

Chapter 352

2017 EDITION

Public Universities

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PUBLIC UNIVERSITIES

352.002 Public universities. The following are established as public universities in the State of Oregon:

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

(7) Eastern Oregon University. [1987 c.246 §1; 1995 c.162 §74; 1995 c.612 §§10,11; 1997 c.11 §1; 2001 c.382 §1; 2011 c.637 §58; 2013 c.768 §24]

352.004 [Formerly 352.020; 2005 c.22 §249; 2011 c.637 §238; repealed by 2015 c.767 §4]

352.006 [Formerly 352.030; 2013 c.768 §85; renumbered 352.189 in 2015]

352.008 [1989 c.1076 §3; 2009 c.595 §223; 2011 c.637 §239; 2011 c.673 §9; renumbered 352.256 in 2015]

352.010 [Amended by 1987 c.246 §4; 1989 c.492 §3; 2011 c.637 §59; 2013 c.768 §86; repealed by 2015 c.767 §4]

352.011 Establishment of certain public universities as comprehensive universities. Western Oregon University, Southern Oregon University and Eastern Oregon University are established as comprehensive universities that offer a full range of baccalaureate programs and graduate programs through the master's degree. [Formerly 352.355]

352.012 [2005 c.730 §71; 2013 c.768 §87; 2015 c.767 §146; renumbered 352.198 in 2015]

352.015 [1991 c.935 §§1,2; 2007 c.70 §147; 2011 c.637 §240; renumbered 352.268 in 2015]

352.017 [2005 c.363 §1; 2011 c.637 §241; renumbered 352.319 in 2015]

352.018 Cooperation with Chief Education Officer. Public universities listed in ORS 352.002 shall cooperate with the Chief Education Officer in the development of a state comprehensive education plan including post-secondary education and in review of the universities' programs and budget. The public universities shall submit in timely fashion to the Chief Education Officer the data as is appropriate in a form prescribed by the officer. [Formerly 351.203]

Note: The amendments to 352.018 (formerly 351.203) by section 58, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

352.018. Public universities listed in ORS 352.002 shall cooperate with the Higher Education Coordinating Commission in the development of a state comprehensive education plan including post-secondary education and in review of the universities' programs and budget. The public universities shall submit in timely fashion to the commission the data as is appropriate in a form prescribed by the commission.

352.020 [Amended by 1987 c.246 §2; renumbered 352.004 in 1987]

352.021 [2007 c.244 §1; 2011 c.637 §242; 2015 c.767 §147; renumbered 352.306 in 2015]

PUBLIC UNIVERSITY GOVERNANCE**(Generally)**

352.025 Legislative findings. (1) The Legislative Assembly finds that the State of Oregon will benefit from having public universities with governing boards that:

(a) Provide transparency, public accountability and support for the university.

(b) Are close to and closely focused on the individual university.

(c) Lead to greater access and affordability for Oregon residents and do not disadvantage Oregon students relative to out-of-state students.

(d) Act in the best interests of both the university and the State of Oregon as a whole.

(e) Promote the academic success of students in support of the mission of all education beyond high school as described in ORS 350.014.

(2) The Legislative Assembly also finds that:

(a) Even with universities with governing boards, there are economy-of-scale benefits to having a coordinated university system.

(b) Even with universities with governing boards, shared services may continue to be shared among universities.

(c) Legal title to all real property, whether acquired before or after the creation of a governing board, through state funding, revenue bonds or philanthropy, shall be taken and held in the name of the State of Oregon, acting by and through the governing board.

(d) The Legislative Assembly has a responsibility to monitor the success of governing boards at fulfilling their missions, their compacts and the principles stated in this section. [2013 c.768 §1; 2017 c.440 §7]

352.027 Legislative intent. Chapter 768, Oregon Laws 2013, is intended to preserve the autonomy of the public universities listed in ORS 352.002. [2013 c.768 §172a; 2017 c.440 §8]

Note: 352.027 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: Legislative Counsel has substituted "chapter 768, Oregon Laws 2013," for the words "this 2013 Act" in section 172a, chapter 768, Oregon Laws 2013, compiled as 352.027. Specific ORS references have not been substituted, pursuant to 173.160. The sections for which substitution otherwise would be made may be determined by referring to the 2013 Comparative Section Table located in Volume 20 of ORS.

352.029 Definitions for ORS 352.025 to 352.146 and 352.388 to 352.415. As used in ORS 352.025 to 352.146 and 352.388 to 352.415:

(1) “Governing board” means a governing board of a public university listed in ORS 352.002 that manages the affairs of the university by exercising and carrying out all of the powers, rights and duties that are expressly conferred upon the governing board by law, or that are implied by law or are incident to such powers, rights and duties.

(2) “State bonds” means “bonds” as defined in ORS 286A.001 that are issued by the State Treasurer. [2013 c.768 §2; 2015 c.767 §148; 2017 c.440 §9]

352.030 [Amended by 1987 c.246 §3; renumbered 352.006 in 1987]

352.033 Status of public universities. A public university listed in ORS 352.002 is a governmental entity performing governmental functions and exercising governmental powers. A public university listed in ORS 352.002 is not considered a unit of local or municipal government or a state agency, board, commission or institution for purposes of state statutes or constitutional provisions. [2013 c.768 §2a; 2017 c.440 §15]

Note: Sections 220 and 221, chapter 767, Oregon Laws 2015, provide:

Sec. 220. For purposes of Article XI-M, section 1, of the Oregon Constitution, a building owned by the State Board of Higher Education includes a building owned by:

(1) The State Board of Higher Education on the date before August 14, 2013, that, as a result of sections 2 and 3 of this 2015 Act and the amendments to ORS 352.054 by section 1 of this 2015 Act, is on the effective date of this 2015 Act [July 27, 2015] owned by another agency or public corporation of this state and used for purposes within the authority of the board on the date before the effective date of this 2015 Act.

(2) An agency or public corporation of this state on or after the effective date of this 2015 Act and used for purposes within the authority of the board before the effective date of this 2015 Act. [2015 c.767 §220]

Sec. 221. For purposes of Article XV, section 8, of the Oregon Constitution, a person employed by the State Board of Higher Education includes a person who:

(1) Was employed by the board on the date before August 14, 2013, and who, as a result of any provision of this 2015 Act, is employed by any board or commission established by law to supervise and coordinate the activities of Oregon’s institutions of post-secondary education, a public university listed in ORS 352.002, a public agency or a public corporation of this state in a capacity that was within the authority of the board on the date before the effective date of this 2015 Act [July 27, 2015].

(2) On or after the effective date of this 2015 Act, is employed by any board or commission established by law to supervise and coordinate the activities of Oregon’s institutions of post-secondary education, a public university listed in ORS 352.002, a public agency or a public corporation of this state in a capacity that was within the authority of the board before August 14, 2013. [2015 c.767 §221]

352.035 [Formerly 352.080; 2005 c.22 §250; repealed by 2013 c.768 §163]

352.039 Goals and mission of public universities. (1) A public university listed in ORS 352.002 is created to carry out public missions and services in keeping with principles of public accountability and fundamental public policy, guided by the legislative findings in ORS 350.001 and 350.005 and consistent with the goals and mission described in ORS 350.009 and 350.014.

(2) A public university listed in ORS 352.002 is an independent public body with statewide purposes and missions and without territorial boundaries. A public university shall exercise and carry out all of the powers, rights and privileges, within and outside this state, that are expressly conferred upon the public university, or that are implied by law or are incident to such powers, rights and duties. [2013 c.768 §2b; 2017 c.440 §16]

352.040 [Repealed by 1961 c.238 §1]

352.043 [2003 c.791 §§31,31a; 2005 c.817 §7; 2009 c.762 §71; 2013 c.768 §89; renumbered 352.176 in 2013]

352.045 [Formerly 352.090; 1987 c.246 §5; 2005 c.22 §251; renumbered 352.181 in 2013]

352.046 [1999 c.992 §§5,6; 2009 c.762 §72; 2013 c.768 §90; renumbered 352.186 in 2013]

352.048 [1991 c.853 §1; 2009 c.762 §73; repealed by 2013 c.768 §163]

352.049 [1991 c.853 §§2,3,4; 2009 c.762 §74; repealed by 2013 c.768 §163]

352.050 [Repealed by 1973 c.729 §17]

352.051 [1991 c.853 §5; repealed by 2013 c.768 §163]

352.052 [1991 c.853 §6; repealed by 2013 c.768 §163]

352.053 [1991 c.853 §7; repealed by 2013 c.768 §163]

352.054 Names of governing boards of public universities. (1) A governing board is established for each of the following public universities:

- (a) University of Oregon;
- (b) Portland State University;
- (c) Oregon State University;
- (d) Eastern Oregon University;
- (e) Oregon Institute of Technology;
- (f) Southern Oregon University; and
- (g) Western Oregon University.

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

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

(c) The Oregon State University governing board shall be known as the Board of Trustees of Oregon State University.

(d) The Eastern Oregon University governing board shall be known as the Board of Trustees of Eastern Oregon University.

(e) The Oregon Institute of Technology governing board shall be known as the Board

of Trustees of the Oregon Institute of Technology.

(f) The Southern Oregon University governing board shall be known as the Board of Trustees of Southern Oregon University.

(g) The Western Oregon University governing board shall be known as the Board of Trustees of Western Oregon University. [2013 c.768 §3; 2015 c.767 §1]

352.055 [1973 c.729 §16; 1975 c.693 §3; 1981 c.144 §1; 1987 c.246 §7; repealed by 1995 c.162 §94]

352.058 [1977 c.773 §§1,2,3; repealed by 1987 c.246 §8]

352.060 [Amended by 1969 c.597 §57; repealed by 1975 c.693 §21]

352.061 Annual evaluations of public universities; components of evaluation; rules. (1) On an annual basis, the Higher Education Coordinating Commission shall submit to the Legislative Assembly an evaluation of public universities listed in ORS 352.002. Each public university must be evaluated in the manner required by this section once every two years. As part of the evaluation submitted to the Legislative Assembly, the commission may make recommendations regarding the ability of the university to meet academic goals and fulfill its fiduciary responsibilities.

(2) The evaluation must include:

(a) A report on the university's achievement of outcomes, measures of progress, goals and targets;

(b) An assessment of the university's progress toward achieving the mission of all education beyond high school as described in ORS 350.014; and

(c) An assessment as to how well the establishment of a governing board at the university comports with the findings set forth in ORS 352.025.

(3) The Higher Education Coordinating Commission may adopt rules necessary for the administration of this section. [2013 c.768 §5; 2015 c.774 §30; 2017 c.440 §5]

352.063 [2001 c.140 §6; 2009 c.762 §75; renumbered 352.191 in 2013]

352.065 [1959 c.97 §§1,2; 1983 c.740 §116; repealed by 1987 c.246 §8]

352.066 [2001 c.140 §2; 2003 c.791 §§30,30a; 2005 c.453 §§1,2; 2005 c.817 §8; 2009 c.762 §76; 2011 c.595 §103; 2013 c.768 §95; renumbered 352.196 in 2013]

352.067 [2005 c.453 §3; renumbered 352.202 in 2013]

352.068 [2001 c.140 §3; 2009 c.762 §77; 2013 c.768 §96; renumbered 352.207 in 2013]

352.069 Biennial report of public universities; components of report. (1) Not later than January 1 of each odd-numbered year, each public university listed in ORS 352.002 shall submit to the Higher Education Coordinating Commission a report that is a concise narrative identifying:

(a) Legislative mandates imposed on public universities;

(b) The impact of the legislative mandates on the costs of higher education at the public university;

(c) The causes of any increase in administrative positions occurring at the public university;

(d) The actions that have been taken at the public university to monitor and control cost drivers, such as administrative services; and

(e) Any other relevant matter the public university considers important to include in the report.

(2) The Higher Education Coordinating Commission shall compile a report from the reports received by the commission pursuant to subsection (1) of this section and submit the compiled report in the manner required under ORS 192.245 to the Joint Committee on Ways and Means as part of the commission's budget presentation during each regular session of the Legislative Assembly held during an odd-numbered year. [2017 c.435 §1]

Note: 352.069 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: Section 2, chapter 435, Oregon Laws 2017, provides:

Sec. 2. A public university shall submit the first report required under section 1 (1) of this 2017 Act [352.069 (1)] not later than January 1, 2019. [2017 c.435 §2]

352.070 [Repealed by 1961 c.238 §1]

352.071 [2001 c.140 §4; 2009 c.762 §78; 2013 c.768 §97; renumbered 352.213 in 2013]

352.073 [1985 c.770 §12; 1995 c.162 §76; renumbered 353.460 in 1995]

352.074 [2001 c.140 §5; 2009 c.762 §79; 2013 c.768 §98; renumbered 352.217 in 2013]

352.075 [1967 c.539 §§1,2; repealed by 1975 c.693 §21]

352.076 Formation and maintenance of a governing board for public universities. (1) A governing board for a public university must be formed and maintained as provided in this section.

(2)(a) Except as provided in subsection (3) of this section, the Governor shall appoint all of the 11 to 15 members of the governing board, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(b) The governing board must include one person who is a student enrolled at the university. The student shall be a voting member of the board.

(c) The governing board must include one person who is a member of the faculty of the university and one person who is a member

of the nonfaculty staff of the university. For each appointment made under this paragraph, the Governor may appoint the person as either a voting or nonvoting member of the governing board.

(3) The president of the university shall be an ex officio nonvoting member of the governing board.

(4)(a) Except as provided in paragraph (b) of this subsection, the term of office for each appointed member of the governing board is four years.

(b) The term of office of each student, faculty and nonfaculty staff member of the governing board is two years.

(c) A member of the governing board may not be appointed to serve more than two consecutive full terms.

(d) The Governor may remove any appointed member of the governing board at any time for cause, after notice and public hearing, but may not remove more than three members within a period of four years, unless it is for corrupt conduct in office.

(e) Vacancies shall be filled by appointment by the Governor for the remainder of the unexpired term.

(5) The faculty and nonfaculty staff members of the governing board may not participate in any discussions or action by the board or attend any executive session of the board involving collective bargaining issues that affect faculty or nonfaculty staff at the university.

(6) The governing board shall select one of its members as chairperson and another as vice chairperson for such terms and with duties and powers as the board considers necessary for the performance of the functions of those offices. The governing board shall adopt bylaws concerning how a quorum is constituted and when a quorum is necessary.

(7) The governing board shall meet at least four times per year, and may meet at the call of the chairperson or a majority of the voting members of the board. [2013 c.768 §6; 2014 c.113 §7; 2017 c.440 §10]

352.077 [1985 c.770 §14; 1987 c.879 §14; repealed by 1995 c.162 §94]

352.080 [Renumbered 352.035]

352.083 [1985 c.770 §18; 1995 c.162 §78; renumbered 353.470 in 1995]

352.084 Term of office for members of a governing board. Notwithstanding the term of office specified in ORS 352.076, the term of a member appointed to a governing board by the Governor may be adjusted so that one-half, as nearly as possible, of the members of the board are appointed biennially. [2013 c.768 §7; 2017 c.440 §11]

352.087 Powers and duties of governing board and public universities. (1) A public university listed in ORS 352.002 may:

(a) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and invest all moneys, appropriations, gifts, bequests, stock and revenue from any source.

(b) Borrow money for the needs of the university in such amounts and for such time and upon such terms as may be determined by the university or the governing board.

(c) Make any and all contracts and agreements, enter into any partnership, joint venture or other business arrangement and create and participate fully in the operation of any business structure, including but not limited to the development of business structures and networks with any public or private government, nonprofit or for-profit person or entity, that in the judgment of the university or the governing board is necessary or appropriate.

(d) Establish, collect and use charges, fines and fees for services, facilities, operations and programs.

(e) Purchase, receive, subscribe for or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, invest in or otherwise dispose of and deal in or with the shares, stock or other equity or interests in or obligations of any other entity. The State of Oregon may not have any proprietary or other interest in investments or funds referenced in this paragraph.

(f) Acquire, purchase, purchase on a contractual basis, borrow, receive, own, hold, control, convey, sell, manage, operate, lease, lease-purchase, license, lend, invest in, issue, improve, develop, use, expend and dispose of personal property, including intellectual property, of any nature, tangible or intangible.

(g) Establish employee benefit plans of any type, subject to ORS 352.237.

(h) Take, hold, grant, pledge or dispose of mortgages, liens and other security interests on real and personal property.

(i) Spend all available moneys without appropriation or expenditure limitation approval from the Legislative Assembly, except for moneys received by a public university pursuant to a funding request submitted under ORS 352.089 (3) and the proceeds of state bonds issued for the benefit of a public university. The proceeds of state bonds issued for the benefit of a public university must be held pursuant to an agreement entered into by the State Treasurer and a public university under ORS 352.135 (2).

(j) Acquire, purchase, purchase on a contractual basis, borrow, receive, own, hold,

control, convey, mortgage, pledge or otherwise encumber, sell, manage, operate, lease, lease-purchase, license, lend, invest in, improve, develop, use, expend and dispose of real property.

(k) Erect, construct, improve, remodel, develop, repair, maintain, equip, furnish, lease, lend, convey, sell, manage, operate, use and dispose of any building, structure, land or project.

(L) Acquire, by condemnation or otherwise, private property that is necessary or convenient. The right to acquire property by condemnation shall be exercised as provided by ORS chapter 35.

(m) Establish policies for the organization, administration and development of the university which, to the extent set forth in those policies, shall have the force of law and may be enforced through university procedures that include an opportunity for appeal and in any court of competent jurisdiction.

(n) Sue in its own name, be sued in its own name and issue and enforce subpoenas in its own name.

(o) Hire or retain attorneys for the provision of all legal services. A public university shall reimburse the State Treasurer for legal fees incurred in connection with state bonds issued at the request of the Higher Education Coordinating Commission on behalf of the university.

(p) Purchase any and all insurance, operate a self-insurance program or otherwise arrange for the equivalent of insurance coverage of any nature and the indemnity and defense of its officers, agents and employees or other persons designated by the university.

(q) Subject to the procedures set forth in ORS 352.089, establish, supervise and control academic and other programs, units of operation and standards, qualifications, policies and practices relating to university matters such as admissions, curriculum, grading, student conduct, credits, scholarships and the granting of academic degrees, certificates and other forms of recognition.

(r) Enforce and recover any fees, charges and fines, including but not limited to tuition and mandatory enrollment fees.

(s) Make available and perform any and all services on such terms as the governing board considers appropriate.

(t) Delegate and provide for the further delegation of any and all powers and duties, subject to the limitations expressly set forth in law.

(2) The budget for a public university listed in ORS 352.002 shall be prepared in

accordance with generally accepted accounting principles and adopted by the governing board in accordance with ORS 192.610 to 192.690.

(3) A governing board of a public university listed in ORS 352.002 or a public university may perform any other acts that in the judgment of the governing board or university are required, necessary or appropriate to accomplish the rights and responsibilities granted to the governing board or university by law. [Formerly 352.107; 2017 c.440 §17]

(Administration)

352.089 Mission statements; process for approval of change to academic program; biennial funding requests; request for issuance of state bonds; responding to legislative request for data; rules. (1) A public university listed in ORS 352.002 shall adopt a mission statement for the university, and shall forward the statement to the Higher Education Coordinating Commission.

(2) A public university listed in ORS 352.002 shall submit any significant change in the university's academic programs to the Higher Education Coordinating Commission. The commission shall establish a process for reviewing the significant program change for approval. The commission shall establish, by rule, what constitutes a significant change to a university's academic program. The commission shall further ensure that approved programs:

(a) Are consistent with the mission statement of the university;

(b) Do not unnecessarily duplicate academic programs offered by Oregon's other public universities;

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

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

(3)(a) Pursuant to ORS 350.090, on or before September 1 of each even-numbered year, the Higher Education Coordinating Commission shall submit a consolidated funding request to the Governor on behalf of all public universities listed in ORS 352.002.

(b) The Governor's budget may include funding requests from public universities.

(4) As part of a funding request submitted under subsection (3) of this section, a public university listed in ORS 352.002 may request, and appropriations may include but are not limited to, funding for education and general operations, statewide public services,

state-funded debt service, capital improvements, deferred maintenance, special initiatives and investments or any other purpose authorized by ORS 350.075 (3)(e). Any moneys appropriated to pay debt service for state bonds must be held by the State Treasurer pursuant to an agreement entered into by the State Treasurer and a public university under ORS 352.135 (2).

(5) A public university listed in ORS 352.002 that wishes to request the issuance of state bonds, including a public university that elects to remain eligible to receive proceeds of state bonds under ORS 352.402, must make a request to this effect to the Higher Education Coordinating Commission. The commission shall establish a process for reviewing the request to issue state bonds. The commission shall decide whether, and in what manner, to make a request for the issuance of state bonds to the Legislative Assembly.

(6)(a) Each public university listed in ORS 352.002 shall respond to a request for data from the Legislative Assembly or other state body by submitting the requested information to the Higher Education Coordinating Commission. The commission shall consolidate the data received from public universities. The commission shall be responsible for providing the data to the Legislative Assembly or other requesting entity.

(b) As used in this subsection, "data" means any information that, as of August 14, 2013, is collected by the Higher Education Coordinating Commission from each university and reported to the Legislative Assembly or any other state entity, including but not limited to retention and graduation rates and demographic information on students. [2013 c.768 §8; 2015 c.774 §31; 2016 c.117 §59; 2017 c.440 §12]

352.090 [Renumbered 352.045]

352.095 [1989 c.893 §8; 1991 c.947 §11; renumbered 353.450 in 1995]

352.096 Appointment and removal of university president; roles of president; hiring of university personnel. (1)(a) In consultation with the Governor, or the Governor's designee, the governing board of a public university listed in ORS 352.002 shall appoint and employ a president of the university.

(b) The governing board shall prescribe the president's compensation and terms and conditions of employment.

(2) The president of a public university listed in ORS 352.002 is the president of the faculty. The president is also the executive and governing officer of the university, except as otherwise provided by statute or action of the governing board. Subject to the supervision of the governing board, the pres-

ident of the university has authority to direct the affairs of the university.

(3) Except in the case of an interim or acting president, the hiring committee for the president of a public university listed in ORS 352.002 shall include representatives of the university community and at least one other president of a public university based in Oregon.

(4) The governing board of a public university listed in ORS 352.002 is responsible for the reappointment or removal of the president of the university.

(5) A public university listed in ORS 352.002 may appoint and employ any instructional, administrative, professional, trade, occupational and other personnel as are necessary or appropriate and establish their compensation and terms and conditions of employment, subject to the limitations set forth in ORS 352.124 (1) and (2). [2013 c.768 §9; 2017 c.440 §18]

352.100 [Amended by 1957 c.595 §1; 1975 c.693 §4; 1983 c.740 §116a; repealed by 1987 c.246 §8]

352.102 Tuition and mandatory enrollment fees. (1) Except as set forth in this section, the governing board may authorize, establish, eliminate, collect, manage, use in any manner and expend all revenue derived from tuition and mandatory enrollment fees.

(2) The governing board shall establish a process for determining tuition and mandatory enrollment fees. The process must provide for participation of enrolled students and the recognized student government of the university.

(3) The governing board shall request that the president of the university transmit to the board the joint recommendation of the president and the recognized student government before the board authorizes, establishes or eliminates any incidental fees for programs under the supervision or control of the board and found by the board to be advantageous to the cultural or physical development of students.

(4) In determining tuition and mandatory enrollment fees for undergraduate students who are enrolled in a degree program and are qualified to pay resident tuition:

(a) The governing board may not increase the total of tuition and mandatory enrollment fees by more than five percent annually unless the board first receives approval from:

(A) The Higher Education Coordinating Commission; or

(B) The Legislative Assembly.

(b) The governing board shall attempt to limit annual increases in tuition and mandatory enrollment fees for undergraduate students who are enrolled in a degree program

and have established residency in Oregon to a percentage that is not greater than the percentage increase in the Higher Education Price Index, as compiled by the Commonfund Institute.

(5) The governing board may not delegate authority to determine tuition and mandatory enrollment fees for undergraduate students who are enrolled in a degree program and are qualified to pay resident tuition. [2013 c.768 §10]

352.105 Mandatory incidental fees; resolution of disputes. (1) The board for each public university listed in ORS 352.002 shall collect mandatory incidental fees upon the request of the recognized student government under a process established by the recognized student government of a university in consultation with the board. The process may include a student body referendum conducted under procedures established by the recognized student government. Mandatory incidental fees collected under this section shall be allocated by the recognized student government.

(2)(a) The mandatory incidental fee, use of the fee or decision to modify an existing fee may be refused by the board or the president of a university under the board's control if the board or president determines that:

(A) The recognized student government assessed or allocated the mandatory incidental fees in violation of applicable local, state or federal law;

(B) The allocation conflicts with a preexisting contractual financial commitment;

(C) The total mandatory incidental fees budget is an increase of more than five percent over the level of the previous year; or

(D) The fee request is not advantageous to the cultural or physical development of students.

(b) The mandatory incidental fee, use of the fee or decision to modify an existing fee may not be refused by the board or the president of a university based on considerations about the point of view that the funding seeks to advance.

(3) The recognized student government and the board shall seek to reach agreement on any dispute involving mandatory incidental fees, if necessary with the aid of mediation, prior to a decision by the board.

(4) If an agreement is not reached, the decision of the board may be appealed to the Higher Education Coordinating Commission by the recognized student government within seven days of the board's decision. The board shall submit its response within seven days of the appeal. The commission shall render

its decision within seven days of its receipt of the board's response.

(5) Mandatory incidental fees are not subject to ORS 352.102. [2013 c.747 §202; 2013 c.747 §202a]

Note: 352.105 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

352.107 [2013 c.768 §11; 2015 c.767 §149; 2015 c.774 §38; 2015 c.828 §21; renumbered 352.087 in 2015]

352.110 [Amended by 1975 c.693 §5; repealed by 1987 c.246 §8]

352.113 Real and personal property held by public universities; legal title; custody; sale and transfer. (1) Legal title to all real property acquired by a public university listed in ORS 352.002 must be taken and held in the name of the State of Oregon, acting by and through the governing board of the public university. Legal title to all real property conveyed to a public university is considered to be conveyed to and vested in the State of Oregon, acting by and through the governing board. Authorized conveyances of all real property, other than university lands, acquired by or vested in the State of Oregon for the use or benefit of the university must be executed in the name of the State of Oregon, acting by and through the governing board, by the chairperson of the governing board.

(2) The governing board has custody and control of and shall care for all real property used for university purposes. Management, maintenance, encumbrance, disposal and preservation of all real property used for university purposes, whether the real property is acquired before or after the establishment of a governing board, is the responsibility of the governing board. Unless the governing board has granted prior consent, real property taken and held under this section may only be encumbered by the State of Oregon in accordance with state law and in a manner that would not impair the financial condition of the university or the rights of the holders of any obligations of the university issued or incurred under any master indenture or other financing agreement.

(3) Legal title to all personal property acquired, constructed, remodeled, repaired, equipped or furnished with the proceeds of bonds issued pursuant to Article XI-Q of the Oregon Constitution for the benefit of a public university listed in ORS 352.002 must be taken and held in the name of the State of Oregon, acting by and through the governing board. The governing board has custody and control of the personal property and shall care for the personal property owned by the State of Oregon. When the Article XI-Q bonds are no longer outstanding, legal

title to the personal property automatically by operation of law transfers to and vests in the public university for whose benefit the Article XI-Q bonds were issued.

(4) Unless the State Treasurer has granted prior consent, real or personal property held in the name of the State of Oregon, or in which the State of Oregon has an ownership or other legal interest, that was acquired, constructed, improved with or otherwise directly benefited by the proceeds of outstanding state bonds, may not be:

(a) Used by a governing board in a manner that would give rise to private business use; or

(b) Sold, transferred, encumbered, leased or otherwise disposed of by a governing board. The reference to leases in this paragraph does not apply to residential leases that a governing board enters into with students, faculty or employees of the university. [2013 c.768 §12; 2014 c.121 §16; 2017 c.440 §19]

352.118 Establishment of police department; commission of police officers and special campus security officers; authorities. (1) A governing board may, in its sole discretion, do all of the following:

(a) Police, control and regulate traffic and parking of vehicles on university property.

(b) Establish a police department and commission one or more employees as police officers in the manner and with all of the privileges and immunities set forth in ORS 352.121. When a governing board establishes a police department and commissions one or more employees as police officers, the president of the university, in cooperation with the chief of the police department, shall establish a process by which the university will receive and respond to complaints involving the policies of the police department and the conduct of the police officers.

(c) Commission special campus security officers who, when acting in the scope of their employment, shall have stop and frisk authority as set forth in ORS 131.605 to 131.625 and probable cause arrest authority and the accompanying immunities as set forth in ORS 133.310 and 133.315. Special campus security officers may not be authorized to carry firearms as police officers and, except as provided in subsection (2) of this section, may not be considered police officers for purposes of ORS 181A.355, 238.005, 243.005 or 243.736.

(2) A public university listed in ORS 352.002, acting by and through its special campus security officers, is a criminal justice agency for purposes of rules adopted pursuant to ORS 181A.280 (3). [2013 c.768 §13; 2017 c.440 §20]

352.120 [Amended by 1975 c.693 §6; repealed by 1987 c.246 §8]

352.121 University police departments and officers; standards. (1) The governing board of a public university listed in ORS 352.002 may authorize the university to establish a police department and commission one or more employees as police officers. A police department established under this section has all of the authority and immunity of a municipal police department of this state.

(2) Police officers commissioned under this section:

(a) May enforce criminal laws and any administrative rules and policies adopted by the governing board; and

(b) Have all the authority and immunity of a peace officer or police officer of this state.

(3) When a university establishes a police department and commissions one or more employees as police officers, the president of the university, in cooperation with the chief of the police department, shall establish a process by which the university will receive and respond to complaints involving the policies of the police department and the conduct of the police officers.

(4) The governing board may:

(a) Enter into an agreement, or authorize the university under its control to enter into an agreement, with a municipal corporation or any department, agency or political subdivision of this state for the provision of mutual aid by their respective police officers.

(b) Adopt standards to carry out the provisions of this section. [Formerly 352.383]

Note: 352.121 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 352 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

352.124 Collective bargaining; audits of public accounts. (1) A public university listed in ORS 352.002 shall engage in collective bargaining with local bargaining organizations of the employees of the university.

(2) A public university listed in ORS 352.002 shall participate in a collective bargaining partnership with other public universities in this state for the purpose of engaging in collective bargaining with existing statewide bargaining organizations of the employees of the public university. The collective bargaining partnership shall be established by written agreement.

(3) Subject to the authority of the Secretary of State to audit public accounts, a public university listed in ORS 352.002 may conduct an independent audit if the governing board of the public university considers

the audit advisable. Subject to ORS 297.250, the independent audit is subject to the exclusive discretion and control of the university. The independent audit is subject to disclosure pursuant to ORS 192.311 to 192.478. [2013 c.768 §14; 2017 c.440 §21]

352.129 Shared services; continued participation. (1) Public universities listed in ORS 352.002 shall, by agreement, establish a system of shared administrative services for the:

(a) Maintenance of federal tax benefits relating to state bonds issued for the benefit of each public university prior to April 30, 2015;

(b) Performance of administrative services relating to the following employee benefits:

(A) Group insurance or deferred compensation plans authorized by ORS 352.237;

(B) The Public Employees Retirement System or another plan authorized under ORS chapter 238 or 238A;

(C) The Optional Retirement Plan authorized by ORS 243.800; and

(D) A public university tax-deferred investment plan that obtains the advantages of 26 U.S.C. 403(b) and is authorized by ORS 243.820; and

(c) Collective bargaining with any statewide bargaining unit that includes employees of two or more public universities listed in ORS 352.002.

(2)(a) A public university listed in ORS 352.002 may opt out of the shared administrative service listed in subsection (1)(a) of this section only if the Oregon Department of Administrative Services has adopted rules under ORS 286A.863 relating to standards, terms and conditions for maintaining federal tax benefits that apply to public universities listed in ORS 352.002 that opt out of shared administrative services described in subsection (1)(a) of this section.

(b) Prior to July 1, 2019, a public university listed in ORS 352.002 must provide the same scope and overall value of each employee benefit listed in subsection (1)(b) of this section as is required by the statutes referenced in subsection (1)(b) of this section.

(3)(a) Two or more public universities listed in ORS 352.002 may participate in shared services not described in subsection (1) of this section, including but not limited to shared services involving legal services and information technology.

(b) If a public university listed in ORS 352.002, or a community college, negotiates a contract with one or more third party financial firms, as defined in ORS 348.015, to provide disbursement and management ser-

vices of financial aid funds, or management of financial accounts, to enrolled students, the public university or community college shall undertake reasonable efforts to establish collaboration agreements with other public universities or community colleges to negotiate the services.

(4) As used in this section, "federal tax benefits" has the meaning given that term in ORS 286A.830. [2013 c.768 §14a; 2015 c.469 §1; 2015 c.633 §3; 2015 c.767 §150; 2015 c.828 §22; 2017 c.440 §13]

352.130 [Repealed by 1987 c.246 §8]

352.135 Use and investment of moneys; role of State Treasurer. (1) All moneys collected or received by a public university listed in ORS 352.002, placed to the credit of the governing board of the public university and remaining unexpended and unobligated on July 1, 2014, or the date that the board is established, whichever is later, and all moneys collected or received by a public university after that date, may be:

(a) Deposited into one or more accounts established by the board in depositories insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund, and the governing board shall ensure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the coverage of the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund; or

(b) Held, kept, pledged, controlled, conveyed, managed, used, loaned, expended and invested as set forth in ORS 352.087 and 352.102.

(2) Upon a request by the State Treasurer, a public university listed in ORS 352.002 shall enter into a written agreement with the state that provides for the State Treasurer to receive, hold, keep, manage and invest any amounts under the control of the university that the State Treasurer determines should be held by the State Treasurer to provide for payment of state bonds and other state obligations that are to be paid from appropriations described in ORS 352.089 (4), revenues of the university or other moneys under the control of the university. The agreement may, at the request of the State Treasurer, require the university to pay the costs incurred by the State Treasurer in connection with entering into and carrying out the agreement.

(3) Upon a request by a public university listed in ORS 352.002, the State Treasurer may receive, hold, keep, manage and invest any or all moneys, appropriations, gifts, bequests or revenues of the university from any source in accordance with an agreement entered into between the State Treasurer and the university and with the policies and pro-

cedures established by the State Treasurer, including the recoupment of costs incurred by the State Treasurer in carrying out these tasks.

(4) As used in this section, “depository” has the meaning given that term in ORS 295.001. [2013 c.768 §15; 2015 c.774 §39; 2017 c.440 §22]

352.138 Applicability of laws to public universities. (1) The following entities are not subject to any provision of law enacted after January 1, 2013, that is unique to governmental entities unless the following entities are expressly named:

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

(b) Any not-for-profit organization or other entity if the equity of the entity is owned or controlled exclusively by a public university and if the organization or entity is created by the university to advance any of the university’s statutory missions.

(2) Notwithstanding subsection (1) of this section and ORS 352.033, the provisions of ORS 30.260 to 30.460, 33.710, 33.720, 200.005 to 200.025, 200.045 to 200.090, 236.605 to 236.640, 279.835, 279.840, 279.850 and 297.040 and ORS chapters 35, 190, 192 and 244 apply to a public university listed in ORS 352.002 under the same terms as they apply to public bodies other than the state.

(3) Except as otherwise provided by law, the provisions of ORS 35.550 to 35.575, 180.060, 180.210 to 180.235, 184.305 to 184.345, 190.480, 190.490, 200.035, 243.696, 357.805 to 357.895 and 656.017 (2) and ORS chapters 182, 183, 240, 270, 273, 276, 278, 279A, 279B, 279C, 282, 283, 291, 292, 293, 294, 295 and 297 do not apply to a public university listed in ORS 352.002.

(4)(a) Notwithstanding subsections (1) and (3) of this section and ORS 352.033, ORS 240.167, 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825, 279C.827, 279C.830, 279C.835, 279C.836, 279C.838, 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865, 279C.870 and 292.043 apply to a public university listed in ORS 352.002 under the same terms as they apply to public bodies other than the state.

(b) Notwithstanding subsections (1) and (3) of this section, ORS 279C.800 to 279C.870 apply to an agreement under the terms of which a private entity constructs, reconstructs, renovates or paints an improvement on real property owned by a public university listed in ORS 352.002 or by a not-for-profit organization or other entity that a public university owns or controls exclusively.

(5) Notwithstanding subsection (2) of this section, ORS 190.430 and 192.105 do not apply to a public university listed in ORS

352.002 or any organization or other entity described in subsection (1) of this section.

(6)(a) Notwithstanding ORS 352.033, except as set forth in subsection (3) of this section, ORS 243.650 to 243.782 and 276.073 to 276.090 and ORS chapters 238 and 238A apply to a public university listed in ORS 352.002 under the same terms as they apply to the state.

(b) For purposes of determining the salary of an active member of the Public Employees Retirement System under ORS 238A.005 (17), remuneration paid to a member in return for services to a public university listed in ORS 352.002 is deemed includable in the member’s taxable income under Oregon law during a period of continuous employment with any public university listed in ORS 352.002 if:

(A) The member was hired in a qualifying position by a public university listed in ORS 352.002 on or after August 29, 2003, and on or before December 31, 2016; and

(B) The member resided and performed services in the United States during the period of continuous employment.

(7) ORS 350.285, 350.290, 352.198, 352.226, 352.232, 352.293, 352.296, 352.303, 352.309 and 352.313 apply to a public university listed in ORS 352.002.

(8) Notwithstanding ORS 352.033, a public university listed in ORS 352.002 and its agents and employees remain subject to all statutes and administrative rules of this state that create rights, benefits or protections in favor of military veterans, service members and families of service members to the same extent as an agency of this state would be subject to such statutes and administrative rules.

(9) Notwithstanding ORS 352.033, ORS 350.540, 350.545 and 350.550 apply to a public university listed in ORS 352.002. A public university may not issue a tax credit certificate under ORS 350.540, 350.545 and 350.550 that will cause the General Fund to be owed more than \$8.4 million at any one time under ORS 350.540, 350.545 and 350.550.

(10) If state bonds are issued for the benefit of a public university listed in ORS 352.002 under Article XI-Q of the Oregon Constitution:

(a) The Higher Education Coordinating Commission shall have the powers and duties of a project agency, as defined in ORS 286A.816, to the extent necessary for the issuance of the state bonds and the administration of the proceeds of the state bonds; and

(b) The university and the Higher Education Coordinating Commission shall enter

into grant contracts or loan agreements that comply with rules adopted by the Oregon Department of Administrative Services relating to:

(A) Disbursement of project funds by a project agency through grant contracts or loan agreements;

(B) Submission of a request for project funds to the commission under ORS 350.095; and

(C) Any other matters determined by the Oregon Department of Administrative Services to be necessary for the administration of the Article XI-Q bond program.

(11) Nothing in this section may be construed so that statutory provisions that are not set forth in this section apply to a public university listed in ORS 352.002. [2013 c.768 §16; 2013 c.722 §80; 2013 c.768 §179; 2014 c.113 §6; 2014 c.121 §17; 2015 c.209 §1; 2015 c.767 §22; 2015 c.828 §23; 2016 c.31 §8; 2017 c.440 §23; 2017 c.642 §2]

352.140 [Amended by 1983 c.740 §117; repealed by 1987 c.246 §8]

352.141 Jurisdiction over streets on property owned by or used for public universities. A public university listed in ORS 352.002 may open, establish, lay out and dedicate to the public use any streets through lands owned by or used for the university. When such streets are opened, established and laid out, they are declared to be dedicated to the public use. The university may declare that it is the road authority pursuant to ORS 810.010 (4) for any or all roads through lands owned by or used for the university. [2013 c.768 §17; 2017 c.440 §24]

352.146 Faculty; status; powers. The president and professors constitute the faculty and as such have the immediate government and discipline of a public university listed in ORS 352.002 and the students therein, except as otherwise provided by law or action of the governing board of the public university. The faculty may, subject to the supervision of the governing board and ORS 352.089, prescribe the course of study to be pursued in the university and the textbooks to be used. [2013 c.768 §18; 2017 c.440 §25]

352.150 [Amended by 1969 c.597 §58; repealed by 1987 c.246 §8]

352.152 Authority to sell forest products on public university lands. Notwithstanding the applicable provisions of ORS 279.835 to 279.855, 279A.140 to 279A.161, 279A.250 to 279A.290, 279A.990, 279B.200 to 279B.240, 279B.270, 279B.275, 279B.280, 279C.360, 279C.365, 279C.370, 279C.375, 279C.380, 279C.385, 279C.500 to 279C.530, 279C.540, 279C.545, 279C.600 to 279C.625, 279C.650 to 279C.670 and 279C.800 to 279C.870, the governing board of a public university listed in ORS 352.002 may, in the management of all forestlands under each

governing board's control and supervision, sell the forest products on such lands in the same manner as is provided in ORS 530.059, and for that purpose each governing board shall have the same powers with respect to experimental or research projects in the field of forestland management or for forest product utilization on forestlands under its control as the State Forester has pursuant to the provisions of ORS 530.050 and 530.059. [Formerly 351.155]

352.157 Construction and acquisition of buildings and structures. (1) The governing board of a public university listed in ORS 352.002 may undertake the construction of any building or structure for higher education when the governing board conservatively estimates that the public university will have sufficient revenues to pay the operating costs and any indebtedness for the building or structure. For purposes of this section, "revenues" includes all funds available to the governing board except amounts appropriated by the Legislative Assembly from the General Fund. The governing board may enter into contracts for the acquisition, erection, improvement, repair, equipping and furnishing of buildings and structures for dormitories, housing, boarding, off-street motor vehicle parking facilities and other purposes for higher education pursuant to Article XI-F(1) of the Oregon Constitution and ORS 352.157 to 352.171.

(2) The governing board may also undertake the acquisition or construction of those buildings and structures that the Legislative Assembly has determined will benefit higher education institutions or activities, and may enter into contracts with persons, firms or corporations for the acquisition, erection, improvement, repair, equipping and furnishing of such buildings and structures pursuant to Article XI-G of the Oregon Constitution. [Formerly 351.160]

352.160 [Repealed by 1961 c.238 §1]

352.163 Rates, charges and fees for use of buildings, structures and projects. A public university listed in ORS 352.002 may establish rates, charges and fees for use of buildings, structures and projects under its control. The rates and charges shall be sufficient, in the judgment of the governing board of the university and with other available revenues, as defined in ORS 352.157, to pay the operating costs and any indebtedness for the buildings, structures and projects. [Formerly 351.170]

352.165 [1973 c.644 §1; repealed by 1987 c.246 §8]

352.167 [1973 c.644 §2; repealed by 1987 c.246 §8]

352.170 [Repealed by 1957 c.595 §3]

352.171 Insurance for buildings, structures and projects. The governing board of a public university listed in ORS 352.002 may

cause the buildings, structures or projects referred to in ORS 352.157 and 352.163 and the equipment and furnishings therein and the appurtenances thereto to be insured against fire and other hazards in such sums as will protect the holders of the outstanding bonds issued to finance the cost thereof. Such insurance shall be in lieu of that afforded by the Insurance Fund, without right of insurers, in the event of loss, to subrogation to or contribution from said fund. [Formerly 351.180]

352.173 [1973 c.644 §3; repealed by 1987 c.246 §8]

352.175 [1973 c.644 §4; repealed by 1987 c.246 §8]

352.176 [Formerly 352.043; renumbered 352.605 in 2015]

352.180 [Repealed by 1957 c.595 §3]

352.181 [Formerly 352.045; renumbered 352.612 in 2015]

352.185 [Amended by 1957 c.595 §2; repealed by 1961 c.238 §1]

352.186 [Formerly 352.046; renumbered 352.618 in 2015]

(Employment Policies)

352.189 Political or sectarian tests prohibited in appointment of faculty or employees. A political or sectarian test may not be allowed or applied in the appointment of faculty and other employees of a public university listed in ORS 352.002. [Formerly 352.006]

352.190 [Amended by 1953 c.720 §3; repealed by 1955 c.12 §5]

352.191 [Formerly 352.063; 2015 c.767 §151; renumbered 352.668 in 2015]

352.195 [1955 c.12 §§1,3,4; 1969 c.6 §1; 1977 c.144 §1; repealed by 1987 c.246 §8]

352.196 [Formerly 352.066; renumbered 352.678 in 2015]

352.198 Authority of public universities to require fingerprints. For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, a public university listed in ORS 352.002 may require the fingerprints of a person who:

(1)(a) Is employed or applying for employment by the university; or

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

(2) Is, or will be, working or providing services in a position that is designated as a critical or security-sensitive position. As used in this subsection, "critical or security-sensitive position" means a position in which the person:

(a) Has direct access to persons under 18 years of age or to student residence facilities because the person's work duties require the person to be present in the residence facility;

(b) 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) 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;

(d) Has access to property where chemicals, hazardous materials and other items controlled by state or federal laws or regulations are located;

(e) Has access to laboratories, nuclear facilities or utility plants to which access is restricted in order to protect the health or safety of the public;

(f) Has fiscal, financial aid, payroll or purchasing responsibilities as one of the person's primary responsibilities; or

(g) Has access to personal information about employees or members of the public including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal background information. [Formerly 352.012]

352.200 [Amended by 1953 c.720 §3; repealed by 1955 c.12 §5]

352.201 [1959 c.566 §1; 1973 c.70 §2; repealed by 1987 c.246 §8]

352.202 [Formerly 352.067; renumbered 352.685 in 2015]

352.205 [1959 c.566 §3; repealed by 1987 c.246 §8]

352.207 [Formerly 352.068; renumbered 352.691 in 2015]

352.208 Interchange of faculty members with universities outside Oregon.

The governing boards of public universities listed in ORS 352.002 may allow interchange of members of the faculties of public universities with faculty members of comparable institutions of other states or countries for a period of one year. Such exchange service shall, for all purposes, be deemed continued service with the Oregon public university covered, with salary paid to the absent faculty member accordingly. Salary for the visiting faculty member shall not be paid by the Oregon public university covered. [Formerly 351.205]

352.210 [Repealed by 1955 c.12 §5]

352.211 [1959 c.622 §1; repealed by 1977 c.64 §1]

352.213 [Formerly 352.071; renumbered 352.697 in 2015]

352.215 [1959 c.674 §§1,2; repealed by 1977 c.64 §1]

352.217 [Formerly 352.074; renumbered 352.703 in 2015]

352.218 Affirmative action plan; interview of qualified minority applicants. (1) As used in this section, “minority” means:

(a) A person having origins in any of the black racial groups of Africa but who is not Hispanic;

(b) A person of Hispanic culture or origin;

(c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or

(d) An American Indian or Alaskan Native having origins in any of the original peoples of North America.

(2) Each public university listed in ORS 352.002 shall:

(a) Consider and maintain affirmative action plans and goals when reductions in faculty and staff are required as a result of:

(A) Reductions in revenue that necessitate discontinuance of its educational program at its anticipated level;

(B) Elimination of classes due to decreased student enrollment; or

(C) Reduction in courses due to administrative decisions.

(b) Interview one or more qualified minority applicants when hiring a head coach or athletic director, unless the public university was unable to identify a qualified minority applicant who was willing to interview for the position. It is an affirmative defense to a claim of a violation of this paragraph that the public university, in good faith, was unable to identify a qualified minority applicant who was willing to interview for the position. [Formerly 352.380]

Note: The amendments to 352.218 (formerly 352.380) by section 3, chapter 780, Oregon Laws 2009, become operative January 2, 2020. See section 4, chapter 780, Oregon Laws 2009. The text that is operative on and after January 2, 2020, including amendments by section 248, chapter 637, Oregon Laws 2011, is set forth for the user’s convenience.

352.218. Each public university listed in ORS 352.002 shall consider and maintain affirmative action plans and goals when reductions in faculty and staff are required as a result of:

(1) Reductions in revenue that necessitate discontinuance of its educational program at its anticipated level;

(2) Elimination of classes due to decreased student enrollment; or

(3) Reduction in courses due to administrative decisions.

352.220 [Repealed by 1955 c.12 §5]

352.221 [2001 c.818 §2; 2009 c.762 §80; 2015 c.767 §152; renumbered 352.745 in 2015]

352.223 [2005 c.548 §1; 2009 c.762 §81; 2011 c.637 §243; 2011 c.703 §32; 2015 c.767 §153; renumbered 352.752 in 2015]

352.226 Personnel records; standards; exemptions. (1) A governing board as defined in ORS 352.029 may, for the public university under its control, adopt standards and specific orders by or through the president of each public university governing access to personnel records of the public university or office, department or activity that are less than 25 years old.

(2) Standards adopted under subsection (1) of this section shall require that personnel records be subjected to restrictions on access unless upon a finding by the president of the public university that the public interest in maintaining individual rights to privacy in an adequate educational environment would not suffer by disclosure of such records. Access to such records may be limited to designated classes of information or persons, or to stated times and conditions, or to both, but cannot be limited for records more than 25 years old.

(3) A standard or order promulgated pursuant to this section may not deny to a faculty member full access to the member’s personnel file or records kept by the public university, except as provided in subsections (7) and (8) of this section.

(4) The number of files relating to the evaluation of a faculty member is limited to three, to be kept in designated, available locations.

(5) Any evaluation received by telephone must be documented in each of the faculty member’s files by means of a written summary of the conversation with the names of the conversants identified.

(6) A faculty member is entitled to submit, for placement in the three files, evidence rebutting, correcting, amplifying or explaining any document contained therein and other material that the member believes might be of assistance in the evaluation process.

(7) Letters and other information submitted in confidence to the State Board of Higher Education or its public universities, offices, departments or activities prior to July 1, 1975, shall be maintained in the files designated by the governing board of the public university currently employing the faculty member. However, if a faculty member requests access to those files, the anonymity of the contributor of letters and other information obtained prior to July 1, 1975, shall be protected. The full text shall be made available except that portions of the text that would serve to identify the contributor shall be excised by a faculty committee. Only the names of the contributors and the excised portions of the documents may be kept in a file other than the three prescribed by subsection (4) of this section.

(8)(a) Confidential letters and other information submitted to or solicited after July 1, 1975, by the State Board of Higher Education or its public universities, offices, departments or activities prior to the employment of a prospective faculty member are exempt from the provisions of this section. However, if the member is currently employed by a public university or its offices, departments or activities, the confidential preemployment materials shall be placed in the three authorized files. If a faculty member requests access to the member's files, the anonymity of the contributor of confidential preemployment letters and other preemployment information shall be protected. The full text shall be made available, except that portions of the text that would serve to identify the contributor shall be excised and retained in a file other than the three designated in subsection (4) of this section.

(b) Confidential letters and other information submitted to or solicited by a public university listed in ORS 352.002 after the date that the university obtained a governing board, and prior to the employment of a prospective faculty member are exempt from the provisions of this section. However, if the member is employed by the university, the confidential preemployment materials shall be placed in the three authorized files. If a faculty member requests access to the member's files, the anonymity of the contributor of confidential preemployment letters and other preemployment information shall be protected. The full text shall be made available, except that portions of the text that would serve to identify the contributor shall be excised and retained in a file other than the three designated in subsection (4) of this section.

(9) Classroom survey evaluation by students of a faculty member's classroom or laboratory performance shall be anonymous. The record of tabulated reports shall be placed in at least one of the files designated in subsection (4) of this section. All survey instruments used to obtain evaluation data shall be returned to the faculty member.

(10) A public university listed in ORS 352.002 and, after July 1, 1975, but before the date on which the public university obtained a governing board, the State Board of Higher Education and its public universities, offices, departments or activities, when evaluating its employed faculty members, may not solicit or accept letters, documents or other materials, given orally or in written form, from individuals or groups who wish their identity kept anonymous or the information they provide kept confidential.

(11) A standard or order promulgated pursuant to this section does not limit the

authority of a public university to prepare, without identification of individual persons who have not consented thereto, statistical or demographic reports from personnel records.

(12) Any category of personnel records specifically designated as confidential pursuant to valid standards or orders pursuant to this section is not a public record for the purposes of ORS 192.314.

(13) As used in this section, "personnel records" means records containing information kept by the public university, office, department or activity concerning a faculty member and furnished by the faculty member or by others about the faculty member at the request of the faculty member or the public university, office, department or activity, including, but not limited to, information concerning discipline, membership activity, employment performance or other personal records of individual persons. [Formerly 351.065; 2017 c.440 §26]

352.230 [Amended by 1953 c.362 §1; 1961 c.54 §1; 1987 c.246 §6; 2015 c.767 §154; renumbered 352.801 in 2015]

352.232 Sources of compensation for officers and employees; potential conflict of interest; reporting; standards. (1) The governing board of a public university listed in ORS 352.002 may authorize receipt of compensation for any officer or employee from private or public resources, including, but not limited to, income from:

(a) Consulting;

(b) Appearances and speeches;

(c) Intellectual property conceived, reduced to practice or originated and therefore owned within the public university;

(d) Providing services or other valuable consideration for a private corporation, individual, or entity, whether paid in cash or in-kind, stock or other equity interest, or anything of value regardless of whether there is a licensing agreement between the public university and the private entity; and

(e) Performing public duties paid by private organizations, including institution corporate affiliates, that augments an officer's or employee's publicly funded salary. Such income shall be authorized and received in accordance with policies and standards established by each governing board.

(2) Each governing board may not authorize compensation, as described in subsection (1) of this section, that, in the governing board's judgment, does not comport with the mission of the public university or substantially interferes with an officer's or employee's duties to the university.

(3) Any compensation described and authorized under subsection (1) of this section is considered official compensation or reimbursement of expenses for purposes of ORS 244.040 and is not considered an honorarium prohibited by ORS 244.042. If authorization or receipt of the compensation creates a potential conflict of interest, the officer or employee shall report the potential conflict in writing in accordance with standards of the governing board. The disclosure is a public record subject to public inspection.

(4) Each governing board shall adopt standards governing employee outside employment and activities, including potential conflict of interest, as defined by standards of the governing board and consistent with ORS 244.020, and the public disclosure thereof, and procedures for reporting and hearing potential or actual conflict of interest complaints. [Formerly 351.067]

352.237 Provision of group insurance for employees; expense reimbursement plan; deferred compensation plan. (1) The governing board of each public university listed in ORS 352.002 shall provide group insurance to employees of the university through the Public Employees' Benefit Board or may elect to provide an alternative group health and welfare insurance benefit plan to employees of the university on or after October 1, 2016, if the benefit plan is offered through the health insurance exchange under ORS 741.310, unless their participation is precluded by federal law.

(2) For the purposes of ORS 243.555 to 243.575, if the governing board of a public university listed in ORS 352.002 chooses not to participate in the benefit plans offered through the Public Employees' Benefit Board, the governing board may have the authority granted to the Public Employees' Benefit Board under ORS 243.555 to 243.575 for the administration of an appropriate expense reimbursement plan.

(3) The governing board of each public university listed in ORS 352.002 shall offer one or more deferred compensation plans to employees of the university. The governing board shall choose whether to offer its employees the state deferred compensation plan established under ORS 243.401 to 243.507 or another deferred compensation plan that the governing board elects to make available to the employees of the university. [Formerly 351.094]

352.239 [2001 c.918 §12; 2003 c.661 §3; 2009 c.217 §11; 2009 c.762 §82; 2011 c.319 §18; 2015 c.767 §155; 2015 c.771 §4a; renumbered 352.808 in 2015]

352.240 [Repealed by 1987 c.246 §8]

352.244 Overpayment of salary or compensation. When an employee of a public university listed in ORS 352.002 receives

payment of salary or compensation in an amount greater than the employee's entitlement, the amount of the overpayment may be deducted from salary or compensation earned by the employee. The deduction may be in such form and manner as the governing board of the public university may prescribe. [Formerly 351.097]

352.245 [1991 c.727 §1; 2013 c.768 §56; renumbered 352.816 in 2015]

352.247 [2007 c.907 §15; 2009 c.762 §83; 2015 c.767 §156; renumbered 352.823 in 2015]

352.250 [Repealed by 1961 c.238 §1]

352.252 [2013 c.665 §1; 2015 c.767 §157; renumbered 352.829 in 2015]

(Student Policies)

352.256 Alcohol and drug abuse policy and implementation plan. In consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, each public university listed in ORS 352.002 shall adopt a comprehensive alcohol and drug abuse policy and implementation plan. [Formerly 352.008]

352.260 [Repealed by 1987 c.246 §8]

352.262 Standards for minimum content of alcohol and drug abuse policy and plan. In order to carry out the duties described in ORS 352.256, the governing board of a public university listed in ORS 352.002, in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, shall adopt standards that, as a minimum, describe the content of what shall be included in the policy and plan described in ORS 352.256. [Formerly 351.105]

352.268 Physical access committees; members; duties. (1) Each public university listed in ORS 352.002 shall convene a physical access committee to identify barriers to access by persons with disabilities on the campus of each public university. The committee shall include, but not be limited to:

(a) One or more students with disabilities or, if there are no students with disabilities willing to participate, a person with a disability who uses the public university's facilities;

(b) One or more members of the faculty or staff who have disabilities;

(c) The coordinator of services for students with disabilities for the public university;

(d) One or more administrators of the public university; and

(e) One or more members of the physical plant staff of the public university.

(2) The physical access committee shall present its findings and recommendations to the administration of the public university listing access needs and priorities for meet-

ing those needs. These findings and recommendations shall identify the barriers to access that prevent persons with disabilities from meaningfully utilizing campus facilities related to instruction, academic support, assembly and residence life.

(3) In preparing funding requests for each biennium, each public university shall include amounts for capital improvement that will be applied to the substantial reduction and eventual elimination of barriers to access by persons with disabilities as identified by the physical access committee.

(4) Nothing in this section and ORS 185.155 and 341.937 requires a public university to undertake projects for accessibility that are not otherwise required unless such projects are funded specifically by the Legislative Assembly. [Formerly 352.015]

352.270 [Repealed by 1983 c.740 §118]

352.274 Sexual orientation identification on university forms; collection of identification information by Higher Education Coordinating Commission; rules.

(1) Each public university listed in ORS 352.002 shall allow all students, faculty and staff to identify the person's sexual orientation on any forms used to collect demographic data that includes gender, race or ethnicity.

(2) Each public university listed in ORS 352.002 shall make the demographic data collected under subsection (1) of this section available to the Higher Education Coordinating Commission in the format determined by the commission under subsection (3) of this section.

(3) The commission shall:

(a) By rule establish a common format and time frame for the collection and reporting of the demographic data specified in subsection (1) of this section;

(b) Evaluate the degree to which public universities are complying with the requirements set forth in subsections (1) and (2) of this section; and

(c) During each regular session of the Legislative Assembly, submit a report in the manner provided by ORS 192.245 to the committees related to higher education that:

(A) Sets forth the progress public universities have made toward implementing the requirements set forth in subsections (1) and (2) of this section; and

(B) Summarizes the demographic data collected by the commission under this section. [2015 c.670 §1]

352.275 [1967 c.349 §1; repealed by 1987 c.246 §8]

352.280 [Repealed by 1959 c.564 §16]

352.281 Use of name other than legal first name. (1) Except as provided in subsection (2) of this section, to the extent allowed by federal law, each public university listed in ORS 352.002:

(a) Shall permit enrolled students to use a preferred first name other than the student's legal first name on course and grade rosters, directory listings, advisor lists, identification cards and diplomas; and

(b) May permit enrolled students to use a preferred first name other than the student's legal first name on campus records not listed in paragraph (a) of this subsection.

(2) Public universities listed in ORS 352.002 must use the legal first name of enrolled students on official transcripts and enrollment verification documents. [2015 c.670 §2]

352.285 [1975 c.528 §§1,2; repealed by 1987 c.246 §8]

352.287 Resident tuition and fees for persons who are not United States citizens or lawful permanent residents; qualifications; standards; reporting requirement.

(1) The governing board of a public university listed in ORS 352.002 shall exempt a student who is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition and fees for enrollment in a public university listed in ORS 352.002 if the student:

(a) During each of the three years immediately prior to receiving a high school diploma or a modified diploma or leaving school before receiving a high school diploma or a modified diploma, attended an elementary or a secondary school in this state;

(b) During each of the five years immediately prior to receiving a high school diploma or a modified diploma or leaving school before receiving a high school diploma or a modified diploma, attended an elementary or a secondary school in any state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico;

(c) Received a high school diploma or a modified diploma from a secondary school in this state or received the equivalent of a high school diploma; and

(d) Shows intention to become a citizen or a lawful permanent resident of the United States by submitting to the public university the student attends or plans to attend:

(A) An official copy of the student's application to register with a federal immigration program or federal deportation deferral program or a statement of intent that the student will seek to obtain citizenship as permitted under federal law; and

(B) An affidavit stating that the student has applied for a federal individual taxpayer identification number or other official federal identification document.

(2) The governing board shall exempt a student who is financially dependent upon a person who is not a citizen or a lawful permanent resident of the United States from paying nonresident tuition and fees for enrollment in a public university listed in ORS 352.002 if the student:

(a) During each of the three years immediately prior to receiving a high school diploma or a modified diploma or leaving school before receiving a high school diploma or a modified diploma, attended an elementary or a secondary school in this state and resided in this state with the person upon whom the student is dependent;

(b) During each of the five years immediately prior to receiving a high school diploma or a modified diploma or leaving school before receiving a high school diploma or a modified diploma, attended an elementary or a secondary school in any state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico and resided with the person upon whom the student is dependent;

(c) Received a high school diploma or a modified diploma from a secondary school in this state or received the equivalent of a high school diploma; and

(d) For a student who is not already a citizen or lawful permanent resident of the United States, shows intention to become a citizen or a lawful permanent resident of the United States by submitting to the public university the student attends or plans to attend:

(A) An official copy of the student's application to register with a federal immigration program or federal deportation deferral program or a statement of intent that the student will seek to obtain citizenship as permitted under federal law; and

(B) An affidavit stating that the student has applied for a federal individual taxpayer identification number or other official federal identification document.

(3) A student who is a citizen or a lawful permanent resident of the United States and who has resided outside of Oregon for more than three years while serving in the Armed Forces of the United States, but who otherwise meets the requirements of subsection (1) or (2) of this section, shall qualify for exemption from nonresident tuition and fees for enrollment in a public university listed in ORS 352.002 without having to reestablish residency in Oregon.

(4) The governing board shall adopt standards to implement the provisions of this section.

(5) Not later than July 1 of each year, the Higher Education Coordinating Commission shall report to the Speaker of the House of Representatives, the President of the Senate and the interim committees of the Legislative Assembly with subject matter authority over higher education, for the preceding academic year:

(a) The number of students that applied and were accepted into public universities under this section; and

(b) The financial impact of this section on public universities listed in ORS 352.002. [Formerly 351.641; 2017 c.726 §11]

352.290 [Amended by 1961 c.127 §1; 1975 c.76 §1; 1977 c.152 §1; 1981 c.72 §1; repealed by 1987 c.246 §8]

352.293 Rights of student ordered to active duty; standards. (1) A student at a public university listed in ORS 352.002 who is a member of the military, a member of the commissioned corps of the National Oceanic and Atmospheric Administration or a member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States and who is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

(a) With regard to a course in which the student is enrolled and for which the student has paid tuition and fees, the right to:

(A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

(B) Receive a grade of incomplete and, upon release from active duty, complete the course in accordance with the practice of the public university for completion of incomplete courses; or

(C) Continue and complete the course for full credit, subject to the provisions of subsection (3) of this section;

(b) The right to a credit described in ORS 352.296 for all amounts paid for room, board, tuition and fees;

(c) If the student elects to withdraw from the public university, the right to be readmitted and reenrolled at the public university within one year after release from active duty without a requirement of redetermination of admission eligibility; and

(d) The right to continuation of scholarships and grants awarded to the student that were funded by the public university or the Higher Education Coordinating Commission before the student was ordered to active duty.

(2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the public university may not:

(a) Give the student academic credit for the course from which the student withdraws;

(b) Give the student a failing grade or a grade of incomplete or make any other negative annotation on the student's record; or

(c) Alter the student's grade point average due to the student's withdrawal from the course.

(3) A student who elects to continue and complete a course for full credit under subsection (1)(a)(C) of this section is subject to the following conditions:

(a) Course sessions the student misses due to active duty shall be counted as excused absences and may not adversely impact the student's grade for the course or rank in the student's class.

(b) The student may not be automatically excused from completing course assignments due during the period the student serves on active duty.

(c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of the course, the student completes sufficient work and demonstrates sufficient progress toward meeting course requirements to justify the grade.

(4) The Higher Education Coordinating Commission and the governing board of a public university listed in ORS 352.002 shall adopt standards for the administration of this section.

(5) As used in this section, "member of the military" means a person who is a member of:

(a) The Oregon National Guard or the National Guard of any other state or territory; or

(b) The reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States. [Formerly 351.643]

352.296 Credit for room, board, tuition and fees for student ordered to active duty; standards. (1)(a) The amount of the credit specified in ORS 352.293 (1)(b) shall be based on:

(A) The amount of room and board paid by the student for a term that the student does not complete because the student is ordered to active duty; and

(B) The amount of tuition and fees paid by the student for a course from which the student withdraws.

(b) The amount of the credit shall be prorated based on the number of weeks re-

maining in the term or course when the student withdraws.

(c) At the time a student withdraws from a course at a public university listed in ORS 352.002 or from the public university, the student must elect to claim the credit:

(A) As a credit toward tuition and fees or room and board if the student reenrolls at the public university under ORS 352.293 (1)(c); or

(B) As a monetary payment.

(2) A student who elects to claim the credit by the method described in subsection (1)(c)(A) of this section may change the method of claiming the credit to the method described in subsection (1)(c)(B) of this section by giving notice to the public university from which the student withdraws.

(3) A student who elects to claim the credit by the method described in subsection (1)(c)(A) of this section must use the credit or change the method of claiming the credit under subsection (2) of this section within one year after release from active duty.

(4) A personal representative of a student who elected to claim the credit by the method described in subsection (1)(c)(A) of this section may claim a monetary payment upon presenting evidence to the public university that the student died while serving on active duty.

(5) The governing board of a public university listed in ORS 352.002 shall adopt standards for the administration of this section, including standards setting the amount of credit and the method by which the credit is prorated. [Formerly 351.644]

352.300 [Amended by 1953 c.721 §3; 1977 c.152 §2; repealed by 1987 c.246 §8]

352.303 Waiver of tuition for Oregon residents at least 65; conditions for waiver; standards. (1) Each public university listed in ORS 352.002 shall waive tuition for any course audited by an Oregon resident 65 years of age or older if:

(a) Space is available in the course for additional students to register after degree-seeking students have registered;

(b) The department in which the course is being taught approves; and

(c) The auditing student is registered for eight credits or fewer per term.

(2) The public university may charge the student attending under subsection (1) of this section fees associated with the course being audited.

(3) A public university may develop standards for implementation of this section, including standards relating to registration, admission and fees. [Formerly 351.658]

352.306 Honorary degrees for persons ordered to internment camp. (1) As used in this section, “internment camp” means a relocation center to which persons were ordered evacuated by Presidential Executive Order 9066, signed on February 19, 1942.

(2) A person who meets the requirements of subsection (4) of this section may request a public university listed in ORS 352.002 to award the person an honorary post-secondary degree.

(3) A representative of a deceased person who meets the requirements of subsection (4) of this section may request a public university to award an honorary post-secondary degree on behalf of the deceased person.

(4) Notwithstanding the requirements for a post-secondary degree established by a public university, a public university that receives a request under subsection (2) or (3) of this section may award an honorary post-secondary degree to a person, or on behalf of a deceased person, who:

(a) Was a student at the public university in 1942; and

(b) Did not graduate from the public university because the person was ordered to an internment camp. [Formerly 352.021]

352.309 Credit for education and training received while in Armed Forces; standards. A public university listed in ORS 352.002 shall give credit for education and training obtained by a person while serving in the Armed Forces of the United States, as defined in ORS 352.313. The education and training for which credit may be given must meet the standards adopted by the Higher Education Coordinating Commission or the governing board of a public university listed in ORS 352.002. [Formerly 351.646]

352.310 [Repealed by 1959 c.570 §3]

352.313 Status of members of Armed Forces and certain federal agencies; spouses and children. (1) As used in this section:

(a) “Active member of the Armed Forces of the United States” includes officers and enlisted personnel of the Armed Forces of the United States who:

(A) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state;

(B) Reside in this state while serving as members of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station; or

(C) Reside in another state or a foreign country and establish Oregon residency by filing Oregon state income taxes no later than 12 months before leaving active duty.

(b) “Armed Forces of the United States” includes:

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

(B) Reserve components of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; and

(C) The National Guard of the United States and the Oregon National Guard.

(c) “Dependent children” includes any children of an active member of the Armed Forces of the United States, of an active member of the commissioned corps of the National Oceanic and Atmospheric Administration or of a member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States, who:

(A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

(B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher learning and dependent on the member for over one-half of their support.

(2) Active members of the Armed Forces of the United States, active members of the commissioned corps of the National Oceanic and Atmospheric Administration and members of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States, and their spouses and dependent children, are considered residents of this state for the purpose of admission and for the purpose of determining fees and tuition to be paid by such individuals while attending any public university listed in ORS 352.002.

(3) The governing board of a public university listed in ORS 352.002 may contract with the Armed Forces of the United States to furnish educational service to active members of the Armed Forces of the United States.

(4) The governing board shall determine the number of such students that should be accepted and shall make final decisions on admission of individual applicants.

(5) Students attending the public universities under contracts with the Armed Forces of the United States under this section shall pay fees and tuition customarily charged Oregon students.

(6) Payments made by the Armed Forces of the United States under such contracts shall be deposited in a designated account in the same manner that fees and tuition pay-

ments for resident students are deposited and credited. [Formerly 351.642]

352.319 Contract for disbursement of funds to students; personally identifiable information. (1) As used in this section, “personally identifiable information” means a student’s Social Security number and gender or a student’s Social Security number and date of birth.

(2) A public university listed in ORS 352.002 may enter into a contract with a private contractor to provide the service of facilitating the disbursement of funds to students. If a student’s personally identifiable information is necessary to administer the disbursement of funds under the contract, the public university:

(a) Shall obtain from a student a written election to receive the contracted services;

(b) Shall provide any alternative method of disbursement of funds at no additional cost to a student who does not elect to receive those services from a private contractor;

(c) May not release to a private contractor personally identifiable information about a student who elects to receive disbursement services from the private contractor without first obtaining from the student a written consent to release the personally identifiable information; and

(d) Shall provide to a student a written description of the purposes for which a private contractor may use the student’s personally identifiable information. [Formerly 352.017]

352.320 [Repealed by 1953 c.721 §3]

352.330 [Repealed by 1961 c.238 §1]

352.340 [Repealed by 1987 c.246 §8]

352.350 [Repealed by 1961 c.238 §1]

352.355 [1997 c.11 §3; renumbered 352.011 in 2015]

352.360 [1959 c.569 §§1,2,3,4,5; 1969 c.622 §1; 1971 c.734 §22; 1973 c.836 §347; 1975 c.693 §7; 1977 c.825 §1; 1983 c.186 §1; 1989 c.990 §2; 1993 c.221 §3; 1995 c.79 §194; 1995 c.658 §103; 1999 c.448 §9; 2007 c.288 §15; 2009 c.762 §28; 2011 c.597 §133; 2011 c.637 §244; 2013 c.768 §99; repealed by 2015 c.767 §4]

FINANCES

(Research Policy Act)

352.365 Definition for ORS 352.365 to 352.379. As used in ORS 352.365 to 352.379, “basic research” is defined as scholarly investigation conducted to obtain new knowledge for its own sake. [Formerly 351.865]

352.370 [Formerly 351.765; 1965 c.100 §347; 1993 c.45 §294; 2011 c.637 §245; renumbered 350.250 in 2015]

352.372 Findings and policy for ORS 352.365 to 352.379. (1) The Legislative Assembly finds and declares that basic research is fundamental to the continuation and ex-

pansion of applied research and is thus a necessary ingredient in economic growth. The Legislative Assembly further finds that basic research is itself an important activity which should be promoted.

(2) It is the policy of this state that basic research is an appropriate and necessary activity of our public universities. Further, the State of Oregon has an obligation with other states and the federal government to encourage and finance basic research if the state and nation are to be active participants in a future which will require ever increasing levels of knowledge and understanding.

(3) The Legislative Assembly acknowledges that a characteristic of basic research is that no defined result can be guaranteed and asserts that only through scholarly investigation can knowledge be advanced to be later developed and applied.

(4) The Legislative Assembly believes that moneys for basic research should be regularly appropriated and that such moneys should be used for support of qualified investigators and funding of research projects. [Formerly 351.870]

352.375 [2009 c.839 §1; 2011 c.637 §246; 2013 c.460 §1; 2014 c.28 §1; 2015 c.210 §1; renumbered 350.290 in 2015]

352.379 Short title. ORS 352.365 to 352.379 shall be known and cited as the Research Policy Act. [Formerly 351.890]

352.380 [1981 c.814 §1; 2009 c.780 §1; 2011 c.637 §247; renumbered 352.218 in 2015]

352.383 [2011 c.506 §1; 2015 c.767 §158; renumbered 352.121 in 2015]

352.385 [1987 c.745 §§1,2; 1995 c.364 §1; 1997 c.853 §37; 2011 c.637 §249; repealed by 2015 c.767 §4]

(Bonds)

352.388 Definitions for ORS 352.388 to 352.415. As used in ORS 352.388 to 352.415:

(1) “Bond-related costs” means:

(a) The costs of paying the principal of, the interest on and the premium, if any, on revenue bonds.

(b) The costs and expenses of issuing, administering and maintaining revenue bonds, including, but not limited to, the costs and expenses of:

(A) Redeeming revenue bonds.

(B) Paying amounts due in connection with credit enhancement devices or agreements for exchange of interest rates.

(C) Paying the fees, administrative costs and expenses of a public university listed in ORS 352.002 related to revenue bonds, including, but not limited to, the costs of consultants, bond trustees, remarketing agents, escrow agents, arbitrage rebate consultants, calculation agents and advisers retained by the university.

(c) The costs of funding reserves for the revenue bonds.

(d) Capitalized interest for the revenue bonds.

(e) Rebates or penalties due to the United States in connection with the revenue bonds.

(f) Any other costs or expenses that a public university determines are necessary or desirable in connection with issuing and maintaining the revenue bonds.

(2) “Credit enhancement device” means an agreement or contractual relationship between a public university listed in ORS 352.002 and a bank, trust company, insurance company, surety bonding company, pension fund or other financial institution or entity providing additional credit on or security for a revenue bond.

(3) “For the benefit of a public university” means, in relation to state bonds:

(a) Before August 14, 2013, the portion of the proceeds of the state bonds that was used to finance property, projects or liabilities on behalf of the State Board of Higher Education and for the benefit of a public university listed in ORS 352.002 in pursuing the purposes and missions of the university.

(b) On or after August 14, 2013, the portion of the proceeds of the state bonds a public university listed in ORS 352.002 is eligible to receive under ORS 352.402 to finance property, projects or liabilities on behalf of and for the benefit of a public university in pursuing the purposes and missions of the university.

(4) “Obligation” means:

(a) A revenue bond;

(b) The commitment of a public university listed in ORS 352.002 in connection with a credit enhancement device; or

(c) An agreement for exchange of interest rates.

(5) “Operative document” means a bond declaration, trust agreement, indenture, security agreement or other document in which a public university listed in ORS 352.002 makes a pledge.

(6) “Pledge” means:

(a) To create a lien on revenue or property.

(b) A lien created on revenue or property.

(7) “Revenue” means tuition, fees, charges, rents, revenues, interest, dividends, receipts and other income of a public university listed in ORS 352.002, except moneys received by the university from taxes collected by the State of Oregon.

(8) “Revenue bond”:

(a) Means a contractual undertaking or instrument of a public university listed in ORS 352.002 to repay borrowed moneys, which undertaking or instrument is secured by a pledge of all or part of the revenue of the university.

(b) Does not mean a credit enhancement device or a state bond. [Formerly 351.365; 2017 c.440 §27]

Note: Definitions in ORS 352.029 also apply to ORS 352.388 to 352.415.

352.390 [1973 c.692 §1; 1979 c.620 §1; 1997 c.11 §9; 2009 c.11 §45; 2011 c.637 §250; 2015 c.767 §159; renumbered 350.115 in 2015]

352.400 [1973 c.692 §2; 1979 c.620 §2; 1995 c.79 §195; renumbered 350.120 in 2015]

352.402 Eligibility of public universities to receive proceeds from state bonds; requirements; review by State Treasurer.

(1) A public university listed in ORS 352.002 may elect to remain eligible to receive proceeds of state bonds. If a public university requests the State Treasurer to issue state bonds for the benefit of the university that are authorized under Article XI-F(1) or XI-Q of the Oregon Constitution or ORS 283.085 to 283.092, and the state bonds are intended to be repaid in whole or in part by university revenues or other moneys under the control of the university, the State Treasurer must review and approve all plans to issue revenue bonds of the university and to execute other obligations related to the revenue bonds.

(2) The State Treasurer shall limit the scope of review and approval under subsection (1) of this section to consideration of periodic cash flow projections and other information necessary to determine the sufficiency of the cash flow of the public university listed in ORS 352.002 to pay any loans from state agencies funded with the proceeds of state bonds and to pay costs for:

(a) State bonds issued for the benefit of the public university listed in ORS 352.002 pursuant to Article XI-F(1) or XI-Q of the Oregon Constitution or ORS 283.085 to 283.092; and

(b) Revenue bonds issued pursuant to ORS 352.388 to 352.415.

(3) A public university listed in ORS 352.002 that issues revenue bonds of the university, or executes other obligations related to the revenue bonds, without the approval of the State Treasurer as provided in subsection (2) of this section is not eligible to receive proceeds of the state bonds described in subsection (1) of this section and that are intended to be repaid in whole or in part by university revenues or other moneys under the control of the university on or after August 14, 2013. [Formerly 351.369; 2017 c.440 §28]

Note: Definitions in ORS 352.029 also apply to ORS 352.388 to 352.415.

352.408 Issuance of bonds by public universities; use and limitations of security interests; character of bonds and obligations. (1) A public university listed in ORS 352.002:

(a) May issue revenue bonds for any lawful purpose of the university in accordance with ORS chapter 287A.

(b) May issue under ORS 287A.360 to 287A.380 refunding bonds of the same character and tenor as the revenue bonds replaced.

(2) For the purposes of ORS 271.390 and ORS chapter 287A, a public university listed in ORS 352.002 is a public body.

(3) ORS 287A.150 does not apply to revenue bonds issued by a public university listed in ORS 352.002.

(4) A public university listed in ORS 352.002:

(a) May grant leases of real property held by a trustee or lender for a term that ends on the date on which all amounts due under the operative documents have been paid, or provision for payment has been made, or for a term of up to 20 years after the last scheduled payment under the operative documents, whichever is sooner. The leases may grant the trustee or lender the right to evict the university and exclude the university from possession of the real property for the term of the lease if the university fails to pay when due the amounts scheduled to be paid under the operative documents or otherwise defaults under the operative documents. Upon default, the trustee or lender may sublease the real property to third parties and apply any rents to payments scheduled to be made under the operative documents.

(b) May not mortgage, pledge or grant a security interest in, or otherwise encumber, real or personal property that has been pledged or leased to provide security for, or acquired, constructed, improved with, or otherwise directly benefited by, the proceeds of outstanding state bonds, except as provided in ORS 352.113 (4).

(5) Revenue bonds and other obligations authorized by this section:

(a) Are revenue bonds or obligations of a political subdivision of the State of Oregon.

(b) Are not an indebtedness or obligation of the State of Oregon and are not a charge upon revenue or property of the State of Oregon, except as provided in subsection (4) of this section.

(c) Are not a charge upon any revenue or property of a public university listed in ORS 352.002 unless the revenue or property

is pledged to secure the revenue bonds or other obligations.

(d) Are not payable from, and may not be secured by a pledge of or lien on, any amounts a public university is required to:

(A) Deposit with the State Treasurer pursuant to ORS 352.135 (2); or

(B) Pay to the State Treasurer pursuant to a schedule described in ORS 352.415. [Formerly 351.374; 2017 c.440 §29]

Note: Definitions in ORS 352.029 also apply to ORS 352.388 to 352.415.

352.410 [1979 c.782 §1; repealed by 1987 c.246 §8]

352.415 Repayment of outstanding state bonds and other obligations by public university; provision of cash flow projections to State Treasurer; agreement between public universities and State Treasurer. (1) ORS 352.388 to 352.415 do not impair the obligations, as defined in ORS 286A.100, or agreements of the State of Oregon or the State Board of Higher Education with respect to state bonds issued before August 14, 2013, for the benefit of a public university listed in ORS 352.002.

(2) A public university listed in ORS 352.002 shall take all actions necessary to ensure full compliance with the operative documents executed with respect to state bonds issued before, on or after August 14, 2013, by the State Treasurer for the benefit of the public university.

(3) The State Treasurer, in consultation with the Oregon Department of Administrative Services, shall at least annually provide a public university listed in ORS 352.002 a schedule of outstanding state bonds and other obligations for which the university must pay, including the payment dates and amounts, or methods for determining the amounts. To prepare the schedule, the State Treasurer may request and rely upon information produced by one or more universities with a governing board or a shared services enterprise of the universities that provides services related to debt management. The schedule must include amounts sufficient to pay principal, interest and premium, if any, on the state bonds, and to pay administrative and other costs of the State of Oregon that are related to the state bonds or other obligations. If the State Treasurer issues state bonds for the benefit of a public university on or after August 14, 2013, that are intended to be repaid in whole or in part by university revenues or other moneys under the control of the university, the schedule shall be amended to include such state bonds and the amounts to be paid by the university. In the absence of manifest error, the schedule provided by the State Treasurer to a public university is binding on the university. The public university shall pay the

amounts specified in the schedule provided by the State Treasurer on or before the dates specified in the schedule from the legally available revenue of the university and on a pari passu basis with the payment of any revenue bonds of the university issued pursuant to ORS 352.408.

(4) At the request of the State Treasurer, a public university listed in ORS 352.002 shall provide the State Treasurer with periodic cash flow projections and other information that allow the State Treasurer to review and approve the sufficiency of the university's cash flow to pay amounts specified in the schedule described in subsection (3) of this section and to pay amounts owed under loans from state agencies that were funded with the proceeds of state bonds.

(5) Moneys deposited with the State Treasurer or the Oregon Department of Administrative Services in a debt service reserve account or otherwise for the portion of the debt service associated with obligations entered into before August 14, 2013, for the benefit of a public university listed in ORS 352.002 must remain with the State Treasurer or the Oregon Department of Administrative Services until the obligations have been retired or defeased. Earnings on moneys described in this subsection must be credited to the account or fund in which the moneys are held.

(6) The principal, interest, premium, if any, and any issuance costs of state bonds issued before, on or after August 14, 2013, for the benefit of a public university listed in ORS 352.002, and any related credit enhancement device or interest rate exchange agreement, shall be paid from the sources identified in the laws and operative documents authorizing the state bonds. The public university for which the state bonds were issued shall pay any other expenses and liabilities, including, but not limited to, legal expenses arising from an inquiry, audit or other action by a federal or state regulatory body, unless the expense or liability results solely from the negligence or willful misconduct of a state agency.

(7) Pursuant to ORS chapter 180, on behalf of the State Treasurer or any other state agency, the Attorney General shall appear, commence, prosecute or defend any action, suit, matter, cause or proceeding arising from any state bond issued for the benefit of a public university listed in ORS 352.002 and any related credit enhancement device or interest rate exchange agreement. As soon as practicable after a governing board is established by a public university pursuant to ORS 352.054, the university and the State Treasurer shall enter into an agreement that addresses reimbursement of reasonable costs

and expenses associated with the legal representation of the State Treasurer in connection with state bonds issued for the benefit of the public university before, on or after August 14, 2013, and any other topic necessary for the Department of Justice to provide legal representation to the State Treasurer in connection with state bonds issued for the benefit of the public university and to provide representation related to funds and accounts or services provided under ORS 352.135.

(8) A public university listed in ORS 352.002 shall assume responsibility for the indemnity and defense of university officers, agents and employees with regard to, as applicable, claims asserted and actions commenced in connection with state bonds issued for the benefit of the public university. [Formerly 351.379; 2017 c.440 §30]

Note: Definitions in ORS 352.029 also apply to ORS 352.388 to 352.415.

352.420 [1979 c.782 §2; repealed by 1987 c.246 §8]

352.428 Sale to State of Oregon or United States Government. The bonds may be sold to the State of Oregon or to the United States Government without advertisement thereof for public sale. [Formerly 351.440]

352.430 [1979 c.782 §3; repealed by 1987 c.246 §8]

352.435 Repealed statutes continued effective until bonds redeemed. Outstanding bonds issued under article 3, chapter 36, title 111, O.C.L.A., and chapter 41, title 111, O.C.L.A., shall continue to be valid obligations until they are redeemed in full, and authority granted in connection with said bonds shall continue in effect until they have been so redeemed. [Formerly 351.500]

(Temporary provisions relating to general obligation bonds authorized for public universities during the 2017-2019 biennium)

Note: Section 1, chapter 570, Oregon Laws 2017, provides:

Sec. 1. The amounts authorized, as provided by ORS 286A.035, for issuance of general obligation bonds of the state during the 2017-2019 biennium, notwithstanding section 10, chapter 705, Oregon Laws 2013, are as follows:

GENERAL OBLIGATION BONDS

General Fund Obligations

(1)	Higher Education Coordinating Commission (Art. XI-G):	
(a)	Oregon Institute of Technology, Center for Excellence in Engineering and Technology/Cornett Hall Renovation	\$ 2,050,000
(b)	Oregon State University:	
(A)	Quality Foods and Beverage Center	\$ 9,100,000
(B)	Gilkey Hall Renovation	\$ 2,050,000
(c)	Portland State University, Graduate School of	

(d)	Education Facility	\$ 36,485,000	(f)	Replacement.....	\$ 4,855,000
(e)	University of Oregon, Campus for Accelerating Scientific Impact.....	\$ 50,620,000	(A)	Department of Veterans' Affairs: Lebanon Veteran's Home Parking Lot.....	\$ 1,345,000
(A)	Western Oregon University: Information Technology Center Renovation	\$ 540,000	(B)	The Dalles Veterans' Home Capital Improvements	\$ 1,195,000
(B)	Oregon Military Building Renovation.....	\$ 540,000	(C)	Roseburg Veterans' Home.....	\$ 10,720,000
(f)	Blue Mountain Community College, Facility for Agricultural Resource Management	\$ 5,115,000	(g)	Housing and Community Services Department, Local Innovation and Fast Track Housing Program	\$ 81,090,000
(g)	Chemeketa Community College, Agricultural Complex.....	\$ 6,125,000	(h)	Higher Education Coordinating Commission: Public Universities Capital Improvement and Renewal.....	\$ 50,620,000
(h)	Clackamas Community College: DeJardin Building Addition	\$ 8,140,000	(A)	Eastern Oregon University, Loso Hall Renovation	\$ 5,575,000
(A)	Student Services and Community Commons.....	\$ 8,140,000	(B)	Oregon Institute of Technology: Center for Excellence in Engineering and Technology/ Cornett Hall Renovation.....	\$ 38,475,000
(i)	Clatsop Community College, Marine Science Center Renovation and Expansion.....	\$ 8,135,000	(C)	Oregon Manufacturing Innovation Center, Research and Development Facility	\$ 3,940,000
(j)	Columbia Gorge Community College, Middle College Prototype Facility.....	\$ 7,400,000	(D)	Oregon State University: Cordley Hall Renovation.....	\$ 15,250,000
(k)	Lane Community College, Health Care Village Facility...	\$ 8,140,000	(i)	Fairbanks Hall Renovation	\$ 11,220,000
(L)	Linn-Benton Community College, Student Advising and Campus Safety Center	\$ 7,635,000	(ii)	Gilkey Hall Renovation.....	\$ 1,045,000
(m)	Mt. Hood Community College, Maywood Park Center.....	\$ 8,140,000	(iii)	Cascades Expansion Site Reclamation	\$ 9,145,000
(n)	Oregon Coast Community College, Workforce Education and Resiliency Center	\$ 8,140,000	(iv)	Portland State University, Graduate School of Education Facility	\$ 9,145,000
(o)	Portland Community College, Health Technology Building Renovation.....	\$ 8,140,000	(E)	Southern Oregon University, Central Hall Capital Improvements	\$ 6,125,000
(p)	Rogue Community College, Elk Building Science Facility Renovation and Expansion.....	\$ 6,125,000	(F)	Western Oregon University: Information Technology Center Renovation	\$ 5,070,000
(q)	Southwestern Oregon Community College, Dellwood Hall Remodel and Expansion	\$ 2,805,000	(i)	Oregon Military Building Renovation.....	\$ 7,335,000
(r)	Treasure Valley Community College, Workforce Vocational Center.....	\$ 2,865,000	(ii)	Legislative Administration Committee, Capitol Accessibility, Maintenance, and Safety	\$ 13,960,000
(s)	Umpqua Community College, Industrial Technology Building.....	\$ 8,140,000	(j)	Oregon Judicial Department: Lane County Courthouse	\$ 5,115,000
(2)	Department of Environmental Quality (Art. XI-H).....	\$ 10,300,000	(A)	Multnomah County Courthouse.....	\$ 102,495,000
(3)	Oregon Business Development Department (Art. XI-M).....	\$ 101,180,000	(B)	Oregon Supreme Court Building Renovation.....	\$ 6,125,000
(4)	Oregon Business Development Department (Art. XI-N).....	\$ 20,430,000	(C)	Oregon Military Department: Grants Pass Armory Service Life Extension	\$ 3,330,000
(5)	Department of Education (Art. XI-P).....	\$ 100,985,000	(A)	Regional Armory Emergency Enhancement Project.....	\$ 8,675,000
(6)	Oregon Department of Administrative Services (Art. XI-Q): Department of Corrections: Capital Improvements and Renewal	\$ 26,770,000	(B)	Regional Training Institute.....	\$ 6,630,000
(A)	Technology Infrastructure.....	\$ 12,445,000	(C)	Resiliency Grant Fund.....	\$ 5,070,000
(B)	Department of Education, Oregon School for the Deaf Facility Improvements.....	\$ 4,365,000	(D)	Youth Challenge Armory	\$ 5,095,000
(b)	Department of Human Services, ONE Integrated Eligibility and Medicaid Eligibility System.....	\$ 34,045,000	(E)	Oregon Youth Authority: Capital Improvements	\$ 17,450,000
(c)	Department of Justice, Child Support Enforcement Automated System.....	\$ 16,585,000	(L)	MacLaren West Cottages Renovation.....	\$ 15,450,000
(d)	Department of Revenue, Core Tax Revenue Systems		(A)	Rogue Valley Facility Improvements	\$ 7,095,000
(e)			(B)	State Department of Fish and Wildlife.....	\$ 10,215,000
			(C)	State Forestry Department, Toledo Facility Replacement ...	\$ 774,225
			(m)		
			(n)		
			(7)	<u>Dedicated Fund Obligations</u> Department of Veterans' Affairs (Art. XI-A).....	\$ 120,000,000
			(8)	Higher Education Coordinating Commission (Art. XI-F(1)): Portland State University: Land Acquisition for University Center Building.....	\$ 15,260,000

(B)	12th & Market Residence Hall	\$ 54,225,000
(C)	Graduate School of Education Facility	\$ 6,080,000
(D)	Corbett Building Purchase.....	\$ 5,100,000
(b)	Oregon Institute of Technology, Student Recreation Center	\$ 5,115,000
(c)	Eastern Oregon University, Track and Field Facilities Restoration	\$ 790,000
(9)	Department of Environmental Quality (Art. XI-H).....	\$ 10,000,000
(10)	Housing and Community Services Department (Art. XI-I(2)).....	\$ 25,000,000
(11)	Oregon Department of Administrative Services (Art. XI-Q):	
(a)	Portland State Office Building Improvements	\$ 13,360,000
(b)	State Forestry Department, Toledo Facility Replacement ...	\$ 1,075,775
Total General Obligation Bonds		\$ 1,257,310,000

[2017 c.570 §1]

352.440 [1979 c.782 §4; repealed by 1987 c.246 §8]

(Funds and Accounts)

352.442 Federal aid; donations; acceptance and use. A public university listed in ORS 352.002 may, in its discretion, accept financial assistance and grants, either in the form of money or labor, from the United States or any of its agencies, subject to the terms and conditions thereof, regardless of any laws of this state in conflict with the regulations of the federal government with respect thereto, and may also accept from others any donation or grant of land, to be taken and held in the name of the State of Oregon, acting by and through the governing board, or gift of money or other valuable gift or thing, for any of the purposes contemplated by Article XI-F(1) and Article XI-G of the Oregon Constitution and ORS 352.157 to 352.171. Unless enjoined by the terms or conditions of any such gift or grant, the governing board may convert the same, or any of them, into money, through sale or disposal thereof. [Formerly 351.505; 2017 c.440 §31]

352.450 Public University Fund. (1) The Public University Fund is established in the State Treasury, separate and distinct from the General Fund. Any interest or other investment income derived from moneys in the Public University Fund is credited to the fund.

(2) Except for moneys otherwise designated by statute or federal law, the governing board of any public university listed in ORS 352.002 may place any or all moneys received by it into the Public University Fund. Once deposited in the fund, the moneys of a public university shall be commingled with other moneys in the fund and are fungible, except to the extent they may be separately accounted for by the public uni-

versity designated under subsection (3)(a) of this section.

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

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

(c) The State Treasurer may conclusively rely on a written instruction from the public universities as to the designated public university responsible for the fund.

(d) The designated public university shall inform the State Treasurer of the personnel authorized to provide instructions to the State Treasurer with respect to moneys in the fund. The State Treasurer may rely on instructions from the authorized personnel of the designated public university related to the deposit, withdrawal, investment, transfer, borrowing or lending of moneys in the fund. The State Treasurer is not responsible for or liable to the public universities for any error or omission in the instructions the State Treasurer receives from the designated public university.

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

(5) The moneys in the Public University Fund may be invested as provided in ORS 293.701 to 293.857.

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

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

(8) Notwithstanding any other provision of law, public universities that participate in the Public University Fund or, as appropriate, the public university designated under subsection (3)(a) of this section, may transfer or lend the moneys in the fund to other participating public universities listed in ORS 352.002. The Public University Fund may be a borrowing fund for purposes of ORS 293.205 to 293.225 and may borrow from the Oregon Short Term Fund established in ORS 293.728 or other state funds. Subject to the limitations of Article XI, section 7, of the Oregon Constitution, the Public University Fund may be a lending fund for purposes of ORS 293.205 to 293.225 and may lend moneys to other state funds. The public university designated under subsection (3)(a) of this section shall be the relevant state agency or department for whom the State Treasurer may transfer funds or with whom the State Treasurer may enter into an agreement pursuant to ORS 293.205 to 293.225.

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

(a) The public university designated under subsection (3)(a) of this section is the relevant state agency or department; and

(b) The personnel of the designated public university authorized to provide instructions to the State Treasurer are the relevant state officers.

(10)(a) The State Treasurer may establish separate or commingled funds, or establish separate or commingled accounts within funds established under this subsection. The State Treasurer may establish separate or commingled accounts within other funds in the State Treasury to receive, hold, keep, manage or invest moneys of a public university listed in ORS 352.002 pursuant to any agreements entered into by the State Treasurer and the university under ORS 352.135. The moneys in a fund or account established under this subsection may be invested as provided in ORS 293.701 to 293.857 and any

interest or other investment income derived from the fund or account shall be credited to the fund or account. All moneys held in a fund or account established under this subsection are continuously appropriated to the relevant public university that has entered into an agreement with the State Treasurer under ORS 352.135 for the purpose of carrying out the powers and duties of the public university or the purposes for which the moneys were donated.

(b) Except for moneys held to provide for the payment of state bonds and other state obligations described in ORS 352.089 (4), a public university listed in ORS 352.002 may transfer or lend the moneys held in the State Treasury pursuant to any agreements entered into under ORS 352.135 to other public universities listed in ORS 352.002. A fund or account in the State Treasury that holds moneys of a public university pursuant to an agreement entered into under ORS 352.135 may be a borrowing fund for purposes of ORS 293.205 to 293.225 and may borrow from the Oregon Short Term Fund established in ORS 293.728 or other state funds. Subject to the limitations of Article XI, section 7, of the Oregon Constitution, a fund or account in the State Treasury that holds moneys of a public university pursuant to an agreement entered into under ORS 352.135 may be a lending fund for purposes of ORS 293.205 to 293.225 and may lend moneys to other state funds. The public university that has entered into an agreement with the State Treasurer under ORS 352.135 is the relevant state agency or department for whom the State Treasurer may transfer funds or with whom the State Treasurer may enter into an agreement pursuant to ORS 293.205 to 293.225.

(c) Notwithstanding any other provision of law, ORS 293.169, 293.171, 293.353, 293.406, 293.450, 293.455, 293.460 and 293.465 to 293.485 apply to moneys received, held, kept, managed or invested by the State Treasurer for a public university listed in ORS 352.002 pursuant to an agreement entered into under ORS 352.135 and to checks, warrants or electronic funds transfers from or to any funds or accounts established pursuant to this subsection. For purposes of ORS 293.169, 293.171, 293.353, 293.406, 293.450, 293.455, 293.460 and 293.465 to 293.485:

(A) The public university that has entered into an agreement with the State Treasurer under ORS 352.135 is the relevant state agency or department; and

(B) The personnel of the public university authorized to provide instructions to the State Treasurer are the relevant state officers. [2014 c.83 §7; 2015 c.767 §41; 2015 c.774 §40; 2017 c.440 §32]

Note: Sections 6 and 7, chapter 2, Oregon Laws 2009, provide:

Sec. 6. Western Oregon University Classroom and Office Building Account. (1) There is established in the General Fund an account to be known as the Western Oregon University Classroom and Office Building Account. Funds in the account shall be used for the acquisition, construction, remodeling, expansion and renovation of facilities for classroom and office space at Western Oregon University.

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

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to Western Oregon University and may be transferred to the account designated by the university for the classroom and office space project described in subsection (1) of this section. [2009 c.2 §6; 2011 c.2 §37; 2011 c.9 §37; 2015 c.767 §30]

Sec. 7. Oregon Institute of Technology Owens Hall Deferred Maintenance Account. (1) There is established in the General Fund an account to be known as the Oregon Institute of Technology Owens Hall Deferred Maintenance Account. Funds in the account shall be used for the purposes described in Article XI-G of the Oregon Constitution at Owens Hall at the Oregon Institute of Technology.

(2) The account shall consist of proceeds from certificates of participation, grant funds, gift funds, proceeds of legal settlements, federal and local government funds made available to and funds donated to the Oregon Institute of Technology for the purpose of the project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$1,444,000 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to the Oregon Institute of Technology and may be transferred to the account designated by the university for the purposes described in subsection (1) of this section. [2009 c.2 §7; 2011 c.2 §38; 2011 c.9 §38; 2015 c.767 §31]

Note: Sections 14 to 16 and 18 to 24, chapter 904, Oregon Laws 2009, provide:

Sec. 14. South Waterfront Life Sciences Facility Project Account. (1) There is established in the General Fund an account to be known as the South Waterfront Life Sciences Facility Project Account. Funds in the account shall be used for the acquisition, construction, remodeling, expansion and renovation of facilities for a facility project located in the South Waterfront Central District in the North Macadam Urban Renewal Area in the City of Portland.

(2) The account shall consist of proceeds from grant funds, gift funds and federal and local government funds made available to and funds donated to the Higher Education Coordinating Commission for the purpose of the facility project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$50,000,000 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission and may be transferred to the account designated by the commission for the facility project described in

subsection (1) of this section. [2009 c.904 §14; 2011 c.2 §42; 2011 c.9 §39; 2015 c.767 §32]

Sec. 15. Oregon State University Biofuels Demonstration Project Account. (1) There is established in the General Fund an account to be known as the Oregon State University Biofuels Demonstration Project Account. Funds in the account shall be used for the acquisition, construction, remodeling, expansion and renovation of facilities for a facility project at Oregon State University.

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

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to Oregon State University and may be transferred to the account designated by the university for the facility project described in subsection (1) of this section. [2009 c.904 §15; 2011 c.2 §43; 2011 c.9 §40; 2015 c.767 §33]

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

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

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to Eastern Oregon University and may be transferred to the account designated by the university for the facility project described in subsection (1) of this section. [2009 c.904 §16; 2011 c.2 §44; 2011 c.9 §41; 2015 c.767 §34]

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

(2) The account shall consist of proceeds from grant funds, gift funds and federal and local government funds made available to and funds donated to the Oregon Institute of Technology for the purpose of the facility project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$2,000,000 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to the Oregon Institute of Technology and may be transferred to the account designated by the university for the facility project described in subsection (1) of this section. [2009 c.904 §18; 2011 c.2 §46; 2011 c.9 §43; 2015 c.767 §35]

Sec. 19. Oregon State University Strand Agriculture Hall Deferred Maintenance Project Account. (1) There is established in the General Fund an

account to be known as the Oregon State University Strand Agriculture Hall Deferred Maintenance Project Account. Funds in the account shall be used for the acquisition, construction, remodeling, expansion and renovation of facilities for a facility project at Oregon State University.

(2) The account shall consist of proceeds from lottery bonds made available to Oregon State University for the purpose of the facility project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$6,586,000 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to Oregon State University and may be transferred to the account designated by the university for the facility project described in subsection (1) of this section. [2009 c.904 §19; 2011 c.2 §47; 2011 c.9 §44; 2015 c.767 §36]

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

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

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to Oregon State University and may be transferred to the account designated by the university for the facility project described in subsection (1) of this section. [2009 c.904 §20; 2010 c.99 §8; 2011 c.2 §48; 2015 c.767 §37]

Sec. 21. Oregon State University Student Success Center Project Account. (1) There is established in the General Fund an account to be known as the Oregon State University Student Success Center Project Account. Funds in the account shall be used for the acquisition, construction, remodeling, expansion and renovation of facilities for a facility project at Oregon State University.

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

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to Oregon State University and may be transferred to the account designated by the university for the facility project described in subsection (1) of this section. [2009 c.904 §21; 2011 c.2 §49; 2011 c.9 §45; 2015 c.767 §38]

Sec. 22. Portland State University Science Research and Teaching Center/Hazardous Waste Facility Phase 2 Project Account. (1) There is established in the General Fund an account to be known as the Portland State University Science Research and Teaching Center/Hazardous Waste Facility Phase 2 Project Account. Funds in the account shall be used for the acquisition, construction, remodeling, ex-

pansion and renovation of facilities for a facility project at Portland State University.

(2) The account shall consist of proceeds from grant funds, gift funds and federal and local government funds made available to Portland State University for the purpose of the facility project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$2,500,000 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to Portland State University and may be transferred to the account designated by the university for the facility project described in subsection (1) of this section. [2009 c.904 §22; 2011 c.2 §50; 2011 c.9 §46; 2013 c.768 §160; 2015 c.767 §39]

Sec. 23. Southern Oregon University Theatre Arts Expansion and Remodel Project Account. (1) There is established in the General Fund an account to be known as the Southern Oregon University Theatre Arts Expansion and Remodel Project Account. Funds in the account shall be used for the acquisition, construction, remodeling, expansion and renovation of facilities for a facility project at Southern Oregon University.

(2) The account shall consist of proceeds from grant funds, gift funds and federal and local government funds made available to and funds donated to Southern Oregon University for the purpose of the facility project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$5,500,000 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to Southern Oregon University and may be transferred to the account designated by the university for the facility project described in subsection (1) of this section. [2009 c.904 §23; 2011 c.2 §51; 2011 c.9 §47; 2015 c.767 §40]

Sec. 24. University of Oregon Allen Hall Expansion and Remodel Project Account. (1) There is established in the General Fund an account to be known as the University of Oregon Allen Hall Expansion and Remodel Project Account. Funds in the account shall be used for the acquisition, construction, remodeling, expansion and renovation of facilities for a facility project at the University of Oregon.

(2) The account shall consist of proceeds from grant funds and gift funds made available to and funds donated to the University of Oregon for the purpose of the facility project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$7,500,000 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to the University of Oregon and may be transferred to the account designated by the university for the facility project described in subsection (1) of this section. [2009 c.904 §24; 2011 c.2 §52; 2011 c.9 §48; 2013 c.768 §161]

Note: Sections 11 to 17, chapter 761, Oregon Laws 2007, provide:

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

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

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to Western Oregon University and may be transferred to the account designated by the university for the facility project described in subsection (1) of this section. [2007 c.761 §11; 2009 c.762 §91; 2011 c.2 §30; 2015 c.767 §25]

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

(2) The account shall consist of grant funds, gift funds, federal and local government funds made available to and funds donated to Oregon State University for the purpose of the Pauling Research and Education Building project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$31,256,035 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to Oregon State University and may be transferred to the account designated by the university for the Pauling Research and Education Building project described in subsection (1) of this section. [2007 c.761 §12; 2009 c.762 §92; 2011 c.2 §31; 2015 c.767 §26]

Sec. 13. Portland State University Science Research and Teaching Center and Hazardous Waste Facility Account. (1) There is established in the General Fund an account to be known as the Portland State University Science Research and Teaching Center and Hazardous Waste Facility Account. Funds in the account shall be used for the acquisition, construction, remodeling, expansion and renovation of facilities for a Science Research and Teaching Center and Hazardous Waste Facility Phase I at Portland State University.

(2) The account shall consist of proceeds from certificates of participation, grant funds, gift funds, proceeds of legal settlements, federal and local government funds made available to and funds donated to Portland State University for the purpose of the center and facility project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$7,000,000 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to Portland State University and may be transferred to the account designated by the university for the center and facility project described in subsection (1) of this section. [2007 c.761 §13; 2009 c.2 §5; 2009 c.762 §93; 2011 c.2 §32; 2013 c.768 §156]

Sec. 14. University of Oregon Integrative Science Complex, Phase 2 Account. (1) There is established in the General Fund an account to be known as the University of Oregon Integrative Science Complex, Phase 2 Account. Funds in the account shall be used for the acquisition, construction, remodeling, expansion and renovation of facilities for an Interactive Science Complex, Phase 2 at the University of Oregon.

(2) The account shall consist of grant funds, gift funds, federal and local government funds made available to and funds donated to the University of Oregon for the purpose of the Interactive Science Complex, Phase 2 project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$30,000,000 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to the University of Oregon and may be transferred to the account designated by the university for the Interactive Science Complex, Phase 2 project described in subsection (1) of this section. [2007 c.761 §14; 2009 c.762 §94; 2011 c.2 §33; 2013 c.768 §157]

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

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

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to the University of Oregon and may be transferred to the account designated by the university for the purposes described in subsection (1) of this section. [2007 c.761 §15; 2009 c.762 §95; 2011 c.2 §34; 2013 c.768 §158; 2015 c.767 §27]

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

(2) The account shall consist of grant funds, gift funds, federal and local government funds made available to and funds donated to the Oregon Institute of Technology for the purpose of the Center for Health Professions project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$9,000,000 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to the Oregon Institute of Technology and may be transferred to the account designated by the university for the Center for Health Professions project described in subsection (1) of this section. [2007 c.761 §16; 2008 c.15 §14; 2009 c.762 §96; 2011 c.2 §35; 2015 c.767 §28]

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

(2) The account shall consist of grant funds, gift funds, proceeds of legal settlements, federal and local

government funds made available to and funds donated to Portland State University for the purpose of the project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$10,000,000 for purposes of this subsection.

(3) Moneys in the account are continuously appropriated to the Higher Education Coordinating Commission for distribution to Portland State University and may be transferred to the account designated by the university for the project described in subsection (1) of this section. [2007 c.761 §17; 2009 c.762 §97; 2011 c.2 §36; 2013 c.768 §159; 2015 c.767 §29]

352.510 [Amended by 1989 c.966 §38; 2005 c.755 §26; 2009 c.762 §29; 2011 c.637 §251; repealed by 2013 c.115 §1]

352.520 [Amended by 2009 c.762 §31; repealed by 2013 c.115 §1]

352.530 [Amended by 2009 c.762 §32; repealed by 2013 c.115 §1]

352.540 [Repealed by 1987 c.102 §4]

352.550 [Repealed by 1961 c.238 §1]

352.560 [Amended by 1969 c.594 §49; 1989 c.966 §39; 2005 c.755 §27; 2009 c.762 §33; repealed by 2013 c.115 §1]

352.570 [Amended by 1969 c.594 §50; 2009 c.762 §34; repealed by 2013 c.115 §1]

352.580 [Amended by 1969 c.594 §51; 2009 c.762 §35; repealed by 2013 c.115 §1]

352.590 [Repealed by 1961 c.238 §1]

352.600 [Amended by 1969 c.594 §52; 1995 c.118 §1; repealed by 2009 c.762 §98]

UNIVERSITY OF OREGON

352.605 University of Oregon School of Law. (1) There is created the University of Oregon School of Law to be administered by the University of Oregon.

(2) The University of Oregon School of Law shall:

(a) Prepare students for careers in the legal profession.

(b) Perform the duties required of the school under ORS 36.100 to 36.238.

(3) The president of the University of Oregon shall appoint the Dean of the University of Oregon School of Law. [Formerly 352.176]

352.610 [Amended by 1969 c.594 §53; 1995 c.118 §2; 2009 c.762 §36; 2015 c.767 §160; renumbered 352.835 in 2015]

352.612 Oregon State Museum of Anthropology. (1) The anthropological collections at the University of Oregon are designated and established as the Oregon State Museum of Anthropology. The Oregon State Museum of Anthropology is designated as the official depository for any material of an archaeological or anthropological nature that may come into the possession of the State of Oregon through the operation of ORS 358.935, 390.235 or 390.237 or as a consequence of gifts from the federal government, the Smithsonian Institution or from other public or private agencies. The University of Oregon, through the director of the Oregon

State Museum of Anthropology, shall assume full responsibility for the custody and safekeeping of said collection. If responsibility for a collection is reassigned under ORS 390.235, the Oregon State Museum of Anthropology shall serve as the ultimate depository in the event the assigned curator is unable or fails to continue that responsibility.

(2) ORS 390.235 or 390.237 or this section shall not interfere with any collections now in the possession of any institution of higher learning in Oregon, nor prevent any private person making a gift of any collection owned by the person directly to any institution. [Formerly 352.181]

352.618 Center for Brain, Biology and Machine. (1) Pursuant to ORS 352.372, there is created the Center for Brain, Biology and Machine to be administered by the University of Oregon.

(2) The purpose of the center is to promote interdisciplinary teaching and research in scientific areas, including but not limited to brain structure, development and functions, genetics and genomics, cognitive neuroscience, molecular biology, computational science, computing, magnetic resonance imaging and optics.

(3) The University of Oregon may receive moneys from any public or private source to support the Center for Brain, Biology and Machine created under subsections (1) and (2) of this section. Gifts or grants received to support the center shall be deposited in an appropriate fund at the University of Oregon. [Formerly 352.186]

352.620 [Amended by 1969 c.594 §54; 1995 c.118 §3; 2009 c.762 §36a; renumbered 352.842 in 2015]

352.624 Condon Collection at University of Oregon Museum of Natural and Cultural History. (1) The Condon Collection at the University of Oregon Museum of Natural and Cultural History is designated and established as the official depository for any material of a paleontological nature that may come into the possession of the State of Oregon through paleontological or archaeological operations or as a consequence of transfers, loans or gifts from the federal government, the Smithsonian Institution or from any other public or private agency. The University of Oregon, through the Museum of Natural and Cultural History, shall assume full responsibility for the custody and safekeeping of such materials in the Condon Collection. If responsibility for the collection is reassigned, the Museum of Natural and Cultural History shall serve as the ultimate depository in the event the assigned curator is unable or fails to continue that responsibility.

(2) This section may not interfere with any collections in the possession of any post-secondary institution of education in this state on or before January 1, 2018, or prevent any individual or private entity from making a gift of a paleontological collection owned by the individual or private entity directly to any institution. [2017 c.136 §1]

352.629 Use of apprentices, minority individuals and women in qualified contracts; report. (1) As used in this section:

(a) "Apprentice" has the meaning given that term in ORS 660.010.

(b) "Apprenticeable occupation" has the meaning given that term in ORS 660.010.

(c) "Apprenticeship training program" means the total system of apprenticeship that a particular local joint committee, as defined in ORS 660.010, operates, including the local joint committee's registered standards and all other terms and conditions for qualifying, recruiting, selecting, employing and training apprentices in an apprenticeable occupation.

(d) "Minority individual" has the meaning given that term in ORS 200.005.

(e) "Qualified contracts" means contracts that:

(A) Are for improvements to real property in connection with the University of Oregon Campus for Accelerating Scientific Impact;

(B) Have a cost that, at the time the contract is executed, is estimated to be greater than \$200,000; and

(C) Are to be paid from proceeds of bonds issued under Article XI-G of the Oregon Constitution.

(f) "Woman" has the meaning given that term in ORS 200.005.

(2) The University of Oregon, in all qualified contracts, shall require contractors to:

(a) Employ apprentices to perform 15 percent of the work hours that workers in apprenticeable occupations perform under the contract, in a manner consistent with the apprentices' respective apprenticeship training programs;

(b) Establish and execute a plan for outreach, recruitment and retention of women and minority individuals to perform work under the contract; and

(c) Require any subcontractors engaged by the contractors to abide by the requirements set forth in paragraphs (a) and (b) of this subsection.

(3) On or before February 1 of each year, the University of Oregon shall report to the Joint Committee on Ways and Means or Joint Interim Committee on Ways and Means

on the amount of work performed by apprentices, women and minority individuals under qualified contracts. [2017 c.570 §11]

352.630 [Amended by 1969 c.594 §55; 1995 c.118 §4; repealed by 2009 c.762 §98]

352.640 [Amended by 1969 c.594 §56; 1975 c.605 §19; repealed by 1987 c.246 §8]

352.650 [Amended by 1989 c.966 §40; 2009 c.762 §37; repealed by 2015 c.767 §4]

352.655 [2007 c.666 §3; 2009 c.762 §84; repealed by 2011 c.595 §112]

352.660 [Repealed by 1961 c.238 §1]

352.665 [1993 c.325 §1; renumbered 350.600 in 2015]

352.667 [1993 c.325 §2; renumbered 350.605 in 2015]

PORTLAND STATE UNIVERSITY

352.668 Receipt and disposition of funds received for programs. Portland State University may receive moneys from any public or private source to support the Mark O. Hatfield School of Government, the Center for Lakes and Reservoirs, the Graduate School of Social Work or the Institute of Portland Metropolitan Studies created under ORS 352.678, 352.691, 352.697 and 352.703. Gifts and grants received to support the Mark O. Hatfield School of Government, the Center for Lakes and Reservoirs, the Graduate School of Social Work or the Institute of Portland Metropolitan Studies shall be credited to the appropriate fund at Portland State University. [Formerly 352.191]

352.669 [1993 c.325 §3; 2011 c.637 §252; 2015 c.767 §161; renumbered 350.610 in 2015]

352.670 [Repealed by 1961 c.238 §1]

352.672 [1993 c.325 §4; renumbered 350.615 in 2015]

352.675 [1993 c.325 §5; 1997 c.11 §10; renumbered 350.620 in 2015]

352.678 Mark O. Hatfield School of Government; Criminal Justice Research and Policy Institute. (1) Pursuant to ORS 352.372, there is created the Mark O. Hatfield School of Government, to be administered by Portland State University. The president of Portland State University shall appoint the director of the Mark O. Hatfield School of Government.

(2) The purposes of the Mark O. Hatfield School of Government are:

(a) To prepare students for careers in political service, public administration and the administration of justice;

(b) To perform the duties required of the school under ORS 36.179, 183.502 and 390.240; and

(c) To assist the Criminal Justice Research and Policy Institute in carrying out the duties under subsection (3) of this section.

(3) There is created within the Mark O. Hatfield School of Government the Criminal Justice Research and Policy Institute. The

institute may assist the Legislative Assembly and state and local governments in developing policies to reduce crime and delinquency by:

(a) Providing the Legislative Assembly with objective, nonpartisan analyses of existing or proposed state criminal justice policies, which analyses may not be inconsistent with state or federal law or the Oregon or United States Constitution;

(b) Evaluating programs, including but not limited to programs dealing with public safety professionalism, ethics in leadership and childhood development, funded directly or indirectly by the State of Oregon that are intended to reduce criminal and delinquent behavior or to improve professionalism in public safety careers;

(c) Managing reviews and evaluations relating to major long-term issues confronting the state involving criminal and juvenile justice, public safety professionalism, ethics in leadership and early childhood development programs;

(d) Initiating, sponsoring, conducting and publishing research on criminal and juvenile justice, public safety professionalism, ethics in leadership and early childhood development that is peer reviewed and directly useful to policymakers;

(e) Organizing conferences on current state issues that bring together policymakers, public agencies and leading academicians; and

(f) Seeking to strengthen the links among the Legislative Assembly, state and local governments, the Oregon Criminal Justice Commission, the Department of Public Safety Standards and Training and the academic community in the interest of more informed policymaking, the application of best practices and more relevant academic research.

(4) The Governor, the Chief Justice of the Supreme Court, the President of the Senate, the Speaker of the House of Representatives or the chairperson of a legislative committee with responsibility over criminal or juvenile justice systems or childhood development programs may request the assistance of the Criminal Justice Research and Policy Institute in evaluating criminal or juvenile justice programs developed for, but not necessarily limited to, preventing delinquency, reducing crime and improving professionalism in public safety careers.

(5) Agencies, departments and officers of state and local governments may assist the Criminal Justice Research and Policy Institute in the performance of its functions and furnish information, data and advice as requested by the institute. [Formerly 352.196]

352.680 [Repealed by 1961 c.238 §1]

352.685 Oregon Criminal Justice Scientific Advisory Committee. The Oregon Criminal Justice Scientific Advisory Committee is established to provide assistance and advice to the Criminal Justice Research and Policy Institute. The director of the Mark O. Hatfield School of Government shall appoint the members of the advisory committee. In order to serve as a member of the advisory committee, a person must have earned a graduate degree in a related field from an accredited university. [Formerly 352.202]

352.691 Center for Lakes and Reservoirs. (1) Pursuant to ORS 352.372, there is created the Center for Lakes and Reservoirs, to be administered by Portland State University.

(2) The purpose of the Center for Lakes and Reservoirs is to assist state and federal agencies in researching and mitigating nonindigenous, invasive aquatic species in this state and to work with communities in developing effective management of lakes and reservoirs. [Formerly 352.207]

352.697 Graduate School of Social Work. (1) Pursuant to ORS 352.372, the Graduate School of Social Work is created, to be administered by Portland State University.

(2) The purpose of the Graduate School of Social Work is to provide a center for specialized education and research in the social services for the betterment of communities in the Portland metropolitan area, the state and the Pacific Northwest. [Formerly 352.213]

352.703 Institute of Portland Metropolitan Studies. (1) Pursuant to ORS 352.372, there is created the Institute of Portland Metropolitan Studies, to be administered by Portland State University.

(2) The purpose of the Institute of Portland Metropolitan Studies is to build partnerships between Portland State University's urban studies programs and the surrounding communities of metropolitan Portland and to sponsor public service research. [Formerly 352.217]

352.710 [1971 c.693 §1; renumbered 350.630 in 2015]

352.720 [1971 c.693 §2; 1973 c.721 §6; 1977 c.735 §1; 1977 c.768 §2; 1978 c.1 §4; 1989 c.845 §3; 1999 c.704 §20; 2011 c.637 §253; 2013 c.1 §51; renumbered 350.635 in 2015]

352.730 [1971 c.693 §3; 1981 c.213 §1; 2011 c.637 §254; 2013 c.747 §149; renumbered 350.640 in 2015]

352.740 [1971 c.693 §4; 1973 c.815 §5; 1977 c.768 §1; 2011 c.637 §255; 2013 c.747 §150; renumbered 350.645 in 2015]

OREGON INSTITUTE OF TECHNOLOGY

352.745 Oregon Renewable Energy Center. (1) Pursuant to ORS 352.372, there is created the Oregon Renewable Energy Center. The Oregon Renewable Energy Center shall be administered by the Oregon Institute of Technology.

(2) The purpose of the Oregon Renewable Energy Center is to engage in renewable energy system engineering and applied research.

(3) The Oregon Institute of Technology may receive moneys from any public or private source to support the Oregon Renewable Energy Center. Gifts and grants received to support the Oregon Renewable Energy Center shall be credited to the appropriate fund at the Oregon Institute of Technology. [Formerly 352.221]

352.750 [1971 c.693 §5; 2011 c.637 §256; 2013 c.747 §151; renumbered 350.650 in 2015]

352.752 Oregon Center for Health Professions. (1) As used in this section:

(a) “Allied health education programs” includes, but is not limited to:

- (A) Radiologic science;
- (B) Nuclear medicine;
- (C) Sonography;
- (D) Vascular technology;
- (E) Dental hygiene;
- (F) Respiratory care;
- (G) Clinical laboratory sciences; and
- (H) Emergency medical services provider education.

(b) “Allied health education programs” does not include any undergraduate or graduate nursing program administered by Oregon Health and Science University.

(2) There is created the Oregon Center for Health Professions. The Oregon Center for Health Professions shall be administered by the Oregon Institute of Technology.

(3) The purposes of the Oregon Center for Health Professions are to:

(a) Provide continued development of bachelor’s degree level education programs in areas of allied health;

(b) Facilitate the creation of new partnerships between the health care industry and community colleges, private institutions of higher education and public universities listed in ORS 352.002 in order to increase the number of students and graduates in allied health education programs;

(c) Provide continuing education, professional development and certificate programs for allied health care professionals; and

(d) Align with and complement educational partnerships between the Oregon Institute of Technology and Oregon Health and Science University focusing on allied health education programs.

(4) The Oregon Institute of Technology may receive moneys from any public or private source to support the Oregon Center for Health Professions. Gifts and grants received to support the Oregon Center for Health Professions shall be credited to the appropriate fund at the Oregon Institute of Technology. [Formerly 352.223]

352.760 [1971 c.693 §7; renumbered 350.655 in 2015]

352.790 [1987 c.812 §1; 2007 c.783 §153; 2013 c.1 §52; renumbered 350.665 in 2015]

352.795 [1987 c.812 §2; renumbered 350.670 in 2015]

352.800 [1987 c.812 §3; 2007 c.783 §154; renumbered 350.675 in 2015]

OREGON STATE UNIVERSITY

352.801 Oregon State University designated as agricultural college of the state; Sea Grant College; program in Veterinary Medicine. (1) Oregon State University is designated and permanently adopted as the agricultural college of the state and shall provide, in accordance with the objectives sought by Congress in the establishment of state agricultural colleges, instruction in agriculture and the mechanic arts. The university is also a Sea Grant College dedicated to education and research in the marine sciences.

(2) Oregon State University, or any other public university listed in ORS 352.002 that receives authorization from the Higher Education Coordinating Commission, is authorized to enter into agreements with its counterpart in the State of Idaho and with the Board of Regents of Washington State University for cooperative development of the program in Veterinary Medicine. [Formerly 352.230]

352.805 [1987 c.812 §4; 1997 c.631 §465; 2003 c.195 §27; 2007 c.783 §155; renumbered 350.680 in 2015]

352.808 Institute for Natural Resources. (1) The Institute for Natural Resources is established at Oregon State University. In administering the institute, Oregon State University may seek the cooperation of other public universities listed in ORS 352.002.

(2) The Institute for Natural Resources shall serve the following purposes:

(a) Serve as a clearinghouse for scientifically based natural resources information.

(b) Provide scientifically based natural resources information to the public in integrated and accessible formats.

(c) Coordinate efforts with other state agencies and bodies to provide natural re-

sources information to the public in a comprehensive manner.

(d) Facilitate and conduct research.

(e) Provide information and technical tools to assist decision-making on natural resources issues.

(f) Assist the State Parks and Recreation Commission in carrying out the Natural Areas Program by maintaining a data bank that contains a classification of natural heritage resources and an inventory of the locations of the resources. At a minimum, the institute shall record in the data bank the location of state natural areas, the natural heritage resources in those areas, sites that are inhabited by rare species, and lists that rank by rarity species, plant communities and ecosystem types. The institute shall make the information included in the data bank available to private landowners, researchers and local, state and federal agencies.

(g) Assist the State Parks and Recreation Department in carrying out the Natural Areas Program by reviewing and providing recommendations on proposals for registration and dedication of natural areas.

(3) When making observations on private land, an employee of Oregon State University, or another public university listed in ORS 352.002 that is providing administrative support, who is compiling information for the Natural Areas Program pursuant to subsection (2)(f) of this section must obtain permission from the landowner before entering private land, collecting information or entering the information into the data bank.

(4) Using existing resources, state agencies designated by the Governor shall enter into a memorandum of understanding, or other agreement deemed appropriate by the Governor, with the institute that defines and clarifies the roles and responsibilities of the agencies in order to prevent duplication of effort and to ensure that agency resources are used efficiently.

(5) State agencies may contract with the institute to fulfill agency needs regarding the collection, storage, integration, analysis, dissemination and monitoring of natural resources information and natural resources research and training. [Formerly 352.239]

(Temporary provisions relating to the Task Force on Independent Scientific Review for Natural Resources)

Note: Sections 1 to 3, chapter 771, Oregon Laws 2015, provide:

Sec. 1. The Legislative Assembly finds and declares that:

(1) Policy and program decisions made by natural resources agencies, boards and commissions can benefit from independent scientific review that:

(a) Reflects a balance of representation from various research sectors, academic and nonacademic, public and private;

(b) Is performed by distinguished scientists from a range of disciplines; and

(c) Is clearly communicated to the public and state and local officials.

(2) Oregon is home to many highly qualified scientists with recognized expertise in a variety of disciplines who are willing to contribute their time and knowledge to scientific reviews to inform the decisions made regarding state and local natural resources policies and programs. [2015 c.771 §1]

Sec. 2. (1) The Task Force on Independent Scientific Review for Natural Resources is established, consisting of up to 15 members.

(2) Members of the task force shall be appointed by the Governor in consultation with the Vice Presidents of Research, or their designees, at Oregon State University, the University of Oregon and Portland State University.

(3)(a) The task force shall consist of members from the forestry, agriculture, manufacturing, conservation, academic and research sectors, and representatives of Oregon State University, the University of Oregon and Portland State University.

(b) At least one member of the task force shall have previously served on the Independent Multidisciplinary Science Team created under ORS 541.914, as in effect prior to the operative date specified in section 9 of this 2015 Act [January 1, 2017], or on another state or federal scientific review body, such as the National Academy of Sciences.

(c) Representatives from state natural resources agencies may participate as nonvoting members.

(4) The task force shall evaluate and assess the need for independent scientific review in Oregon and make appropriate recommendations. In developing its recommendations, the task force shall:

(a) Proceed with the understanding that:

(A) Independent scientific reviews are not intended to replace internal agency reviews of natural resources policy and program decisions; and

(B) Agencies are not required to use an independent scientific review panel as recommended by the task force;

(b) Evaluate whether natural resources agencies, legislators and the public would benefit from the incorporation of independent scientific review in the making of policy decisions;

(c) Evaluate whether existing state, federal and academic resources for conducting independent scientific review are meeting the needs of natural resources agencies and other policymakers; and

(d) Evaluate the mechanisms and structures that are in place in other states and at the federal level for independent scientific review related to natural resources policy.

(5)(a) If the task force determines there is a need for independent scientific review in Oregon, the task force shall make recommendations on one or more entities, which may include existing scientific entities in Oregon or a new independent scientific review entity, that are best situated to conduct or coordinate independent scientific review and whether the entities identified would need legislative authority to act as independent scientific review bodies for Oregon.

(b) If the task force recommends use of a particular existing scientific entity, the task force shall make any

recommendations regarding necessary changes to the entity based on the evaluation and assessment undertaken pursuant to subsection (4) of this section. If the task force recommends the development of a new independent scientific review entity, the task force shall make recommendations regarding how to structure a new independent scientific entity.

(6) In making recommendations under subsection (5) of this section, to ensure that an entity will provide scientific review that is independent, the task force shall consider:

(a) Whether the entity should provide reports to the Legislative Assembly or otherwise be subject to special legislative oversight;

(b) Whether organizational safeguards must be established or changed within the entity to ensure that the entity is free from bias and that a wide variety of natural resources disciplines and interests are represented;

(c) How to develop or change the structure or processes of the entity's advisory board or other governing body in order to support the independence of scientific review panels convened by the entity, which shall include consideration of the entity's advisory board or other governing body directing or participating in the scientific analysis and review conducted or coordinated by the entity;

(d) How the entity's funding structure should be created, altered or supplemented to ensure that there is no perception of bias in the funding of independent scientific review panels and to ensure that adequate funds are available to convene such panels;

(e) How to develop processes for conducting or coordinating independent scientific review in order to encourage balanced, broad and diverse participation among the scientific disciplines that may be called upon in the course of independent scientific review; and

(f) How to develop procedures for the selection and deliberation of scientific experts to participate in independent scientific reviews, taking into consideration lessons learned from the processes used by the former Independent Multidisciplinary Science Team and other processes for independent scientific reviews.

(7) The task force also shall make recommendations regarding the structure and function of the process to be used by the recommended entities in the course of independent scientific reviews. In making recommendations under this subsection, the task force shall consider:

(a) Whether the entity should respond to inquiries from the Governor's office or the Legislative Assembly, the citizen boards of natural resources agencies or from other appropriate parties;

(b) Whether the entity should independently select science issues to review;

(c) Whether a state agency should be required to respond in writing to a report issued by an independent scientific review panel, explaining how the agency intends to implement the panel's suggestions or why the agency does not plan to implement the suggestions;

(d) How to enhance involvement of the University of Oregon, Oregon State University, Portland State University and other universities in the independent scientific review process; and

(e) How to provide a scientific review process that is open to the public and that inspires public confidence in, and understanding of, the review process without compromising the independence of the review.

(8) A majority of the voting members of the task force constitutes a quorum for the transaction of business.

(9) Official action by the task force requires the approval of a majority of the voting members of the task force.

(10) The task force shall elect one of the voting members to serve as chairperson.

(11) If there is a vacancy for any cause, the Governor shall, in consultation with the Vice Presidents of Research, or their designees, at Oregon State University, the University of Oregon and Portland State University, make an appointment to become immediately effective.

(12) The task force shall meet at times and places specified by a majority of the voting members of the task force.

(13) The task force may adopt rules necessary for the operation of the task force.

(14) The task force shall have its first meeting on or before January 1, 2016.

(15) The task force shall submit a report of its findings and recommendations to the Governor and to an appropriate committee of the Legislative Assembly in the manner provided in ORS 192.245 no later than September 15, 2016.

(16) The Institute for Natural Resources shall provide staff support to the task force.

(17) Members of the task force are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to the Institute for Natural Resources for purposes of the task force.

(18) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties. [2015 c.771 §2]

Sec. 3. Sections 1 and 2 of this 2015 Act are repealed on January 2, 2019. [2015 c.771 §3]

352.810 [1987 c.812 §5; renumbered 350.685 in 2015]

352.815 [1987 c.812 §6; renumbered 350.690 in 2015]

352.816 Oregon Climate Service. (1) There is established an Oregon Climate Service to be located at Oregon State University. The service shall acquire, maintain, disseminate and interpret climate data and information for the state.

(2) The service shall:

(a) Assess the needs for weather and climate information in Oregon and establish priorities among the needs.

(b) Perform a service to citizens of Oregon by managing climate data for the state, and by disseminating such data and information to users.

(c) Assist in the coordination of existing activities within the state and among neighboring states.

(d) Advise regional, state and local government on climate related issues.

(e) Assist students and faculty at the public universities listed in ORS 352.002 by

furnishing data and information needed in education and research programs.

(f) Study and analyze the relationships between climatic phenomena and activities in areas such as agriculture, water resources, energy production and use, air quality, building design and construction, transportation and communication, and business and commerce.

(g) Identify emerging climatic issues and anticipate public demand for information.

(h) Inform state, federal and private groups and the public on the availability and sources of climate-related services, information and data. [Formerly 352.245]

352.820 [1987 c.812 §7; renumbered 350.695 in 2015]

352.823 Oregon Climate Change Research Institute. (1) The Oregon Climate Change Research Institute is established at Oregon State University. In administering the institute, Oregon State University may seek the cooperation of other public universities listed in ORS 352.002.

(2) The purpose of the Oregon Climate Change Research Institute is to:

(a) Facilitate research by faculty at public universities listed in ORS 352.002 on climate change and its effects on natural and human systems in Oregon;

(b) Serve as a clearinghouse for climate change information;

(c) Provide climate change information to the public in integrated and accessible formats;

(d) Support the Oregon Global Warming Commission in developing strategies to prepare for and to mitigate the effects of climate change on natural and human systems; and

(e) Provide technical assistance to local governments to assist them in developing climate change policies, practices and programs.

(3) The Oregon Climate Change Research Institute shall assess, at least once each biennium, the state of climate change science, including biological, physical and social science, as it relates to Oregon and the likely effects of climate change on the state. The institute shall submit the assessment to the Legislative Assembly in the manner provided in ORS 192.245 and to the Governor.

(4) State agencies may contract with the Oregon Climate Change Research Institute to fulfill agency needs regarding the collection, storage, integration, analysis, dissemination and monitoring of climate change information, research and training. [Formerly 352.247]

352.829 Oceangoing Research Vessel Program. (1) The Oceangoing Research Vessel Program is established at Oregon State University in order to assist in the research and study of the waters of the Pacific Coast. Potential areas of research include, but are not limited to:

(a) Mapping the seabed in Oregon's territorial sea, as defined in ORS 196.405;

(b) Analyzing marine ecosystems, including but not limited to existing marine reserves, existing marine protected areas, proposed marine reserves and proposed marine protected areas;

(c) Analyzing the potential effects of climate change, including but not limited to ocean acidification;

(d) Compiling comprehensive assessments of overall ocean health;

(e) Understanding ocean dynamics, including but not limited to natural hazards such as tsunamis; and

(f) Installing instruments to effectively monitor the impact of wave energy systems, marine reserves and marine protected areas on marine ecosystems and fish populations.

(2) The Oceangoing Research Vessel Program shall solicit from state agencies and from students and faculty of public universities listed in ORS 352.002 proposals for the use of a research vessel operated under the program.

(3) In order to effectively allocate the use of research vessels operated under the Oceangoing Research Vessel Program, there is established a Research Vessel Council, consisting of seven members appointed by the President of Oregon State University. The president shall appoint to the council:

(a) At least one member who is a trained scientist with at least five years of marine research experience;

(b) Upon request from the agency, at least one member from each of the following agencies:

(A) State Department of Fish and Wildlife;

(B) State Department of Geology and Mineral Industries;

(C) Department of Land Conservation and Development; and

(D) Department of Environmental Quality; and

(c) At least one member who has expertise in marine operations or marine education.

(4) The Research Vessel Council shall evaluate proposals submitted under subsection (2) of this section on the basis of the:

(a) Proposal's geographical area of study;
 (b) Quality of the submitted management, research or educational rationale; and

(c) Feasibility of accommodating the proposed work within the schedule of federally funded projects for the research vessel.

(5) The Research Vessel Council shall schedule the use of a research vessel for selected proposals as part of the University-National Oceanographic Laboratory System ship scheduling process. [Formerly 352.252]

352.835 J.T. Apperson Agricultural College Educational Fund; general powers and duties of trustee; standards. (1) Oregon State University shall execute the trust created by the last will and testament of John T. Apperson, deceased. The university shall administer the trust fund provided for and designated in the will as the J. T. Apperson Agricultural College Educational Fund.

(2) Oregon State University may accept, receive, own, hold, sell and dispose of any and all real and personal property given, devised or bequeathed to the State Land Board by John T. Apperson in trust for the purpose of creating the J. T. Apperson Agricultural College Educational Fund. The university shall manage and use it in accordance with

the directions contained in the will of John T. Apperson, deceased, for the purpose of defraying the expenses and assisting in the education at Oregon State University of deserving young men and women who are residents of Oregon and are unable to bear the expense of a collegiate course at that institution.

(3) All necessary expenses incurred by Oregon State University in connection with the administration of the trust fund shall be payable out of the fund. Oregon State University may adopt any necessary standards for the transaction of business related to and the carrying out of this section and ORS 352.842. [Formerly 352.610]

352.842 Execution of instruments. Oregon State University may execute all deeds, conveyances, contracts, mortgage releases and all other instruments necessary to be executed in carrying out the terms of the trust referred to in ORS 352.835. All such deeds and other instruments may be executed in manner and form as prescribed by the university and shall be entitled to record without acknowledgment. [Formerly 352.620]

352.990 [Subsection (2) enacted as 1959 c.569 §6; 1969 c.622 §2; 1983 c.186 §2; 1983 c.338 §917; 1985 c.16 §475; repealed by 1987 c.158 §63 and 1987 c.246 §8]

