

# House Bill 2030

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 **as introduced**.

Renames Oregon Youth Conservation Corps Advisory Committee as Oregon Youth Conservation Corps Advisory Board.

Alters requirements for receipt of vouchers for completion of Oregon Community Stewardship Corps program.

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.

## A BILL FOR AN ACT

1  
2 Relating to higher education; creating provisions; amending ORS 97.130, 135.385, 315.237, 341.626,  
3 345.030, 348.180, 348.290, 348.563, 348.570, 350.075, 350.095, 350.150, 350.360, 366.931, 399.242,  
4 401.910, 418.650, 418.653, 418.657, 418.658, 418.660 and 657.350 and section 2, chapter 91, Oregon  
5 Laws 2018; and repealing ORS 348.282, 348.283, 348.285, 348.625, 348.630, 348.635, 348.640,  
6 348.655, 348.660, 348.665, 348.670, 348.675, 348.680, 348.685, 348.690 and 348.695.

### 7 **Be It Enacted by the People of the State of Oregon:**

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

9 418.650. (1) The Legislative Assembly of the State of Oregon finds and declares that:

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

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

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

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

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

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

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

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

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

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

16 **SECTION 2.** ORS 418.653 is amended to read:

17 418.653. (1) Subject to the availability of funds [*therefor*], there is created an Oregon Youth  
 18 Conservation Corps that shall provide emergency services, public conservation, rehabilitation and  
 19 improvement programs. The corps shall be headed by a program director, and shall be administered  
 20 through the [*Office of Community Colleges and Workforce Development*] **Higher Education Coordi-**  
 21 **nating Commission.**

22 (2) Upon implementation of subsection (1) of this section, there shall be created an Oregon  
 23 Youth Conservation Corps Advisory [*Committee*] **Board** to consist of nine members, three to be ap-  
 24 pointed by the President of the Senate, three to be appointed by the Speaker of the House of Rep-  
 25 resentatives and three public members to be appointed by the Governor. No more than one Senator  
 26 and one Representative shall be appointed.

27 (3) [*Committee*] **Board** members may receive reimbursement of necessary and actual expenses  
 28 under ORS 292.495 (2), but may not receive compensation under ORS 292.495 (1) or otherwise for  
 29 participation as a [*committee*] **board** member.

30 (4) [*Committee*] **Board** members may be removed by the appointing authority. Vacancies shall  
 31 be filled by the appointing authority. [*Committee*] **Board** members shall serve for a term of three  
 32 years and may be reappointed for an additional consecutive term.

33 (5) The advisory [*committee*] **board** established under subsection (2) of this section shall advise  
 34 the program director on the implementation of ORS 418.650 to 418.663.

35 **SECTION 3.** ORS 418.657 is amended to read:

36 418.657. (1) In consultation with the Oregon Youth Conservation Corps Advisory [*Committee*]  
 37 **Board** and the **executive** director of the **Higher Education Coordinating Commission** [*Office of*  
 38 *Community Colleges and Workforce Development*], **or the designee of the executive director**, the  
 39 program director of the Oregon Youth Conservation Corps shall:

40 (a) Establish eligibility criteria for participants. Such criteria shall not render the program in-  
 41 eligible for federal funds. Participants shall be lawful permanent residents of this state.

42 (b) Establish criteria in order to make the required determination that enrollment in the corps  
 43 was not the reason that an individual ceased attendance at a secondary school.

44 (c) Assume that application of the eligibility and participation criteria results in enrollment of  
 45 at least 75 percent disadvantaged and at-risk youth among the total number of participants.

1 (2) The program director, in consultation with the **executive** director [*of the Office of Community*  
 2 *Colleges and Workforce Development*], **or the designee of the executive director**, may take the  
 3 following actions, including but not limited to:

4 (a) Applying for and accepting grants or contributions of funds from any public or private  
 5 source;

6 (b) Making agreements with any local, state or federal agency to utilize any service, material  
 7 or property of any such agency, where such agreements are considered reasonable and necessary;  
 8 and

9 (c) Purchasing or contracting for necessary private services, equipment, materials and property  
 10 where such are needed to carry out the projects approved for and undertaken by the corps.

11 (3) The [*Higher Education Coordinating*] commission may adopt all necessary rules to carry out  
 12 the purposes and objectives of the program and to regulate the standards of conduct and other op-  
 13 erating guidelines for corps members and other personnel.

14 (4) Corps members are exempt from:

15 (a) State Personnel Relations Law; and

16 (b) ORS 279C.800 to 279C.870.

17 **SECTION 4.** ORS 418.658 is amended to read:

18 418.658. (1) The program director of the Oregon Youth Conservation Corps shall establish a  
 19 separate program known as the Oregon Community Stewardship Corps. In addition to the estab-  
 20 lished purposes of the Oregon Youth Conservation Corps, the purpose of the Oregon Community  
 21 Stewardship Corps is to promote community service activities throughout the state for a broad cross  
 22 section of Oregon disadvantaged and at-risk youth through programs that also include appropriate  
 23 educational and job training opportunities for participants.

24 (2) In addition to projects submitted under ORS 418.660 (1), projects of the Oregon Community  
 25 Stewardship Corps may include, but shall not be limited to:

26 (a) Child care services.

27 (b) Elderly and disabled care services.

28 (c) Literacy education programs.

29 (d) Recycling and other waste reduction services.

30 (3) The Oregon Community Stewardship Corps shall offer employment and educational opportu-  
 31 nities of at least three but not more than 12 months' duration for selected participants.

32 (4) Under rules adopted by the Higher Education Coordinating Commission, participants who  
 33 successfully complete any [*12-month*] program under this section shall be eligible for **up to** \$1,500  
 34 in [*tuition*] **support** vouchers that can be used [*at any career school or post-secondary educational*  
 35 *institution that is qualified to receive assistance through the Director of the Office of Student Access*  
 36 *and Completion*] **to pay for tuition, books or other items or services that enhance and support**  
 37 **education or employment.**

38 (5) All Oregonians who are at least 13 years of age and under 25 years of age are eligible to  
 39 participate in the program. To ensure that Oregon Community Stewardship Corps participants rep-  
 40 resent a broad cross section of Oregonians, special emphasis shall be given to recruiting school  
 41 dropouts and other disadvantaged and at-risk youth, according to criteria established by the Oregon  
 42 Youth Conservation Corps Advisory [*Committee*] **Board.**

43 (6) To the extent practicable, the program director shall enlist state and federal agencies, local  
 44 government, nonprofit organizations and private businesses, and any combination of such entities,  
 45 to act as sponsors for programs administered under this section. Selection of sponsors shall be based

1 on criteria that include the following:

2 (a) The availability of other resources on a matching basis, including contributions from private  
3 sources, other federal, state and local agencies, and moneys available through the federal Workforce  
4 Innovation and Opportunity Act;

5 (b) The provision of related educational and job training programs to participants, including but  
6 not limited to school and college coursework, training for approved high school equivalency tests  
7 such as the General Educational Development (GED), project-related education and professional  
8 training;

9 (c) Assurances that proposed projects will not displace existing employees or duplicate existing  
10 private or government programs; and

11 (d) Assurances that proposed projects are devoted to the enhancement of the community and are  
12 not based in maintenance activities and that these projects meet an identified need.

13 (7) In consultation with the advisory [*committee*] **board**, the program director shall make grants  
14 for programs administered under this section.

15 **SECTION 5.** ORS 418.660 is amended to read:

16 418.660. (1) The programs established under ORS 418.650 to 418.663 may include, but shall not  
17 be limited to, projects such as:

18 (a) Rangeland conservation, rehabilitation and improvement;

19 (b) Endangered species and other wildlife habitat conservation, rehabilitation and improvement;

20 (c) Urban revitalization;

21 (d) Historical and cultural site preservation and maintenance;

22 (e) Recreational area development, maintenance, improvement and beautification;

23 (f) Road and trail maintenance and improvement;

24 (g) Soil conservation work, including erosion control;

25 (h) Flood, drought and storm damage assistance and relief;

26 (i) Stream, lake, waterfront harbor and port improvement and pollution control;

27 (j) Fish culture and habitat maintenance and improvement;

28 (k) Insect, disease, rodent and other pestilence control;

29 (L) Improvement of abandoned railroad land and right of way;

30 (m) Land reclamation and improvement, including strip-mined lands, public landscape work and  
31 tree planting programs;

32 (n) Energy conservation projects including assistance in the performance of energy efficiency  
33 audits, weatherization and renewable resource enhancement;

34 (o) Emergency assistance in times of natural or other disaster; [*and*]

35 (p) Recycling projects; **and**

36 (q) **Garden, greenhouse and farming programs.**

37 (2) In consultation with the Oregon Youth Conservation Corps Advisory [*Committee*] **Board** and  
38 the **executive** director of the [*Office of Community Colleges and Workforce Development*] **Higher**  
39 **Education Coordinating Commission, or the designee of the executive director**, the program  
40 director of the Oregon Youth Conservation Corps shall ensure that projects selected under ORS  
41 418.650 to 418.663 shall be consistent with all other provisions of applicable state and federal law  
42 relating to the management, oversight and administration of affected public lands.

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

44 657.350. The **Higher Education Coordinating Commission** [*Director of the Employment De-*  
45 *partment, in consultation with the Office of Community Colleges and Workforce Development,*] shall

1 promulgate rules as necessary for the administration of ORS 657.335 to 657.360, including but not  
2 limited to procedures for approval, undertaking periodic reviews for continued approval, or for dis-  
3 approval of career and technical training for an individual.

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

5 350.150. (1) The Office of Community Colleges and Workforce Development is established within  
6 the Higher Education Coordinating Commission. The office shall function under the direction and  
7 control of the commission, with the Director of the Office of Community Colleges and Workforce  
8 Development serving as an administrative officer for community college matters.

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

12 (3) The commission, in consultation with the State Workforce and Talent Development Board,  
13 workforce partners and the Education and Workforce Policy Advisor and pursuant to ORS chapter  
14 183, may adopt any rules necessary for the administration of laws related to the federal Workforce  
15 Innovation and Opportunity Act that the *[office or]* commission is charged with administering.

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

17 350.095. (1) The Higher Education Coordinating Commission is authorized to:

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

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

24 **(c) Request, as part of the funding request relating to duties authorized under ORS**  
25 **660.300 to 660.364, appropriations for budgetary items, including but not limited to workforce**  
26 **development and coordination of the state workforce development system.**

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

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

33 348.290. The *[Executive]* Director of the Office of Student Access and Completion shall apply the  
34 interest on the amount transferred to the Oregon Student Assistance Fund under section 4, chapter  
35 377, Oregon Laws 1985, to provide financial aid, as defined in ORS 348.505, to students to study  
36 barbering, hairdressing, manicure and esthetics at eligible post-secondary schools.

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

38 315.237. (1) As used in this section, "qualified scholarship" means a scholarship that meets the  
39 criteria set forth or incorporated into the letter of employee and dependent scholarship program  
40 certification issued *[by the Oregon Student Access Commission]* under ORS 348.618.

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

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

45 (b) Tax credit certification under ORS 348.621 for the calendar year in which the tax year of the

1 taxpayer begins.

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

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

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

8 (6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a  
 9 particular year may be carried forward and offset against the taxpayer's tax liability for the next  
 10 succeeding tax year. Any credit remaining unused in the next succeeding tax year may be carried  
 11 forward and used in the second succeeding tax year, and likewise any credit not used in that second  
 12 succeeding tax year may be carried forward and used in the third succeeding tax year, and any  
 13 credit not used in that third succeeding tax year may be carried forward and used in the fourth  
 14 succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried  
 15 forward and used in the fifth succeeding tax year, but may not be carried forward for any tax year  
 16 thereafter.

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

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

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

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

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

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

31 366.931. (1) As used in this section, "Armed Forces of the United States" [*has the meaning given*  
 32 *that term in ORS 348.282.*] **means:**

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

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

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

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

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

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

44 (3) The department shall determine the amount of the fee required under subsection (2)(b) of this  
 45 section by rule. The fee may not exceed the direct and indirect expenses associated with erecting,

1 maintaining and removing a roadside memorial sign.

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

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

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

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

10 97.130. (1) Any individual of sound mind who is 18 years of age or older, by completion of a  
 11 written signed instrument or by preparing or prearranging with any funeral service practitioner li-  
 12 censed under ORS chapter 692, may direct any lawful manner of disposition of the individual's re-  
 13 mains. Except as provided under subsection (6) of this section, disposition directions or disposition  
 14 prearrangements that are prepaid or that are filed with a funeral service practitioner licensed under  
 15 ORS chapter 692 are not subject to cancellation or substantial revision.

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

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

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

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

- 37 (A) The written instrument described in subsection (7) of this section; or
- 38 (B) A written instrument recognized by the Armed Forces of the United States, as that term is  
 39 defined in ORS [348.282] **366.931**, if the decedent died while serving in the Armed Forces of the  
 40 United States.

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

45 (5) A donation of anatomical gifts under ORS 97.951 to 97.982 takes priority over directions for

1 the disposition of a decedent's remains under this section only if the person making the donation is  
2 of a priority under subsection (1) or (2) of this section the same as or higher than the priority of the  
3 person directing the disposition of the remains.

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

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

12 \_\_\_\_\_  
13  
14 APPOINTMENT OF PERSON  
15 TO MAKE DECISIONS  
16 CONCERNING DISPOSITION  
17 OF REMAINS  
18

19 I, \_\_\_\_\_, appoint \_\_\_\_\_, whose address is  
20 \_\_\_\_\_ and whose telephone number is (\_\_\_\_) \_\_\_\_\_, as the person  
21 to make all decisions regarding the disposition of my remains upon my death for my burial or  
22 cremation. In the event \_\_\_\_\_ is unable to act, I appoint \_\_\_\_\_,  
23 whose address is \_\_\_\_\_ and whose telephone number is (\_\_\_\_)  
24 \_\_\_\_\_, as my alternate person to make all decisions regarding the disposition of my re-  
25 mains upon my death for my burial or cremation.

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

30  
31 DATED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

32 \_\_\_\_\_  
33 (Signature)  
34

35 DECLARATION OF WITNESSES  
36

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

41  
42  
43 Witnessed By:

44 \_\_\_\_\_ Date: \_\_\_\_\_

45 Witnessed By:

1 \_\_\_\_\_ Date: \_\_\_\_\_

2  
3

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

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

11 (10) Notwithstanding subsections (2) and (3) of this section, if the person who has the authority  
12 to direct the manner of disposition of cremated remains pursuant to subsection (1) or (2) of this  
13 section transfers any portion of the cremated remains to another person, the recipient of the  
14 cremated remains has the authority to direct the manner of disposition of the cremated remains in  
15 the recipient's possession.

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

17 135.385. (1) The court shall not accept a plea of guilty or no contest to a felony or other charge  
18 on which the defendant appears in person without first addressing the defendant personally and  
19 determining that the defendant understands the nature of the charge.

20 (2) The court shall inform the defendant:

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

22 (A) To trial by jury;

23 (B) Of confrontation; and

24 (C) Against self-incrimination.

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

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

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

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

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

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

43 399.242. (1) As used in this section, "service member" means:

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

1 (b) A member of the Armed Forces of the United States, as that term is defined in ORS  
2 [348.282] **366.931**, who is called into active federal service under Title 10 of the United States Code.

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

8 (A) Telecommunications services.

9 (B) Internet services.

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

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

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

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

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

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

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

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

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

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

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

36 (b) Is not liable for payment for any services after the effective date of the termination or sus-  
37 pension, or until the effective date of a reinstatement of services as described in subsection (4) of  
38 this section.

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

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

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

43 (a) "Armed Forces of the United States" has the meaning given that term in ORS [348.282]  
44 **366.931**.

45 (b) "Descendant" has the meaning given that term in ORS 111.005.

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

3 (d) "Service member" means the person to whom a military medal was initially awarded by the  
 4 Armed Forces of the United States.

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

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

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

16 (a) A military veterans' organization qualified under section 501(c)(19) of the Internal Revenue  
 17 Code;

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

19 (c) A state or federal agency; or

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

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

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

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

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

28 (c) Prioritizing claims if more than one of a deceased service member's descendants submits a  
 29 claim for a military medal.

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

31 348.180. As used in this section and ORS 348.205, 348.250, 348.260[,] **and** 348.263 [*and* 348.285]:

32 (1) "Cost of education" includes but is not limited to, tuition, fees and living expenses.

33 (2) "Eligible post-secondary institution" means:

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

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

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

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

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

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

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

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

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

45 341.626. (1) Subject to rules adopted by the Higher Education Coordinating Commission and to

1 ORS 291.232 to 291.260, the Director of the Office of Community Colleges and Workforce Develop-  
 2 ment shall distribute state aid to each community college district and community college service  
 3 district.

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

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

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

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

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

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

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

16 350.075. (1) As used in this section, “student access programs” means scholarship, loan, grant  
 17 and access programs described in ORS chapter 348.

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

21 (3) The Higher Education Coordinating Commission shall:

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

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

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

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

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

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

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

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

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

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

44 (i) Student access programs;

45 (ii) Public universities listed in ORS 352.002, including but not limited to education and general

1 operations, statewide public services and state-funded debt service;

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

4 (iv) New facilities or programs;

5 (v) Capital improvements and deferred maintenance;

6 (vi) Special initiatives and investments; and

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

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

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

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

13 (iii) Solicit public input regarding educational priorities.

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

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

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

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

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

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

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

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

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

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

36 (D) Approve and authorize degrees.

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

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

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

41 (k) Have the authority to enter into and administer interstate agreements regarding the pro-  
42 vision of post-secondary distance education. The participation by an educational institution that is  
43 not based in this state in distance learning courses or programs that are part of an interstate  
44 agreement entered into and administered under this paragraph does not constitute operating in this  
45 state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any

1 educational institution that seeks to operate under or participate in such interstate agreements. The  
 2 fee amount shall be established to recover designated expenses incurred by the commission in par-  
 3 ticipating in such agreements.

4 (L) Coordinate and collaborate with the Chief Education Office as provided by section 1, chapter  
 5 519, Oregon Laws 2011.

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

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

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

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

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

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

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

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

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

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

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

23 (c) As used in this subsection:

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

26 (ii) "School" does not mean a school that is exempt from ORS 348.594 to 348.615 under ORS  
 27 348.597 (2)(b) or (c).

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

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

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

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

37 (b) Encourage student success and completion initiatives.

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

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

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

41 (C) Applied baccalaureate and other transfer degrees;

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

43 (E) Reciprocity agreements with other states.

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

1 state.

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

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

8 (7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter  
9 183, may adopt administrative rules.

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

13 (9) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,  
14 enter into contracts and agreements, including grant agreements, with public and private entities  
15 for those higher education and workforce development activities that are consistent with ORS  
16 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory  
17 policies related to career schools and public universities.

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

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

24 **SECTION 19.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section  
25 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66,  
26 Oregon Laws 2017, section 2, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon Laws  
27 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws 2017, is  
28 amended to read:

29 350.075. (1) As used in this section, "student access programs" means scholarship, loan, grant  
30 and access programs described in ORS chapter 348.

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

34 (3) The Higher Education Coordinating Commission shall:

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

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

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

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

- 1 (A) Increasing the educational attainment of the population;
- 2 (B) Increasing this state's global economic competitiveness and the quality of life of its resi-
- 3 dents;
- 4 (C) Ensuring affordable access for qualified Oregon students at each college or public university;
- 5 (D) Removing barriers to on-time completion; and
- 6 (E) Tracking progress toward meeting the state's post-secondary education goals established in
- 7 the strategic plan described in this paragraph.
- 8 (e)(A) Each biennium, after receiving funding requests from the state's community colleges and
- 9 public universities as authorized by law, recommend to the Governor a consolidated higher educa-
- 10 tion agency request budget aligned with the strategic plan described in paragraph (d) of this sub-
- 11 section, including appropriations for:
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- 14 operations, statewide public services and state-funded debt service;
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- 16 state-funded debt service;
- 17 (iv) New facilities or programs;
- 18 (v) Capital improvements and deferred maintenance;
- 19 (vi) Special initiatives and investments; and
- 20 (vii) Any other program, duty or function a public university listed in ORS 352.002 is authorized
- 21 to undertake.
- 22 (B) In the development of the consolidated higher education agency request budget:
- 23 (i) Determine the costs necessary to provide quality post-secondary education;
- 24 (ii) Solicit input from educators, education policy experts, appropriate legislative committees,
- 25 students and other persons interested in the development of the funding model; and
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- 28 community colleges, public universities listed in ORS 352.002 and student access programs. These
- 29 rules must be based on allocation formulas developed in consultation with the state's community
- 30 colleges and public universities, as appropriate.
- 31 (g) Approve or disapprove any significant change to the academic program of a community col-
- 32 lege or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the
- 33 commission shall consider the recommendation from the community college or public university
- 34 seeking to make the change to an academic program that is issued pursuant to the obligation of the
- 35 governing board of a community college or public university to review and approve academic pro-
- 36 grams. The commission shall ensure that approved programs:
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- 39 colleges or public universities;
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1 (B) Review and determine whether a proposed annual increase of resident undergraduate en-  
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3 (C) Advise the Governor and the Legislative Assembly on issues of university governance.

4 (D) Approve and authorize degrees.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (c) As used in this subsection:

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

37 (ii) "School" does not mean a school that is exempt from ORS 348.594 to 348.615 under ORS  
38 348.597 (2)(b) or (c).

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

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

44 (6) In addition to the duties described in subsections (2) to (4) of this section, the Higher Edu-  
45 cation Coordinating Commission shall advise the Legislative Assembly, the Governor, community

1 colleges, public universities and other state boards and commissions on policies in order to:

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

3 (b) Encourage student success and completion initiatives.

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

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

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

7 (C) Applied baccalaureate and other transfer degrees;

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

9 (E) Reciprocity agreements with other states.

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

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

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

19 (7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter  
20 183, may adopt administrative rules.

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

24 (9) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,  
25 enter into contracts and agreements, including grant agreements, with public and private entities  
26 for those higher education and workforce development activities that are consistent with ORS  
27 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory  
28 policies related to career schools and public universities.

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

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

35 **SECTION 20.** ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section  
36 6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66,  
37 Oregon Laws 2017, sections 2 and 3, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon  
38 Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws  
39 2017, is amended to read:

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41 and access programs described in ORS chapter 348.

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43 in ORS 341.009, 350.001 and 350.005 and the goals and mission of post-secondary education set forth  
44 in ORS 350.009 and 350.014.

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4 student access programs necessary to achieve state post-secondary education goals.

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

8 (d) Adopt a strategic plan for achieving state post-secondary education goals, taking into con-  
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11 tion goals as described in this section should include, but need not be limited to:

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

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

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

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

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

19 (e)(A) Each biennium, after receiving funding requests from the state's community colleges and  
20 public universities as authorized by law, recommend to the Governor a consolidated higher educa-  
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25 operations, statewide public services and state-funded debt service;

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27 state-funded debt service;

28 (iv) New facilities or programs;

29 (v) Capital improvements and deferred maintenance;

30 (vi) Special initiatives and investments; and

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

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

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

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36 students and other persons interested in the development of the funding model; and

37 (iii) Solicit public input regarding educational priorities.

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42 (g) Approve or disapprove any significant change to the academic program of a community col-  
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44 commission shall consider the recommendation from the community college or public university  
45 seeking to make the change to an academic program that is issued pursuant to the obligation of the

1 governing board of a community college or public university to review and approve academic pro-  
2 grams. The commission shall ensure that approved programs:

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

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

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

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

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

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

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

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

15 (D) Approve and authorize degrees.

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

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

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

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

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

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

32 (b) Encourage student success and completion initiatives.

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

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

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

36 (C) Applied baccalaureate and other transfer degrees;

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

38 (E) Reciprocity agreements with other states.

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

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

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

3 (5) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter  
 4 183, may adopt administrative rules.

5 (6) With the exception of the rulemaking authority granted in subsection (5) of this section, the  
 6 Higher Education Coordinating Commission may delegate any of its powers, duties or functions to  
 7 a committee of the commission or to the executive director of the commission.

8 (7) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,  
 9 enter into contracts and agreements, including grant agreements, with public and private entities  
 10 for those higher education and workforce development activities that are consistent with ORS  
 11 350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory  
 12 policies related to career schools and public universities.

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

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

19 **SECTION 21.** ORS 345.030 is amended to read:

20 345.030. (1) A person may not open, conduct or do business as a career school in this state  
 21 without obtaining a license under ORS 345.010 to 345.450.

22 (2) Except as provided in subsection (8) of this section, the Higher Education Coordinating  
 23 Commission may issue a license to conduct a career school only after the applicant has presented  
 24 proof satisfactory to the commission that the applicant complies with applicable standards adopted  
 25 under ORS 345.325 and 670.280. For the purpose of this subsection, ORS 670.280 applies to individ-  
 26 uals who hold positions of authority or control in the operation of the school and to its faculty  
 27 members and agents.

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

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

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

36 (b) Failure to comply with ORS 345.010 to 345.450 or rules adopted under ORS 345.010 to  
 37 345.450; and

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

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

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

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

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

45 (6)(a) Except as provided in paragraph (c) of this subsection, an applicant for an initial issuance

1 of a license or a renewal of a license must provide to the commission the fingerprints of faculty  
 2 members and agents of the school and individuals who hold positions of authority or control in the  
 3 operation of the school if the career school will be enrolling or does enroll persons under 18 years  
 4 of age.

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

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

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

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

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

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

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

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

28 (A) The owner of the school dies, is incapacitated or is incarcerated; or

29 (B) Other circumstances render the owner unable to operate the career school.

30 (10) Each career school shall display its license in a prominent place.

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

32 348.563. For the purpose of requesting a state or nationwide criminal records check under ORS  
 33 181A.195, the Higher Education Coordinating Commission may require the fingerprints of a person  
 34 who[:]

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

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

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

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

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

45 [(c)] (3) In which the person has access to information, the disclosure of which is prohibited by

1 state or federal laws, rules or regulations or information that is defined as confidential under state  
 2 or federal laws, rules or regulations; or

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

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

9 350.360. (1) As used in this section, “employee group” means each category of employee em-  
 10 ployed by a public institution of higher education, including at least categories for:

- 11 (a) Administrative or management employees;
- 12 (b) Faculty employees; and
- 13 (c) Classified or professional nonfaculty employees.

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

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

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

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

- 28 (a) The total number of employees in the employee group;
- 29 (b) The total number of full-time equivalent positions worked by employees in the employee  
 30 group;
- 31 (c) The [average] number of [employees supervised by a member of] **supervisors in** the employee  
 32 group;
- 33 (d) The average salary of a member of the employee group;
- 34 (e) The ratio of students to employees in the employee group;
- 35 (f) The ratio of instruction among faculty groups; and
- 36 (g) The number of employees in the employee group eligible for health care and other benefits.

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

38 401.910. (1) The Oregon Business Development Department shall develop a grant program for the  
 39 disbursement of funds for the seismic rehabilitation of critical public buildings, including hospital  
 40 buildings with acute inpatient care facilities, fire stations, police stations, sheriffs’ offices, other fa-  
 41 cilities used by state, county, district or municipal law enforcement agencies and buildings with a  
 42 capacity of 250 or more persons that are routinely used for student activities by kindergarten  
 43 through grade 12 public schools, community colleges, education service districts and institutions of  
 44 higher education, **including but not limited to public universities listed in ORS 352.002.** The  
 45 Oregon Infrastructure Finance Authority established in the department by ORS 285A.096 shall ad-

1 minister the grant program developed under this section. The funds for the seismic rehabilitation  
2 of critical public buildings under the grant program are to be provided from the issuance of bonds  
3 pursuant to the authority provided in Articles XI-M and XI-N of the Oregon Constitution.

4 (2) The grant program shall include the appointment of a grant committee. The grant committee  
5 may be composed of any number of persons with qualifications that the authority determines nec-  
6 essary. However, the authority shall include persons with experience in administering state grant  
7 programs and representatives of entities with responsibility over critical public buildings. The au-  
8 thority shall also include as permanent members representatives of:

- 9 (a) The Office of Emergency Management;
- 10 (b) The State Department of Geology and Mineral Industries;
- 11 (c) The Seismic Safety Policy Advisory Commission;
- 12 (d) The Oregon Department of Administrative Services;
- 13 (e) The Department of Education;
- 14 (f) The Oregon Health Authority;
- 15 (g) The Oregon Fire Chiefs Association;
- 16 (h) The Oregon Association Chiefs of Police;
- 17 (i) The Oregon Association of Hospitals and Health Systems; and
- 18 (j) The Confederation of Oregon School Administrators.

19 (3) The authority shall determine the form and method of applying for grants from the grant  
20 program, the eligibility requirements for grant applicants, and general terms and conditions of the  
21 grants. The authority shall also provide that the grant committee review grant applications and  
22 make a determination of funding based on a scoring system that is directly related to the statewide  
23 needs assessment performed by the State Department of Geology and Mineral Industries. Addi-  
24 tionally, the grant process may:

25 (a) Require that the grant applicant provide matching funds for completion of any seismic re-  
26 habilitation project.

27 (b) Provide authority to the grant committee to waive requirements of the grant program based  
28 on special circumstances such as proximity to fault hazards, community value of the structure,  
29 emergency functions provided by the structure and storage of hazardous materials.

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

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

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

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

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

40 348.570. (1)(a) There is established in the State Treasury a fund, separate and distinct from the  
41 General Fund, to be known as the Oregon Student Assistance Fund. Interest earned by the fund  
42 shall be credited to the fund.

43 (b) The fund shall consist of moneys appropriated to the Higher Education Coordinating Com-  
44 mission for deposit into the fund, collections and penalties received by the Director of the Office  
45 of Student Access and Completion under ORS 442.545 and any donations or grants received by the

1 commission for a purpose of the fund.

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

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

4 (B) The payment of expenses of the commission in carrying out the purposes of ORS 348.250,  
5 [348.285,] 348.505 to 348.615, [348.625 to 348.695,] 348.696 and 348.992; and

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

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

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

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

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

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

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

24 **SECTION 26. ORS 348.625, 348.630, 348.635, 348.640, 348.655, 348.660, 348.665, 348.670,**  
25 **348.675, 348.680, 348.685, 348.690 and 348.695 are repealed.**

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

27 **SECTION 28. The repeal of ORS 348.282, 348.283 and 348.285 by section 27 of this 2019 Act**  
28 **and the amendments to ORS 97.130, 135.385, 348.180, 366.931 and 399.242 and section 2, chapter**  
29 **91, Oregon Laws 2018, by sections 11 to 16 of this 2019 Act become operative on June 30, 2021.**

30