

Chapter 353

2017 EDITION

Oregon Health and Science University

	GENERAL PROVISIONS		
353.010	Definitions	353.300	Political or sectarian test prohibited in appointment of faculty or employees
353.020	Oregon Health and Science University as public corporation; establishment; status		FINANCE
353.030	Public policy of university; missions; purposes		(Generally)
353.035	Certain laws to be liberally construed; severability	353.330	Effect of law on bonds, certificates of participation or agreements for borrowing money; responsibility for payment; rights of holders of obligations
	BOARD OF DIRECTORS		(Bonds)
353.040	Board of directors; appointment; membership; meetings; removal of members	353.340	Issuance and sale of revenue bonds by university
353.050	Powers and duties of board and university officials	353.350	Revenue bonds considered bonds of political subdivision
353.060	President of university	353.360	Refunding bonds
	AUTHORITY AND DUTIES	353.370	Notice to Legislative Assembly required if shortfall in moneys exists for payment of amounts under bonds, certificates of participation or agreements for borrowing money
	(Generally)		(Temporary provisions relating to OHSU Cancer Institute are compiled as notes following ORS 353.370)
353.070	Products of individuals with disabilities; rules; publication of product sources		(Financial Agreements)
353.080	Report on activities and operations	353.380	Definitions for ORS 353.380 to 353.420
353.100	Applicability of laws to university	353.390	Authority; limitations
353.108	Real property and facilities utilized by university; legal title; lease; management	353.400	Delegation of board authority
353.110	Authority to acquire private property; condemnation	353.410	University powers regarding financing agreements and credit enhancement agreements
353.117	Creation of tax-exempt entity by university	353.420	Effect of financing agreement on tax status
353.120	Adoption of alcohol and drug abuse policy		PROGRAMS
353.125	Creation of police department and commission of police officers; rules	353.440	Coordination of programs
353.130	Public contracts	353.445	Venture grant program
353.140	Funding request	353.450	Area Health Education Center program; education and training for medical personnel in rural areas
353.160	Audits	353.455	Family medicine residency network
	(Students)	353.460	Oregon Institute of Occupational Health Sciences
353.180	Student education records	353.470	Funding of institute
353.190	Effect of student religious beliefs on admission and attendance	353.480	Pediatric dental residency program
353.200	Rights of students ordered to active duty; rules		OREGON OPPORTUNITY PROGRAM
353.202	Credit for room, board, tuition and fees for students ordered to active duty; rules	353.550	Definitions for ORS 353.550 to 353.559 and sections 10, 12, 14, 16 and 18, chapter 921, Oregon Laws 2001
353.205	Credit for education and training received while serving in Armed Forces; rules	353.553	Short title
	(Physical Access Committee)	353.556	Purpose; policy; findings; intent
353.210	Purpose; members; duties	353.559	Creation; university duties; expenditure of proceeds
	PERSONNEL		NURSING EDUCATION PROGRAM GRANTS
353.250	Alternative retirement programs	353.600	Definitions for ORS 353.600 to 353.612
353.260	Personnel records; access; control; creation		
353.270	Compensation of officers and employees; conflicts of interest		
353.280	Faculty; status; powers		
353.290	Reductions in faculty; affirmative action plans and goals		

EDUCATION AND CULTURE

353.603	Grant distribution; administrative expenses; contributions	353.609	Duties of committee; grant criteria; use of grant funds
353.606	Oregon Nursing Shortage Coalition Committee	353.612	Nursing Education Grant Fund

GENERAL PROVISIONS

353.010 Definitions. As used in this chapter:

(1) “Board” means the Oregon Health and Science University Board of Directors established under ORS 353.040.

(2) “Public corporation” means an entity that is created by the state to carry out public missions and services. In order to carry out these public missions and services, a public corporation participates in activities or provides services that are also provided by private enterprise. A public corporation is granted increased operating flexibility in order to best ensure its success, while retaining principles of public accountability and fundamental public policy. The board of directors of a public corporation is appointed by the Governor and confirmed by the Senate but is otherwise delegated the authority to set policy and manage the operations of the public corporation.

(3) “University” or “Oregon Health and Science University” means the Oregon Health and Science University public corporation created under ORS 353.020. [1995 c.162 §1; 1999 c.291 §1]

353.020 Oregon Health and Science University as public corporation; establishment; status. Oregon Health and Science University is established as a public corporation and shall exercise and carry out all powers, rights and privileges that are expressly conferred upon it, are implied by law or are incident to such powers. The university shall be a governmental entity performing governmental functions and exercising governmental powers. The university shall be an independent public corporation with statewide purposes and missions and without territorial boundaries. The university shall be a governmental entity but shall not be considered a unit of local or municipal government or a state agency for purposes of state statutes or constitutional provisions. [1995 c.162 §2; 1999 c.291 §2; 2001 c.123 §1]

353.030 Public policy of university; missions; purposes. (1) It shall be the public policy of the Oregon Health and Science University in carrying out its missions as a public corporation:

(a) To serve the people of the State of Oregon by providing education in health, science, engineering and their management for students of the state and region.

(b) To provide:

(A) An environment that stimulates the spirit of inquiry, initiative and cooperation

between and among students, faculty and staff;

(B) Research in health care, engineering, biomedical sciences and general sciences; and

(C) The delivery of health care to contribute to the development and dissemination of new knowledge.

(2) The university will strive for excellence in education, research, clinical practice, scholarship and community service while maintaining compassion, personal and institutional integrity and leadership in carrying out its missions.

(3) The university is designated to carry out the following public purposes and missions on behalf of the State of Oregon:

(a) Provide high quality educational programs appropriate for a health and science university;

(b) Conduct research in health care, engineering, biomedical sciences and general sciences;

(c) Engage in the provision of inpatient and outpatient clinical care and health care delivery systems throughout the state;

(d) Provide outreach programs in education, research and health care;

(e) Serve as a local, regional and statewide resource for health care providers; and

(f) Continue a commitment to provide health care to the underserved patient population of Oregon.

(4) The university shall carry out the public purposes and missions of this section in the manner that, in the determination of the Oregon Health and Science University Board of Directors, best promotes the public welfare of the people of the State of Oregon. [1995 c.162 §3; 2001 c.123 §3]

353.035 Certain laws to be liberally construed; severability. Chapter 162, Oregon Laws 1995, shall be liberally construed to effect the purposes and intent thereof. If any provision of chapter 162, Oregon Laws 1995, or the application of that provision to any particular circumstance or person, shall be held invalid, the remainder of chapter 162, Oregon Laws 1995, and the application of that provision to circumstances or persons other than those to which it is held invalid shall not be affected thereby. [1995 c.162 §90]

Note: Legislative Counsel has substituted “chapter 162, Oregon Laws 1995,” for the words “this Act” in section 90, chapter 162, Oregon Laws 1995, compiled as 353.035. Specific ORS references have not been substituted pursuant to 173.160. These sections may be determined by referring to the 1995 Comparative Section Table located in Volume 20 of ORS.

BOARD OF DIRECTORS

353.040 Board of directors; appointment; membership; meetings; removal of members. (1) There is established an Oregon Health and Science University Board of Directors consisting of nine members. The directors, except for the president of the university, shall be appointed by the Governor and shall be confirmed by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(2) Except for the president of the university, the term of office of each nonstudent member is four years. The term of office of the student member is two years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on October 1 next following. A member is eligible for reappointment for one additional term. If there is a vacancy for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term. The board shall nominate a slate of candidates whenever a vacancy occurs or is announced and shall forward the recommended candidates to the Governor for consideration. To assist the Governor in appointing the student member, the duly organized and recognized entity of student government shall submit a list of nominees to the Governor for consideration.

(3) The membership of the board shall be as follows:

(a) Seven representatives who, in the discretion of the Governor, have experience in areas related to the university missions or that are important to the success of Oregon Health and Science University, including but not limited to higher education, health care, scientific research, engineering and technology and economic and business development.

(b) One representative who is a student enrolled at the university.

(c) The president of the university, who shall be an ex officio voting member.

(4) Directors must be citizens of the United States. Except for the president of the university, no voting member may be an employee of the university.

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

(6) The board shall meet at least once every three months at Oregon Health and Science University. The board shall meet at such other times and places specified by the

chairperson or by a majority of the members of the board.

(7) The Governor may remove any member of the board at any time for cause, after notice and public hearing, but not more than three members shall be removed within a period of four years, unless it is for corrupt conduct in office. [1995 c.162 §4; 1999 c.291 §3; 2001 c.123 §4; 2015 c.767 §162]

353.050 Powers and duties of board and university officials. Except as otherwise provided in this chapter, the Oregon Health and Science University Board of Directors, or university officials acting under the authority of the board, shall exercise all the powers of the Oregon Health and Science University and shall govern the university. In carrying out its powers, rights and privileges, the university shall be a governmental entity performing governmental functions and exercising governmental powers. The university or the board may either within or outside the state:

(1) Determine or approve policies for the organization, administration and development of the university.

(2) Appoint and employ any instructional, administrative, professional, trade, occupational and other personnel as are necessary or appropriate to carry out the missions of the university, and prescribe their compensation and terms of office or employment.

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

(4) Acquire, purchase, receive, hold, control, convey, sell, manage, operate, lease, license, lend, invest, improve, develop, use, dispose of and hold title to real and personal property of any nature, including intellectual property, in its own name.

(5) Sue in its own name and be sued, plead and be impleaded in all actions, suits or proceedings in any forum brought by or against it by any and all private or state, local, federal or other public entities, agencies or persons.

(6) Encourage gifts and donations for the benefit of the university, and subject to the terms of the gift, retain, invest and use such gifts as deemed appropriate by the university or the board.

(7) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and invest all funds, appropriations, gifts, bequests, stock and revenue from any source to the university.

(8) 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 board.

(9) Erect, construct, improve, develop, repair, maintain, equip, furnish, lease, lend, convey, sell, manage, operate, use, dispose of and hold title to buildings, structures and lands for the university.

(10) 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 to carry out or further the missions of the university.

(11) Create, develop, supervise, control and adopt academic programs, including standards, qualifications, policies or practices relating to admissions, curriculum, academic advancement, grading policy, student conduct, credits and scholarships and the granting of academic degrees, certificates and other forms of recognition.

(12) Authorize, create, eliminate, establish, operate, reorganize, reduce or expand any program, school, institute, health care facility or other unit of operation.

(13) Establish, charge, collect and use charges for enrollment into the university, including charges such as tuition for education and general services, incidental fees and such other charges found by the university to be necessary to carry out its educational programs. Fees realized in excess of amounts allocated and exceeding required reserves shall be considered surplus incidental fees and shall be allocated for programs under the control of the board and found to be advantageous to the cultural or physical development of students of the university upon the recommendation of the recognized student government of the university.

(14) Establish, charge, collect and use charges and fees for university services and the use of university facilities.

(15) Impose charges, fines, fees and such other regulations considered convenient or necessary to control and regulate traffic and parking of vehicles to the same extent allowed governing boards of public universities listed in ORS 352.002. This authority includes the authority to enforce the regulations of the university in a court to the extent allowed the governing board of a pub-

lic university listed in ORS 352.002 in ORS 352.118.

(16) Enforce and recover for payment to the university any fines that are authorized by this chapter.

(17) Adopt, amend or repeal bylaws, administrative rules, regulations and orders applicable to the matters that are the subject of this chapter.

(18) Contract with any state agency for the performance of such duties, functions and powers as is appropriate. A state agency shall not charge the university for such services an amount that is greater than the actual cost of the services.

(19) 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. Separate funds may be established for such investments. The State of Oregon shall have no proprietary or other interest in such investments or such funds.

(20) Make available, by lease or otherwise, or control access to any health care facilities or services or other of its properties and assets to such persons, firms, partnerships, associations or corporations and on such terms as considered appropriate, charge and collect rent or other fees or charges therefor and terminate or deny any such access or any such lease or other agreement for such reasons as considered appropriate and as may be consistent with its obligations under any such lease or other agreement.

(21) Contract for the operation of any department, section, equipment or holdings of the university and enter into any agreements with any person, firm or corporation for the management by said person, firm or corporation on behalf of the university of any of its properties or for the more efficient or economical performance of clerical, accounting, administrative and other functions relating to its health care facilities.

(22) Select and appoint faculty as medical and dental staff members and others licensed to practice the healing arts, delineate and define the privileges granted each such individual, adopt and direct a plan for faculty clinical income and set the terms and conditions of that plan (including such modifications to any such existing plan as considered necessary or appropriate upon expiration of the term of such plan), and determine the extent to which and the terms upon which each such individual may provide teaching, research, consulting or other services at the university or any other health care facility.

(23) Enter into affiliation, cooperation, territorial, management or other similar agreements with other public or private universities or health care providers for the sharing, division, allocation or furnishing of services on an exclusive or a nonexclusive basis, referral of patients, management of facilities, formation of health care delivery systems and other similar activities.

(24) Perform any other acts that in the judgment of the board or university are requisite, necessary or appropriate in accomplishing the purposes described in or carrying out the powers granted by this chapter.

(25) Exercise these powers, notwithstanding that as a consequence of the exercise of such powers, the university engages in activities that might otherwise be deemed anti-competitive within the contemplation of state or federal antitrust laws. [1995 c.162 §8; 1997 c.853 §38; 1999 c.291 §4; 2009 c.895 §1; 2013 c.180 §61; 2015 c.767 §164]

353.060 President of university. The Oregon Health and Science University Board of Directors shall appoint a president of the university. The president is the president of the faculty and is the executive and governing officer of the university. Subject to the supervision of the board, the president has authority to direct the affairs of the university. [1995 c.162 §11]

AUTHORITY AND DUTIES

(Generally)

353.070 Products of individuals with disabilities; rules; publication of product sources. (1) As used in this section:

(a) "Direct labor" includes all work required for preparation, processing and packing, but not supervision, administration, inspection or shipping.

(b) "Individual with a disability" means an individual who, because of the nature of the individual's disability, is not able to participate fully in competitive employment, and for whom specialized employment opportunities must be provided.

(c) "Qualified nonprofit agency for individuals with disabilities" means a nonprofit activity center or rehabilitation facility:

(A) Organized under the laws of the United States or of this state and operated in the interest of individuals with disabilities, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

(B) That complies with any applicable occupational health and safety standards required by the laws of the United States or of this state; and

(C) That in the manufacture of products and in the provision of services during the fiscal year employs individuals with disabilities for not less than 75 percent of the work hours of direct labor required for the manufacture or provision of the products or services.

(2) The Oregon Health and Science University Board of Directors shall further the policy of this state to encourage and assist individuals with disabilities to achieve maximum personal independence through useful and productive gainful employment by ensuring an expanded and constant market for sheltered workshop and activity center products and services, thereby enhancing the dignity and capacity of individuals with disabilities for self-support and minimizing their dependence on welfare and need for costly institutionalization.

(3) It shall be the duty of Oregon Health and Science University to:

(a) Determine the price of all products manufactured and services offered for sale to the university by any qualified nonprofit agency for individuals with disabilities. The price shall recover for the workshops the cost of raw materials, labor, overhead, delivery costs and a margin held in reserve for inventory and equipment replacement;

(b) Revise such prices from time to time in accordance with changing cost factors;

(c) Make such rules regarding specifications, time of delivery and other relevant matters of procedure as shall be necessary; and

(d) Utilize prices and specifications, in its discretion, established by the Oregon Department of Administrative Services.

(4) The university shall establish and publish a list of sources or potential sources of products produced by any qualified nonprofit agency for individuals with disabilities and the services provided by any such agency that the university determines are suitable for its procurement. The university, in its discretion, may utilize any list established and published by the Oregon Department of Administrative Services.

(5) If the university intends to procure any product or service on the procurement list, the university shall procure such product or service at the price established by the university from a qualified nonprofit agency for individuals with disabilities, provided the product or service is of the appropriate specifications and is available at the location and within the period required by the university.

(6) It is the intent of the Legislative Assembly that there be close cooperation between the board, the university and qualified nonprofit agencies for individuals with disa-

bilities. The university, on behalf of the board, is authorized to enter into such contractual agreements, cooperative working relationships or other arrangements as may be necessary for effective coordination and efficient realization of the objectives of this section. [1995 c.162 §16a; 1999 c.291 §5; 2007 c.70 §148]

353.080 Report on activities and operations. Oregon Health and Science University shall file with the Legislative Assembly, the Higher Education Coordinating Commission and the Governor, not later than April 15 of each year, a report of the university's activities and operations for the preceding year. [1995 c.162 §7; 1999 c.291 §6; 2011 c.637 §256a]

353.100 Applicability of laws to university. (1) The provisions of ORS chapters 35, 190, 192, 244 and 295 and ORS 30.260 to 30.460, 200.005 to 200.025, 200.045 to 200.090, 236.605 to 236.640, 243.650 to 243.782, 297.040, 307.090 and 307.112 apply to Oregon Health and Science University under the same terms as they apply to public bodies other than the state.

(2) Except as otherwise provided by law, the provisions of ORS chapters 182, 183, 240, 270, 273, 276, 279A, 279B, 279C, 283, 291, 292, 293, 294 and 297 and ORS 35.550 to 35.575, 180.060, 180.210 to 180.235, 183.710 to 183.730, 183.745, 183.750, 184.305 to 184.345, 190.430, 190.480, 190.490, 192.105, 200.035, 243.105 to 243.585, 243.696, 278.011 to 278.120, 278.315 to 278.415, 279.835 to 279.855, 282.010 to 282.150, 283.085 to 283.092, 357.805 to 357.895 and 656.017 (2) do not apply to the university or any not-for-profit organization or other entity if the equity of the entity is owned exclusively by the university and if the organization or entity is created by the university to advance any of the university's statutory missions.

(3) The university, as a distinct governmental entity, or any organization or entity described in subsection (2) of this section is not subject to any provision of law enacted after January 1, 1995, with respect to any governmental entity, unless the provision specifically provides that it applies to the university or to the organization or entity. [1995 c.162 §9; 1999 c.291 §7; 2001 c.921 §27; 2003 c.534 §13; 2003 c.794 §263; 2007 c.100 §33; 2012 c.107 §62]

353.108 Real property and facilities utilized by university; legal title; lease; management. (1) Legal title to real property and facilities acquired by the State of Oregon prior to July 1, 1995, and utilized by Oregon Health and Science University shall remain with the State of Oregon. However, the university shall have the exclusive care, custody and control of such real property and facilities pursuant to an exclusive leasehold interest in the real property and facilities for a term of 99 years. The term of the leasehold

shall begin on July 1, 1995, and shall renew automatically and perpetually for consecutive 99-year terms.

(2) Notwithstanding any other provisions of Oregon law concerning the authority of state agencies to lease real property and facilities, the Oregon Department of Administrative Services acting on behalf of the State of Oregon shall execute a ground lease for all real property and facilities utilized by the university consistent with the provisions of this section.

(3) The ground lease shall not be subject to any termination unless:

(a) The State of Oregon causes all outstanding obligations of the university to be defeased under the terms of any applicable master indenture or financing agreement; and

(b) There are no other conditions placed on the university.

(4) Upon execution of the ground lease, the university shall pay the State of Oregon the sum of \$99 in consideration for the ground lease.

(5) The ground lease executed under this section shall supersede the lease entered into between the State of Oregon and the university in December 1995, with respect to the real property and facilities, including but not limited to provisions in the lease relating to or setting forth:

(a) Purported limitations on the authority of public universities listed in ORS 352.002 to bind the State of Oregon;

(b) The term of the lease and the absence of any renewal provisions; and

(c) Any circumstances under which the lease may be terminated.

(6) The university shall manage and maintain all real property and facilities utilized by the university. Real property and facilities of the State of Oregon leased to the university pursuant to this section shall not be sold by the university but may be encumbered by the university. Such real property and facilities shall 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. [1995 c.162 §34; 1999 c.291 §18; 2015 c.767 §165]

353.110 Authority to acquire private property; condemnation. The Oregon Health and Science University may acquire, by condemnation or otherwise, private property that is necessary or convenient in carrying out any power granted to the

university. The right to acquire property by condemnation shall be exercised as provided by ORS chapter 35. [1995 c.162 §22; 2003 c.534 §14]

353.117 Creation of tax-exempt entity by university. (1) Pursuant to ORS 353.050, Oregon Health and Science University may create and maintain an entity that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, as amended, for the purpose of conducting clinical care and practice and advancing other university missions by the faculty.

(2) Any entity created by the university under subsection (1) of this section shall be considered:

(a) A public employer for purposes of ORS 236.605 to 236.640 and ORS chapters 238 and 238A;

(b) A unit of local government for purposes of ORS 190.003 to 190.130;

(c) A public body for purposes of ORS 30.260 to 30.300 and 307.112;

(d) A public agency for purposes of ORS 200.090; and

(e) A public corporation for purposes of ORS 307.090. [2001 c.921 §26; 2003 c.86 §9; 2003 c.733 §75]

353.120 Adoption of alcohol and drug abuse policy. The Oregon Health and Science University, in consultation with the Alcohol and Drug Policy Commission, shall adopt a comprehensive alcohol and drug abuse policy and implementation plan. [1995 c.162 §27; 2011 c.673 §10]

353.125 Creation of police department and commission of police officers; rules.

(1) The Oregon Health and Science University Board of Directors, or Oregon Health and Science University officials acting under the authority of the board, may 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 university; and

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

(3) When the university establishes a police department and commissions one or more employees as police officers under this section, 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 university may:

(a) 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; and

(b) Adopt rules to carry out the provisions of this section. [2013 c.180 §1]

Note: 353.125 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 353 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

353.130 Public contracts. The Oregon Health and Science University subscribes to the policy set forth under ORS 279A.015 regarding public contracting, and shall develop contract policies that support openness, impartiality and competition in the awarding of contracts in accordance with that provision. The university subscribes to the intent of the social policies of ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C and shall develop contract policies that are appropriate to the university and are designed to encourage affirmative action, recycling, inclusion of art in public buildings, the purchase of services and goods from individuals with disabilities, the protection of workers through the payment of prevailing wages as determined by the Bureau of Labor and Industries, the provision of workers' compensation insurance to workers on contracts and the participation of minority-owned businesses, woman-owned businesses, businesses that service-disabled veterans own and emerging small businesses, as those terms are defined in ORS 200.005. [1995 c.162 §16; 2003 c.794 §264; 2007 c.70 §149; 2015 c.565 §21]

353.140 Funding request. (1) By September 1 of each even-numbered year the Oregon Health and Science University shall submit to the Oregon Department of Administrative Services a funding request for each biennium. The Oregon Department of Administrative Services shall include and submit a university funding request to the Legislative Assembly as part of the Governor's budget. Any such request approved by the Legislative Assembly shall be appropriated to the Higher Education Coordinating Commission for direct allocation to the university. The university funding request to the Legislative Assembly shall include a presentation on tuition and student fee levels.

(2) The university funding request shall be prepared in accordance with generally accepted accounting principles and adopted by the Oregon Health and Science University Board of Directors in accordance with ORS

192.610 to 192.690. [1995 c.162 §13; 2015 c.171 §2; 2016 c.117 §60]

353.160 Audits. Nothing in this chapter affects the constitutional duties and authority of the Secretary of State to audit public accounts. However, the Oregon Health and Science University shall conduct independent audits if the audits are considered advisable by the university. Subject to ORS 297.250, the audits are subject to the exclusive discretion and control of the university. The audits are subject to disclosure pursuant to ORS 192.311 to 192.478. [1995 c.162 §14; 2009 c.578 §3]

(Students)

353.180 Student education records. Oregon Health and Science University may adopt policies relating to the creation, use, custody and disclosure, including access, of student education records of the university that are consistent with the requirements of applicable state and federal law. Whenever a student has attained 18 years of age or is attending the university, the permission or consent required of and the rights accorded to a parent of the student regarding education records shall thereafter only be required of and accorded to the student. [1995 c.162 §26; 1999 c.291 §8]

353.190 Effect of student religious beliefs on admission and attendance. (1) No student shall be refused admission to the Oregon Health and Science University or be expelled for the sole reason that, because of religious beliefs, the student is unable to attend classes on a particular day.

(2) Any student in the university who, because of religious beliefs, is unable to attend classes on a particular day shall be excused on that day from any examination, study requirement or work requirement. However, at the student's own expense the student shall make up the examination, study requirement or work requirement missed because of the absence. [1995 c.162 §30]

353.200 Rights of students ordered to active duty; rules. (1) A student at the Oregon Health and Science University 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 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 353.202 for all amounts paid for room, board, tuition and fees;

(c) If the student elects to withdraw from the university, the right to be readmitted and reenrolled at the 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 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 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 Oregon Health and Science University Board of Directors shall adopt rules 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. [2005 c.170 §8; 2005 c.836 §17; 2011 c.637 §257; 2012 c.106 §9; 2013 c.747 §152]

353.202 Credit for room, board, tuition and fees for students ordered to active duty; rules. (1)(a) The amount of the credit specified in ORS 353.200 (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 remaining in the term or course when the student withdraws.

(c) At the time a student withdraws from a course at the Oregon Health and Science University or from the 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 university under ORS 353.200 (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 university.

(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 university that the student died while serving on active duty.

(5) The Oregon Health and Science University Board of Directors shall adopt rules for the administration of this section, including rules that determine the amount of credit and the method by which the credit is prorated. [2005 c.170 §9]

353.205 Credit for education and training received while serving in Armed Forces; rules. The Oregon Health and Science University 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 Oregon Health and Science University Board of Directors by rule. [2005 c.518 §5]

(Physical Access Committee)

353.210 Purpose; members; duties. (1) The Oregon Health and Science University shall convene a physical access committee to identify barriers to access by persons with disabilities at the 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 university’s facilities;

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

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

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

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

(2) The physical access committee shall present its findings and recommendations to the administration of the university, listing access needs and priorities for meeting 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 budget requests for each biennium, the 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 the university to undertake projects for accessibility that are not otherwise required unless such projects are funded specifically by the Legislative Assembly. [1995 c.162 §29; 2007 c.70 §150]

PERSONNEL

353.250 Alternative retirement programs. Notwithstanding the provisions of ORS chapters 238 and 238A, the Oregon Health and Science University may offer to its employees, in addition to the Public Em-

ployees Retirement System, alternative retirement programs. [1995 c.162 §15; 1997 c.249 §111; 2003 c.733 §76]

353.260 Personnel records; access; control; creation. (1) Oregon Health and Science University may adopt policies governing access to university personnel records that are less than 25 years old.

(2) Policies adopted under subsection (1) of this section shall require that personnel records be subjected to restrictions on access unless the president of the university finds 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) No rule or order adopted pursuant to this section shall deny to a faculty member full access to the member's personnel file or records kept by the university, except as provided in subsection (4)(d) and (e) of this section.

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

(b) Any evaluation received by telephone shall 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.

(c) A faculty member shall be entitled to submit, for placement in the 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.

(d) Letters and other information for a faculty member of the university submitted in confidence to the State Board of Higher Education or its public universities or offices, schools or departments prior to July 1, 1975, shall be maintained in the files designated by paragraph (a) of this subsection. 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 files designated by paragraph (a) of this subsection.

(e) Confidential letters and other information submitted to or solicited by the uni-

versity after July 1, 1995, and prior to the employment of a prospective faculty member are exempt from the provisions of this paragraph. However, if the member is employed by the university, the confidential preemployment materials shall be placed in the files designated by paragraph (a) of this subsection. 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 files designated by paragraph (a) of this subsection.

(f) Classroom survey evaluations 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 by paragraph (a) of this subsection. All survey instruments used to obtain evaluation data shall be returned to the faculty member.

(g) The university, when evaluating its employed faculty members, shall 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.

(5) No policy or order adopted pursuant to this section limits the authority of the university to prepare, without identification of individual persons who have not consented thereto, statistical or demographic reports from personnel records.

(6) Any category of personnel records specifically designated as confidential pursuant to valid policies or orders as provided in this section shall not be deemed a public record for the purposes of ORS 192.314.

(7) As used in this section, "personnel records" means records containing information kept by the university concerning a faculty member and furnished by the faculty member or by others about the faculty member at the member's or at the university's request, including but not limited to information concerning discipline, membership activity, employment performance or other personal records of individual persons. [1995 c.162 §23; 1999 c.291 §9; 2011 c.637 §258]

353.270 Compensation of officers and employees; conflicts of interest. (1) Oregon Health and Science University may authorize receipt of compensation for any officer or employee of the university 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 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 university and the private entity;

(e) Performing public duties paid by private organizations, including university corporate affiliates, that augment an officer's or employee's publicly funded salary. Such income shall be authorized and received in accordance with policies established by the university; and

(f) Providing medical and other health services.

(2) The university may not authorize compensation, as described in subsection (1) of this section, that, in the university's judgment, does not comport with the missions of the 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 policies of the university. The disclosure is a public record subject to public inspection.

(4) The university shall adopt standards governing employee outside employment and activities of employees, including potential conflicts of interest, as defined by the university and consistent with ORS 244.020, and the public disclosure thereof, and procedures for reporting and hearing potential or actual conflict of interest complaints. [1995 c.162 §24; 1999 c.291 §10; 2007 c.877 §27]

353.280 Faculty; status; powers. The president and professors constitute the faculty of the Oregon Health and Science University and as such have the immediate government and discipline of it and the students therein. The faculty may, subject to the supervision of the Oregon Health and Science University Board of Directors, prescribe the course of study to be pursued at the university and the textbooks to be used. [1995 c.162 §28]

353.290 Reductions in faculty; affirmative action plans and goals. The Oregon Health and Science University 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. [1995 c.162 §31]

353.300 Political or sectarian test prohibited in appointment of faculty or employees. No political or sectarian test shall ever be allowed or applied in the appointment of faculty and other employees of the Oregon Health and Science University. [1995 c.162 §25]

FINANCE (Generally)

353.330 Effect of law on bonds, certificates of participation or agreements for borrowing money; responsibility for payment; rights of holders of obligations. (1) Nothing in chapter 162, Oregon Laws 1995, shall be construed in any way to impair the obligations or agreements of the State of Oregon or the Oregon Department of Administrative Services with respect to bonds, certificates of participation, financing agreements or other agreements for the borrowing of money issued prior to July 1, 1995, by the State of Oregon on behalf of the State Board of Higher Education for equipment or projects for Oregon Health and Science University. The university and the department shall take all actions necessary to ensure full compliance with all indentures, resolutions, declarations, agreements and other documents issued with respect to the bonds, certificates of participation, financing agreements or other agreements for the borrowing of money issued prior to July 1, 1995, by the State of Oregon on behalf of the State Board of Higher Education for equipment or projects for the university. The department and the university shall establish, in a written agreement that is approved by the State Treasurer, the responsibility of the university for the payment to the department of moneys sufficient to pay when due all principal, interest and any other charges on bonds, certificates of participation, financing agreements or other agreements for the borrowing of money issued prior to July 1, 1995, by the State of Oregon on behalf of the State Board of Higher Education for equipment or projects for the university.

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

(a) Such holders have no rights, liens or other interests with respect to such rents, revenues, receipts, appropriations or other income of the university that are senior or superior to the rights granted to the holders of obligations issued prior to July 1, 1995, by the State of Oregon on behalf of the State Board of Higher Education for equipment or projects for the university; and

(b) The department or the State of Oregon, acting for the benefit of such holders of obligations, is granted a lien or other security interest in the rents, revenues, receipts, appropriations or other income of the university that is not junior to and is at least *pari passu* with any lien or other security interest granted to the holders of obligations issued by the university.

(3) Any expenses, including legal expenses, judgments, liabilities and federal arbitrage and rebate penalties arising from the actions of the university, if incurred with respect to bonds, certificates of participation, financing agreements or other agreements for the borrowing of money issued prior to July 1, 1995, by the State of Oregon on behalf of the State Board of Higher Education for equipment or projects for the university, shall be paid when due by the university, subject to the university's right to reasonably contest such charges, judgments, liabilities or penalties. The university shall assist the department in making any necessary calculations and filing any necessary reports related to arbitrage and rebate on such indebtedness.

(4) Any amounts deposited with the State Treasurer, the department or its designated agents in any debt service in reserve accounts for the debt service associated with any bonds, certificates of participation, financing agreements or other agreements for the borrowing of money issued prior to July 1, 1995, by the State of Oregon on behalf of the State Board of Higher Education for equipment or projects for the university shall remain with the State Treasurer, the department or its designated agents until such time as the bonds, certificates of participation, financing agreements or other agreements for the borrowing of money for which such reserve accounts have been established have been retired or defeased. The university shall be credited with the investment earnings on

such reserve accounts. [1995 c.162 §58; 1999 c.291 §11; 2015 c.767 §23]

Note: Legislative Counsel has substituted "chapter 162, Oregon Laws 1995," for the words "this Act" in section 58, chapter 162, Oregon Laws 1995, compiled as 353.330. Specific ORS references have not been substituted pursuant to 173.160. These sections may be determined by referring to the 1995 Comparative Section Table located in Volume 20 of ORS.

(Bonds)

353.340 Issuance and sale of revenue bonds by university. Oregon Health and Science University may from time to time issue and sell revenue bonds in accordance with ORS chapter 287A. However, the provisions contained in ORS 287A.150 (2) to (6) do not apply to revenue bonds issued by the university. Such revenue bonds shall not in any manner nor to any extent be a general obligation of the university nor a charge upon any revenues or property of the university not specifically pledged thereto. An obligation described in this section is not an indebtedness of the State of Oregon. [1995 c.162 §59; 1999 c.291 §12; 2007 c.783 §156]

353.350 Revenue bonds considered bonds of political subdivision. Revenue bonds issued by the Oregon Health and Science University pursuant to ORS chapter 287A shall be considered to be bonds of a political subdivision of the State of Oregon for the purposes of all laws of the state. [1995 c.162 §60; 2007 c.783 §157]

353.360 Refunding bonds. Refunding bonds of the same character and tenor as those replaced thereby may be issued by the Oregon Health and Science University pursuant to ORS 287A.360 to 287A.380. [1995 c.162 §61; 2007 c.783 §158]

353.370 Notice to Legislative Assembly required if shortfall in moneys exists for payment of amounts under bonds, certificates of participation or agreements for borrowing money. In addition to, and not in limitation of, the means of satisfying state general obligation bond obligations under ORS 291.445, Oregon Health and Science University, promptly upon the discovery of any shortfall in moneys available to the university for the payment when due of amounts under any bonds, certificates of participation, financing agreements or other agreements for the borrowing of moneys issued prior to July 1, 1995, by the State of Oregon on behalf of the State Board of Higher Education for equipment or projects for the university, shall notify in writing the Legislative Assembly, or if the Legislative Assembly is not in session, the Emergency Board, of the existence and amount of the shortfall. The Legislative Assembly or the Emergency Board, as the case may be, may provide funds to satisfy the payment of any such amount.

By enacting this provision, the Legislative Assembly acknowledges its current intention to provide, from funds other than those appropriated or otherwise made available to public universities listed in ORS 352.002, funds to pay such amount. However, except as may be required by the Oregon Constitution or ORS 291.445, neither the Legislative Assembly nor the Emergency Board shall have any legal obligation to provide funds under this section. [1995 c.162 §61a; 1999 c.291 §13; 2015 c.767 §24]

(Temporary provisions relating to OHSU Cancer Institute)

Note: Sections 12, 18 to 28 and 30 (1), chapter 121, Oregon Laws 2014, provide:

Sec. 12. Use of lottery bonds for funding OHSU Cancer Institute Project. (1) Subject to subsection (2) of this section, for the biennium beginning July 1, 2013, at the request of the Oregon Department of Administrative Services, after the department consults with Oregon Health and Science University, the State Treasurer is authorized to issue lottery bonds pursuant to ORS 286A.560 to 286A.585 in an amount that does not exceed \$38 million in net proceeds for the purpose described in subsection (3) of this section, plus an additional amount estimated by the State Treasurer to be necessary to pay bond-related costs.

(2) The lottery bonds authorized by this section may not be issued until the Oregon Department of Administrative Services certifies to the State Treasurer that Oregon Health and Science University has complied with the terms and conditions imposed by the grant agreement required by section 22 of this 2014 Act for issuance of the OHSU Cancer Challenge Article XI-G Bonds.

(3) Net proceeds of lottery bonds issued under this section in an amount sufficient to provide \$38 million in net proceeds and interest earnings must be transferred to the department for deposit in the ODAS Economic Development Distributions Fund established in ORS 461.553 for distribution to Oregon Health and Science University for the purpose of financing the project, as defined in section 20 of this 2014 Act.

(4) The Legislative Assembly finds that the use of lottery bond proceeds will create jobs, further economic development, finance public education or restore and protect parks, beaches, watersheds and native fish and wildlife, and is authorized based on the finding that the project will create jobs and facilitate and encourage long-term economic development by promoting the health of Oregon's labor force. [2014 c.121 §12]

Sec. 18. Sections 19 to 23 of this 2014 Act are added to and made a part of ORS chapter 286A. [2014 c.121 §18]

Sec. 19. Legislative findings and intent. (1) The Legislative Assembly finds that:

(a) Oregon Health and Science University is a higher education institution and a constructing authority within the meaning of Article XI-G of the Oregon Constitution.

(b) The State of Oregon will benefit from having the State Treasurer issue general obligation bonds authorized by Article XI-G of the Oregon Constitution for the benefit of the university.

(c) The university may use proceeds of general obligation bonds issued for the university's benefit under Article XI-G of the Oregon Constitution, to acquire, construct, improve, repair, equip and furnish the OHSU Cancer Institute Project.

(d) As part of the university's efforts to provide world-class education, including research, health care and other mission-related programs of the university, the university needs buildings, structures and land that:

(A) Will be used for cancer-related research, clinical care and higher education facilities or operations; and

(B) May be used for research, health care or education facilities, programs or ancillary uses constructed, developed or operated in collaboration with other public or private parties.

(2) For purposes of Article XI-G, section 1 (2), of the Oregon Constitution, the Legislative Assembly determines that the university is a higher education institution that will be benefited by the issuance of general obligation bonds under Article XI-G of the Oregon Constitution.

(3) For purposes of Article XI-G, section 1 (3), of the Oregon Constitution, the Legislative Assembly determines that the use of matching funds by the university satisfies the requirement that the proceeds of Article XI-G bonds must be matched.

(4) The Legislative Assembly intends that the State Treasurer shall issue and sell the OHSU Cancer Challenge Article XI-G Bonds as soon as practicable after the Oregon Department of Administrative Services requests issuance of the bonds for the benefit of the university. [2014 c.121 §19]

Sec. 20. Definitions. As used in sections 19 to 23, chapter 121, Oregon Laws 2014:

(1) "Article XI-G bonds" means general obligation bonds issued under the authority of Article XI-G of the Oregon Constitution.

(2) "Bond-related costs" means:

(a) The costs of paying the principal of, the interest on and the premium, if any, on the OHSU Cancer Challenge Article XI-G Bonds.

(b) The costs and expenses of issuing, administering and maintaining OHSU Cancer Challenge Article XI-G Bonds, including the costs and expenses of:

(A) Redeeming the OHSU Cancer Challenge Article XI-G 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 the State Treasurer, the Oregon Department of Administrative Services or Oregon Health and Science University, including the costs of consultants or advisers retained by the State Treasurer, the department or the university.

(c) The costs of funding reserves for the OHSU Cancer Challenge Article XI-G Bonds.

(d) Capitalized interest for the OHSU Cancer Challenge Article XI-G Bonds.

(e) Rebates or penalties due to the United States in connection with the OHSU Cancer Challenge Article XI-G Bonds.

(f) Any other costs or expenses that the State Treasurer, the department or the university determines are necessary or desirable in connection with issuing and maintaining the OHSU Cancer Challenge Article XI-G Bonds.

(3) "Matching funds" means moneys in an aggregate amount totaling at least the amount of bond proceeds that are available, as required by Article XI-G, section 1 (3), of the Oregon Constitution, to the university and that are used by the university to pay costs of the project.

(4) "OHSU Cancer Challenge Article XI-G Bonds" means general obligation bonds issued or other general obligation indebtedness incurred under the authority of

Article XI-G of the Oregon Constitution and sections 19 to 23, chapter 121, Oregon Laws 2014.

(5) “OHSU Cancer Institute Project” or “project” means the acquisition, construction, improvement, repair, equipping and furnishing of buildings, structures or lands that:

(a) May be constructed or developed in collaboration with other entities;

(b) Are owned, leased or occupied, in whole or in part, by the university; and

(c) Contain facilities used directly for or in furtherance of:

(A) The purposes of health care, cancer-related research, cancer-related clinical care or cancer-related higher education, including clinical laboratory, clinical trial, wet laboratory, research administration or other research-related purposes; and

(B) Any other higher education, administration, research, non-research or ancillary purposes. [2014 c.121 §20; 2015 c.685 §7]

Sec. 21. Issuance of Article XI-G bonds. (1) In the biennium beginning July 1, 2015, the State Treasurer, at the request of the Oregon Department of Administrative Services, may issue Article XI-G bonds, as provided in this chapter, for the purpose of financing the project, plus an amount determined by the State Treasurer to pay estimated bond-related costs.

(2) OHSU Cancer Challenge Article XI-G Bonds are a general obligation of the State of Oregon and must contain a direct promise on behalf of the State of Oregon to pay the principal of, the interest on and the premium, if any, on the OHSU Cancer Challenge Article XI-G Bonds. The State of Oregon shall pledge its full faith and credit and taxing power, including the ad valorem taxing power, to pay the principal of, the interest on and the premium, if any, on the bonds.

(3) The proceeds of bonds issued under this section are appropriated to the State Treasurer for the payment of bond-related costs and for transfer to the department.

(4) The State Treasurer shall transfer net proceeds and interest earnings to the department to be granted to Oregon Health and Science University upon satisfaction of terms and conditions in the grant agreement required by section 22, chapter 121, Oregon Laws 2014. [2014 c.121 §21; 2015 c.685 §8]

Sec. 22. Grant agreement between Oregon Department of Administrative Services and Oregon Health and Science University. (1) Before the State Treasurer may issue the OHSU Cancer Challenge Article XI-G Bonds:

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

(A) Establish terms and conditions related to the grant, disbursement and use of net proceeds of the OHSU Cancer Challenge Article XI-G Bonds and interest earnings; and

(B) Provide for granting of net proceeds to the university upon satisfaction of the terms and conditions imposed in the grant agreement.

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

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

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

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

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

(b) Require that the bond proceeds be granted directly to a trustee or escrow agent.

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

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

(B) Administer the grant.

(3) The department shall transfer the grant to the university when the department is satisfied that the university has complied, or will comply, with all of the terms and conditions imposed by Article XI-G of the Oregon Constitution, sections 19 to 23, chapter 121, Oregon Laws 2014, and the grant agreement required by this section.

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

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

(b) Transfer the moneys granted to the university directly to a trustee or escrow agent. [2014 c.121 §22; 2015 c.685 §9; 2015 c.767 §42; 2015 c.828 §36]

Sec. 23. Payment of bond-related costs. (1) For each biennium in which any part of the OHSU Cancer Challenge Article XI-G Bonds remain outstanding, the Oregon Department of Administrative Services shall request that the Governor include in the Governor’s budget to the Legislative Assembly an amount that is sufficient to pay the bond-related costs that become due in the biennium.

(2) The Legislative Assembly shall appropriate to the Oregon Department of Administrative Services any moneys made available to pay bond-related costs.

(3) Oregon Health and Science University is not obligated to pay the bond-related costs of the OHSU Cancer Challenge Article XI-G Bonds. [2014 c.121 §23; 2016 c.117 §74]

Sec. 24. Report on jobs created. The Oregon Health and Science University shall report annually to a committee or interim committee of the Legislative Assembly, as appropriate, with subject matter jurisdiction over economic development, business and industry, regarding the nature and number of new and ongoing jobs created at the university in connection with the operation of the OHSU Cancer Institute. [2014 c.121 §24]

Sec. 25. Repeal. Section 24 of this 2014 Act is repealed on January 2, 2024. [2014 c.121 §25]

Sec. 26. Plan for private sector development made in connection with OHSU Cancer Institute; report. (1) The Oregon Health and Science University and the Oregon Business Development Department shall collaborate to develop a plan that includes but is not limited to policy recommendations and recommendations for legislation, to encourage private sector development in Oregon of technologies related to cancer-related health care, education, research, developments and discoveries provided or made in connection with the operation of the OHSU Cancer Institute.

(2) The university and department shall report to the Legislative Assembly on the plan developed pursuant to subsection (1) of this section to the 2015 regular session of the Legislative Assembly in the manner prescribed by ORS 192.245. [2014 c.121 §26]

Sec. 27. Applicability of laws; employment of apprentices; awarding of contracts; Leadership in Energy and Environmental Design certification; report. (1) Notwithstanding the provisions of ORS 279A.025 (2)(a)(B) and 353.100 (2):

(a) For the purposes of this subsection, the Oregon Health and Science University is a public agency, as defined in ORS 279C.800, and the OHSU Cancer Institute Project, as defined in section 20 of this 2014 Act, is a public works, as defined in ORS 279C.800;

(b) The provisions of ORS 279C.800, 279C.810, 279C.825, 279C.827, 279C.829, 279C.830, 279C.835, 279C.836, 279C.838, 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865 and 279C.870 apply to any construction, reconstruction, major renovation or painting that the Oregon Health and Science University performs or contracts to perform in connection with the OHSU Cancer Institute Project or that any not-for-profit organization or other entity the university owns exclusively or creates to advance any of the university's statutory missions performs or contracts to perform in connection with the OHSU Cancer Institute Project; and

(c) The provisions of ORS 279C.800, 279C.810, 279C.825, 279C.827, 279C.829, 279C.830, 279C.835, 279C.836, 279C.838, 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865 and 279C.870 apply to any construction, reconstruction, major renovation or painting that occurs in connection with the OHSU Cancer Institute Project, with or without using funds of a public agency, on real property that the Oregon Health and Science University owns, or on real property owned by any not-for-profit organization or other entity the university owns exclusively or creates to advance any of the university's statutory missions.

(2) In all contracts for constructing, reconstructing, renovating or painting any improvement to real property in connection with the OHSU Cancer Institute Project, the Oregon Health and Science University shall provide that each contractor shall employ apprentices in apprenticeable occupations to perform work on the OHSU Cancer Institute Project on the same terms, at the same rates of wage and for the same percentage of the total hours worked that the university requires in the university's other contracts for construction services. The university shall provide in the university's contracts for constructing, reconstructing, renovating or painting improvements to real property in connection with the OHSU Cancer Institute Project that each contractor include the requirements set forth in this subsection in the contractor's contracts with subcontractors.

(3) The Oregon Health and Science University shall consult with the Department of Environmental Quality to establish a set of criteria for giving a preference in awarding contracts in connection with the OHSU Cancer Institute Project to contractors that minimize emissions from diesel fuel to the greatest extent possible.

(4) The Oregon Health and Science University may seek Leadership in Energy and Environmental Design certification for any improvement to real property in connection with the OHSU Cancer Institute Project. The university shall pay the costs associated with obtaining a certification from the United States Green Building Council from university funds other than the proceeds of OHSU Cancer Challenge XI-G Bonds, as defined in section 20 of this 2014 Act, or the proceeds of the lottery bonds described in section 12 of this 2014 Act.

(5)(a) On or before each date on which the Legislative Assembly convenes in regular session, the Oregon Health and Science University, in a report to the Legislative Assembly, shall identify the geographical origin of each contractor, subcontractor or other vendor that performs construction work in connection with the OHSU Cancer Institute Project. For purposes of this subsection, a contractor's, subcontractor's or vendor's geographical origin means the city or county and state in which the contractor, subcontractor or vendor maintains a headquarters or, if the location of the headquarters is not available, the state in which the contractor, subcontractor or vendor is incorporated or the city, county, state or other region in which the contractor, subcontractor or vendor conducts the ma-

jority of the contractor's, subcontractor's or vendor's business operations.

(b) The Oregon Health Science University shall continue to report to the Legislative Assembly as provided in paragraph (a) of this subsection until construction on the OHSU Cancer Institute Project is complete or until December 31, 2018, whichever date is later. [2014 c.121 §27]

Sec. 28. Report on clinical trials. The Oregon Health and Science University shall report to each regular session of the Legislative Assembly, in the manner prescribed by ORS 192.245, the number and geographic distribution of Oregon residents who participated in clinical trials associated with the OHSU Cancer Institute during the previous 12-month period. [2014 c.121 §28]

Sec. 30. Repeal of reporting requirements. (1) Section 28 of this 2014 Act is repealed on January 2, 2024. [2014 c.121 §30 (1)]

(Financial Agreements)

353.380 Definitions for ORS 353.380 to 353.420. As used in ORS 353.380 to 353.420:

(1) "Credit enhancement agreement" means any agreement or contractual relationship between the Oregon Health and Science University and any bank, trust company, insurance company, surety bonding company, pension fund or other financial institution providing additional credit on or security for a financing agreement or certificates of participation authorized by ORS 353.380 to 353.420.

(2) "Financing agreement" means a lease-purchase agreement, an installment sale agreement, a loan agreement, note agreement, short-term promissory notes, commercial papers, lines of credit or similar obligations or any other agreement to finance real or personal property that is or will be owned and operated by the university, or to refinance previously executed financing agreements.

(3) "Personal property" means tangible personal property, software and fixtures.

(4) "Property rights" means, with respect to personal property, the rights of a secured party under ORS chapter 79, and, with respect to real property, the rights of a trustee or lender under a lease authorized by ORS 353.410 (4).

(5) "Software" means software and training and maintenance contracts related to the operation of computing equipment. [1995 c.162 §17; 2001 c.445 §174]

353.390 Authority; limitations. Oregon Health and Science University may enter into financing agreements in accordance with ORS 353.380 to 353.420, upon such terms as the university finds to be advantageous. Amounts payable by the university under a financing agreement shall be limited to funds specifically pledged, budgeted for or otherwise made available by the university. If there are insufficient available funds to

pay amounts due under a financing agreement, the lender may exercise any property rights that the university has granted to it in the financing agreement against the property that was purchased with the proceeds of the financing agreement, and may apply the amounts so received toward payments scheduled to be made by the university under the financing agreement. [1995 c.162 §18; 1999 c.291 §14]

353.400 Delegation of board authority.

The Oregon Health and Science University Board of Directors may delegate to any board member, officer or employee of the Oregon Health and Science University the authority to determine maturity dates, principal amounts, redemption provisions, interest rates or methods for determining variable or adjustable interest rates, denominations and other terms and conditions of such obligations that are not appropriately determined at the time of enactment or adoption of the authorizing resolution. The board may also delegate entering into financing agreements or any other instruments authorized by law. This delegated authority shall be exercised subject to applicable requirements of law and such limitations and criteria as may be set forth in the authorizing resolution. [1995 c.162 §19]

353.410 University powers regarding financing agreements and credit enhancement agreements. Oregon Health and Science University may:

(1) Enter into agreements with third parties to hold financing agreement proceeds, payments and reserves as security for lenders, and to issue certificates of participation in the right to receive payments due from the university under a financing agreement. Amounts so held shall be invested at the direction of the Oregon Health and Science University Board of Directors. Interest earned on any investments held as security for a financing agreement may, at the option of the board, be credited to the accounts held by the third party and applied in payment of sums due under a financing agreement.

(2) Enter into credit enhancement agreements for financing agreements or certificates of participation, provided that such credit enhancement agreements shall be payable solely from funds specifically pledged, budgeted for or otherwise made available by the university and amounts received from the exercise of property rights granted under such financing agreements.

(3) Use financing agreements to finance the costs of acquiring or refinancing real or personal property, plus the costs of reserves, credit enhancements and costs associated with obtaining the financing.

(4) Grant leases of real property with a trustee or lender. Such leases may be for a term that ends on the date on which all amounts due under a financing agreement have been paid or provision for payment has been made, or up to 20 years after the last scheduled payment under a financing agreement, whichever is later. Such leases may grant the trustee or lender the right to evict the university and exclude it 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 a financing agreement, or otherwise defaults under a financing agreement. Upon default, the trustee or lender may sublease the land to third parties and apply any rentals toward payments scheduled to be made under a financing agreement.

(5) Grant security interests in personal property to trustees or lenders.

(6) Make pledges for the benefit of trustees and lenders.

(7) Purchase fire and extended coverage or other casualty insurance for property that is acquired or refinanced with proceeds of a financing agreement, assign the proceeds thereof to a lender or trustee to the extent of their interest, and covenant to maintain such insurance while the financing agreement is unpaid, so long as available funds are sufficient to purchase such insurance. [1995 c.162 §20; 1999 c.291 §15]

353.420 Effect of financing agreement on tax status. A lease or financing agreement under ORS 353.380 to 353.420 shall not cause property to be subject to property taxation and shall be disregarded in determining whether property is exempt from taxation under ORS chapter 307. [1995 c.162 §21]

PROGRAMS

353.440 Coordination of programs. The Legislative Assembly finds that:

(1) Public universities listed in ORS 352.002 and other educational sectors have academic programs that are related to or integrated with the programs of Oregon Health and Science University.

(2) It is in the best interest of the state that a coordinated approach be taken to these related and integrated academic programs.

(3) In order to best ensure the continued harmony of such academic programs, the Oregon Health and Science University and public universities shall coordinate such programs and shall advise each other of the following proposed changes to such academic programs:

(a) Creation or significant revision, such as a merger or closure, of degree programs;

(b) Creation or significant revision, such as a merger or closure, of schools; and

(c) Creation or significant revision of major academic policies.

(4) The Oregon Health and Science University and the Higher Education Coordinating Commission shall coordinate and advise each other of the following types of proposed changes to their related or integrated academic programs:

(a) Coordination of strategic plans for achieving higher education goals;

(b) Seeking advice and input from each other on modifications to statutory educational missions;

(c) Working to develop a statewide educational data system;

(d) Collaborating as necessary on the creation of any new degree programs; and

(e) Notifying each other and commenting on tuition rate changes.

(5) In order to further the coordination described by this section, Oregon Health and Science University officers shall maintain a role in the appropriate committees of the Higher Education Coordinating Commission. [1995 c.162 §12; 1999 c.291 §16; 2011 c.637 §259; 2013 c.768 §139; 2015 c.767 §166]

353.445 Venture grant program. The Oregon Health and Science University Board of Directors shall adopt a policy that prescribes the requirements for a venture grant program and the requirements that a grant applicant must meet in order to receive grant moneys from the university venture development fund operated by Oregon Health and Science University, including requirements:

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

(2) That the university report amounts of tax credit certificates issued by the university and cease issuing certificates until the total amount owed to the General Fund at any one time under ORS 350.550 (6) does not exceed \$8.4 million and is allocated as provided in section 6, chapter 31, Oregon Laws 2016; and

(3) That the university maintain records of income realized by the university as the result of grants made from the fund and records of amounts paid to the General Fund. [2005 c.592 §3; 2007 c.586 §3; 2016 c.31 §4]

Note: 353.445 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 353 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

353.450 Area Health Education Center program; education and training for medical personnel in rural areas. (1) It is the finding of the Legislative Assembly that there is need to provide programs that will assist a rural community to recruit and retain physicians, physician assistants and nurse practitioners. For that purpose:

(a) The Legislative Assembly supports the development at the Oregon Health and Science University of an Area Health Education Center program as provided for under the United States Public Health Service Act, Section 781.

(b) The university shall provide continuing education opportunities for persons licensed to practice medicine under ORS chapter 677 who practice in rural areas of this state in cooperation with the respective professional organizations, including the Oregon Medical Association and the Oregon Society of Physician Assistants.

(c) The university shall seek funding through grants and other means to implement and operate a fellowship program for physicians, physician assistants and nurse practitioners intending to practice in rural areas.

(2) With the moneys transferred to the Area Health Education Center program by ORS 442.625, the program shall:

(a) Establish educational opportunities for emergency medical services providers in rural counties;

(b) Contract with educational facilities qualified to conduct emergency medical training programs using a curriculum approved by the Emergency Medical Services and Trauma Systems Program; and

(c) Review requests for training funds with input from the State Emergency Medical Service Committee and other individuals with expertise in emergency medical services. [Formerly 352.095; 1999 c.1056 §8; 2011 c.703 §33]

353.455 Family medicine residency network. (1) The Area Health Education Center program created in ORS 353.450 is encouraged to create a family medicine residency network that:

(a) Facilitates an increase in the number of family medicine residency positions in this state in order to train more highly qualified family physicians who are likely to practice in this state.

(b) Supports and assists hospital systems in this state to work collaboratively with existing family medicine residency programs to develop new family medicine residency programs throughout this state.

(c) Helps family medicine residency programs in this state share resources through

the creation of standardized curriculum, a common faculty development center, initiation of physician training in quality improvement, medical home development, chronic disease management, interprofessional team-based care and population care management, facilitation of primary care research projects through joint regulatory monitoring and other support and provision of grant writing resources for outside funding.

(2) The Area Health Education Center program may accept gifts, grants or contributions from any public or private source for the purpose of carrying out this section. [2011 c.289 §1]

Note: 353.455 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 353 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

353.460 Oregon Institute of Occupational Health Sciences. (1) There is created the Oregon Institute of Occupational Health Sciences. The Oregon Health and Science University shall administer the institute.

(2) The purposes of the institute may include, but are not limited to, reducing the incidence of disease and reducing the costs and dangers to employers and employees associated with occupational disease. Specific functions of the institute may include:

(a) Basic and applied research into the incidence and causes of occupational diseases.

(b) Epidemiology and other data collection.

(c) Design of programs for clinical management of occupational diseases.

(d) Education and training programs.

(3) Although the output of the institute's programs is intended to be of statewide use for employers, employees, health professionals and the public concerning occupational disease, it is not intended that the institute shall assume any of the responsibilities or functions of the physical rehabilitation facility operated by the Director of the Department of Consumer and Business Services. The institute may offer programs of diagnosis and treatment of occupational disease, but it is expected that such services shall be compensable under ORS chapter 656. [Formerly 352.073; 2013 c.111 §1]

353.470 Funding of institute. The Oregon Institute of Occupational Health Sciences shall operate, on an ongoing basis, from funds provided by the Department of Consumer and Business Services, in addition to any gifts, grants or donations made to carry out the activities of the institute. Ore-

gon Health and Science University is not expected to provide funds for operation of the institute from any other sources of funds for operation of the university. [Formerly 352.083; 1999 c.291 §20; 2013 c.111 §2]

353.480 Pediatric dental residency program. Subject to the availability of funding, the Oregon Health and Science University shall establish the pediatric dental residency program only to the extent that funds are appropriated to the Oregon Department of Administrative Services for the Oregon Health and Science University public corporation to establish the program under section 1, chapter 1083, Oregon Laws 1999. [1999 c.1083 §2]

Note: 353.480 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 353 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

OREGON OPPORTUNITY PROGRAM

353.550 Definitions for ORS 353.550 to 353.559 and sections 10, 12, 14, 16 and 18, chapter 921, Oregon Laws 2001. As used in ORS 353.550 to 353.559 and sections 10, 12, 14, 16 and 18, chapter 921, Oregon Laws 2001:

(1) "Bond-related costs" means:

(a) The costs and expenses of issuing, administering and maintaining bonds issued under ORS 353.550 to 353.559 and sections 10, 12, 14, 16 and 18, chapter 921, Oregon Laws 2001, and the bond program under ORS 353.550 to 353.559 and sections 10, 12, 14, 16 and 18, chapter 921, Oregon Laws 2001, including but not limited to:

(A) Paying or redeeming the bonds;

(B) Paying amounts due in connection with credit enhancement or any reserve instruments; and

(C) Paying the administrative costs and expenses of the State Treasurer and the Oregon Department of Administrative Services, including costs of consultants, attorneys and advisors retained by the State Treasurer or the Oregon Department of Administrative Services for the bonds or the bond program;

(b) The costs of funding any bond reserves;

(c) Capitalized interest for the bonds;

(d) Rebates or penalties due to the United States in connection with the bonds; and

(e) Any other costs or expenses that the State Treasurer or the Oregon Department of Administrative Services determines are necessary or desirable in connection with issuing the bonds or maintaining the bond program.

(2) “Capital costs” means the costs of acquiring, constructing, improving or equipping capital projects or other capital expenditures necessary or desirable to create, develop, maintain or directly or indirectly finance the Oregon Opportunity program.

(3) “Indirect financing” means financing capital costs of Oregon Health and Science University unrelated to the Oregon Opportunity program so that an equivalent amount of moneys may be used to pay capital costs and noncapital costs of the Oregon Opportunity program.

(4) “Master Settlement Agreement” means the Master Settlement Agreement, and related documents, entered into on November 23, 1998, by the State of Oregon and leading United States tobacco products manufacturers.

(5) “Noncapital costs” means the costs of programs, scholarships, endowments, research infrastructure and recruitment of scientists and researchers, or other noncapital costs or expenses, necessary or desirable to create, develop, maintain or directly or indirectly finance the Oregon Opportunity program.

(6) “Oregon Opportunity program” means the program created by Oregon Health and Science University pursuant to ORS 353.559. [2001 c.921 §3]

353.553 Short title. ORS 353.550 to 353.559 and sections 10, 12, 14, 16 and 18, chapter 921, Oregon Laws 2001, shall be known and may be cited as the Oregon Opportunity Act. [2001 c.921 §2]

353.556 Purpose; policy; findings; intent. (1) The purpose of ORS 353.550 to 353.559 and sections 10, 12, 14, 16 and 18, chapter 921, Oregon Laws 2001, is to directly or indirectly finance Oregon Health and Science University’s Oregon Opportunity program.

(2) It is the policy of the State of Oregon that, in order to capture the health and economic benefits of the coming biotechnology boom for all Oregonians, the state enter into a partnership with Oregon Health and Science University to enhance medical research.

(3) The Legislative Assembly finds that:

(a) Oregon should take advantage of research breakthroughs in biomedicine, health care and technology that are opening an unprecedented new era. Research advances will someday show scientists how to block or replace genes that cause disease. The state should seize the opportunity to provide all Oregonians access to leading edge therapies and procedures.

(b) Research breakthroughs are expected to fuel tremendous economic growth, and

Oregon must be poised to capitalize on these breakthroughs. Biotechnology is likely to be the next great economic engine in the United States, and the state should take positive action to ensure Oregon’s participation in this emerging and important industry. A public commitment to biomedical and related research in Oregon is necessary to drive the formation, expansion and proliferation of biotechnology companies that will commercialize myriad new treatments, medications, biomedical equipment and other technology.

(c) The state should support Oregon Health and Science University in its efforts to continue to grow as a research power and an economic engine. Biomedical and technology research is necessary to create intellectual property, which serves as the raw material for biotechnology companies. The state should assist Oregon Health and Science University in securing the needed infrastructure to attain a critical mass of research talent in order to maximize the number of commercially viable discoveries.

(d) There is a limited window of opportunity to capitalize on the surge in biotechnology growth, stemming from the completion of the United States Human Genome Project.

(4) It is the intent of the Legislative Assembly that:

(a) Oregon Health and Science University pursue the Oregon Opportunity program in a manner that is consistent with the public missions stated in ORS 353.030 (2), which directs the university to strive for excellence in education, research, clinical practice, scholarship and community service while maintaining compassion, personal and institutional integrity and leadership in carrying out its missions;

(b) The Oregon Opportunity program benefit all Oregonians through increased medical research and sustainable economic development from biotechnology and related fields; and

(c) The State Treasurer shall issue pursuant to a grant agreement, as soon as practicable, general obligation bonds during the 2001-2003 and 2003-2005 biennia in an aggregate principal amount that produces net proceeds for the Oregon Opportunity program in an amount equal to \$200 million plus the amount of any costs and expenses of issuing the bonds.

(5) To maximize the benefits of low interest tax-exempt bonds, costs of the Oregon Opportunity program may be financed directly or indirectly by the state. [2001 c.921 §4; 2001 c.921 §4a]

353.559 Creation; university duties; expenditure of proceeds. (1) Oregon Health and Science University shall create the Oregon Opportunity program to usher in a new era of breakthroughs in health care and biotechnology for Oregonians. Through the program, the university shall invest in facilities, endowments, research infrastructure, recruitment of scientists and researchers, scholarships and programs including but not limited to:

(a) Research on cancer, heart disease, multiple sclerosis, Parkinson's disease and Alzheimer's disease;

(b) Research on autism spectrum disorder;

(c) Children's health and women's health;

(d) Hearing research;

(e) Advanced eye research;

(f) Aging research;

(g) Rural health initiatives;

(h) Research on public health, health care ethics, health information science and health outcomes; and

(i) Other health care, biotechnology and related research.

(2) Oregon Health and Science University shall dedicate:

(a) Not less than five percent of the university's share of the net proceeds of royalties and licenses attributable to the Oregon Opportunity program to meeting the university's missions of providing access to medical services to people who are underserved and promoting further study in the areas of public health, health care ethics, health information science and health outcomes. The proceeds shall be distributed as follows:

(A) 50 percent to providing access to medical services to people who are underserved; and

(B) 50 percent to establishing endowments to support research on public health, health care ethics, health information science and health outcomes.

(b) Not less than five percent of the university's share of the net proceeds of royalties and licenses attributable to the Oregon Opportunity program to the payment of bond-related costs then due and payable by the state and deposit those amounts into the Oregon Health and Science University Bond Fund established in section 14, chapter 921, Oregon Laws 2001. If the dedicated amount exceeds the amount necessary to pay bond-related costs, the excess shall be deposited in the General Fund.

(3) Notwithstanding subsection (2) of this section, any obligation of the university to

dedicate or distribute a share of the net proceeds of royalties and licenses attributable to the Oregon Opportunity program under subsection (2) of this section:

(a) Shall be subordinate to the university's obligation to pay obligations issued under the university's Master Trust Indenture, dated December 1, 1995, as amended or supplemented; and

(b) Does not constitute a lien on the gross revenues of the university as "Lien" and "Gross Revenues" are defined in the Master Trust Indenture. [2001 c.921 §5]

353.563 [2001 c.921 §6; repealed by 2011 c.239 §1]

NURSING EDUCATION PROGRAM GRANTS

353.600 Definitions for ORS 353.600 to 353.612. As used in ORS 353.600 to 353.612:

(1) "Committee" means the Oregon Nursing Shortage Coalition Committee created in ORS 353.606.

(2) "Post-secondary education institution" means:

(a) A public university listed in ORS 352.002;

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

(c) A school or division of Oregon Health and Science University; or

(d) An Oregon-based, generally accredited, not-for-profit private institution of higher education. [2003 c.697 §2; 2011 c.637 §260]

353.603 Grant distribution; administrative expenses; contributions. (1) Oregon Health and Science University shall distribute grants to post-secondary education institutions to support nursing education programs based on the selections of the Oregon Nursing Shortage Coalition Committee and in accordance with appropriate university policies and procedures. If the university is not able to distribute a grant to a post-secondary education institution selected by the committee, the university shall report to the committee the reason for not distributing the grant.

(2) Grants distributed under this section to a community college or a public university listed in ORS 352.002 may be based on an intergovernmental agreement entered into by Oregon Health and Science University and the college or public university.

(3) Oregon Health and Science University may not use more than five percent of the amount received from the Nursing Education Grant Fund established in ORS 353.612 for the grant program in any biennium for administrative expenses in-

curred in administering ORS 353.600 to 353.612.

(4) Oregon Health and Science University may accept contributions of funds and assistance from the United States Government or its agencies, or from any other source, public or private, and agree to conditions placed on the funds not inconsistent with the purposes of ORS 353.600 to 353.612. The university shall use funds and assistance received under this subsection for grants distributed under this section or for administering ORS 353.600 to 353.612.

(5) Oregon Health and Science University shall deposit moneys received by the university for purposes of ORS 353.600 to 353.612 in the Nursing Education Grant Fund. The total amount of grants distributed under this section may not exceed the amount of moneys available for distribution in the fund. [2003 c.697 §3; 2011 c.637 §261]

353.606 Oregon Nursing Shortage Coalition Committee. (1) There is created the Oregon Nursing Shortage Coalition Committee.

(2) The committee consists of 10 members, as follows:

(a) Two members who represent the Oregon State Board of Nursing appointed by the board.

(b) Two members who represent the Northwest Organization of Nurse Executives appointed by the Oregon State Board of Nursing from a list of persons submitted to the board by the Northwest Organization of Nurse Executives.

(c) Two members who represent the Oregon Nurses Association appointed by the Oregon State Board of Nursing from a list of persons submitted to the board by the Oregon Nurses Association.

(d) One member appointed by the Oregon State Board of Nursing who represents Oregon-based, generally accredited, not-for-profit private institutions of higher education from a list of persons submitted to the board by the Oregon Independent Colleges Association.

(e) Two members appointed by the Director of the Office of Community Colleges and Workforce Development from a list of persons submitted to the director by the Oregon Community College Association.

(f) One member who represents Oregon Health and Science University appointed by the university.

(3) When appointing members to the committee, the Oregon State Board of Nurs-

ing, the Director of the Office of Community Colleges and Workforce Development and Oregon Health and Science University shall ensure that there is at least one member from each of the following areas of the state:

(a) Rural western Oregon.

(b) Coastal Oregon.

(c) Eastern Oregon.

(d) Urban areas.

(4) The term of office of each member is four years, but a member serves at the pleasure of the appointing authority. Before the expiration of the term of a member, the appointing authority shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(5) The committee shall elect one of its members to serve as chairperson and another to serve as vice chairperson, for the terms and with the duties and powers necessary for the performance of the functions of such offices as the committee determines.

(6) The committee shall meet at times and places specified by the call of the chairperson or of a majority of the members of the committee.

(7) A majority of the members of the committee constitutes a quorum for the transaction of business.

(8) Members of the committee are entitled to actual and necessary travel expenses in the manner and amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions of the committee shall be paid out of funds received by Oregon Health and Science University for that purpose.

(9) Oregon Health and Science University shall provide staff support to the committee. [2003 c.697 §4; 2015 c.366 §85]

353.609 Duties of committee; grant criteria; use of grant funds. (1) The Oregon Nursing Shortage Coalition Committee shall:

(a) Adopt criteria for awarding grants to post-secondary education institutions under this section;

(b) Based on the criteria, select post-secondary education institutions to receive grants to support nursing education programs; and

(c) Determine the amounts of the grants to be distributed under ORS 353.603.

(2) The goal of the committee in adopting criteria and selecting grant recipients shall be to increase the capacity of nursing education programs statewide.

(3) The criteria adopted by the committee shall include, but not be limited to, consideration for:

(a) Whether the grant funds will be used to increase the capacity of a nursing education program;

(b) Whether the grant funds will be matched with funds from other sources or used to leverage additional funds from other sources;

(c) Ensuring that grant funds are awarded for nursing education programs in both urban areas and rural areas of the state;

(d) Ensuring that grant funds are used to increase the capacity for all levels of nursing education; and

(e) Ensuring that grant funds are used to increase the diversity of people who enter nursing education programs, including targeting underrepresented groups of people in the nursing profession.

(4) The total amount of grants awarded by the committee may not exceed the amount of moneys available for distribution as grants.

(5) A post-secondary education institution awarded a grant under this section may use the grant funds to:

(a) Develop nursing education program infrastructure;

(b) Train additional nurse educators;

(c) Develop regional learning laboratories;

(d) Provide technical support to nursing education programs;

(e) Create learning materials that supplement available faculty expertise;

(f) Coordinate student clinical experiences statewide; and

(g) Expand the capacity of nursing education programs to train new nurses across the state. [2003 c.697 §6]

353.612 Nursing Education Grant Fund.

(1) The Nursing Education Grant Fund is established separate and distinct from the General Fund. All moneys received by the Oregon Department of Administrative Services or Oregon Health and Science University for purposes of ORS 353.600 to 353.612 shall be deposited into the State Treasury and credited to the Nursing Education Grant Fund.

(2) Interest earned from the Nursing Education Grant Fund shall be credited to the fund.

(3) All moneys in the Nursing Education Grant Fund are continuously appropriated to the department for allocation to the university for the purposes of ORS 353.600 to 353.612. [2003 c.697 §3a]

