic degree programs; or

44 (C) The school at which the student is enrolled if the commission determines that the complaint
45 should be resolved through the school's internal review process.

1 (c) As used in this subsection:

2 (A)(i) "School" means an independent institution of higher education that meets the require-
3 ments of ORS 348.597 (2)(a).

4 (ii) "School" does not mean a school that is exempt from ORS 348.594 to 348.615 under ORS
5 348.597 (2)(b) or (c).

6 (B) "Student" means a person who is enrolled at a school for the purpose of obtaining a degree,
7 certificate or other recognized educational credential offered by that school.

8 (5) A student complaint that is received by the Higher Education Coordinating Commission, in-
9 cluding but not limited to a student complaint filed under subsection (4) of this section, is not sub-
10 ject to disclosure under ORS 192.311 to 192.478.

11 (6) In addition to the duties described in subsections (2) to (4) of this section, the Higher Edu-
12 cation Coordinating Commission shall advise the Legislative Assembly, the Governor, community
13 colleges, public universities and other state boards and commissions on policies in order to:

14 (a) Ensure or improve access to higher education by diverse and underserved populations.

15 (b) Encourage student success and completion initiatives.

16 (c) Improve the coordination of the provision of educational services, 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 and quality of dual
23 credit, career and technical pathways and efforts to create a culture of college attendance in this
24 state.

25 (e) In coordination with the State Workforce and Talent Development Board, local workforce
26 development boards, the Oregon Health and Science University and independent institutions, ensure
27 that the state's colleges and universities offer programs in high-demand occupations that meet
28 Oregon's workforce needs.

29 (f) Improve economies of scale by encouraging and facilitating the use of the shared services
30 among post-secondary institutions in this state.

31 (7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
32 183, may adopt administrative rules.

33 (8) With the exception of the rulemaking authority granted in subsection (7) of this section, the
34 Higher Education Coordinating Commission may delegate any of its powers, duties or functions to
35 a committee of the commission or to the executive director of the commission.

36 (9) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,
37 enter into contracts and agreements, including grant agreements, with public and private entities
38 for those higher education and workforce development activities that are consistent with ORS
39 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
40 policies related to career schools and public universities.

41 (10)(a) The Higher Education Coordinating Commission may exercise only powers, duties and
42 functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by
43 law, all other authorities reside at the institutional level with the respective boards of the post-
44 secondary institutions.

45 **(b) The commission has implied and direct authority to implement the powers, duties and**

1 **functions expressly granted to the commission by the Legislative Assembly.**

2 **(c) Notwithstanding paragraph (b) of this subsection, the commission may not exercise**
3 **any authority, express or implied, statutorily provided to a governing board of a public uni-**
4 **versity listed in ORS 352.002 or a community college operated under ORS chapter 341.**

5 **SECTION 20.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section
6 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66,
7 Oregon Laws 2017, sections 2 and 3, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon
8 Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws
9 2017, is amended to read:

10 350.075. (1) As used in this section, “student access programs” means scholarship, loan, grant
11 and access programs described in ORS chapter 348.

12 (2) The Higher Education Coordinating Commission shall be guided by the legislative findings
13 in ORS 341.009, 350.001 and 350.005 and the goals and mission of post-secondary education set forth
14 in ORS 350.009 and 350.014.

15 (3) The Higher Education Coordinating Commission shall:

16 (a) Develop state goals for the state post-secondary education system, including community col-
17 leges and public universities listed in ORS 352.002, and for student access programs.

18 (b) Determine strategic investments in the state’s community colleges, public universities and
19 student access programs necessary to achieve state post-secondary education goals.

20 (c) Coordinate the post-secondary elements of data collection and structure, with the advice and
21 recommendation of the state’s independent institutions, community colleges and public universities,
22 as appropriate, in order to construct a state longitudinal data system.

23 (d) Adopt a strategic plan for achieving state post-secondary education goals, taking into con-
24 sideration the contributions of this state’s independent institutions, philanthropic organizations and
25 other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-
26 tion goals as described in this section should include, but need not be limited to:

27 (A) Increasing the educational attainment of the population;

28 (B) Increasing this state’s global economic competitiveness and the quality of life of its resi-
29 dents;

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

31 (D) Removing barriers to on-time completion; and

32 (E) Tracking progress toward meeting the state’s post-secondary education goals established in
33 the strategic plan described in this paragraph.

34 (e)(A) Each biennium, after receiving funding requests from the state’s community colleges and
35 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
36 tion agency request budget aligned with the strategic plan described in paragraph (d) of this sub-
37 section, including appropriations for:

38 (i) Student access programs;

39 (ii) Public universities listed in ORS 352.002, including but not limited to education and general
40 operations, statewide public services and state-funded debt service;

41 (iii) Community colleges, including but not limited to education and general operations and
42 state-funded debt service;

43 (iv) New facilities or programs;

44 (v) Capital improvements and deferred maintenance;

45 (vi) Special initiatives and investments; and

1 (vii) Any other program, duty or function a public university listed in ORS 352.002 is authorized
2 to undertake.

3 (B) In the development of the consolidated higher education agency request budget:

4 (i) Determine the costs necessary to provide quality post-secondary education;

5 (ii) Solicit input from educators, education policy experts, appropriate legislative committees,
6 students and other persons interested in the development of the funding model; and

7 (iii) Solicit public input regarding educational priorities.

8 (f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to
9 community colleges, public universities listed in ORS 352.002 and student access programs. These
10 rules must be based on allocation formulas developed in consultation with the state's community
11 colleges and public universities, as appropriate.

12 (g) Approve or disapprove any significant change to the academic program of a community col-
13 lege or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the
14 commission shall consider the recommendation from the community college or public university
15 seeking to make the change to an academic program that is issued pursuant to the obligation of the
16 governing board of a community college or public university to review and approve academic pro-
17 grams. The commission shall ensure that approved programs:

18 (A) Are consistent with the mission statement of the community college or public university;

19 (B) Do not unnecessarily duplicate academic programs offered by Oregon's other community
20 colleges or public universities;

21 (C) Are not located in a geographic area that will cause undue hardship to Oregon's other
22 community colleges or public universities; and

23 (D) Are allocated among Oregon's community colleges and public universities to maximize the
24 achievement of statewide needs and requirements.

25 (h) For public universities listed in ORS 352.002:

26 (A) Approve the mission statement adopted by a governing board of a public university.

27 (B) Review and determine whether a proposed annual increase of resident undergraduate en-
28 rollment fees of greater than five percent is appropriate.

29 (C) Advise the Governor and the Legislative Assembly on issues of university governance.

30 (D) Approve and authorize degrees.

31 (E) Perform the evaluation and certification required by ORS 350.095.

32 (i) Authorize degrees to be offered by independent post-secondary institutions in this state under
33 ORS 348.594 to 348.615.

34 (j) Oversee the licensing of career schools under ORS 345.010 to 345.450.

35 (k) Have the authority to enter into and administer interstate agreements regarding the pro-
36 vision of post-secondary distance education. The participation by an educational institution that is
37 not based in this state in distance learning courses or programs that are part of an interstate
38 agreement entered into and administered under this paragraph does not constitute operating in this
39 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any
40 educational institution that seeks to operate under or participate in such interstate agreements. The
41 fee amount shall be established to recover designated expenses incurred by the commission in par-
42 ticipating in such agreements.

43 (4) In addition to the duties described in subsections (2) and (3) of this section, the Higher Ed-
44 ucation Coordinating Commission shall advise the Legislative Assembly, the Governor, community
45 colleges, public universities and other state boards and commissions on policies in order to:

- 1 (a) Ensure or improve access to higher education by diverse and underserved populations.
2 (b) Encourage student success and completion initiatives.
3 (c) Improve the coordination of the provision of educational services, including:
4 (A) Transfers and coenrollment throughout the higher education system;
5 (B) Accelerated college credit programs for high school students;
6 (C) Applied baccalaureate and other transfer degrees;
7 (D) Programs and grants that span multiple institutions; and
8 (E) Reciprocity agreements with other states.
9 (d) In coordination with the State Board of Education, enhance the use and quality of dual
10 credit, career and technical pathways and efforts to create a culture of college attendance in this
11 state.
12 (e) In coordination with the State Workforce and Talent Development Board, local workforce
13 development boards, the Oregon Health and Science University and independent institutions, ensure
14 that the state's colleges and universities offer programs in high-demand occupations that meet
15 Oregon's workforce needs.
16 (f) Improve economies of scale by encouraging and facilitating the use of the shared services
17 among post-secondary institutions in this state.
18 (5) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
19 183, may adopt administrative rules.
20 (6) With the exception of the rulemaking authority granted in subsection (5) of this section, the
21 Higher Education Coordinating Commission may delegate any of its powers, duties or functions to
22 a committee of the commission or to the executive director of the commission.
23 (7) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,
24 enter into contracts and agreements, including grant agreements, with public and private entities
25 for those higher education and workforce development activities that are consistent with ORS
26 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
27 policies related to career schools and public universities.
28 (8)(a) The Higher Education Coordinating Commission may exercise only powers, duties and
29 functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by
30 law, all other authorities reside at the institutional level with the respective boards of the post-
31 secondary institutions.
32 **(b) The commission has implied and direct authority to implement the powers, duties and**
33 **functions expressly granted to the commission by the Legislative Assembly.**
34 **(c) Notwithstanding paragraph (b) of this subsection, the commission may not exercise**
35 **any authority, express or implied, statutorily provided to a governing board of a public uni-**
36 **versity listed in ORS 352.002 or a community college operated under ORS chapter 341.**
37 **SECTION 21.** ORS 345.030 is amended to read:
38 345.030. (1) A person may not open, conduct or do business as a career school in this state
39 without obtaining a license under ORS 345.010 to 345.450.
40 (2) Except as provided in subsection (8) of this section, the Higher Education Coordinating
41 Commission may issue a license to conduct a career school only after the applicant has presented
42 proof satisfactory to the commission that the applicant complies with applicable standards adopted
43 under ORS 345.325 and 670.280. For the purpose of this subsection, ORS 670.280 applies to individ-
44 uals who hold positions of authority or control in the operation of the school and to its faculty
45 members and agents.

1 (3) A career school licensed in any other state must be licensed in this state before establishing
2 a physical presence in this state such as offices or agents, or both, for the purpose of solicitation
3 of students.

4 (4) In determining whether to issue a license to a career school, the commission may consider
5 the prior history of the applicant in operating other career schools. The prior history of operating
6 other career schools includes, but is not limited to:

7 (a) Conduct by the applicant that is cause for a notice of corrective action or for suspension
8 or revocation of a license as provided in ORS 345.120 (3);

9 (b) Failure to comply with ORS 345.010 to 345.450 or rules adopted under ORS 345.010 to
10 345.450; and

11 (c) The history of the applicant in operating career schools in other states.

12 (5) The commission may not issue a license to or renew the license of a career school until the
13 applicant provides all of the following to the commission:

14 (a) A financial statement, certified true and accurate and signed by the owner of the school;

15 (b) Proof of compliance with the tuition protection policy established by the commission pursu-
16 ant to ORS 345.110; and

17 (c) Fingerprints of individuals as described in subsection (6) of this section.

18 (6)(a) Except as provided in paragraph (c) of this subsection, an applicant for an initial issuance
19 of a license or a renewal of a license must provide to the commission the fingerprints of faculty
20 members and agents of the school and individuals who hold positions of authority or control in the
21 operation of the school if the career school will be enrolling or does enroll persons under 18 years
22 of age.

23 (b) In addition to requirements provided under paragraph (a) of this subsection, the commission
24 may require a career school to provide the fingerprints of any agents of the school who will have
25 contact with persons under 18 years of age on behalf of the career school.

26 (c) An applicant is not required to provide fingerprints under paragraph (a) or (b) of this sub-
27 section if the commission has conducted a state or nationwide criminal records check on the person
28 within the three years preceding the date of the application.

29 *[(d) Fingerprints acquired under this subsection may be used only for the purpose of requesting a*
30 *state or nationwide criminal records check under ORS 181A.195.]*

31 **(d) The commission shall request a state or nationwide criminal records check under**
32 **ORS 181A.195. Fingerprints acquired under this subsection may be used only for the purpose**
33 **of obtaining a criminal records check under this section.**

34 (7) Notwithstanding ORS 345.325 (10), the commission may issue a notice for corrective action
35 or deny, suspend or revoke a license if the commission finds that an individual who holds a position
36 of authority or control in the operation of the school was convicted of a crime listed in ORS 342.143.

37 (8) The commission may issue a conditional license to a career school that meets the require-
38 ments of subsection (5) of this section but that does not comply with the applicable standards
39 adopted by rule under ORS 345.325. A conditional license issued under this subsection is effective
40 for a period prescribed by the commission, which may not exceed 90 days.

41 (9)(a) Except as provided in paragraph (b) of this subsection, a career school license is
42 nontransferable. The licensee must give 30 days of notice to the commission when transferring
43 ownership of a career school.

44 (b) The commission may transfer a career school license or allow the ownership of a career
45 school to transfer with less than 30 days of notice if:

- 1 (A) The owner of the school dies, is incapacitated or is incarcerated; or
- 2 (B) Other circumstances render the owner unable to operate the career school.
- 3 (10) Each career school shall display its license in a prominent place.

4 **SECTION 22.** ORS 348.563 is amended to read:

5 348.563. For the purpose of requesting a state or nationwide criminal records check under ORS
6 181A.195, the Higher Education Coordinating Commission may require the fingerprints of a person
7 who[:]

8 *[(1)(a) Is employed or applying for employment by the Director of the Office of Student Access and*
9 *Completion; or]*

10 *[(b) Provides services or seeks to provide services to the director as a contractor or volunteer;*
11 *and]*

12 [(2)] is, or will be, working or providing services in a position:

13 [(a)] (1) In which the person has direct access to facilities where students reside or to persons
14 under 18 years of age, elderly persons or persons with disabilities;

15 [(b)] (2) In which the person is providing information technology services and has control over,
16 or access to, information technology systems that would allow the person to harm the information
17 technology systems or the information contained in the systems;

18 [(c)] (3) In which the person has access to information, the disclosure of which is prohibited by
19 state or federal laws, rules or regulations or information that is defined as confidential under state
20 or federal laws, rules or regulations; or

21 [(d)] (4) That has payroll functions or in which the person has responsibility for receiving, re-
22 ceipting or depositing money or negotiable instruments, for billing, collections or other financial
23 transactions or for purchasing or selling property or has access to property held in trust or to pri-
24 vate property in the temporary custody of the state.

25 **SECTION 23.** ORS 350.360, as amended by section 12, chapter 72, Oregon Laws 2018, is
26 amended to read:

27 350.360. (1) As used in this section, “employee group” means each category of employee em-
28 ployed by a public institution of higher education, including at least categories for:

- 29 (a) Administrative or management employees;
- 30 (b) Faculty employees; and
- 31 (c) Classified or professional nonfaculty employees.

32 (2)(a) The Higher Education Coordinating Commission shall conduct an annual review of each
33 public institution of higher education with respect to the employment of all employee groups at the
34 institution. For the purpose of conducting the annual reviews, the commission shall determine defi-
35 nitions and data that will be used.

36 (b) Each public institution of higher education shall provide the data required for the purposes
37 of paragraph (a) of this subsection to the commission prior to June 30 of each year. The institution
38 must use the data the institution provided to a national post-secondary data collection system within
39 the United States Department of Education by November 1 of the previous year. **The institution**
40 **shall supplement the data required to be used under this paragraph with any additional data**
41 **the institution deems necessary to comply with the requirements of this section.**

42 (c) The commission shall report the results of the annual reviews to the Legislative Assembly
43 and the Governor before December 1 of each year.

44 (3) The annual reviews conducted under this section must include the following information for
45 each employee group and for both full-time and part-time employees:

- 1 (a) The total number of employees in the employee group;
- 2 (b) The total number of full-time equivalent positions worked by employees in the employee
- 3 group;
- 4 (c) The *[average]* number of *[employees supervised by a member of]* **supervisors in** the employee
- 5 group;
- 6 (d) The average salary of a member of the employee group;
- 7 (e) The ratio of students to employees in the employee group;
- 8 (f) The ratio of instruction among faculty groups; and
- 9 (g) The number of employees in the employee group eligible for health care and other benefits.

10 **SECTION 24.** ORS 401.910 is amended to read:

11 401.910. (1) The Oregon Business Development Department shall develop a grant program for the

12 disbursement of funds for the seismic rehabilitation of critical public buildings, including hospital

13 buildings with acute inpatient care facilities, fire stations, police stations, sheriffs' offices, other fa-

14 cilities used by state, county, district or municipal law enforcement agencies and buildings with a

15 capacity of 250 or more persons that are routinely used for student activities by kindergarten

16 through grade 12 public schools, community colleges, education service districts and institutions of

17 higher education, **including but not limited to public universities listed in ORS 352.002.** The

18 Oregon Infrastructure Finance Authority established in the department by ORS 285A.096 shall ad-

19 minister the grant program developed under this section. The funds for the seismic rehabilitation

20 of critical public buildings under the grant program are to be provided from the issuance of bonds

21 pursuant to the authority provided in Articles XI-M and XI-N of the Oregon Constitution.

22 (2) The grant program shall include the appointment of a grant committee. The grant committee

23 may be composed of any number of persons with qualifications that the authority determines nec-

24 cessary. However, the authority shall include persons with experience in administering state grant

25 programs and representatives of entities with responsibility over critical public buildings. The au-

26 thority shall also include as permanent members representatives of:

- 27 (a) The Office of Emergency Management;
- 28 (b) The State Department of Geology and Mineral Industries;
- 29 (c) The Seismic Safety Policy Advisory Commission;
- 30 (d) The Oregon Department of Administrative Services;
- 31 (e) The Department of Education;
- 32 (f) The Oregon Health Authority;
- 33 (g) The Oregon Fire Chiefs Association;
- 34 (h) The Oregon Association Chiefs of Police;
- 35 (i) The Oregon Association of Hospitals and Health Systems; and
- 36 (j) The Confederation of Oregon School Administrators.

37 (3) The authority shall determine the form and method of applying for grants from the grant

38 program, the eligibility requirements for grant applicants, and general terms and conditions of the

39 grants. The authority shall also provide that the grant committee review grant applications and

40 make a determination of funding based on a scoring system that is directly related to the statewide

41 needs assessment performed by the State Department of Geology and Mineral Industries. Addi-

42 tionally, the grant process may:

- 43 (a) Require that the grant applicant provide matching funds for completion of any seismic re-
- 44 habilitation project.
- 45 (b) Provide authority to the grant committee to waive requirements of the grant program based

1 on special circumstances such as proximity to fault hazards, community value of the structure,
2 emergency functions provided by the structure and storage of hazardous materials.

3 (c) Allow an applicant to appeal any determination of grant funding to the authority for ree-
4 valuation.

5 (d) Provide that applicants release the state, the authority and the grant committee from any
6 claims of liability for providing funding for seismic rehabilitation.

7 (e) Provide separate rules for funding rehabilitation of structural and nonstructural building el-
8 ements.

9 (4) Subject to the grant rules established by the authority and subject to reevaluation by the
10 authority, the grant committee has the responsibility to review and make determinations on grant
11 applications under the grant program established pursuant to this section.

12 **SECTION 25.** ORS 348.570 is amended to read:

13 348.570. (1)(a) There is established in the State Treasury a fund, separate and distinct from the
14 General Fund, to be known as the Oregon Student Assistance Fund. Interest earned by the fund
15 shall be credited to the fund.

16 (b) The fund shall consist of moneys appropriated to the Higher Education Coordinating Com-
17 mission for deposit into the fund, collections and penalties received by the Director of the Office
18 of Student Access and Completion under ORS 442.545 and any donations or grants received by the
19 commission for a purpose of the fund.

20 (c) Moneys in the fund are continuously appropriated to the commission for:

21 (A) Investments as provided by ORS 293.701 to 293.857;

22 (B) The payment of expenses of the commission in carrying out the purposes of ORS 348.250,
23 [348.285,] 348.505 to 348.615, [348.625 to 348.695,] 348.696 and 348.992; and

24 (C) The purpose of carrying out the provisions of ORS 348.272.

25 (d) The commission shall use moneys in the fund for those purposes for which the moneys were
26 provided to or received or collected by the commission.

27 (2) There is established in the State Treasury a fund, separate and distinct from the General
28 Fund, to be known as the ASPIRE Program Fund. Moneys received from donations and grants shall
29 be credited to the ASPIRE Program Fund. Moneys in the fund are continuously appropriated to the
30 commission for the purposes of investment, as provided by ORS 293.701 to 293.857, and for carrying
31 out the provisions of ORS 348.500. Interest earned by the fund shall be credited to the fund.

32 (3)(a) There is established in the State Treasury the Nursing Faculty Loan Repayment Fund,
33 separate and distinct from the General Fund. Interest earned on the Nursing Faculty Loan Repay-
34 ment Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the
35 commission for carrying out ORS 348.440 to 348.448. The Nursing Faculty Loan Repayment Fund
36 consists of:

37 (A) Moneys appropriated to the commission for the Nursing Faculty Loan Repayment Program
38 created in ORS 348.444; and

39 (B) Grants, gifts or donations received by the commission for the program.

40 (b) Any unexpended funds in the fund at the end of a biennium shall be retained in the fund and
41 may be expended in subsequent biennia.

42 **SECTION 26.** ORS 348.625, 348.630, 348.635, 348.640, 348.655, 348.660, 348.665, 348.670,
43 348.675, 348.680, 348.685, 348.690 and 348.695 are repealed.

44 **SECTION 27.** ORS 348.282, 348.283 and 348.285 are repealed.

45 **SECTION 28.** The repeal of ORS 348.282, 348.283 and 348.285 by section 27 of this 2019 Act

1 and the amendments to ORS 97.130, 135.385, 348.180, 366.931 and 399.242 and section 2, chapter
2 91, Oregon Laws 2018, by sections 11 to 16 of this 2019 Act become operative on June 30, 2021.

3 SECTION 29. This 2019 Act takes effect on the 91st day after the date on which the 2019
4 regular session of the Eightieth Legislative Assembly adjourns sine die.

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