House Bill 2030

Introduced and printed pursuant to House Rule 12.00. Presession 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


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

SECTION 1. ORS 418.650 is amended to read:

418.650. (1) The Legislative Assembly of the State of Oregon finds and declares that:
(a) It is the policy of the State of Oregon to maintain a strong economy in order to provide its citizens a stable and plentiful job market, and to conserve and protect its natural resources, scenic beauty, historical and cultural sites and other community facilities;
(b) The development and maintenance of a healthy economy for Oregon depends substantially upon a strong work ethic among Oregon’s disadvantaged and at-risk young adults;
(c) Many public lands and environmental resources, including parks, rangelands, forests, wildlife habitats, fisheries, soils and waters are and will continue to be subject to resource production demand and public uses;
(d) In order to instill and preserve superior work attitudes among Oregon’s disadvantaged and at-risk young adults and to maintain, protect and conserve the valuable resources of the State of Oregon, programs need to be implemented which will assure continued economic productivity and 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.
(e) To these ends, conservation work programs may prove successful and cost-effective both in providing jobs for disadvantaged and at-risk young adults and in assisting land preservation and management agencies to conserve and protect natural and urban facilities; and

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

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

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

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

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

SECTION 2. ORS 418.653 is amended to read:

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

(2) Upon implementation of subsection (1) of this section, there shall be created an Oregon Youth Conservation Corps Advisory [Committee] Board to consist of nine members, three to be appointed by the President of the Senate, three to be appointed by the Speaker of the House of Representatives and three public members to be appointed by the Governor. No more than one Senator and one Representative shall be appointed.

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

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

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

SECTION 3. ORS 418.657 is amended to read:

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

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

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

(c) Assume that application of the eligibility and participation criteria results in enrollment of at least 75 percent disadvantaged and at-risk youth among the total number of participants.
(2) The program director, in consultation with the executive director [of the Office of Community Colleges and Workforce Development], or the designee of the executive director, may take the following actions, including but not limited to:

(a) Applying for and accepting grants or contributions of funds from any public or private source;
(b) Making agreements with any local, state or federal agency to utilize any service, material or property of any such agency, where such agreements are considered reasonable and necessary; and
(c) Purchasing or contracting for necessary private services, equipment, materials and property where such are needed to carry out the projects approved for and undertaken by the corps.

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

(4) Corps members are exempt from:
(a) State Personnel Relations Law; and
(b) ORS 279C.800 to 279C.870.

SECTION 4. ORS 418.658 is amended to read:

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

(2) In addition to projects submitted under ORS 418.660 (1), projects of the Oregon Community Stewardship Corps may include, but shall not be limited to:
(a) Child care services.
(b) Elderly and disabled care services.
(c) Literacy education programs.
(d) Recycling and other waste reduction services.

(3) The Oregon Community Stewardship Corps shall offer employment and educational opportunities of at least three but not more than 12 months’ duration for selected participants.

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

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

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

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

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

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

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

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

SECTION 5. ORS 418.660 is amended to read:

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

(a) Rangeland conservation, rehabilitation and improvement;
(b) Endangered species and other wildlife habitat conservation, rehabilitation and improvement;
(c) Urban revitalization;
(d) Historical and cultural site preservation and maintenance;
(e) Recreational area development, maintenance, improvement and beautification;
(f) Road and trail maintenance and improvement;
(g) Soil conservation work, including erosion control;
(h) Flood, drought and storm damage assistance and relief;
(i) Stream, lake, waterfront harbor and port improvement and pollution control;
(j) Fish culture and habitat maintenance and improvement;
(k) Insect, disease, rodent and other pestilence control;
(L) Improvement of abandoned railroad land and right of way;
(m) Land reclamation and improvement, including strip-mined lands, public landscape work and tree planting programs;
(n) Energy conservation projects including assistance in the performance of energy efficiency audits, weatherization and renewable resource enhancement;
(o) Emergency assistance in times of natural or other disaster; [and]
(p) Recycling projects; and
(q) Garden, greenhouse and farming programs.

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

SECTION 6. ORS 657.350 is amended to read:

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

SECTION 7. ORS 350.150 is amended to read:

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

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

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

SECTION 8. ORS 350.095 is amended to read:

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

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

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

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

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

SECTION 9. ORS 348.290 is amended to read:

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

SECTION 10. ORS 315.237 is amended to read:

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

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

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

(b) Tax credit certification under ORS 348.621 for the calendar year in which the tax year of the
(3) The amount of the credit allowed to a taxpayer under this section shall equal 50 percent of the amount of qualified scholarship funds actually paid to or on behalf of qualified scholarship recipients during the tax year.

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

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

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

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

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

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

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

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

SECTION 11. ORS 366.931 is amended to read:

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

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

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

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

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

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

(b) The department receives the payment of a fee determined by the department under subsection (3) of this section.

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

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

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

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

SECTION 12. ORS 97.130 is amended to read:

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

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

(a) The spouse of the decedent.
(b) A son or daughter of the decedent 18 years of age or older.
(c) Either parent of the decedent.
(d) A brother or sister of the decedent 18 years of age or older.
(e) A guardian of the decedent at the time of death.
(f) A person in the next degree of kindred to the decedent.
(g) The personal representative of the estate of the decedent.
(h) The person nominated as the personal representative of the decedent in the decedent’s last will.
(i) A public health officer.

(3)(a) The decedent or any person authorized in subsection (2) of this section to direct the manner of disposition of the decedent’s remains may delegate such authority to any person 18 years of age or older.
(b) Delegation of the authority to direct the manner of disposition of remains must be made by completion of:
(A) The written instrument described in subsection (7) of this section; or
(B) A written instrument recognized by the Armed Forces of the United States, as that term is defined in ORS 366.931, if the decedent died while serving in the Armed Forces of the United States.
(c) The person to whom the authority is delegated has the same authority under subsection (2) of this section as the person delegating the authority.

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

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

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

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

_______________________________________________________________________________________

APPOINTMENT OF PERSON TO MAKE DECISIONS CONCERNING DISPOSITION OF REMAINS

I, ___________________________, appoint ___________________________, whose address is ___________________________ and whose telephone number is (___) ____________, as the person to make all decisions regarding the disposition of my remains upon my death for my burial or cremation. In the event ___________________________ is unable to act, I appoint ___________________________, whose address is ___________________________ and whose telephone number is (___) ____________, as my alternate person to make all decisions regarding the disposition of my remains upon my death for my burial or cremation.

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

DATED this _____ day of __________, ______.

(Signature)

DECLARATION OF WITNESSES

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

Witnessed By:

______________________________ Date: ______

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

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

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

SECTION 13. ORS 135.385 is amended to read:

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

(2) The court shall inform the defendant:

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

(A) To trial by jury;

(B) Of confrontation; and

(C) Against self-incrimination.

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

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

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

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

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

SECTION 14. ORS 399.242 is amended to read:

ORS 399.242. (1) As used in this section, “service member” means:

(a) A member of the organized militia who is called into active service of the state by the Governor under ORS 399.065 (1) for 30 or more consecutive days.
(b) A member of the Armed Forces of the United States, as that term is defined in ORS
[348.282] 366.931, who is called into active federal service under Title 10 of the United States Code.

(2)(a) Except as provided in subsection (6) of this section, a service member who has obtained
the following services from a telecommunications service provider, an Internet service provider, a
health club as defined in ORS 431A.450, a health spa as defined in ORS 646A.030 or a provider of
television services may terminate or suspend the provision of services upon written notice and as
provided in paragraph (b) of this subsection:
   (A) Telecommunications services.
   (B) Internet services.
   (C) Health spa services as defined in ORS 646A.030.
   (D) Exercise or athletic activities offered by a health club.
   (E) Television services, including but not limited to cable television, direct satellite and other
television-like services.

(b) The service member must provide proof to the service provider of the official orders showing
that the service member has been called into active service:
   (A) At the time written notice is given; or
   (B) If precluded by military necessity or circumstances that make the provision of proof at the
time of giving written notice unreasonable or impossible, within 90 days after written notice has
been given.

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

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

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

(5) A service member who terminates, suspends or reinstates the provision of services under this
section:
   (a) May not be charged a penalty, fee, loss of deposit or any other additional cost because of
   the termination, suspension or reinstatement; and
   (b) Is not liable for payment for any services after the effective date of the termination or sus-
   pension, or until the effective date of a reinstatement of services as described in subsection (4) of
   this section.

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

SECTION 15. Section 2, chapter 91, Oregon Laws 2018, is amended to read:
Sec. 2. (1) As used in this section:
   (a) “Armed Forces of the United States” has the meaning given that term in ORS [348.282]
366.931.
   (b) “Descendant” has the meaning given that term in ORS 111.005.
(c) “Military medal” means a medal or decoration awarded to a person for military service in
the Armed Forces of the United States and presumed to be abandoned under ORS 98.302 to 98.436.
(d) “Service member” means the person to whom a military medal was initially awarded by the
Armed Forces of the United States.

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

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

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

(a) A military veterans’ organization qualified under section 501(c)(19) of the Internal Revenue
Code;
(b) The agency that awarded the military medal;
(c) A state or federal agency; or
(d) The Oregon Military Museum established under ORS 396.555.

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

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

(a) Identifying procedures the department must take to reasonably identify a service member or
a descendant of a deceased service member.
(b) Specifying documentation necessary for a service member or a descendant of a deceased
service member to submit a claim for a military medal.
(c) Prioritizing claims if more than one of a deceased service member’s descendants submits a
claim for a military medal.

SECTION 16. ORS 348.180 is amended to read:
348.180. As used in this section and ORS 348.205, 348.250, 348.260,[ and 348.263 [and 348.285]:

(1) “Cost of education” includes but is not limited to, tuition, fees and living expenses.
(2) “Eligible post-secondary institution” means:
(a) A public university listed in ORS 352.002;
(b) A community college operated under ORS chapter 341;
(c) The Oregon Health and Science University; or
(d) An Oregon-based, generally accredited, not-for-profit institution of higher education.
(3) “Qualified student” means any resident student, or student exempted from paying nonresident
tuition under ORS 352.287, who plans to attend an eligible post-secondary institution and who:
(a) Has not achieved a baccalaureate or higher degree from any post-secondary institution;
(b) Is enrolled in an eligible program as defined by rule of the Higher Education Coordinating
Commission; and
(c) Is making satisfactory academic progress as defined by rule of the commission.

SECTION 17. ORS 341.626 is amended to read:
341.626. (1) Subject to rules adopted by the Higher Education Coordinating Commission and to
ORS 291.232 to 291.260, the Director of the Office of Community Colleges and Workforce Development shall distribute state aid to each community college district and community college service district.

(2) The rules adopted by the commission shall provide:
(a) No state aid for hobby and recreation classes;
(b) Procedures for proper and accurate record keeping;
(c) Procedures that will ensure reasonable year-to-year stability in the delivery of appropriated moneys to the colleges; and
(d) Procedures to ensure that the full state appropriation is distributed to the colleges.

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

SECTION 18. ORS 350.075 is amended to read:
350.075. (1) As used in this section, “student access programs” means scholarship, loan, grant and access programs described in ORS chapter 348.

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

(3) The Higher Education Coordinating Commission shall:
   (a) Develop state goals for the state post-secondary education system, including community colleges and public universities listed in ORS 352.002, and for student access programs.
   (b) Determine strategic investments in the state's community colleges, public universities and student access programs necessary to achieve state post-secondary education goals.
   (c) Coordinate the post-secondary elements of data collection and structure, with the advice and recommendation of the state's independent institutions, community colleges and public universities, as appropriate, in order to construct a state longitudinal data system.
   (d) Adopt a strategic plan for achieving state post-secondary education goals, taking into consideration the contributions of this state's independent institutions, philanthropic organizations and other organizations dedicated to helping Oregonians reach state goals. State post-secondary education goals as described in this section should include, but need not be limited to:
      (A) Increasing the educational attainment of the population;
      (B) Increasing this state's global economic competitiveness and the quality of life of its residents;
      (C) Ensuring affordable access for qualified Oregon students at each college or public university;
      (D) Removing barriers to on-time completion; and
      (E) Tracking progress toward meeting the state's post-secondary education goals established in the strategic plan described in this paragraph.
   (e)(A) Each biennium, after receiving funding requests from the state’s community colleges and public universities as authorized by law, recommend to the Governor a consolidated higher education agency request budget aligned with the strategic plan described in paragraph (d) of this subsection, including appropriations for:
      (i) Student access programs;
      (ii) Public universities listed in ORS 352.002, including but not limited to education and general
operations, statewide public services and state-funded debt service;

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

(iv) New facilities or programs;

(v) Capital improvements and deferred maintenance;

(vi) Special initiatives and investments; and

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

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

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

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

(iii) Solicit public input regarding educational priorities.

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

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

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

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

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

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

(h) For public universities listed in ORS 352.002:

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

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

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

(D) Approve and authorize degrees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) As used in this subsection:

(i) “School” means an independent institution of higher education that meets the requirements of ORS 348.597 (2)(a).

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

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

(5) A student complaint that is received by the Higher Education Coordinating Commission, including but not limited to a student complaint filed under subsection (4) of this section, is not subject to disclosure under ORS 192.311 to 192.478.

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

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

(b) Encourage student success and completion initiatives.

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

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

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

(C) Applied baccalaureate and other transfer degrees;

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

(E) Reciprocity agreements with other states.

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

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

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

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

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

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

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

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

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

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

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

(3) The Higher Education Coordinating Commission shall:

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

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

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

(d) Adopt a strategic plan for achieving state post-secondary education goals, taking into con-
sideration the contributions of this state’s independent institutions, philanthropic organizations and
other organizations dedicated to helping Oregonians reach state goals. State post-secondary educa-
tion goals as described in this section should include, but need not be limited to:
(A) Increasing the educational attainment of the population;
(B) Increasing this state’s global economic competitiveness and the quality of life of its residents;
(C) Ensuring affordable access for qualified Oregon students at each college or public university;
(D) Removing barriers to on-time completion; and
(E) Tracking progress toward meeting the state’s post-secondary education goals established in
the strategic plan described in this paragraph.
(e)(A) Each biennium, after receiving funding requests from the state’s community colleges and
public universities as authorized by law, recommend to the Governor a consolidated higher educa-
tion agency request budget aligned with the strategic plan described in paragraph (d) of this sub-
section, including appropriations for:
(i) Student access programs;
(ii) Public universities listed in ORS 352.002, including but not limited to education and general
operations, statewide public services and state-funded debt service;
(iii) Community colleges, including but not limited to education and general operations and
state-funded debt service;
(iv) New facilities or programs;
(v) Capital improvements and deferred maintenance;
(vi) Special initiatives and investments; and
(vii) Any other program, duty or function a public university listed in ORS 352.002 is authorized
to undertake.
(B) In the development of the consolidated higher education agency request budget:
(i) Determine the costs necessary to provide quality post-secondary education;
(ii) Solicit input from educators, education policy experts, appropriate legislative committees,
students and other persons interested in the development of the funding model; and
(iii) Solicit public input regarding educational priorities.
(f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to
community colleges, public universities listed in ORS 352.002 and student access programs. These
rules must be based on allocation formulas developed in consultation with the state’s community
colleges and public universities, as appropriate.
(g) Approve or disapprove any significant change to the academic program of a community col-
lege or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the
commission shall consider the recommendation from the community college or public university
seeking to make the change to an academic program that is issued pursuant to the obligation of the
governing board of a community college or public university to review and approve academic pro-
grams. The commission shall ensure that approved programs:
(A) Are consistent with the mission statement of the community college or public university;
(B) Do not unnecessarily duplicate academic programs offered by Oregon’s other community
colleges or public universities;
(C) Are not located in a geographic area that will cause undue hardship to Oregon’s other
community colleges or public universities; and
(D) Are allocated among Oregon’s community colleges and public universities to maximize the
achievement of statewide needs and requirements.
(h) For public universities listed in ORS 352.002:
(A) Approve the mission statement adopted by a governing board of a public university.
(B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees of greater than five percent is appropriate.

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

(D) Approve and authorize degrees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) As used in this subsection:

(A)(i) “School” means an independent institution of higher education that meets the requirements of ORS 348.597 (2)(a).

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

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

(5) A student complaint that is received by the Higher Education Coordinating Commission, including but not limited to a student complaint filed under subsection (4) of this section, is not subject to disclosure under ORS 192.311 to 192.478.

(6) In addition to the duties described in subsections (2) to (4) of this section, the Higher Education Coordinating Commission shall advise the Legislative Assembly, the Governor, community
colleges, public universities and other state boards and commissions on policies in order to:
(a) Ensure or improve access to higher education by diverse and underserved populations.
(b) Encourage student success and completion initiatives.
(c) Improve the coordination of the provision of educational services, including:
(A) Transfers and coenrollment throughout the higher education system;
(B) Accelerated college credit programs for high school students;
(C) Applied baccalaureate and other transfer degrees;
(D) Programs and grants that span multiple institutions; and
(E) Reciprocity agreements with other states.
(d) In coordination with the State Board of Education, enhance the use and quality of dual
credit, career and technical pathways and efforts to create a culture of college attendance in this
state.
(e) In coordination with the State Workforce and Talent Development Board, local workforce
development boards, the Oregon Health and Science University and independent institutions, ensure
that the state's colleges and universities offer programs in high-demand occupations that meet
Oregon's workforce needs.
(f) Improve economies of scale by encouraging and facilitating the use of the shared services
among post-secondary institutions in this state.
(7) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter
183, may adopt administrative rules.
(8) With the exception of the rulemaking authority granted in subsection (7) of this section, the
Higher Education Coordinating Commission may delegate any of its powers, duties or functions to
a committee of the commission or to the executive director of the commission.
(9) The Higher Education Coordinating Commission may, subject to the Public Contracting Code,
enter into contracts and agreements, including grant agreements, with public and private entities
for those higher education and workforce development activities that are consistent with ORS
350.001 and 350.005, with the policies set forth in ORS chapters 341 and 348 and with statutory
policies related to career schools and public universities.
(10)(a) The Higher Education Coordinating Commission may exercise only powers, duties and
functions expressly granted to the commission by the Legislative Assembly. Except as otherwise expressly provided by
law, all other authorities reside at the institutional level with the respective boards of the post-
secondary institutions.
(b) The commission has implied and direct authority to implement the powers, duties and
functions expressly granted to the commission by the Legislative Assembly.
SECTION 20. ORS 350.075, as amended by section 61, chapter 774, Oregon Laws 2015, section
6, chapter 30, Oregon Laws 2016, section 56, chapter 117, Oregon Laws 2016, section 8, chapter 66,
Oregon Laws 2017, sections 2 and 3, chapter 98, Oregon Laws 2017, section 6, chapter 185, Oregon
Laws 2017, section 22, chapter 297, Oregon Laws 2017, and section 2b, chapter 440, Oregon Laws
2017, is amended to read:
350.075. (1) As used in this section, “student access programs” means scholarship, loan, grant
and access programs described in ORS chapter 348.
(2) The Higher Education Coordinating Commission shall be guided by the legislative findings
in ORS 341.009, 350.001 and 350.005 and the goals and mission of post-secondary education set forth
in ORS 350.009 and 350.014.
(3) The Higher Education Coordinating Commission shall:
(a) Develop state goals for the state post-secondary education system, including community colleges and public universities listed in ORS 352.002, and for student access programs.

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

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

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

   (A) Increasing the educational attainment of the population;
   
   (B) Increasing this state's global economic competitiveness and the quality of life of its residents;
   
   (C) Ensuring affordable access for qualified Oregon students at each college or public university;
   
   (D) Removing barriers to on-time completion; and
   
   (E) Tracking progress toward meeting the state's post-secondary education goals established in the strategic plan described in this paragraph.

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

   (i) Student access programs;
   
   (ii) Public universities listed in ORS 352.002, including but not limited to education and general operations, statewide public services and state-funded debt service;
   
   (iii) Community colleges, including but not limited to education and general operations and state-funded debt service;
   
   (iv) New facilities or programs;
   
   (v) Capital improvements and deferred maintenance;
   
   (vi) Special initiatives and investments; and
   
   (vii) Any other program, duty or function a public university listed in ORS 352.002 is authorized to undertake.

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

   (i) Determine the costs necessary to provide quality post-secondary education;
   
   (ii) Solicit input from educators, education policy experts, appropriate legislative committees, students and other persons interested in the development of the funding model; and
   
   (iii) Solicit public input regarding educational priorities.

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

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

(A) Are consistent with the mission statement of the community college or public university;
(B) Do not unnecessarily duplicate academic programs offered by Oregon’s other community colleges or public universities;
(C) Are not located in a geographic area that will cause undue hardship to Oregon’s other community colleges or public universities; and
(D) Are allocated among Oregon’s community colleges and public universities to maximize the achievement of statewide needs and requirements.

(h) For public universities listed in ORS 352.002:
(A) Approve the mission statement adopted by a governing board of a public university.
(B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees of greater than five percent is appropriate.
(C) Advise the Governor and the Legislative Assembly on issues of university governance.
(D) Approve and authorize degrees.
(E) Perform the evaluation and certification required by ORS 350.095.

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

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

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

(4) In addition to the duties described in subsections (2) and (3) of this section, the Higher Education Coordinating Commission shall advise the Legislative Assembly, the Governor, community colleges, public universities and other state boards and commissions on policies in order to:
(a) Ensure or improve access to higher education by diverse and underserved populations.
(b) Encourage student success and completion initiatives.
(c) Improve the coordination of the provision of educational services, including:
(A) Transfers and coenrollment throughout the higher education system;
(B) Accelerated college credit programs for high school students;
(C) Applied baccalaureate and other transfer degrees;
(D) Programs and grants that span multiple institutions; and
(E) Reciprocity agreements with other states.
(d) In coordination with the State Board of Education, enhance the use and quality of dual credit, career and technical pathways and efforts to create a culture of college attendance in this state.
(e) In coordination with the State Workforce and Talent Development Board, local workforce development boards, the Oregon Health and Science University and independent institutions, ensure that the state’s colleges and universities offer programs in high-demand occupations that meet Oregon’s workforce needs.
(f) Improve economies of scale by encouraging and facilitating the use of the shared services among post-secondary institutions in this state.

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

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

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

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

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

SECTION 21. ORS 345.030 is amended to read:

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

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

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

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

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

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

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

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

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

(b) Proof of compliance with the tuition protection policy established by the commission pursuant to ORS 345.110; and

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 22. ORS 348.563 is amended to read:

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

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

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

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

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

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

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

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

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

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

(a) Administrative or management employees;

(b) Faculty employees; and

(c) Classified or professional nonfaculty employees.

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

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

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

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

(a) The total number of employees in the employee group;

(b) The total number of full-time equivalent positions worked by employees in the employee
group;

(c) The [average] number of [employees supervised by a member of] supervisors in the employee
group;

(d) The average salary of a member of the employee group;

(e) The ratio of students to employees in the employee group;

(f) The ratio of instruction among faculty groups; and

(g) The number of employees in the employee group eligible for health care and other benefits.

SECTION 24. ORS 401.910 is amended to read:

401.910. (1) The Oregon Business Development Department shall develop a grant program for the
disbursement of funds for the seismic rehabilitation of critical public buildings, including hospital
buildings with acute inpatient care facilities, fire stations, police stations, sheriffs’ offices, other fa-
cilities used by state, county, district or municipal law enforcement agencies and buildings with a
capacity of 250 or more persons that are routinely used for student activities by kindergarten
through grade 12 public schools, community colleges, education service districts and institutions of
higher education, including but not limited to public universities listed in ORS 352.002. The
Oregon Infrastructure Finance Authority established in the department by ORS 285A.096 shall ad-
minister the grant program developed under this section. The funds for the seismic rehabilitation of critical public buildings under the grant program are to be provided from the issuance of bonds pursuant to the authority provided in Articles XI-M and XI-N of the Oregon Constitution.

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

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

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

(a) Require that the grant applicant provide matching funds for completion of any seismic rehabilitation project.
(b) Provide authority to the grant committee to waive requirements of the grant program based on special circumstances such as proximity to fault hazards, community value of the structure, emergency functions provided by the structure and storage of hazardous materials.
(c) Allow an applicant to appeal any determination of grant funding to the authority for reevaluation.
(d) Provide that applicants release the state, the authority and the grant committee from any claims of liability for providing funding for seismic rehabilitation.
(e) Provide separate rules for funding rehabilitation of structural and nonstructural building elements.

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

SECTION 25. ORS 348.570 is amended to read:

348.570. (1)(a) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Oregon Student Assistance Fund. Interest earned by the fund shall be credited to the fund.
(b) The fund shall consist of moneys appropriated to the Higher Education Coordinating Commission for deposit into the fund, collections and penalties received by the Director of the Office of Student Access and Completion under ORS 442.545 and any donations or grants received by the
commission for a purpose of the fund.

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

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

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

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

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

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

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

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

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

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


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