

Chapter 351

2009 EDITION

Higher Education Generally

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POLICY ON HIGHER EDUCATION

351.001 Legislative findings. The Legislative Assembly finds that:

(1) For its political well-being, Oregon needs wise and effective leadership and an informed citizenry.

(2) For its economic well-being, Oregon needs able and imaginative men and women for the direction and operation of all its institutions, for the production of goods and services and for the management of its fiscal affairs. Oregon also needs alert and informed consumers.

(3) For its cultural advancement, Oregon needs creative talent as well as appreciative and discriminating readers, viewers and listeners. Oregon also needs people who understand the diverse patterns of behavior, communication and belief that make up the common cultures of the various communities in which we all must function.

(4) For its survival, Oregon needs citizens who understand the interdependence of human beings and our shared dependence on the resources provided by our natural environment.

(5) Oregon needs people who, in the roles of parents and teachers and in other capacities, are able to transmit the state's and the nation's ideals and heritage to future generations.

(6) For their personal well-being, individual Oregonians need to cultivate an advanced literacy essential to leading productive and rewarding lives. This includes the capacity to think logically and critically; to internalize and exemplify humane values; to write, speak and figure clearly and accurately; to understand, in some depth, a variety of psychological, historical, cultural, aesthetic and scientific concepts and theories; and to master a range of occupational, professional, avocational, social and personal skills. [1993 c.240 §1]

351.003 Additional findings. In addition to making the findings under ORS 351.001, the Legislative Assembly finds that:

(1) Oregonians need access to post-secondary education opportunities throughout life in a variety of forms.

(2) To meet the societal and individual needs described under ORS 351.001, Oregonians have created and sustained, from territorial days to the present, many and diverse institutions of higher education, both independent and state-assisted.

(3) These institutions have developed the intellectual capacity of Oregonians and have prepared thousands of them for productive and fulfilling careers.

(4) These institutions provide educational access to all segments of Oregon's diverse population, including many students for whom higher education creates the first opportunity for their entry into the mainstream of society.

(5) These institutions provide research, both basic and applied, that generates new knowledge and applies it to the development of new products and processes essential for Oregon's economic growth.

(6) These institutions provide public service activities that engage the professional expertise of their faculties to solve social problems.

(7) These institutions share with our communities many cultural activities and services of immense importance to the quality of life enjoyed by Oregonians.

(8) These institutions are expanding the times, places and formats of course offerings.

(9) Oregonians' diverse educational needs will be best met in an environment in which public and independent schools are recognized as critical for meeting those needs. [1993 c.240 §2; 2001 c.964 §1]

351.005 Higher education an important public purpose. Giving due consideration to the historical and continuing interest of the people of the State of Oregon in encouraging deserving and qualified citizens to realize their aspirations for higher education, the Legislative Assembly declares that higher education for residents of Oregon who desire it and are qualified to benefit from it is critical to the welfare and security of this state and this nation and consequently is an important public purpose. [1993 c.240 §3]

351.007 Intent to promote and enhance higher education. The Legislative Assembly declares its intent to promote and enhance higher education in a manner that:

(1) Enables citizens of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development.

(2) Stresses undergraduate teaching as a high priority.

(3) Provides for selected graduate and professional programs that address state, national and global needs.

(4) Encourages high quality research and scholarship, both basic and applied, by its faculty and students.

(5) Fosters diversity of educational opportunity.

(6) Promotes service to the public.

(7) Makes effective and efficient use of human, physical and financial resources.

(8) Encourages cooperation with other educational institutions. [1993 c.240 §4]

351.009 Mission of higher education.

The Legislative Assembly declares that the mission of all higher education in Oregon is to:

(1) Enable students to extend prior educational experiences in order to reach their full potential as participating and contributing citizens by helping them develop scientific, professional and technological expertise, together with heightened intellectual, cultural and humane sensitivities and a sense of purpose.

(2) Create, collect, evaluate, store and pass on the body of knowledge necessary to educate future generations.

(3) Provide appropriate instructional, research and public service programs to enrich the cultural life of Oregon and to support and maintain a healthy state economy. [1993 c.240 §5]

**OREGON UNIVERSITY SYSTEM
(State Board)**

351.010 State Board of Higher Education. The Oregon University System is established and is organized as described in ORS 352.002. The system shall be conducted under the control of a board of 12 directors, to be known as the State Board of Higher Education. The board shall consist of:

(1) Two students, who at the time of their appointment to the board, are admitted at different public institutions of higher education in Oregon listed in ORS 352.002.

(2) One member of the faculty at Oregon State University, Portland State University or University of Oregon.

(3) One member of the faculty at Eastern Oregon University, Oregon Institute of Technology, Southern Oregon University or Western Oregon University.

(4) Eight members of the general public who are not students or faculty at the time of their appointment. [Amended by 1973 c.379 §1; 1997 c.450 §1; 2007 c.290 §1; 2009 c.762 §1]

351.020 Directors; appointment; confirmation. (1) The directors of the State Board of Higher Education shall be residents of Oregon and shall be appointed by the Governor. The appointment is subject to the confirmation of the Senate in the manner provided by ORS 171.562 and 171.565. No director who is not a student or faculty member at the time of appointment may be an employee of any of the institutions or departments under the control of the State Board of Higher Education, nor shall more than seven graduates of or students admitted

at these institutions, nor more than three graduates of or students admitted at any one of these institutions or departments, be members of the board at any time. The faculty members appointed under this section may not participate in any discussions or action by the board or attend any executive session of the board involving collective bargaining issues that affect faculty at any public institution of higher education.

(2) To assist the Governor in making appointments of the student members as provided in ORS 351.010, the duly organized and recognized entities of student government at each state institution of higher education shall submit a list of nominees to the Governor. The entities are entitled to no more than three nominees per school. The Governor shall consider these lists in the selection of the student members to be appointed to the State Board of Higher Education.

(3) To assist the Governor in making appointments of the faculty members as provided in ORS 351.010, a duly organized and recognized association of faculty members may submit a list of nominees to the Governor. The Governor shall consider any submitted list in the selection of the faculty members to be appointed to the State Board of Higher Education.

(4) When making an appointment of the faculty members as provided in ORS 351.010, the Governor shall rotate the appointments among representatives from various public institutions of higher education to ensure equal representation among the institutions. [Amended by 1955 c.284 §1; 1969 c.695 §6; 1973 c.379 §2; 1997 c.450 §2; 2007 c.290 §2]

351.030 [Repealed by 1961 c.167 §38 (171.560 enacted in lieu of 351.030)]

351.040 Term; removal; compensation and expenses of directors. (1) Directors of the State Board of Higher Education shall hold office for a term of four years except for directors who are students or faculty members at the time of appointment, whose terms shall be two years. All terms begin July 1 of the year of appointment. No person may be appointed to serve consecutively more than two full terms as a director. Any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed for the remainder of such term.

(2) 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 be for corrupt conduct in office.

(3) The directors are entitled to compensation and expenses as provided in ORS 292.495. [Amended by 1961 c.167 §41; 1967 c.530 §8; 1969 c.314 §25; 1971 c.485 §3; 1973 c.379 §3; 1997 c.450 §3]

351.050 President; meetings; quorum.

The board shall elect one of its members as president who shall serve for the fiscal year for which the president is elected. The board shall meet regularly once every three months at such times and places as the president may determine. Special meetings may be called by the president upon the written request of any six members of the board. Six members shall constitute a quorum for the transaction of business. [Amended by 1973 c.379 §4; 1995 c.79 §190]

351.060 Board general powers as to control and management of property; power as to litigation; delegation of powers to institutions. The State Board of Higher Education may:

(1) Control and provide for, subject to the conditions of this section, the custody and occupation of the grounds, buildings, books, papers and documents belonging to each and all the institutions, departments or activities under the control of the State Board of Higher Education.

(2) Manage, control and apply all property of whatever nature given to or appropriated for the use, support or benefit of any or all of the institutions, departments or activities under the control of the State Board of Higher Education, according to the terms and conditions of such gift or appropriation. Moneys received under this section shall be deposited in a designated account in the Oregon University System Fund established by ORS 351.506. Interest earned by the account shall be credited to the account.

(3) Erect, improve, repair, maintain, equip and furnish buildings, structures and lands for higher education.

(4) Acquire, receive, hold, control, convey, sell, manage, operate, lease, lend, improve and develop any and all property, real or personal:

(a) Given to any of the institutions, departments or activities under the control of the State Board of Higher Education by private donors, whether such gifts are made to the State Board of Higher Education or to the State of Oregon; or

(b) Acquired by any other method or from any source by the State Board of Higher Education for the benefit of any of the institutions, departments or activities under the control of the board, except for any structure, equipment or asset encumbered by a certificate of participation.

(5) Manage mineral and geothermal resource rights and proceeds therefrom acquired or held for the state by the board pursuant to this chapter and ORS chapter 567. This includes leasing mineral and geo-

thermal resource rights consistent with ORS 273.785.

(6) Take and hold mortgages on real and personal property acquired by way of gift or arising out of transactions entered into in accordance with the powers, duties and authority given to the board by this section, ORS 351.070 and 351.150.

(7) Institute, maintain and participate in suits and actions and other judicial proceedings, in the name of the State of Oregon, for the foreclosure of such mortgages or for the purpose of carrying into effect any and all of the powers, duties and authority given to the State Board of Higher Education by this section and ORS 351.070 and 351.150.

(8) Acquire, receive, hold, control, sell, manage, operate, lease or lend any goods, supplies, materials, equipment, services and information technology, for the use, support or benefit of any of the institutions, departments or activities under the control of the board.

(9) Delegate any of the powers, duties or functions granted to the board under this section to any state institution of higher education within the Oregon University System. [Amended by 1959 c.570 §1; 1975 c.771 §31a; 1985 c.443 §6; 1989 c.966 §33; 2001 c.453 §2; 2003 c.674 §6; 2009 c.762 §6]

351.062 Board delegation of powers to committees. Except for the power to prescribe enrollment fees under ORS 351.070 (3)(c) and the power to adopt rules, the State Board of Higher Education may delegate any of the powers, duties or functions of the board to a committee of the board. [2009 c.391 §2]

Note: 351.062 was added to and made a part of ORS chapter 351 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

351.065 Consent of, access to and control of personnel records; rules. (1) The State Board of Higher Education may, for each institution, division and department under its control adopt rules and specific orders by or through the institutional executive of each institution governing access to personnel records of the institution, division or department, which are less than 25 years old.

(2) Rules adopted under subsection (1) of this section shall require that personnel records be subjected to restrictions on access unless upon a finding by the institutional executive 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 promulgated pursuant to this section shall deny to a faculty member full access to the member's personnel file or records kept by the board or its institutions, schools or departments, except as provided in paragraphs (d) and (e) of this subsection.

(a) The number of files relating to the evaluation of a faculty member shall be limited to three, to 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 three files, evidence rebutting, correcting, amplifying or explaining any document contained therein and other material which the member believes might be of assistance in the evaluation process.

(d) Letters and other information submitted in confidence to the board or its institutions, schools or departments prior to July 1, 1975, shall be maintained in the files designated. 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 which would serve to identify the contributor shall be excised by a faculty committee. Only the names of the contributors and the excised portions of the documents may be kept in a file other than the three prescribed by paragraph (a) of this subsection.

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

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

(g) After July 1, 1975, the board, its institutions, schools or departments when evaluating its employed faculty members shall not solicit nor 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.

(4) No rule or order promulgated pursuant to this section limits the authority of the institution, division or department to prepare, without identification of individual persons who have not consented thereto, statistical or demographic reports from personnel records.

(5) Any category of personnel records specifically designated as confidential pursuant to valid rules or orders pursuant to this section shall not be deemed a public record for the purposes of ORS 192.420.

(6) As used in this section, "personnel records" means records containing information kept by the institution, division or department concerning a faculty member and furnished by the faculty member or by others about the faculty member at the member's or at the institution, division or department's request, including, but not limited to, information concerning discipline, membership activity, employment performance or other personal records of individual persons. [1971 c.566 §1; 1975 c.317 §1; 1979 c.159 §1]

351.067 Sources of compensation for officers and employees; potential conflict of interest; reporting; rules applicable to outside employment and activities. (1) In carrying out its authority under ORS 351.070, the State Board of Higher Education may authorize receipt of compensation for any officer or employee of the Oregon University System 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 Oregon University System;

(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

Oregon University System and the private entity; and

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

(2) The board may not authorize compensation, as defined in subsection (1) of this section, that, in the board's judgment, does not comport with the mission of the institution and the Oregon University System or substantially interferes with an officer's or employee's duties to the Oregon University System.

(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 rules of the state board. The disclosure is a public record subject to public inspection.

(4) The state board shall adopt by rule standards governing employee outside employment and activities, including potential conflict of interest, as defined by state board rule and consistent with ORS 244.020, and the public disclosure thereof, and procedures for reporting and hearing potential or actual conflict of interest complaints. [1989 c.1090 §2; 1991 c.614 §1; 1993 c.743 §22a; 2003 c.14 §155; 2007 c.877 §26]

Note: 351.067 was added to and made a part of ORS chapter 351 by legislative action but was not added to any series therein. See Preface to Oregon Revised Statutes for further explanation.

351.070 Board general powers as to higher education and institutions; personnel system; public improvement contracts; rules; fees; student records; common admissions process. (1) The Oregon University System, in accordance with rules adopted by the State Board of Higher Education, shall implement a personnel system and may engage in collective bargaining with its employees. All collective bargaining with any certified or recognized exclusive employee representative shall be under the direction and supervision of the Chancellor of the Oregon University System. The Oregon University System shall have payroll authority pursuant to ORS 292.043 to 292.180.

(2)(a) The board shall establish competitive procedures for the purchasing, procurement and contracting of goods, services and information technology, for the benefit of the

Oregon University System and all the institutions, departments and activities therein. The board may also establish exemptions from the competitive procedures when appropriate.

(b) The board shall ensure that the hourly rate of wage paid by any contractor upon all public improvements contracts undertaken for the board shall not be less than the same rate of wage as determined by the Bureau of Labor and Industries for an hour's work in the same trade or occupation in the locality where such labor is performed. Claims or disputes arising under this subsection shall be decided by the Commissioner of the Bureau of Labor and Industries.

(c) The board shall adopt policies and procedures that achieve results equal to or better than the standards existing on July 17, 1995, regarding affirmative action, pay equity for comparable work, recycling, the provision of workers' compensation insurance to workers on contract and the participation of emerging small businesses and businesses owned by minorities and women.

(3) The board may, for each institution under its control:

(a) Appoint and employ a president and the requisite number of professors, teachers and employees, and prescribe their compensation and tenure of office or employment.

(b) Demand and receive the interest mentioned in ORS 352.510 and all sums due and accruing to the institutions of higher education for admission and tuition therein, and apply the same, or so much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this subsection and the other current expenses of the institutions.

(c) Prescribe fees for enrollment into the institutions. Such enrollment fees shall include tuition for education and general services and such other charges found by the board to be necessary to carry out its educational programs. The board may award student aid from any fund other than the General Fund.

(d) Prescribe incidental fees for programs under the supervision or control of the board found by the board, upon its own motion or upon recommendation of the recognized student government of the institution concerned, to be advantageous to the cultural or physical development of students. 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 by the institution president upon the recom-

mentation of the recognized student government at the institution concerned.

(e) Upon recommendation of the recognized student government, collect optional fees authorized by the institution executive, for student activities not included in paragraph (c) or (d) of this subsection. The payment of such optional fees shall be at the option and selection of the student and shall not be a prerequisite of enrollment.

(f) Confer, on the recommendation of the faculty of any such institution, such degrees as usually are conferred by such institutions, or as they deem appropriate.

(g) Prescribe the qualifications for admission into such institutions.

(4) Subject to such delegation as the board may decide to make to the institutions, divisions and departments under its control, the board, for each institution, division and department under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

(c) Shall maintain cultural and physical development services and facilities therefor and, in connection therewith, may cooperate and enter into agreements with any person or governmental agency.

(d) May contract to provide health services at student health centers.

(e) Shall provide health services at student health centers to students.

(f) May provide health services at student health centers to any of the following:

(A) Dependents of students.

(B) Staff.

(C) Faculty.

(g) Shall prescribe and collect charges.

(h) Shall adopt rules relating to the creation, use, custody and disclosure, including access, of student education records of the institutions that are consistent with the requirements of applicable state and federal law. Whenever a student has attained 18 years of age or is attending an institution of post-secondary education, the permission or consent required of and the rights accorded to a parent of the student regarding education records shall thereafter be required of and accorded to only the student.

(5) For each institution under its jurisdiction, the board shall provide opportunities for part-time students to obtain complete

undergraduate degrees at unconventional times, which include but are not limited to early morning and noon hours, evenings and weekends. In administering these degree programs, the institution may use any educational facility available for the use of the institution.

(6) For all institutions of higher education listed in ORS 352.002, the board shall, no later than October 1, 2010, and to the extent feasible and cost beneficial, develop and begin implementation of a common admissions process that permits applicants to be considered for admission to more than one institution. [Amended by 1953 c.545 §2; 1971 c.375 §1; 1971 c.708 §9; 1973 c.331 §1; 1979 c.159 §2; 1989 c.308 §1; 1989 c.311 §1; 1989 c.492 §1; 1993 c.806 §7; 1995 c.612 §8; 1997 c.231 §1; 1999 c.59 §98; 2003 c.14 §156; 2003 c.674 §7; 2003 c.817 §1; 2009 c.801 §2]

Note: Section 3, chapter 801, Oregon Laws 2009, provides:

Sec. 3. The State Board of Higher Education shall report the enrollment, revenue, costs and savings associated with the measures in ORS 351.070 (6) to the Seventy-sixth Legislative Assembly before October 1, 2010, and the Seventy-seventh Legislative Assembly before October 1, 2012. [2009 c.801 §3]

351.072 Adoption of certain standards not subject to rulemaking procedures; limitations. (1) Notwithstanding ORS chapter 183, the following actions may be taken by the State Board of Higher Education or the educational institutions under its control without compliance with the rulemaking provisions of ORS chapter 183:

(a) Adoption of standards, regulations, policies or practices relating primarily to admissions, academic advancement, classroom grading policy, the granting of academic credits, granting of degrees, scholarships and similar academic matters.

(b) Adoption of fees or fee schedules relating to charges for symposiums, conferences, short courses, food, books or other retail goods, prices of admission to athletic, entertainment or cultural events or advertising rates in student or institutional publications. However, student loan service charges, charges levied as penalties for prohibited conduct, general tuition, building fees, incidental fees, health service fees and residence hall and housing charges shall be adopted in accordance with the provisions of ORS chapter 183.

(2) Any standards, regulations, policies, practices or fees adopted under this section by the State Board of Higher Education or by any of the educational institutions under its control shall be reduced to writing and made available to interested persons upon request. [1979 c.593 §31; 1989 c.492 §4]

351.073 [1985 c.698 §1; renumbered 351.647 in 1997]

(Chancellor)**351.075 Chancellor of Oregon University System; appointment; qualifications; compensation.**

(1) The State Board of Higher Education shall appoint a chief executive officer who shall be known as the Chancellor of the Oregon University System and who shall serve at the pleasure of the board. The board may appoint one or more assistants as may be necessary.

(2) The chancellor and the assistants of the chancellor shall be persons who by training and experience are well qualified to perform the duties of their offices and to assist in carrying out the functions of the board under ORS 351.010 to 351.070, 351.075 to 351.260, 351.310 to 351.615, 351.770 to 351.840, 352.002 to 352.006, 352.010 to 352.053, 352.230, 352.360, 352.370, 352.390, 352.400 and 352.510 to 352.760.

(3) The State Board of Higher Education shall fix the compensation of the chancellor and the assistants of the chancellor. [1971 c.708 §10; 2001 c.382 §3; 2005 c.22 §248]

351.077 Implementation of minority teacher recruitment plans.

(1) Pursuant to ORS 342.447, the office of the Chancellor of the Oregon University System shall ensure the implementation of the plans developed for recruitment of minority teachers.

(2) The chancellor shall report biennially to the State Board of Higher Education and the Legislative Assembly on the implementation and results of the plans. The report may include recommendations on ways in which the Legislative Assembly can assist in increasing the number of minority teachers. [1991 c.434 §5; 1995 c.79 §191]

Note: 351.077 was made a part of ORS chapter 351 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

351.080 [Repealed by 1961 c.238 §1]

351.085 Duties and powers of chancellor. The Chancellor of the Oregon University System shall exercise, under the direction of the State Board of Higher Education, the administrative authority necessary to carry out the policies of the board with respect to the institutions, departments or activities under the control of the board. In carrying out the duties of the chancellor, the chancellor shall:

(1) Act as administrative officer of the State Board of Higher Education.

(2) Maintain a centralized service program for all institutions, departments and activities, including but not limited to, accounting, statistical services, capital construction, management analysis, legal services, academic affairs and educational research.

(3) Collect and compile information and statistics relative to the operation of the institutions, departments and activities of the State Board of Higher Education.

(4) Prepare and submit to the State Board of Higher Education an annual operating budget for all institutions, departments and activities of the board.

(5) Oversee the preparation and submission to the State Board of Higher Education of the biennial budget requests of the institutions, departments and activities for consideration by the board as the budget request to the Governor under ORS 351.090. The chancellor shall provide analyses of the budget requests of the institutions, departments and activities, including in such analyses alternative considerations as may be necessary or desirable for the board in the adoption of its budget request.

(6) Appoint, subject to the State Personnel Relations Law, and with the approval of the State Board of Higher Education, such personnel as may be necessary for the performance of the duties of the chancellor.

(7) Designate, if the chancellor wishes, one or more suitable persons to sign or countersign warrants, vouchers, certificates, or other papers and documents requiring the signature of the chancellor.

(8) Prepare the agendas for State Board of Higher Education meetings and provide an analysis of proposals made to the board, including such alternatives as may be necessary or desirable for their consideration, and make recommendations thereon.

(9) Prepare and submit to the State Board of Higher Education on or about December 31 of each year an annual report in which the chancellor describes the principal activities of the Oregon University System during the fiscal year ending June 30. The report shall include a statement of all funds received, the source or sources from which received, the expenditure and disbursement of all funds and the purposes for which they were expended. The report shall contain a statement of the number of students enrolled in each institution, department or activity, the number of degrees conferred, the improvements made and new courses of instruction added, together with a statement showing in a general way the status of all activities and functions of the State Board of Higher Education.

(10) Keep a record of the transactions of the State Board of Higher Education.

(11) Have the custody of all books, papers, documents and other property belonging to the State Board of Higher Education.

(12) Give such instructions as may be necessary to carry out the directives of the

State Board of Higher Education and forward them to the various institution presidents and heads of departments and activities.

(13) Provide for meetings of the presidents and principal executives of the institutions, departments and activities, at such times as the State Board of Higher Education may direct, such meetings to be open to any member of the board. At such meetings, the executives of the Oregon University System may propose policies or policy changes or statements for consideration by the board and develop recommendations concerning allocations of funds.

(14) Perform such other administrative assistance and consider other administrative matters as the State Board of Higher Education may require. [1971 c.708 §11; 1987 c.158 §62; 1995 c.79 §192; 2009 c.762 §67]

(Administration)

351.086 Oregon University System exemption from certain laws; authority to contract with public agencies. (1) Except as otherwise provided in this chapter and ORS chapter 352, the provisions of ORS chapters 240, 279A, 279B, 279C, 282 and 292 do not apply to the Oregon University System.

(2) Notwithstanding subsection (1) of this section, ORS 240.167, 240.185, 279A.065 (2), 279B.055 (3), 279C.380 (1)(a) and (3), 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825, 279C.830, 279C.835, 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865, 279C.870 and 292.043 apply to the Oregon University System.

(3) Notwithstanding any other law, the following provisions do not apply to the Oregon University System:

- (a) ORS 182.310 to 182.400;
- (b) ORS 273.413 to 273.456;
- (c) ORS 276.071 and 276.072; and
- (d) ORS 291.038.

(4) Notwithstanding subsection (3)(b) of this section, ORS 273.413 to 273.456 apply to any structure, equipment or asset owned by the Oregon University System that is encumbered by a certificate of participation.

(5) In carrying out the duties, functions and powers imposed by law upon the Oregon University System, the State Board of Higher Education or the Chancellor of the Oregon University System may contract with any public agency for the performance of such duties, functions and powers as the Oregon University System considers appropriate. [1995 c.612 §2; 1997 c.802 §16; 1999 c.210 §1; 2003 c.562 §3; 2003 c.674 §8; 2003 c.794 §259a; 2007 c.71 §97]

Note: 351.086, 351.087, 351.092, 351.094 and 351.097 were added to and made a part of ORS chapter 351 by legislative action but were not added to any smaller

series therein. See Preface to Oregon Revised Statutes for further explanation.

351.087 Policies for operation of Oregon University System; transfer of authority from Oregon Department of Administrative Services. (1) The State Board of Higher Education shall establish policies for the operation of the Oregon University System, consistent with ORS 351.086.

(2) For the purpose of clarifying areas of oversight and in accordance with subsection (1) of this section, wherever the Oregon Department of Administrative Services would otherwise have authority over administrative matters concerning the performance, operating policies or structure of the Oregon University System, that authority shall be transferred to the State Board of Higher Education. [1995 c.612 §4]

Note: See note under 351.086.

351.088 Establishment of adjudicative procedures. Notwithstanding ORS chapter 183, the State Board of Higher Education or any state institution of higher education under the jurisdiction of the board may, by rule, establish adjudicative procedures that are consistent with federal and state constitutional requirements and other provisions of law. The adjudicative procedures shall be consistent with ORS 183.413 to 183.497 and 183.502 whenever the type of hearing or procedure required is substantially of the character that would necessitate the procedures required by ORS 183.413 to 183.470. [1999 c.70 §2; 2007 c.288 §14]

351.090 Standardization of accounts and records; preparation of budget; allocation of funds. The State Board of Higher Education shall prescribe for all state-supported higher educational institutions a standardized system of accounts and records. The board shall prepare biennially, at such time as the Governor shall require, a report to the Governor containing the proposed budget for the succeeding biennium covering in detail the purposes for which all expenditures shall be made. In preparation of this budget the board may allocate to the respective institutions over which it is authorized to exercise supervision and control all funds then available and all funds which under laws then existing become available during the succeeding biennium from all sources, so far as they can be ascertained, in accordance with the board's higher educational development program.

351.092 Acquisition, installation and use of data processing equipment. Notwithstanding ORS 293.595, the State Board of Higher Education shall control and supervise the acquisition, installation and use of all data processing equipment to be used primarily for the purposes of the accounting

records and accounting system of the Oregon University System. The board may authorize use of that equipment for other purposes to the extent that use for those other purposes does not conflict with use for the primary purpose of the Oregon University System's accounting records and accounting system. [1995 c.612 §7]

Note: See note under 351.086.

351.094 Provision of group insurance for employees; expense reimbursement plan; deferred compensation plan. (1)

Notwithstanding any other provision of law, the Oregon University System shall provide group insurance to its employees through the Public Employees' Benefit Board, but may elect, at the discretion of the State Board of Higher Education, to provide alternative benefit plans to its employees, should the same level of benefits be available at a lower cost than through the Public Employees' Benefit Board.

(2) For the purposes of ORS 243.555 to 243.575, if the State Board of Higher Education chooses not to participate in the benefit plans offered through the Public Employees' Benefit Board, the State Board of Higher Education may have the authority granted to the Public Employees' Benefit Board under ORS 243.555 to 243.575 for the administration of an appropriate expense reimbursement plan.

(3) The Oregon University System shall offer a deferred compensation plan for its employees. The Oregon University System shall, at the discretion of the board, choose whether to offer its employees the state deferred compensation plan established under ORS 243.401 to 243.507 or another deferred compensation plan that the board elects to make available to the employees of the Oregon University System. [1995 c.612 §5; 1997 c.179 §29; 1997 c.222 §52]

Note: See note under 351.086.

351.095 [1971 c.708 §8; repealed by 1983 c.194 §1]

351.097 Payment of salaries or compensation; payroll; overpayment. (1)

The payment of salary or compensation of the officers, teachers, instructors and other employees of the Oregon University System, where such salary or compensation is payable out of the State Treasury and is fixed by law or the State Board of Higher Education at a definite rate per hour, day, week, month or year, shall be made weekly, bi-weekly, semimonthly or monthly with any necessary adjustments, as provided in this section.

(2) With the approval of the board, the Chancellor of the Oregon University System shall make out, certify and transmit to the board at the end of each pay period a payroll,

duly verified by the chancellor or other designated officer and approved by the proper auditing committee or officer, showing the names of the several officers, teachers, instructors and other employees during the preceding payroll period, the rate of compensation of each by the hour, day, week, month or year, the time employed, the amount due and any other facts the board requires. The board, if it approves the payroll, shall draw a warrant on the State Treasurer for the aggregate amount allowed in favor of the chancellor, who shall immediately pay over the moneys received to the several parties entitled thereto and take receipts therefor, which shall be transmitted to the board.

(3) Notwithstanding subsection (2) of this section or any other law and pursuant to ORS 293.330, the State Board of Higher Education may authorize the chancellor to designate a person employed by and located at each institution of higher education under the jurisdiction of the board to implement and administer the payroll system selected by the board to pay employees designated by the board. The person shall be under bond to the State of Oregon.

(4) When an employee receives payment of salary or compensation in an amount greater than the employee's entitlement, the amount of the overpayment may be deducted from salary or compensation earned by the employee. The deduction may be in such form and manner as the State Board of Higher Education may prescribe. [1995 c.612 §6; 1999 c.202 §1; 1999 c.560 §1]

Note: See note under 351.086.

351.100 Advertising and publicity. All advertising and publicity on behalf of all branches of state-supported higher education shall emanate from and bear the name of the Oregon University System, and shall be conducted in such a way as to present to the citizens of the state and prospective students a fair and impartial view of the higher educational facilities provided by the state and the prospects for useful employment in the various fields for which those facilities afford preparation. [Amended by 2009 c.762 §68]

351.105 Rules for minimum content of alcohol and drug abuse policy. In order to carry out the duties described in ORS 352.008, the State Board of Higher Education, in consultation with the Oregon Health Authority, shall adopt by rule, as a minimum, descriptions of the content of what shall be included in the policy and plan described in ORS 352.008. [1989 c.1076 §5; 2009 c.595 §222]

Note: 351.105 was made a part of ORS chapter 351 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

351.110 Relationship with Legislative Assembly. All relationships and negotiations between the Legislative Assembly and its various committees and the institutions of higher education shall be carried on through the Oregon University System. A subordinate official representing any of the separate institutions may not appear before the Legislative Assembly or any committee except upon the written authority of the State Board of Higher Education. [Amended by 1999 c.59 §99; 2009 c.762 §69]

351.115 Four-year and five-year options for teacher education programs. The Oregon University System shall offer a diversity of teacher education programs, inclusive of four-year and five-year options for completion of the programs. Both of these options shall qualify for teacher licensing of persons completing the programs. [1989 c.690 §2]

Note: 351.115 was added to and made a part of ORS chapter 351 by legislative action but was not added to any series therein. See Preface to Oregon Revised Statutes for further explanation.

351.117 American Sign Language courses; development of curricula; teacher programs; identification of needs and resources. (1) If the State Board of Higher Education determines that enrollment is sufficient to make an American Sign Language class economically viable and if qualified instructors are available, the board may offer to students courses for credit in American Sign Language at any institution of higher education within the Oregon University System. Such courses shall satisfy any second language elective requirement.

(2) The State Board of Higher Education is encouraged to continue to:

(a) Coordinate with the State Board of Education and the Oregon School for the Deaf to develop curricula for American Sign Language courses;

(b) Implement programs to locate and prepare qualified teachers and interpreters of American Sign Language; and

(c) Assist institutions of higher education in identifying local and regional needs and resources available for American Sign Language courses. [1995 c.687 §3; 2007 c.858 §82]

Note: 351.117 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.120 [Amended by 1959 c.564 §14; renumbered 351.605 and then 348.210]

351.130 Encouragement of gifts and donations to institutions; Higher Education Donation Fund; use of gifts and donations. (1) The State Board of Higher Education shall encourage gifts and do-

nations to institutions of higher education within the Oregon University System by faithfully devoting the gifts or donations to the institution for which the gift or donation is intended.

(2) The Higher Education Donation Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys in the Higher Education Donation Fund are continuously appropriated to the State Board of Higher Education for the purpose for which the moneys were donated. Moneys in the fund may be invested as provided in ORS 293.701 to 293.820, subject to the terms or restrictions of any gifts or donations. Any interest or other income derived from the investment of the fund shall be credited to the fund.

(3) All gifts and donations received shall be used in accordance with the terms of the gift or donation. Gifts or donations may be deposited in the Oregon University System Fund established by ORS 351.506 or in the Higher Education Donation Fund. The board shall consider the amount, nature and purpose of, and any restriction placed on, gifts and donations, and determine whether to deposit the gift or donation in the Oregon University System Fund or the Higher Education Donation Fund. Gifts and donations may be split or transferred between the Oregon University System Fund and the Higher Education Donation Fund.

(4) The interest, income, dividends or profits received on any property or funds of the State Board of Higher Education or the Oregon University System derived from gifts and donations, including legacies, devises, bequests or endowments, are continuously appropriated to the use, maintenance and support of the Oregon University System in the same manner as the principal or corpus of each such gift or donation in accordance with the terms of the gift or donation.

(5) As used in this section, "gifts or donations" includes funds donated to the State Board of Higher Education or the Oregon University System to which by agreement the donor receives consideration in return for the gift or donation or retains a reversionary interest but does not include grant or contract funds received from government sources. [Amended by 1987 c.102 §2; 1989 c.966 §34; 1995 c.110 §1; 2009 c.762 §40]

351.140 Board power to purchase real property. (1) The State Board of Higher Education may purchase such real property as in its sole discretion may be necessary for the present or future development of any of the schools or institutions under its jurisdiction. The board may enter into contracts of purchase or agreements which it deems necessary in carrying out this authorization.

(2) The board may apply any funds coming into its hands, and applicable thereto, toward the purchase of property authorized under this section. The board may also mortgage or pledge any property so purchased, or its contracts to purchase, or in relation thereto, together with the income from such property, to secure the payment of the purchase price thereof.

351.150 Title to institution realty; conveyances. Legal title to all real property acquired by any of the institutions under the control of the State Board of Higher Education shall be taken and held in the name of the State of Oregon. Legal title to all real property heretofore or hereafter conveyed to any such institutions shall be deemed to be conveyed to and vested in the State of Oregon. Authorized conveyances of all real property acquired by or vested in the State of Oregon for the use or benefit of any such institutions, other than the university lands referred to in ORS 273.251, shall be executed in the name of the State of Oregon by the president and secretary of the board of higher education. Nothing in this section or in ORS 351.060 shall be considered as exempting such property from taxation.

351.153 "Structure" defined. As used in ORS 351.160, 351.170, 351.180, 351.350, 351.440 and 351.450, "structure" includes, but is not limited to, paving, sidewalks, curbs, gutters, sewers, drainage works, vehicular parking facilities, lighting facilities, retaining walls and other constructed or erected improvements to real property. [1971 c.361 §2]

351.155 Authority to sell forest products on institution realty; mineral and geothermal resources leases. Notwithstanding the applicable provisions of ORS 279.835 to 279.855, 279A.140 to 279A.155, 279A.250 to 279A.290, 279A.990, 279B.200 to 279B.240, 279B.270, 279B.275, 279B.280, 279C.360, 279C.365, 279C.370, 279C.375, 279C.380, 279C.385, 279C.500 to 279C.530, 279C.540, 279C.545, 279C.600 to 279C.625, 279C.650 to 279C.670 and 279C.800 to 279C.870, the State Board of Higher Education may, in the management of all forestlands under its control and supervision, sell the forest products on such lands in the same manner as is provided in ORS 530.059, and for that purpose the State Board of Higher Education shall have the same powers with respect to experimental or research projects in the field of forestland management or for forest product utilization on forestlands under its control as the State Forester has pursuant to the provisions of ORS 530.050 and 530.059. In the management of its forestlands, the State Board of Higher Education may lease mineral and geothermal resource

rights as provided in ORS 351.060 (5). [1961 c.134 §1; 2001 c.453 §3; 2003 c.794 §260]

351.160 Building construction. (1) The State Board of Higher Education may undertake the construction of any building or structure for higher education when, in the judgment of the board, it appears that the building or structure will be wholly self-liquidating and self-supporting from revenues to accrue from the operation thereof and from gifts, grants or building fees, and from unobligated revenues of buildings or projects of like character. The board may enter into contracts for the erection, improvement, repair, equipping and furnishing of buildings and structures for dormitories, housing, boarding, off-street motor vehicle parking facilities and other purposes for higher education pursuant to Article XI-F(1) of the Oregon Constitution, ORS 351.160 to 351.190, 351.350 to 351.460 and 351.505.

(2) The board may also undertake the construction of those buildings and structures that are designated by the Legislative Assembly for higher education institutions and activities, and may enter into contracts with persons, firms or corporations for the erection, improvement, repair, equipping and furnishing of such buildings and structures pursuant to Article XI-G of the Oregon Constitution and ORS 351.345. [Amended by 1963 c.573 §5; 1963 c.584 §2; 1991 c.220 §8]

351.165 Report on capital construction projects. No later than March 1 of each odd-numbered year, the State Board of Higher Education shall submit a report to the Legislative Assembly concerning the status of all previously approved Oregon University System capital construction projects that have not been completed or have been completed within the preceding 24-month period. The report shall include the project title, funding sources, the amount of the original appropriation or expenditure limitation, the amount of unexpected funds, the construction status and the anticipated completion date. [1991 c.647 §3; reenacted by 1993 c.538 §2; reenacted by 1995 c.254 §4; 2009 c.762 §70]

Note: 351.165 was made a part of ORS chapter 351 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

351.170 Charges for use of buildings; student building fee; disposition of receipts. (1) The State Board of Higher Education shall establish such rates, charges and fees for use of buildings, structures or projects referred to in ORS 351.160 (1), including revenue-producing buildings and structures already constructed, as, in the judgment of the board, will provide the required revenues to make the particular new building, project or structure self-liquidating and self-supporting, and as will provide the funds

with which to amortize the principal of and pay the interest on the bonds issued to finance such buildings, structures or projects.

(2) The board shall charge and collect from each regular student a building fee at a rate not to exceed \$45 for each regular term, for not less than three terms in each regular academic year, and not to exceed \$67.50 if instruction is on a semester basis, or an equivalent rate of charge when instruction is on a different basis. The board is authorized to maintain adequate accounts for bonds outstanding. The fee shall be in addition to tuition and other fees charged to students and shall be deposited in the appropriate subaccount of the account maintained in the Oregon University System Fund under ORS 351.460. [Amended by 1963 c.638 §3; 1963 c.584 §3; 1975 c.331 §13; 1989 c.794 §1; 1997 c.555 §1; 2001 c.523 §1; 2009 c.762 §7]

351.180 Building insurance. The State Board of Higher Education may cause the buildings, structures or projects referred to in ORS 351.160 and 351.170 and the equipment and furnishings therein and the appurtenances thereto to be insured against fire and other hazards in such sums as will protect the holders of the outstanding bonds issued to finance the cost thereof. Such insurance shall be in lieu of that afforded by the Insurance Fund, without right of insurers, in the event of loss, to subrogation to or contribution from said fund. [Amended by 1963 c.584 §4; 1985 c.731 §27]

351.190 Acquisition of land for building purposes. The State Board of Higher Education may obtain, by donation, purchase, agreement or condemnation, the title to any land authorized to be acquired by ORS 351.345, 351.350 and 351.450. Condemnation proceedings instituted by the board shall be conducted in accordance with ORS chapter 35. [Amended by 1957 c.720 §1; 1963 c.548 §5; 1971 c.741 §25]

351.195 [1957 c.585 §1; 1969 c.349 §3; repealed by 1975 c.771 §33]

351.200 Board power over higher education curricula and departments. (1) The State Board of Higher Education shall visit all state institutions of higher education under its jurisdiction for the purpose of inquiring as to the work offered and conducted at such institutions, whenever and as often as it may deem necessary. The board shall specifically determine from time to time as occasion may require what courses or departments, if any, shall not, in its judgment, be duplicated in the several higher educational institutions. The board may direct the elimination of duplicate work from any institution, and determine and define the courses of study and departments to be offered and conducted by each institution.

(2) A record of such determination shall be kept by the board. The board shall notify the Governor of such determination and each institution affected shall conform thereto.

(3) If any changes are made in the curricula of any institution, the change shall become effective at the beginning of the school year following the determination.

(4) Any person may appear before the board of higher education at any meeting for the purpose of laying before the board any data or arguments for the maintaining or elimination of any duplicated course or department. [Amended by 1989 c.492 §2; 1993 c.98 §16]

351.203 Cooperation with Education and Workforce Policy Advisor; cooperation with Oregon Student Assistance Commission mediation process; compliance with certain commission decisions.

(1) The State Board of Higher Education shall cooperate with the Education and Workforce Policy Advisor in the development of a state comprehensive education plan including post-secondary education and in review of the board's programs and budget. The board shall submit in timely fashion to the advisor such data as is appropriate in a form prescribed by the advisor.

(2) The board shall cooperate with the mediation process administered by the Oregon Student Assistance Commission pursuant to ORS 348.603 and, if a negotiated resolution cannot be reached by mediation, comply with the decisions of the commission regarding proposed new post-secondary programs and proposed new post-secondary locations, including those proposed by Oregon Health and Science University in cooperation with the board under ORS 353.440. [1975 c.553 §12; 1997 c.652 §36; 1999 c.291 §16a]

351.205 Interchange of faculty members with schools outside Oregon. The State Board of Higher Education may allow interchange of members of the faculties of institutions of higher learning with faculty members of comparable institutions of other states or countries for a period of one year. Such exchange service shall, for all purposes, be deemed continued service with the Oregon institution covered, with salary paid to the absent faculty member accordingly. Salary for the visiting faculty member shall not be paid by the Oregon institution covered. [1957 c.239 §1]

351.210 Disposition of unnecessary equipment, goods, supplies, material and information technology. (1) The State Board of Higher Education may sell or otherwise dispose of any worn out, obsolete or otherwise unsuitable equipment, goods, supplies, material or information technology, the disposal of which would in the board's judgment be to the financial benefit of the insti-

tutions under the board's control. This section does not apply to any equipment, goods, supplies, material or information technology encumbered by a certificate of participation.

(2) The board may delegate any of its duties, functions or powers granted to the board under this section to the Chancellor of the Oregon University System or any state institution of higher education within the Oregon University System.

(3) The proceeds from any sales or disposals made pursuant to authority granted in this section shall be deposited in a designated account in the Oregon University System Fund established by ORS 351.506 and may be expended by the board for any purpose authorized by law in the same manner as the board is authorized to make other expenditures. [Amended by 2003 c.674 §9; 2009 c.762 §8]

351.220 Acquisition of intellectual property. The State Board of Higher Education may acquire by gift or by purchase interests in intellectual property of any kind, whether patentable or copyrightable or not, including patents, copyrights, inventions, discoveries, processes and ideas. The board may also agree to aid in the development of property acquired pursuant to ORS 351.220 to 351.250 and to pay an assignor of any interest in intellectual property a share of any moneys received on account of the board's ownership or management of the property. [1953 c.332 §1]

351.230 Management, development and disposition of intellectual property. The State Board of Higher Education may manage, develop or dispose of by assignment, sale, lease, license or other action deemed advisable by the board, property acquired under ORS 351.220, and may contract with any person or agency, board, commission or department of this or any other state or with the federal government regarding the management, development or disposition thereof. The board may make gratuitous assignments of such property to any trust or fund, the sole beneficiary of which is the State Board of Higher Education or any of the institutions or activities under its control, subject to the share, if any, agreed to be paid to the assignor. The board may reassign such property to the inventor, author or discoverer. [1953 c.332 §2]

351.240 Terms and conditions of transactions in intellectual property; dissemination of information. (1) The State Board of Higher Education may determine the terms and conditions of any transaction authorized by ORS 351.220 to 351.250 and need not require competitive bids in connection therewith. No formal publicity or advertising is required regarding property for

the development of which the board wishes to contract, but the board shall make reasonable efforts to disseminate such information in appropriate research and industrial circles.

(2) The board may delegate any of the duties, functions and powers granted to the board under ORS 351.220 to 351.250 to any state institution of higher education within the Oregon University System. [1953 c.332 §4; 2003 c.674 §10]

351.250 Account for revenues from intellectual property. Moneys received by the board as a result of ownership or management of property acquired under ORS 351.220 to 351.250 or of transactions regarding such property shall be credited to a designated account in the Oregon University System Fund established by ORS 351.506 and shall only be applied by the State Board of Higher Education to payment of the agreed share, if any, to assignors, and for the advancement of research or for the acquisition and development of intellectual property, or both. Interest earned by the account shall be credited to the account. [1953 c.332 §5; 1989 c.966 §35; 2009 c.762 §9]

351.260 Planning assistance. The State Board of Higher Education may establish and maintain planning facilities and undertake planning work for the provision of, or related to, local planning services and may:

(1) Upon the request of the governing body of any municipality, county, Indian reservation or of a regional or joint planning agency in the state, provide planning assistance to such municipality, county, Indian reservation or planning agency (including surveys, land use studies, urban renewal plans, technical services and other planning work) and make or assist in making a study or report upon any planning problem of such municipality, county, Indian reservation or planning agency.

(2) Agree with such governing body or planning agency as to the amount to be paid to the board for such service.

(3) Apply for and accept grants from the federal government and other sources in connection with any such planning work.

(4) Contract with respect thereto. [1955 c.536 §1; 1965 c.456 §1]

351.265 [1965 c.496 §1; 1975 c.553 §1; renumbered 348.705]

351.267 Notice of reasonable assurance of continued employment; effect of failure to give notice. (1) The State Board of Higher Education shall give individual, written notice of reasonable assurance of continued employment to all employees who are to perform services in the same or a similar capacity during a subsequent academic year

or term or in the period immediately following a recess period. Such notice shall be given by June 15 of each year for employees employed as of that date and as of the date of hire for employees employed subsequent to June 15.

(2) Academic staff members on annual or indefinite tenure and all other employees on regular status are considered to have been given notice for the purposes of this section.

(3) No liability shall accrue from failure to give the notice required by subsection (1) of this section or from the timing or contents thereof on the part of the board. However, the board shall enforce the provisions of subsection (1) of this section. [1985 c.585 §5; 1995 c.612 §9]

351.270 [1963 c.548 §6; 1965 c.496 §2; 1969 c.314 §26; 1971 c.643 §1; 1973 c.792 §11; 1973 c.816 §3; 1974 s.s. c.36 §10; 1975 c.553 §2; renumbered 348.715]

351.273 [1973 c.442 §2; repealed by 1975 c.553 §15]

351.275 [1965 c.496 §3; renumbered 348.735]

351.277 Officially sanctioned programs for use of state-owned vehicles; rules. (1) The State Board of Higher Education shall establish by rule procedures to identify officially sanctioned programs for purposes of ORS 283.310 (3).

(2) As used in this section, “officially sanctioned program” is a program identified by the state board through the procedures established pursuant to subsection (1) of this section. [1993 c.335 §12]

351.280 [1965 c.496 §4; 1971 c.643 §2; renumbered 348.745]

351.285 [1965 c.496 §5; renumbered 348.755]

351.290 [1965 c.496 §6; 1967 c.454 §105; 1971 c.643 §3; renumbered 348.765]

351.295 [1965 c.496 §7; repealed by 1975 c.605 §33]

351.297 [1969 c.566 §1; 1971 c.643 §4; renumbered 348.785]

351.298 [1969 c.566 §2; 1971 c.643 §5; renumbered 348.795]

351.299 [1969 c.566 §3; repealed by 1971 c.643 §8]

FINANCES

(Generally)

351.300 Legislative finding on need for stabilized funding. The Legislative Assembly finds that in order to avoid unnecessary disruption at public institutions of higher education and in order to provide assurance that the institutions share in the benefits of any major reform in the Oregon tax system, it is necessary to stabilize funding for such institutions over a longer period than is customary with biennial budgeting. [1991 c.963 §1]

351.301 [1969 c.566 §4; 1971 c.643 §6; renumbered 348.815]

351.302 [1969 c.566 §5; 1971 c.643 §7; renumbered 348.825]

351.303 [1969 c.566 §6; repealed by 1971 c.643 §8]

351.305 [Repealed by 1995 c.162 §94]

351.310 Board’s general financial power; appropriation of moneys received by board. (1) The State Board of Higher Education shall control the use, distribution and disbursement of all funds, appropriations and taxes now or hereafter in possession, levied and collected, received or appropriated for the use, benefit, support and maintenance of institutions, departments or activities of higher education, including the authorization of individuals to sign vouchers for the disbursement of funds for the various institutions, departments and activities.

(2) All moneys, except moneys appropriated from the State Treasury for expenditure within a specified period of time, heretofore or hereafter received by or on behalf of the State Board of Higher Education, or any institution, department or activity under its control, which are not otherwise appropriated by law, hereby are appropriated continuously to the State Board of Higher Education for the purposes for which such moneys were donated, granted or received, in accordance with any applicable law governing the use of such moneys. [Amended by 1955 c.84 §1]

351.315 Borrowing money and issuing bonds for purchase of real property. In carrying out the power and authority granted by ORS 351.140 or 351.160, the State Board of Higher Education may request the State Treasurer to borrow money and issue bonds, as defined in ORS 286A.001, secured by the pledge of the real property to be acquired and revenues, as provided in ORS 351.140 or 351.160. Such bonds shall be issued in accordance with the provisions of ORS chapter 286A. [Formerly 351.520; 2007 c.783 §144]

351.317 Obligations under ORS 351.140 or 351.315 not indebtedness of state or board. An obligation incurred under ORS 351.140 or 351.315 is not an indebtedness of the State of Oregon and does not create a general indebtedness of the State Board of Higher Education. A bond issued by the State Treasurer at the request of the board may be paid only from the property, income or revenues pledged to secure its payment. [Formerly 351.530; 2007 c.783 §145]

351.320 Prorating expenses. The State Board of Higher Education may prorate all expenses not otherwise provided for, incurred under authority of ORS 351.040, 351.050, 351.090 to 351.110, 351.130 and 351.310 to the institutions under its control, and pay the same from the funds available for the general expenses of those institutions.

351.330 [Repealed by 1957 c.370 §1]

351.340 Use of moneys. All sums of money provided by law for the support and maintenance of institutions and activities of higher learning may be used for the payment of salaries of instructors and employees, current expenses, construction of additional buildings, purchase of lands, purchase of equipment, purchase of library books and periodicals, purchase of laboratory supplies and apparatus, making necessary repairs and, in general, for the payment of all such expenses connected with the management of such institutions and activities of higher learning, as the board may from time to time determine. However, such money in the instruction budget of the board shall not be used to support hobby or recreation courses. [Amended by 1957 c.370 §3; 1978 c.1 §3]

Note: Section 10, chapter 18, Oregon Laws 2008, provides:

Sec. 10. (1) Not later than March 1, 2009, and March 1, 2011, the Oregon University System shall report to the Joint Committee on Ways and Means and to any other committee of the Legislative Assembly assigned to examine the budget of the system.

(2) Each report shall include:

(a) Current information on the finances and status of the University of Oregon new arena capital construction project and the University of Oregon athletic department budget;

(b) Current projections of arena-related revenues and expenditures; and

(c) Current information on the balance and projected balances of the athletic department Legacy Fund established within the University of Oregon Foundation. [2008 c.18 §10]

(Bonds)

351.345 Bond issue for higher education and community college projects. In order to provide funds for the purposes specified in Article XI-G of the Oregon Constitution, the State Board of Higher Education may request the State Treasurer to issue bonds in accordance with the provisions of ORS chapter 286A. [1963 c.584 §1; 1981 c.660 §24; 2007 c.783 §146]

351.350 Bond issue for self-liquidating higher education purposes. In order to provide funds for the purposes specified in Article XI-F(1), Oregon Constitution, the State Board of Higher Education may request the State Treasurer to issue bonds in accordance with the provisions of ORS chapter 286A. [Amended by 1955 c.88 §1; 1957 c.703 §1; 1959 c.127 §1; 1961 c.35 §1; 1963 c.10 §1; 1963 c.615 §1; 1967 c.404 §9; 1969 c.664 §8; 1971 c.709 §7; 1975 c.331 §11; 1981 c.539 §7; 1981 c.660 §25; 2007 c.783 §147]

Note: Sections 5 and 9 to 13, chapter 904, Oregon Laws 2009, provide:

Sec. 5. The State Board of Higher Education shall determine the capital renewal, code compliance and safety projects to be undertaken with moneys made available under section 6 (1)(a) of this 2009 Act on the basis of the board's determination of the most critical capital renewal, code compliance and safety needs. In

determining the capital renewal, code compliance and safety needs, the board shall give priority to projects that protect the health and safety of occupants and maintain the structural integrity of facilities. [2009 c.904 §5]

Sec. 9. (1) The project approvals and expenditure limitations in this 2009 Act [chapter 904, Oregon Laws 2009], and the expenditure limitations established by the Emergency Board during the biennium beginning July 1, 2009, for capital construction or acquisition projects of the Oregon University System and of the Department of Community Colleges and Workforce Development for community colleges, expire on June 30, 2015, unless otherwise noted or unless changed by the Legislative Assembly.

(2) The project approvals and expenditure limitations established by section 2 (5)(b), (e) and (i), chapter 725, Oregon Laws 2003, and section 2 (3)(h), chapter 845, Oregon Laws 2001, for capital construction or acquisition projects of the Oregon University System expire on June 30, 2011, unless otherwise changed by Legislative Assembly. [2009 c.904 §9]

Sec. 10. (1) Pursuant to Article XI-G of the Oregon Constitution and ORS 351.345 and ORS chapter 286A, the State Board of Higher Education may sell, with the approval of the State Treasurer, general obligation bonds of the State of Oregon of the kind and character and within the limits prescribed by Article XI-G of the Oregon Constitution, as the board determines, but in no event may the board sell more than the aggregate principal sum of \$144,900,479 par value for the biennium beginning July 1, 2009. The moneys realized from the sale of the bonds shall be appropriated and may be expended for the purposes set forth in section 2 (3)(h), chapter 845, Oregon Laws 2001, section 2 (6)(h) and (p), chapter 787, Oregon Laws 2005, section 2 (2)(b), (4)(k), (5)(f) and (h), and (6)(g) and (h), chapter 761, Oregon Laws 2007, section 6 (1)(b) and (d), (2)(a) and (b), (3), (4)(b), (c) and (d), (5)(a), (6)(b) and (7)(a) of this 2009 Act and for payment for capitalized interest and costs incidental to issuance of the bonds.

(2) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 6 (1)(b) of this 2009 Act are matched with the General Fund appropriation made under section 14 of this 2009 Act.

(3) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 6 (1)(d) of this 2009 Act are matched with the General Fund appropriation made under section 15 of this 2009 Act.

(4) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 6 (2)(a) of this 2009 Act are matched with the General Fund appropriation made under section 16 of this 2009 Act.

(5) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 6 (2)(b) of this 2009 Act are matched with the General Fund appropriation made under section 17 of this 2009 Act.

(6) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 6 (3) of this 2009 Act are matched with the General Fund appropriation made under section 18 of this 2009 Act.

(7) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 6 (4)(b) of this 2009 Act are matched with the General Fund appropriation made under section 19 of this 2009 Act.

(8) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 6 (4)(c) of this 2009 Act are matched with the General Fund appropriation made under section 20 of this 2009 Act.

(9) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 6 (4)(d) of this 2009 Act are matched with the General Fund appropriation made under section 21 of this 2009 Act.

(10) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 6 (5)(a) of this 2009 Act are matched with the General Fund appropriation made under section 22 of this 2009 Act.

(11) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 6 (6)(b) of this 2009 Act are matched with the General Fund appropriation made under section 23 of this 2009 Act.

(12) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 6 (7)(a) of this 2009 Act are matched with the General Fund appropriation made under section 24 of this 2009 Act. [2009 c.904 §10]

Sec. 11. Notwithstanding the expenditure limitations established under sections 6 and 12 of this 2009 Act, the State Board of Higher Education may increase any limit for expenditures from other revenues, including federal funds, prescribed by sections 6 and 12 of this 2009 Act for a specific project, if the expenditure limitation for bonds issued pursuant to Article XI-F(1) or XI-G of the Oregon Constitution for the project is reduced by the board in the same amount. [2009 c.904 §11]

Sec. 12. (1) Notwithstanding the expenditure limitations established under section 6 of this 2009 Act, and subject to subsection (3) of this section, the State Board of Higher Education may expend amounts that exceed the expenditure limitations established under section 6 (1) to (7) of this 2009 Act for bonds issued pursuant to Article XI-F(1) of the Oregon Constitution by the following percentage amounts:

(a) For a project with a combined approved General Fund appropriation and total expenditure limitation of \$500,000 to \$999,999 under section 6 of this 2009 Act, up to 12 percent of the expenditure limitation for bonds issued pursuant to Article XI-F(1) of the Oregon Constitution.

(b) For a project with a combined approved General Fund appropriation and total expenditure limitation of \$1,000,000 to \$4,999,999 under section 6 of this 2009 Act, up to eight percent of the expenditure limitation for bonds issued pursuant to Article XI-F(1) of the Oregon Constitution.

(c) For a project with a combined approved General Fund appropriation and total expenditure limitation of \$5,000,000 to \$9,999,999 under section 6 of this 2009 Act, up to five percent of the expenditure limitation for

bonds issued pursuant to Article XI-F(1) of the Oregon Constitution.

(d) For a project with a combined approved General Fund appropriation and total expenditure limitation of \$10,000,000 or more under section 6 of this 2009 Act, up to three percent of the expenditure limitation for bonds issued pursuant to Article XI-F(1) of the Oregon Constitution.

(2) Notwithstanding the expenditure limitations established under section 6 of this 2009 Act, and subject to subsection (3) of this section, the State Board of Higher Education may expend amounts that exceed the expenditure limitations established under section 6 (1) to (7) of this 2009 Act for other revenues, including federal funds, by the following percentage amounts:

(a) For a project with a combined approved General Fund appropriation and total expenditure limitation of \$500,000 to \$999,999 under section 6 of this 2009 Act, up to 12 percent of the expenditure limitation for other revenues, including federal funds.

(b) For a project with a combined approved General Fund appropriation and total expenditure limitation of \$1,000,000 to \$4,999,999 under section 6 of this 2009 Act, up to eight percent of the expenditure limitation for other revenues, including federal funds.

(c) For a project with a combined approved General Fund appropriation and total expenditure limitation of \$5,000,000 to \$9,999,999 under section 6 of this 2009 Act, up to five percent of the expenditure limitation for other revenues, including federal funds.

(d) For a project with a combined approved General Fund appropriation and total expenditure limitation of \$10,000,000 or more under section 6 of this 2009 Act, up to three percent of the expenditure limitation for other revenues, including federal funds.

(3) The total amount by which the expenditure limitations established under section 6 of this 2009 Act are exceeded under subsections (1) and (2) of this section may not be greater than the sum of the amounts established under section 6 (8) of this 2009 Act.

(4) Notwithstanding the expenditure limitations established under section 6 of this 2009 Act and subsection (3) of this section, the State Board of Higher Education may expend an additional amount in excess of the expenditure limitations established under section 6 of this 2009 Act to pay the cost of accrued and unpaid interest attributable to short term borrowing under Article XI-F(1) of the Oregon Constitution for a project listed in section 6 (1) to (7) of this 2009 Act, if the short term borrowing has been refunded by another borrowing. The amount of such accrued and unpaid interest shall not exceed the amount established under section 6 (9) of this 2009 Act and may be treated as an allowable project cost related to the acquisition of land, improvements to land and acquisition, planning, constructing, altering, repairing, furnishing and equipping of buildings, facilities and other projects within the Oregon University System that may be paid from bond proceeds and other revenues, including federal funds, collected or received by the Oregon University System. [2009 c.904 §12]

Sec. 13. Notwithstanding ORS 351.345 and section 6 of this 2009 Act, the State Board of Higher Education may issue bonds for a project listed in section 6 (1)(b) and (d), (2), (3), (4)(b), (c) and (d), (5)(a), (6)(b) and (7)(a) of this 2009 Act:

(1) If the total amount from other revenues, including federal funds, identified for the project in the expenditure limitation in section 6 of this 2009 Act has been received by the State Board of Higher Education; or

(2) After reporting to the Emergency Board or the Joint Committee on Ways and Means, if the total amount from other revenues, including federal funds, identified for the project in the expenditure limitation

in section 6 of this 2009 Act has not been received by the State Board of Higher Education. [2009 c.904 §13]

Note: Sections 2 and 3, chapter 788, Oregon Laws 2005, provide:

Sec. 2. (1) Pursuant to ORS 286A.560 to 286A.585, at the request of the Oregon Department of Administrative Services, after the department consults with the Oregon University System, the State Treasurer is authorized to issue lottery bonds for capital construction, deferred maintenance and capital renewal, code compliance and safety projects.

(2) The use of lottery bond proceeds is authorized based on the following findings:

(a) New buildings and facilities are needed in order that universities have adequate facilities for teaching.

(b) Having adequate university buildings and facilities is essential to Oregon's healthy economic growth.

(c) Major subsystems within university buildings are wearing out and must be replaced in order that universities have adequate facilities for teaching.

(d) Having safe and fully functioning university facilities is essential to Oregon's healthy economic growth.

(3) The aggregate principal amount of lottery bonds issued pursuant to subsection (1) of this section by the State Treasurer for:

(a) Capital construction may not exceed the amount of \$9,554,000 and an additional amount estimated by the State Treasurer to be necessary to pay bond-related costs as defined in ORS 286A.560.

(b) Deferred maintenance and capital renewal, code compliance and safety projects may not exceed the amount of \$82,231,000 and an additional amount estimated by the State Treasurer to be necessary to pay bond-related costs as defined in ORS 286.560.

(4) Of the \$22,355,000 of net proceeds of lottery bonds issued pursuant to this section for the biennium beginning July 1, 2009, an amount not to exceed:

(a) \$14,247,000 shall be deposited in the Oregon University System Capital Construction, Deferred Maintenance and Capital Repair Project Fund established by section 3, chapter 788, Oregon Laws 2005.

(b) \$1,522,000 shall be deposited in the Eastern Oregon University Zabel Hall Deferred Maintenance Project Account established by section 16, chapter 904, Oregon Laws 2009.

(c) \$6,586,000 shall be deposited in the Oregon State University Strand Agriculture Hall Deferred Maintenance Project Account established by section 19, chapter 904, Oregon Laws 2009. [2005 c.788 §2; 2007 c.746 §2; 2007 c.783 §149; 2009 c.906 §§2,2a]

Sec. 3. (1) The Oregon University System Capital Construction, Deferred Maintenance and Capital Repair Project Fund is established separate and distinct from the General Fund. Interest earned by the Oregon University System Capital Construction, Deferred Maintenance and Capital Repair Project Fund shall be credited to the fund.

(2) Net proceeds of lottery bonds issued pursuant to section 2, chapter 788, Oregon Laws 2005, shall be deposited into the Oregon University System Capital Construction, Deferred Maintenance and Capital Repair Project Fund. Moneys in the fund are continuously appropriated to the Oregon University System for capital construction, deferred maintenance and capital repair projects. [2005 c.788 §3; 2007 c.746 §3; 2009 c.906 §§3,3a]

351.353 Construction of parking facilities; bonds. (1) The State Board of Higher Education may undertake the construction of an off-street motor vehicle parking facility in Portland, Oregon, for higher education

pursuant to Article XI-F(1), Oregon Constitution, ORS 351.160 to 351.190, 351.350 to 351.460 and 351.505. The parking facility shall be for the use of the students and staff members of the board. The board shall establish the rates, charges and fees for use of the parking facility in accordance with the provisions of ORS 351.170.

(2) Bonds may be sold to finance the facility described in this section, in an amount authorized and under the conditions prescribed by ORS 351.350. [1963 c.573 §2; 1967 c.67 §18; 1981 c.660 §26; 1991 c.220 §9]

351.355 [1963 c.573 §3; repealed by 1967 c.67 §27]

351.356 Financial agreements. (1) As used in this section:

(a) "Bond" means a bond issued under Article XI-F(1) of the Oregon Constitution.

(b) "Credit enhancement device" means a letter of credit, line of credit, bond insurance policy, standby purchase agreement, surety bond or other device or facility used to enhance the creditworthiness, liquidity or marketability of a bond.

(c) "Financial agreement" means an agreement for exchange of interest rates, as defined in ORS 286A.001, a credit enhancement device or an agreement made in connection with a credit enhancement device, that is executed for one or more bonds.

(2) The State of Oregon, acting through the State Board of Higher Education or the State Treasurer, may:

(a) Enter into financial agreements.

(b) Identify, segregate, pledge and agree to pay amounts due under financial agreements entered into under this section from:

(A) The revenues, gifts, grants or building fees that are described in section 2, Article XI-F(1) of the Oregon Constitution; or

(B) The unexpended proceeds of the bonds for which financial agreements are executed.

(c) To the extent permitted by Article XI-F(1) of the Oregon Constitution, issue bonds to secure the state's obligation to make payments under a financial agreement. If a bond is issued under this paragraph, the bond amount shall count toward the limit described in section 1, Article XI-F(1) of the Oregon Constitution, only to the extent that it increases the amount the state is obligated to pay under other bonds. [2007 c.767 §2; 2009 c.538 §12]

Note: 351.356 was added to and made a part of ORS chapter 351 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

351.360 [Amended by 1957 c.703 §2; 1959 c.127 §2; 1967 c.369 §1; repealed by 1981 c.660 §18]

351.370 [Repealed by 1981 c.660 §18]

351.380 [Amended by 1957 c.703 §3; repealed by 1981 c.660 §18]

351.390 [Repealed by 1981 c.660 §18]

351.400 [Repealed by 1981 c.660 §18]

351.410 [Amended by 1975 c.462 §4; repealed by 1981 c.660 §18]

351.420 [Repealed by 1981 c.660 §18]

351.430 [Amended by 1957 c.703 §4; 1969 c.213 §1; repealed by 1981 c.660 §18]

351.440 Sale to State of Oregon or United States Government. The bonds may be sold to the State of Oregon or to the United States Government without advertisement thereof for public sale. [Amended by 1957 c.703 §5; 1981 c.94 §31; 1981 c.660 §27]

351.450 Account for bonds related to buildings and other structures. (1) The moneys realized from sales of bonds issued to construct, improve, repair, equip and furnish buildings and other structures for higher education, and to purchase and improve sites therefor, shall be credited to a designated account in the Oregon University System Fund established by ORS 351.506.

(2) The account designated by this section shall have:

(a) A separate subaccount for the credit of moneys realized from sales of bonds issued pursuant to Article XI-F(1) of the Oregon Constitution and ORS 351.350;

(b) A separate subaccount for the credit of moneys realized from sales of bonds issued pursuant to Article XI-G of the Oregon Constitution and ORS 351.345; and

(c) A separate subaccount for the credit of moneys realized from the sales of revenue bonds issued pursuant to ORS chapter 286A.

(3) The moneys received from the issuance of temporary bonds under ORS 351.470 for the purpose of interim financing pending the sale of the bonds shall also be credited to the appropriate subaccount of the account designated by this section.

(4) The moneys in the account designated by this section shall be used for the purpose of defraying the costs of the projects to be financed through sale of the bonds and for the purpose of retiring temporary bonds issued under ORS 351.470 and may not be used for any other purpose unless designated for investment by the Chancellor of the Oregon University System. If a surplus remains after application to the purposes described in this subsection, the surplus and earnings from temporary investments shall be credited to the account maintained in the Oregon University System Fund under ORS 351.460. [Amended by 1953 c.214 §2; 1957 c.703 §6; 1963 c.584 §6; 1981 c.660 §28; 1995 c.110 §2; 2003 c.14 §157; 2005 c.755 §24; 2007 c.783 §150; 2009 c.762 §10]

351.455 Use of moneys in subaccount realized from sale of Article XI-F(1) bonds and revenue bonds. Notwithstanding any other provisions of law, the Oregon University System may expend moneys from the appropriate subaccount of the account in the Oregon University System Fund designated by ORS 351.450, including moneys realized from the sale of bonds issued pursuant to Article XI-F(1) of the Oregon Constitution and ORS 351.350, and from the sale of revenue bonds authorized by ORS 351.315, for the planning, constructing, altering, repairing, furnishing and equipping of buildings and facilities of the kind and character prescribed by Article XI-F(1) of the Oregon Constitution and for the acquisition of land. [1991 c.647 §4; reenacted by 1993 c.538 §3; 1995 c.110 §3; 2007 c.783 §151; 2009 c.762 §11]

Note: 351.455 was made a part of ORS chapter 351 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

351.456 [1999 c.890 §4; repealed by 2009 c.762 §98]

351.460 Account to pay principal and interest of certain bonds. (1) The State Board of Higher Education shall maintain an account within the Oregon University System Fund established by ORS 351.506 to provide for the payment of the principal of and the interest upon:

(a) The bonds issued under authority of Article XI-F(1) of the Oregon Constitution and ORS 351.350;

(b) The bonds issued under authority of Article XI-G of the Oregon Constitution and ORS 351.345;

(c) Revenue bonds authorized by ORS 351.315; and

(d) Amounts due under financial agreements entered into under ORS 351.356.

(2) The account maintained under this section comprises one subaccount for each of the purposes of the account identified in subsection (1) of this section.

(3) Income and interest derived from moneys in the subaccounts of the account maintained under this section are credited to the appropriate subaccount.

(4) The sources of moneys for the account maintained under this section are:

(a) All moneys received from ad valorem taxes levied pursuant to ORS 291.445;

(b) All moneys that the Legislative Assembly may provide in lieu of such taxes;

(c) All of the net revenues received from the projects or undertakings for the financing of which the bonds were issued, including gifts, grants and building fees;

(d) Unpledged revenues of buildings and projects of like character that are allocated by the board;

(e) All moneys received as accrued interest upon bonds sold;

(f) All earnings from investments of the account;

(g) All proceeds of the sale of refunding bonds; and

(h) All moneys that the State of Oregon has agreed to hold in the account to pay amounts due under financial agreements entered into under ORS 351.356.

(5) The board may credit the account maintained under this section with moneys received from either a sale or interfund transfer of land, buildings and facilities. When the land, buildings or facilities are sold or the use of the land, buildings or facilities is rededicated so that a transfer from one subaccount to another subaccount is appropriate, the moneys received shall be credited to the appropriate subaccount.

(6) The board shall apply student building fees, revenues, gifts and grants for the payment of the principal of and the interest upon the bonds issued under authority of Article XI-F(1) of the Oregon Constitution and upon revenue bonds authorized by ORS 351.315 until such time as the proper subaccount and investments of the subaccount, as supplemented by expected future income will, in the judgment of the board, be sufficient to meet in full the principal of and the interest upon all such outstanding bonds. Except for student building fees, income not required for the account as described in this subsection shall be transferred to other accounts and subaccounts within the Oregon University System Fund that are designated by the board. Student building fees for buildings constructed from the proceeds of bonds issued under Article XI-F(1) of the Oregon Constitution or ORS 351.315 shall be applied only to those bonds authorized under Article XI-F(1) of the Oregon Constitution or ORS 351.315.

(7)(a) The board may not use the account maintained under this section for any purpose other than the purposes for which the account was created.

(b) Notwithstanding paragraph (a) of this subsection, the board may transfer any surplus in the account to other accounts in the Oregon University System Fund if a balance remains in the account from sources other than student building fees for buildings constructed from the proceeds of bonds issued under Article XI-F(1) of the Oregon Constitution and:

(A) The purposes for which the account was created have been fulfilled; or

(B) A reserve sufficient to meet all existing and future obligations and liabilities of the account has been set aside. [Amended by 1963 c.584 §7; 1969 c.513 §1; 1973 c.809 §1; 1981 c.660 §29; 1989 c.311 §2; 1991 c.220 §10; 1995 c.110 §4; 2003 c.14 §158; 2005 c.755 §25; 2007 c.767 §3; 2007 c.783 §152; 2009 c.762 §12]

351.470 Temporary bonds. Pending receipt of the proceeds from the expected sale of bonds authorized by this chapter, to the State of Oregon or to the United States Government or any agency thereof, the State Board of Higher Education may, with the approval of the State Treasurer, procure interim financing from the State of Oregon, the United States Government or any agency thereof, or from any private lending agency, by issuing to such private or public lending agency temporary bonds, without advertisement of such bonds for sale, in order to finance temporarily building projects authorized by the board pursuant to Article XI-F(1) or Article XI-G of the Oregon Constitution or ORS 351.160, if the bond issue to be temporarily financed by the issuance of temporary bonds has been authorized by the State Board of Higher Education and a purchase plan has been formulated with and is being considered by the State of Oregon or the United States Government or any agency thereof. The proceeds from the sale of the bonds shall be deposited in the account in the Oregon University System Fund designated by ORS 351.450, and shall be used to retire the temporary bonds issued under this section. The principal amount of temporary bonds issued under this section may not exceed the principal amount of the bond issue for which a purchase plan has been formulated. The temporary bonds may be extended, renewed or refunded but maturity dates may not be later than two years from the date of issue of the original temporary bonds for the related building project. [1957 c.703 §8; 1963 c.584 §8; 1995 c.110 §5; 2007 c.783 §152a; 2009 c.762 §13]

351.480 [Amended by 1963 c.584 §9; repealed by 1991 c.220 §15]

351.490 [Amended by 1963 c.584 §10; renumbered 351.505 in 1995]

351.495 [1993 c.538 §4; renumbered 351.512 (1) in 1995]

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

(Federal Funds)

351.505 Federal aid; donations; acceptance and use. The State Board of Higher Education may, in its discretion, accept financial assistance and grants, either in the form of money or labor, from the United States or any of its agencies, subject to the terms and conditions thereof, regardless of any laws of this state in conflict with the regulations of the federal government with respect thereto, and may also accept from others any donation or grant of land or gift of money or other valuable gift or thing, for any of the purposes contemplated by Article XI-F(1) and Article XI-G of the Oregon Constitution, ORS 351.160 to 351.190, 351.345 to 351.460, 351.500 and 351.505. Unless enjoined by the terms or conditions of any such gift or grant, the board may convert the same, or any of them, into money, through sale or disposal thereof. [Formerly 351.490]

(Funds and Accounts)

351.506 Oregon University System Fund. (1) The Oregon University System Fund is established in the State Treasury, separate and distinct from the General Fund. Any interest or other investment income derived from moneys in the Oregon University System Fund is credited to the fund. Except when otherwise specified by a statute establishing an account, the interest or other investment income credited to the Oregon University System Fund that was derived from tuition and fees, facility and administrative cost recoveries, sales and services revenues, housing fees, food service fees, parking fees and General Fund appropriations shall be transferred to the General Fund by the State Board of Higher Education.

(2) Except for moneys otherwise designated by statute or federal law, all moneys received by the State Board of Higher Education or the Oregon University System shall be paid into the State Treasury and credited to the Oregon University System Fund. All moneys in the fund are continuously appropriated to the State Board of Higher Education for purposes authorized by law.

(3) The moneys in the Oregon University System Fund may be invested as provided in ORS 293.701 to 293.820.

(4) The board may establish accounts and subaccounts within the Oregon University System Fund when the board determines that accounts or subaccounts are necessary or desirable. Except when otherwise specified by a statute establishing an account, the board may credit any interest or income derived from moneys in the fund to any account or subaccount within the fund.

(5) The board shall keep a record of all moneys deposited into the fund. The record shall indicate by separate cumulative accounts and subaccounts the sources from which the moneys are derived and the individual activity or program against which each withdrawal is charged. [2009 c.762 §3]

Note: 351.506 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

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

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the account designated by ORS 351.626 for the facility project described in subsection (1) of this section. [2007 c.761 §11; 2009 c.762 §91]

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

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the account designated by ORS 351.626 for the Pauling Research and Education Building project described in subsection (1) of this section. [2007 c.761 §12; 2009 c.762 §92]

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

search and Teaching Center and Hazardous Waste Facility Phase I at Portland State University.

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the account designated by ORS 351.626 for the center and facility project described in subsection (1) of this section. [2007 c.761 §13; 2009 c.2 §5; 2009 c.762 §93]

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

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the account designated by ORS 351.626 for the Interactive Science Complex, Phase 2 project described in subsection (1) of this section. [2007 c.761 §14; 2009 c.762 §94]

Sec. 15. University of Oregon Hayward Field Account. (1) There is established in the General Fund an account to be known as the University of Oregon Hayward Field Account. Funds in the account shall be used for the construction, remodeling, expansion and renovation of Hayward Field at the University of Oregon.

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the account designated by ORS 351.626 for the Hayward Field project described in subsection (1) of this section. [2007 c.761 §15; 2009 c.762 §95]

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

of facilities for a Center for Health Professions project for the Oregon Institute of Technology.

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the account designated by ORS 351.626 for the Center for Health Professions project described in subsection (1) of this section. [2007 c.761 §16; 2008 c.15 §14; 2009 c.762 §96]

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

(2) The account shall consist of grant funds, gift funds, proceeds of legal settlements, federal and local government funds made available to and funds donated to the Oregon University System for the purpose of the project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$10,000,000 for purposes of this subsection.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the account designated by ORS 351.626 for the project described in subsection (1) of this section. [2007 c.761 §17; 2009 c.762 §97]

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

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

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the classroom and office space project described in subsection (1) of this section. [2009 c.2 §6]

Sec. 7. Oregon Institute of Technology Owens Hall Deferred Maintenance Account. (1) There is established in the General Fund an account to be known as the Oregon Institute of Technology Owens Hall Deferred Maintenance Account. Funds in the account shall

be used for the construction, remodeling, expansion and renovation of Owens Hall at the Oregon Institute of Technology.

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the project described in subsection (1) of this section. [2009 c.2 §7]

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

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

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the facility project described in subsection (1) of this section. [2009 c.904 §14]

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

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the facility project described in subsection (1) of this section. [2009 c.904 §15]

Sec. 16. Eastern Oregon University Zabel Hall Deferred Maintenance Project Account. (1) There is established in the General Fund an account to be known as the Eastern Oregon University Zabel Hall

Deferred Maintenance Project Account. Funds in the account shall be used for the construction, remodeling, expansion and renovation of facilities for a facility project at Eastern Oregon University.

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the facility project described in subsection (1) of this section. [2009 c.904 §16]

Sec. 17. Eastern Oregon University Pierce Library Project Account. (1) There is established in the General Fund an account to be known as the Eastern Oregon University Pierce Library Project Account. Funds in the account shall be used for the construction, remodeling, expansion and renovation of facilities for a facility project at Eastern Oregon University.

(2) The account shall consist of proceeds from certificates of participation made available to the Oregon University System for the purpose of the facility project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$4,000,000 for purposes of this subsection.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the facility project described in subsection (1) of this section. [2009 c.904 §17]

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

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the facility project described in subsection (1) of this section. [2009 c.904 §18]

Sec. 19. Oregon State University Strand Agriculture Hall Deferred Maintenance Project Account. (1) There is established in the General Fund an account to be known as the Oregon State University Strand Agriculture Hall Deferred Maintenance Project Account. Funds in the account shall be used for the construction, remodeling, expansion and renovation of facilities for a facility project at Oregon State University.

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the facility project described in subsection (1) of this section. [2009 c.904 §19]

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

(2) The account shall consist of proceeds from grant funds, gift funds and federal and local government funds made available to the Oregon University System for the purpose of the facility project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$6,000,000 for purposes of this subsection.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the facility project described in subsection (1) of this section. [2009 c.904 §20]

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

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the facility project described in subsection (1) of this section. [2009 c.904 §21]

Sec. 22. Portland State University Science Research and Teaching Center/Hazardous Waste Facility Phase 2 Project Account. (1) There is established in the General Fund an account to be known as the Portland State University Science Research and Teaching Center/Hazardous Waste Facility Phase 2 Project Account. Funds in the account shall be used for the construction, remodeling, expansion and renovation of facilities for a facility project at Oregon State University.

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the facility project described in subsection (1) of this section. [2009 c.904 §22]

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

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the facility project described in subsection (1) of this section. [2009 c.904 §23]

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

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

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the Department of Higher Education Capital Construction Fund for the facility project described in subsection (1) of this section. [2009 c.904 §24]

351.507 Oregon State University Animal Sciences Pavilion Account. (1) There is established in the General Fund an account to be known as the Oregon State University Animal Sciences Pavilion Account. Funds in the account shall be used for the construction, remodeling, expansion and renovation of facilities for an animal sciences

education and research pavilion at Oregon State University.

(2) The account shall consist of federal and local government funds made available to and funds donated to the Oregon University System for the purpose of the animal sciences pavilion project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$4,000,000 in interest, donations and federal and local government funds for purposes of this subsection.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the account designated by ORS 351.626 for the animal sciences pavilion project described in subsection (1) of this section. [2005 c.787 §14; 2009 c.762 §13a]

Note: 351.507, 351.508, 351.517 and 351.518 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.508 Oregon State University Steam Plant Account. (1) There is established in the General Fund an account to be known as the Oregon State University Steam Plant Account. Funds in the account shall be used for the construction, remodeling, expansion and renovation of facilities for a steam plant at Oregon State University.

(2) The account shall consist of grant funds, loan funds, business energy tax credit proceeds and federal and local government funds made available to and funds donated to the Oregon University System for the purpose of the steam plant project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$12,000,000 in interest, donations, grant funds, loan funds, tax credit proceeds and federal and local government funds for purposes of this subsection.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the account designated by ORS 351.626 for the steam plant project described in subsection (1) of this section. [2005 c.787 §13; 2009 c.762 §13b]

Note: See note under 351.507.

351.509 Portland State University Center for Nanoscience and Nanotechnology Account. (1) There is established in the General Fund an account to be known as the Portland State University

Center for Nanoscience and Nanotechnology Account. Funds in the account shall be used for the expansion of microscopy and materials characterization facilities at Portland State University related to a signature research center.

(2) The account shall consist of proceeds from lottery bonds made available to the Oregon University System for the purpose of the Portland State University center for nanoscience and nanotechnology project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and are continuously appropriated to the Oregon University System for the center for nanoscience and nanotechnology project described in subsection (1) of this section. The account may not be credited with more than \$500,000 in interest and proceeds from lottery bonds. [2003 c.725 §9]

Note: 351.509, 351.519, 351.532 and 351.628 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.510 [Amended by 1957 c.703 §7; 1963 c.584 §11; repealed by 1967 c.454 §119]

351.511 Portland State University Northwest Engineering Science Center Phase I Account. (1) There is established in the General Fund an account to be known as the Portland State University Northwest Engineering Science Center Phase I Account. Funds in the account shall be used for construction of an engineering science center at Portland State University.

(2) The account shall consist of federal and local government funds made available to and funds donated to the Oregon University System for the purpose of the Portland State University Northwest Engineering Science Center Phase I project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and are continuously appropriated to the Oregon University System for that purpose. The account may not be credited with more than \$26,500,000 in interest, donations and federal and local government funds for purposes of this subsection. [2001 c.845 §8; 2003 c.674 §11]

Note: 351.511, 351.516 and 351.521 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 351 or any series therein

by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.512 [Subsection (1) formerly 351.495 and subsection (2) formerly 351.580; repealed by 1997 c.249 §110]

351.513 [2005 c.787 §15; repealed by 2009 c.762 §98]

351.515 [2005 c.787 §11; repealed by 2009 c.762 §98]

351.516 Eastern Oregon University Regional Agricultural, Health and Life Sciences Building Account. (1) There is established in the General Fund an account to be known as the Eastern Oregon University Regional Agricultural, Health and Life Sciences Building Account. Funds in the account shall be used to construct a new building for agriculture, health and life sciences studies at Eastern Oregon University.

(2) The account shall consist of proceeds from lottery bonds and federal and local government funds made available to and funds donated to the Oregon University System for the purpose of the Eastern Oregon University Regional Agricultural, Health and Life Sciences Building project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and are continuously appropriated to the Oregon University System for that purpose. The account may not be credited with more than \$14,470,500 in interest, proceeds from lottery bonds, donations and federal and local government funds for purposes of this subsection. [2001 c.845 §14; 2003 c.674 §12]

Note: See note under 351.511.

351.517 University of Oregon Education Building and Complex Account. (1) There is established in the General Fund an account to be known as the University of Oregon Education Building and Complex Account. Funds in the account shall be used for the construction, remodeling, expansion and renovation of facilities for an education building and complex at the University of Oregon.

(2) The account shall consist of federal and local government funds made available to and funds donated to the Oregon University System for the purpose of the education building and complex project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$19,400,000 in interest, donations and federal and local government funds for purposes of this subsection.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously ap-

propriated to the Oregon University System and may be transferred to the account designated by ORS 351.626 for the education building and complex project described in subsection (1) of this section. [2005 c.787 §10; 2009 c.762 §13c]

Note: See note under 351.507.

351.518 University of Oregon Gilbert Hall Account. (1) There is established in the General Fund an account to be known as the University of Oregon Gilbert Hall Account. Funds in the account shall be used for the construction, remodeling, expansion and renovation of facilities for Gilbert Hall at the University of Oregon.

(2) The account shall consist of federal and local government funds made available to and funds donated to the Oregon University System for the purpose of the Gilbert Hall project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account. The account may not be credited with more than \$3,300,000 in interest, donations and federal and local government funds for purposes of this subsection.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the Oregon University System and may be transferred to the account designated by ORS 351.626 for the Gilbert Hall project described in subsection (1) of this section. [2005 c.787 §12; 2009 c.762 §13d]

Note: See note under 351.507.

351.519 University of Oregon Integrative Science Complex Account. (1) There is established in the General Fund an account to be known as the University of Oregon Integrative Science Complex Account. Funds in the account shall be used for the construction, remodeling, expansion and renovation of facilities for an integrative science complex at the University of Oregon that includes a multiscale materials and devices laboratory and other facilities related to a signature research center.

(2) The account shall consist of proceeds from lottery bonds made available to the Oregon University System for the purpose of the University of Oregon integrative science complex project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and are continuously appropriated to the Oregon University System for the integrative science complex project described in subsection (1) of this section.

The account may not be credited with more than \$4,750,000 in interest and proceeds from lottery bonds. [2003 c.725 §10]

Note: See note under 351.509.

351.520 [Amended by 1981 c.660 §30; renumbered 351.315 in 1995]

351.521 University of Oregon School of Music Account. (1) There is established in the General Fund an account to be known as the University of Oregon School of Music Account. Funds in the account shall be used for additions and alterations to the School of Music at the University of Oregon.

(2) The account shall consist of federal and local government funds made available to and funds donated to the Oregon University System for the purpose of the University of Oregon School of Music project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and are continuously appropriated to the Oregon University System for that purpose. The account may not be credited with more than \$7,600,000 in interest, donations and federal and local government funds for purposes of this subsection. [2001 c.845 §10; 2003 c.674 §13]

Note: See note under 351.511.

351.522 [1995 c.254 §12; repealed by 1997 c.584 §15]

351.523 [1997 c.584 §8; 2003 c.674 §14; repealed by 2009 c.762 §98]

351.524 [2001 c.845 §13; 2003 c.674 §15; repealed by 2009 c.762 §98]

351.525 [1997 c.584 §9b; repealed by 2003 c.674 §30]

351.526 [1999 c.890 §11; 2003 c.674 §16; repealed by 2009 c.762 §98]

351.527 [1995 c.254 §13; repealed by 1997 c.584 §15]

351.528 [1997 c.584 §9; 2003 c.674 §17; repealed by 2009 c.762 §98]

351.529 [2001 c.845 §9; 2003 c.674 §18; repealed by 2009 c.762 §98]

351.530 [Renumbered 351.317 in 1995]

351.531 [1997 c.584 §9a; repealed by 2003 c.674 §30]

351.532 Oregon State University Engineering Capital Construction Remodel Account. (1) There is established in the General Fund an account to be known as the Oregon State University Engineering Capital Construction Remodel Account. Funds in the account shall be used for the HP Building II Renovation project at Oregon State University for a microproducts breakthrough institute related to a signature research center.

(2) The account shall consist of proceeds from lottery bonds made available to the Oregon University System for the purpose of the Oregon State University capital construction project described in subsection (1)

of this section. Interest earned on moneys in the account shall be credited to the account.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and are continuously appropriated to the Oregon University System for the capital construction project described in subsection (1) of this section. The account may not be credited with more than \$4,750,000 in interest and proceeds from lottery bonds. [2003 c.725 §8; 2007 c.761 §31]

Note: See note under 351.509.

351.533 [2001 c.845 §12; 2003 c.674 §19; repealed by 2009 c.762 §98]

351.534 [2001 c.845 §11; 2001 c.849 §3; 2003 c.674 §20; repealed by 2009 c.762 §98]

351.535 [1993 c.538 §10; repealed by 2003 c.674 §30]

351.536 [1995 c.254 §11; repealed by 2003 c.674 §30]

351.537 [1999 c.890 §12; 2003 c.674 §21; repealed by 2009 c.762 §98]

351.538 Museum of Art Project Account. (1) There is established in the General Fund an account to be known as the Museum of Art Project Account. Funds in the account shall be used for additions to and alterations of the Museum of Art at the University of Oregon.

(2) The account shall consist of federal and local government funds made available to and funds donated to the Oregon University System for the purposes of the Museum of Art project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and are continuously appropriated to the Oregon University System for that purpose. The account may not be credited with more than \$6,360,000 in interest, donations and federal and local government funds for purposes of this subsection. [1999 c.890 §13; 2003 c.674 §22]

Note: 351.538 and 351.539 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.539 Straub Hall Project Account. (1) There is established in the General Fund an account to be known as the Straub Hall Project Account. Funds in the account shall be used for the additions to and alterations of Straub Hall at the University of Oregon.

(2) The account shall consist of federal and local government funds made available to and funds donated to the Oregon University System for the purposes of the Straub Hall project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and are continuously appropriated to the Oregon University System for that purpose. The account may not be credited with more than \$1,166,000 in interest, donations and federal and local government funds for purposes of this subsection. [1999 c.890 §14; 2003 c.674 §23]

Note: See note under 351.538.

351.540 [Amended by 1967 c.454 §31; 1979 c.479 §1; 2003 c.674 §24; repealed by 2009 c.762 §98]

351.545 Account to pay principal and interest of bonds authorized by ORS 351.350. (1) An account in the Oregon University System Fund established by ORS 351.506 is designated to provide for the payment of principal and interest of bonds issued under the authority of Article XI-F(1) of the Oregon Constitution and ORS 351.350 in an amount equal to the amount authorized for expenditure by section 3 (2)(b), chapter 709, Oregon Laws 1971, and expended as provided therein. Income and interest derived from moneys in the account are credited to the account.

(2) The account designated by this section consists of moneys received as net revenues from the isolation facilities for which the expenditure of funds is authorized by section 3 (2)(b), chapter 709, Oregon Laws 1971, including gifts, grants and building fees, moneys received as accrued interest on bonds sold, earnings from investments on the account, the proceeds of the sale of refunding bonds and any accrued interest on such refunding bonds, moneys appropriated to the account by the Legislative Assembly and moneys received for the purposes of the account from all other sources. Moneys in the account may be used only for the purposes provided in subsection (1) of this section.

(3) If the account designated by this section has a balance after the purpose for which the account was created has been fulfilled, or the account and the investments of the account, will, in the judgment of the board, be sufficient to meet in full the principal of and the interest upon all Higher Education Isolation Facility bonds, then any excess moneys may be transferred by the board to an account to be used for research related to veterinary medicine. [1971 c.688 §3; 1973 c.809 §2; 1975 c.550 §13; 1977 c.281 §5; 1977 c.855 §19; 1981 c.660 §31; 1987 c.452 §1; 1995 c.79 §193; 1995 c.110 §6; 2009 c.762 §14]

351.550 [Repealed by 1979 c.479 §2]

351.555 [1971 c.709 §13; repealed by 1995 c.110 §9]

351.560 [Amended by 1967 c.255 §1; 1967 c.454 §32; 1971 c.80 §2; repealed by 1979 c.479 §2]

351.570 [1961 c.577 §2; 1965 c.585 §1; renumbered 348.010]

351.580 [1967 c.404 §5; renumbered 351.512 (2) in 1995]

351.590 Account for student activities.

(1) An account in the Oregon University System Fund established by ORS 351.506 is designated for the purpose of receiving all revenue from incidental fees, optional fees, health services fees and all operating revenue from intercollegiate athletics, student unions and educational activities.

(2) Disbursements from the account designated by this section, including any interest credited to the account, may be made for necessary expenses for supplies, services and equipment associated with student activities including but not limited to recruiting, training and grant-in-aid to intercollegiate athletes.

(3) Income and interest derived from moneys in the account designated by this section are credited to the account. The State Board of Higher Education shall distribute annually the total interest earnings proportionately to each institution based on each institution's average cash balance in the account. [1975 c.558 §7; 1987 c.256 §1; 1989 c.966 §36; 1995 c.110 §7; 2003 c.674 §25; 2009 c.762 §15]

351.605 [Formerly 351.120; 1961 c.558 §1; 1963 c.328 §1; renumbered 348.210]

351.610 [1963 c.539 §2; renumbered 348.220]

351.615 Account for auxiliary enterprise building repair and equipment replacement. Moneys set aside by higher education auxiliary activities for repair and alteration of buildings and replacement of equipment shall be credited to an account designated for that purpose in the Oregon University System Fund established by ORS 351.506. Income and interest derived from moneys in the account are credited to the account for distribution to the several auxiliary activities in accord with rules adopted by the State Board of Higher Education. The moneys in the account may be used only for the repair and alteration of auxiliary enterprise buildings and replacement of equipment as designated by the board, after hearing any recommendations by recognized student governments. [1979 c.106 §2; 1995 c.110 §8; 2009 c.762 §16]

351.620 [1961 c.558 §4; renumbered 348.230]

351.625 [1959 c.564 §12; 1961 c.558 §2; renumbered 348.240]

351.626 Account for construction, remodeling, expansion and renovation of facilities. An account in the Oregon University System Fund established by ORS 351.506 is designated for the construction, remodeling, expansion and renovation of facilities within the Oregon University System. Income and interest from moneys in the account are credited to the account. [2005 c.787 §16; 2009 c.762 §17]

Note: 351.626 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.627 Account for capital construction. (1) An account in the Oregon University System Fund established by ORS 351.506 is designated for the purpose of capital construction.

(2) The account designated by this section consists of moneys credited to the account, including moneys from the Administrative Services Economic Development Fund. Interest earned on moneys in the account is credited to the account.

(3) A building, facility or project to be funded from the account designated by this section may not be commenced and an expenditure for the building, facility or project may not be made or incurred except for land purchases and architectural or engineering planning until a plan for the building, facility or project has been submitted by the State Board of Higher Education to and approved by the Emergency Board. [1985 c.828 §5; 1989 c.966 §§37,73; 2009 c.762 §18]

351.628 Higher Education Academic Modernization Account. (1) There is established in the General Fund an account to be known as the Higher Education Academic Modernization Account. Funds in the account shall be used at state institutions of higher education within the Oregon University System for academic modernization, capital repair, deferred maintenance and making facilities compliant with building and safety codes.

(2) The account shall consist of funds donated to the Oregon University System for the purposes described in subsection (1) of this section. The account may also consist of other funds available to the Oregon University System for the purposes described in subsection (1) of this section. The Oregon University System may not deposit any moneys into the account that were appropriated to the Department of Higher Education under chapter 725, Oregon Laws 2003. Interest earned on moneys in the account shall be credited to the account.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and are continuously appropriated to the Oregon University System for the purposes described in subsection (1) of this section. The account may not be credited with more than \$1,000,000 in interest, donations and other funds. [2003 c.725 §12]

Note: See note under 351.509.

Note: Legislative Counsel has substituted "chapter 725, Oregon Laws 2003," for the words "this 2003 Act"

in section 12, chapter 725, Oregon Laws 2003, compiled as 351.628. Specific ORS references have not been substituted, pursuant to 173.160. The sections for which substitution otherwise would be made may be determined by referring to the 2003 Comparative Section Table located in Volume 20 of ORS.

351.630 [1959 c.564 §13; 1961 c.558 §5; renumbered 348.250]

351.633 Contracts for capital construction when funds in account are insufficient. Any contract entered into by the State Board of Higher Education to be paid from the account designated by ORS 351.627 for which there are insufficient funds in the account at the time the contract is entered into must contain a provision authorizing cancellation of the contract if the funds do not become available. [1985 c.828 §6; 2009 c.762 §19]

351.635 [1959 c.564 §1; renumbered 348.510]

351.638 Account for recruitment of faculty. (1) An account in the Oregon University System Fund established by ORS 351.506 is designated for the purpose of attracting new, outstanding faculty members to the institutions in the Oregon University System. This purpose includes payment of costs incurred in relocating new faculty, retraining necessary teaching assistants for new faculty, acquisition of equipment such as laboratory equipment and facilities to support research by new faculty, payment of other costs incurred in recruiting new faculty and payment of costs associated with committing salary supplements to newly recruited faculty over a period of more than one year.

(2) The state board shall seek funds from private sources for deposit to the credit of the account designated by this section. Funds from other sources may not be transferred or credited to the account without prior authorization of the appropriate legislative review agency as described in ORS 291.375 (1). [1987 c.630 §1; 2009 c.762 §20]

351.640 [1959 c.564 §7; renumbered 348.520]

STUDENTS

351.642 Status of members of Armed Forces; spouses and children. (1) As used in this section:

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

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

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

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

(b) "Armed Forces of the United States" includes:

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

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

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

(c) "Dependent children" includes any children of an active member of the Armed Forces of the United States who:

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

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

(2) Active members of the Armed Forces of the United States and their spouses and dependent children shall be considered residents of this state for the purpose of admission and for the purpose of determining fees and tuition to be paid by such individuals while attending any educational institution in this state that is under the control of the State Board of Higher Education.

(3) The State Board of Higher Education may contract with the Armed Forces of the United States to furnish educational service in Oregon institutions to active members of the Armed Forces of the United States.

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

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

(6) Payments made by the Armed Forces of the United States under such contracts shall be deposited in a designated account in the Oregon University System Fund established by ORS 351.506 in the same manner that fees and tuition payments for resident students are deposited and credited. [1987 c.162 §7; 1989 c.264 §3; 2003 c.242 §1; 2009 c.762 §21]

351.643 Rights of student in military ordered to active duty; rules. (1) A student at a state institution of higher education who is a member of the military and who is or-

dered 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 state institution of higher education 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 351.644 for all amounts paid for room, board, tuition and fees;

(c) If the student elects to withdraw from the state institution of higher education, the right to be readmitted and reenrolled at the state institution of higher education 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 state institution of higher education or the Oregon Student Assistance 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 state institution of higher education 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 State Board of Higher Education 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 §5; 2005 c.836 §16]

351.644 Credit for room, board, tuition and fees for student ordered to active duty; rules. (1)(a) The amount of the credit specified in ORS 351.643 (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 a state institution of higher education or from the state institution of higher education, 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 state institution of higher education under ORS 351.643 (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 state institution of higher education from which the student withdraws.

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

(4) A personal representative of a student who elected to claim the credit by the

method described in subsection (1)(c)(A) of this section may claim a monetary payment upon presenting evidence to the state institution of higher education that the student died while serving on active duty.

(5) The State Board of Higher Education 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 §6]

351.645 [1959 c.564 §8; 1961 c.416 §2; renumbered 348.530]

351.646 Credit for education and training received while in Armed Forces; rules. A state institution of higher education listed in ORS 352.002 shall give credit for education and training obtained by a person while serving in the Armed Forces of the United States, as defined in ORS 351.642. The education and training for which credit may be given must meet the standards adopted by the State Board of Higher Education by rule. [2005 c.518 §3]

Note: 351.646 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.647 Nonresident tuition in post-secondary educational institutions. The Legislative Assembly finds that:

(1) It is in the interest of this state and its people that Oregon residents have access to the post-secondary institutions in the Northwest which best provide for the educational needs of those students;

(2) The people of Oregon and their post-secondary institutions benefit through the provision of access to Oregon colleges and universities for students from the state of Washington and from the enhanced economic and cultural well-being of the northwest region;

(3) The state should reduce or eliminate the nonresident tuition barriers which might exist between the states of Oregon and Washington to restrict or inhibit enrollment of residents of one of these states in a community college or public college or university in the other state;

(4) The general policy statement on reduction of admission and tuition barriers between the states of Oregon and Washington shall not apply to students at the Oregon Health and Science University, where enrollment priority shall continue to be given to qualified Oregon residents; and

(5) The State Board of Higher Education and the State Board of Education shall develop plans to carry out the intent of this policy within the appropriations available, and shall report to the appropriate legislative

review agency before implementing the plan. [Formerly 351.073]

351.649 Student journalists; student expression; civil action. (1) For the purposes of this section:

(a) “Public institution of higher education” means:

(A) A community college;

(B) A state institution of higher education listed in ORS 352.002; and

(C) The Oregon Health and Science University.

(b) “School-sponsored media” means materials that are prepared, substantially written, published or broadcast by student journalists, that are distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a student media adviser. “School-sponsored media” does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

(c) “Student journalist” means a student who gathers, compiles, writes, edits, photographs, records or prepares information for dissemination in school-sponsored media.

(d) “Student media adviser” means a person who is employed, appointed or designated by a public institution of higher education to supervise, or provide instruction relating to, school-sponsored media.

(2) Student journalists are responsible for determining the news, opinion, feature and advertising content of school-sponsored media. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists.

(3) Nothing in this section may be interpreted to authorize expression by students that:

(a) Is libelous or slanderous;

(b) Constitutes an unwarranted invasion of privacy;

(c) Violates federal or state statutes, rules or regulations or state common law; or

(d) So incites students as to create a clear and present danger of:

(A) The commission of unlawful acts on or off school premises;

(B) The violation of school policies; or

(C) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing

student behavior, and not on undifferentiated fear or apprehension.

(4) Any student enrolled in a public institution of higher education may commence a civil action to obtain damages under this subsection and appropriate injunctive or declaratory relief as determined by a court for a violation of subsection (2) of this section, the First Amendment to the United States Constitution or section 8, Article I of the Oregon Constitution. Upon a motion, a court may award \$100 in damages and injunctive and declaratory relief to a prevailing plaintiff in a civil action brought under this subsection. [2007 c.763 §2]

Note: 351.649 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.650 [1959 c.564 §§4,5; renumbered 348.540]

351.653 Interstate agreements. (1) In addition to any interstate agreements entered into under ORS 351.647, the Governor shall encourage interstate agreements with Washington, Idaho and California. Such agreements shall be in accordance with ORS 190.410 to 190.440 and shall:

(a) Provide for full-time equivalent reimbursement to this state for any students from another state who enroll in an Oregon public post-secondary institution pursuant to the agreement;

(b) Provide that only students who reside in counties that share a common border with this state may participate in any program developed pursuant to such an agreement; and

(c) Provide that the county government or other similar county-wide public organization of any county involved in the agreement shall provide or arrange to provide a portion of the costs of attendance for participating students.

(2) Any public post-secondary institution entering into an interstate agreement under this section shall send a copy of the agreement to the Governor and the State Board of Education.

(3) The provisions of this section shall not apply to interstate agreements entered into pursuant to ORS 351.647. [1997 c.521 §5]

Note: 351.653 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.655 [1959 c.564 §3; renumbered 348.550]

351.656 Waiver of tuition for family members of deceased veterans; limits on waiver; conditions. (1) As used in this section:

(a) "Child" means a child, adopted child or stepchild of a service member.

(b) "Eligible post-secondary institution" means:

(A) A state institution of higher education listed in ORS 352.002; and

(B) The Oregon Health and Science University.

(c) "Qualified student" means a child, a spouse or an unremarried surviving spouse of a service member.

(d) "Service member" means a person who:

(A) As a member of the Armed Forces of the United States, died on active duty;

(B) As a member of the Armed Forces of the United States, died as a result of a military service connected disability; or

(C) Is 100 percent disabled as the result of a military service connected disability, as certified by the United States Department of Veterans Affairs or any branch of the Armed Forces of the United States.

(2) Subject to subsections (3) to (6) of this section, an eligible post-secondary institution shall waive tuition for a qualified student for courses that may lead to a baccalaureate degree or a master's degree. A qualified student who received a tuition waiver for a baccalaureate degree may also qualify for a tuition waiver for a master's degree.

(3)(a) The maximum waiver granted under this section shall be as follows:

(A) For a baccalaureate degree, the total number of credit hours that equals four years of full-time attendance at an eligible post-secondary institution.

(B) For a master's degree, the total number of credit hours that equals two years of full-time attendance at an eligible post-secondary institution.

(b) Notwithstanding paragraph (a) of this subsection, a waiver may not exceed the total number of credit hours the qualified student needs to graduate with a baccalaureate degree or a master's degree.

(4) A waiver may be granted under this section only for credit hours for courses that are offered by an eligible post-secondary institution and are available for enrollment regardless of whether the qualified student attends the course and pays tuition.

(5) A qualified student may receive a waiver under this section if the student:

(a) At the time of application for a waiver, is considered a resident of this state for the purpose of determining tuition to be paid at an eligible post-secondary institution; and

(b) Has been admitted to an eligible post-secondary institution for a baccalaureate degree program or has been admitted to a master's degree program at an eligible post-secondary institution.

(6)(a) A child who applies for a waiver under this section must be 23 years of age or younger at the time the child applies for a waiver.

(b) Notwithstanding paragraph (a) of this subsection, a child who is older than 23 years of age is eligible for a waiver for a master's degree if the child:

(A) Applied for and received a waiver for a baccalaureate degree when the child was 23 years of age or younger; and

(B) Applied for a waiver for a master's degree within 12 months of receiving a baccalaureate degree. [2008 c.39 §9; 2009 c.236 §1]

Note: 351.656 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: Section 10, chapter 39, Oregon Laws 2008, provides:

Sec. 10. (1) As used in this section, "qualified student" has the meaning given that term in section 9, chapter 39, Oregon Laws 2008 [351.656].

(2) No later than February 1, 2011, each state institution of higher education listed in ORS 352.002, each community college as defined in ORS 341.005 and the Oregon Health and Science University shall report to the Seventy-sixth Legislative Assembly as provided in ORS 192.245.

(3) The report required by subsection (2) of this section shall describe how the institution, community college or university is accommodating the financial needs of qualified students, including:

(a) The number of qualified students who received a waiver under section 9, chapter 39, Oregon Laws 2008, and the amounts of those waivers.

(b) Scholarships offered specifically to qualified students, the number of qualified students who received those scholarships and the amounts of those scholarships.

(c) Any other financial assistance provided to qualified students. [2008 c.39 §10; 2009 c.236 §2]

351.658 Waiver of tuition for Oregon residents at least 65; conditions for waiver; rules. (1) The State Board of Higher Education shall direct each state institution of higher education to waive tuition for any course audited by an Oregon resident 65 years of age or older if:

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

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

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

(2) A state institution of higher education may charge the student attending under sub-

section (1) of this section fees associated with the course being audited.

(3) A state institution of higher education may develop rules for implementation of this section, including rules relating to registration, admission and fees. [2009 c.344 §1]

Note: Section 3, chapter 344, Oregon Laws 2009, provides:

Sec. 3. The provisions of sections 1 [351.658] and 2 [341.534] of this 2009 Act shall first apply to courses offered in the 2010-2011 academic year. [2009 c.344 §3]

Note: 351.658 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.660 [1959 c.564 §6; renumbered 348.560]

ENGINEERING EDUCATION

351.663 Engineering and Technology Industry Council; establishment; membership; duties; investment of fund. (1) The Engineering and Technology Industry Council is established. A majority of the council members are representatives of high technology companies in Oregon. The council shall be consulted on the work plans and resource allocations for engineering education.

(2) The council shall establish criteria and measurements that will be used for determining investments made from the account designated by ORS 351.666.

(3) The criteria and measurements established by the council include:

(a) Responding to the urgent engineering educational needs of Oregon's fast growing high technology industry, especially in the Portland metropolitan area.

(b) Increasing this state's faculty and program capacity to meet the graduate level, professional education needs of engineers working in Oregon's high technology industry through investments in public and private institutions.

(c) Creating additional opportunities for Oregonians to pursue education in electrical engineering, computer engineering and other engineering disciplines critical to the advancement of Oregon's high technology industry.

(d) Investing relatively scarce state financial resources to:

(A) Address the high technology industry's most demonstrated and pressing needs;

(B) Produce the greatest amount of educational benefits with the least short-term and long-term costs to the public;

(C) Avoid duplicating existing public or private resources; and

(D) Leverage existing and future private resources for the public benefit.

(e) Making all investments in public and private institutions through performance-based contracts with measurable outcomes in order to ensure strong linkage between the most urgent engineering education needs and implemented solutions.

(f) Maximizing the leverage of state investment funds to build faculty and program capacity and share existing and new faculty and program resources.

(4) Priority is given to investments where private financial resources from Oregon high technology companies or individuals with significant interests in the growth of high technology in Oregon are made available to augment public funds.

(5) The council must submit biennial performance reviews of all investments made to improve engineering education with public funds in public and private institutions. The reviews must be submitted to the Chancellor of the Oregon University System and the State Board of Higher Education. [1997 c.641 §3; 2009 c.762 §22]

Note: 351.663, 351.666 and 351.668 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.665 [1959 c.564 §11; renumbered 348.570]

351.666 Account for investments in engineering education. (1) An account in the Oregon University System Fund established by ORS 351.506 is designated for the purpose of investments in engineering education. Interest earned on moneys in the account is credited to the account.

(2) The State Board of Higher Education shall use the moneys in the account designated by this section solely for the purpose of investing in engineering education. The board shall follow the criteria and measurements established by the Engineering and Technology Industry Council in allocating moneys for investments in engineering education. [1997 c.641 §1; 2009 c.762 §23]

Note: See note under 351.663.

351.668 Use of money in account. The State Board of Higher Education shall use the money from the account designated by ORS 351.666 solely for the purpose of investing in engineering education. The board shall follow the criteria and measurements established by the Engineering and Technology Industry Council in allocating money for investments in engineering education. [1997 c.641 §2; 2009 c.762 §23a]

Note: See note under 351.663.

351.670 [1959 c.564 §9; 1961 c.416 §3; renumbered 348.580]

351.672 [1961 c.416 §1; renumbered 348.590]

351.673 [1961 c.577 §1; repealed by 1965 c.585 §2]

351.675 [1959 c.564 §10; renumbered 348.600]

351.676 [2001 c.920 §1; 2003 c.14 §159; repealed by 2005 c.748 §30]

351.678 [2001 c.920 §3; repealed by 2005 c.748 §30]

351.680 [2001 c.920 §4; repealed by 2005 c.748 §30]

351.683 [2001 c.920 §6; 2001 c.920 §§6b,6c; repealed by 2005 c.748 §30]

351.686 [2001 c.920 §7; repealed by 2005 c.748 §30]

351.689 [2001 c.920 §9; 2003 c.794 §261; repealed by 2005 c.748 §30]

351.690 [2001 c.920 §8; 2002 s.s.3 c.6 §16; repealed by 2005 c.748 §30]

351.691 [2001 c.920 §2; repealed by 2005 c.748 §30]

VENTURE GRANT PROGRAM

351.692 Venture grant program; applicant requirements. The State Board of Higher Education shall adopt policies that prescribe the requirements for a venture grant program and the requirements that a grant applicant must meet in order to receive grant moneys from a university venture development fund, 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 each university that establishes a university venture development fund report amounts of tax credit certificates issued by the university and 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; and

(3) Under which the Oregon University System is to maintain records and issue directions to universities that have established university venture development funds relating to when universities must cease issuing certificates, in order to ensure that the total amount owed to the General Fund by the Oregon University System at any one time under ORS 351.697 (6) does not exceed \$6 million. [2005 c.592 §2; 2007 c.586 §2]

Note: 351.692, 351.695 and 351.697 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.695 University venture development funds; deposit; use; fee. (1) A university within the Oregon University System may deposit moneys received for its university venture development fund in the Higher Education Donation Fund established under ORS 351.130.

(2) Notwithstanding ORS 351.697 (5), the State Treasurer, as payment for expenses, may deduct a fee pursuant to ORS 293.718 from a university venture development fund administered by a university within the Oregon University System or the Oregon Health and Science University.

(3) A university within the Oregon University System or the Oregon Health and Science University may direct that moneys credited to its university venture development fund be held and invested by the university's affiliated foundation. Any moneys held by an affiliated foundation under this section or ORS 351.697 are not subject to the provisions of ORS chapter 293 or 295 and may not be considered public or state funds for any purpose. Moneys transferred to an affiliated foundation under this section or ORS 351.697 may be used only as provided under ORS 351.692, 351.695, 351.697 and 353.445.

(4) At the request of a university within the Oregon University System, moneys in the Higher Education Donation Fund that were deposited by the university under this section may be transferred to the university's affiliated foundation.

(5) A university within the Oregon University System or the Oregon Health and Science University may retain or may elect to have its affiliated foundation retain some or all of the principal contributed to a university venture development fund for investment to perpetuate and increase the moneys available for expenditure. The balance of the fund and the earnings on that balance may be used as provided under ORS 351.692, 351.695, 351.697 and 353.445. [2005 c.592 §7; 2007 c.586 §4]

Note: See note under 351.692.

351.697 Purpose of funds; disbursement; assessment; report. (1) Each university in the Oregon University System and Oregon Health and Science University may elect to establish a university venture development fund as provided in this section for the purpose of facilitating the commercialization of university research and development. A university shall direct that the university venture development fund be administered, in whole or in part, by the university or by the university's affiliated foundation.

(2) The purposes of a university venture development fund are to provide:

(a) Capital for university entrepreneurial programs;

(b) Opportunities for students to gain experience in applying research to commercial activities;

(c) Proof-of-concept funding for transforming research and development concepts into commercially viable products and services;

(d) Entrepreneurial opportunities for persons interested in transforming research into viable commercial ventures that create jobs in this state; and

(e) Tax credits for contributors to university research commercialization activities.

(3) Each university that elects to establish a university venture development fund shall:

(a) Notify the Department of Revenue of the establishment of the fund;

(b) Either directly or through its affiliated foundation, solicit contributions to the fund and receive, manage and disburse moneys contributed to the fund;

(c) Subject to ORS 315.521 (1), 351.692 (3) and 353.445 (3), issue tax credit certificates to contributors to the fund in the amount of the contributions;

(d) Establish a grant program that meets the requirements for a venture grant program under policies adopted by the State Board of Higher Education under ORS 351.692 or under policies adopted by the Oregon Health and Science University Board of Directors under ORS 353.445; and

(e) Subject to available moneys from the fund, provide qualified grant applicants with moneys for the purpose of facilitating the commercialization of university research and development.

(4) Except as provided in subsection (5) of this section, moneys in a university venture development fund shall be disbursed only as directed by a university.

(5) A university or its affiliated foundation may charge its customary administrative assessment to manage its university venture development fund in an amount not to exceed three percent of the fund's average balance during the fiscal year of the university or its affiliated foundation. The administrative assessment may be paid from the assets in the fund. Except as authorized by law, no other fees or indirect costs shall be charged against the university venture development fund or any associated grants or other disbursements from the fund.

(6) A university that has established a university venture development fund shall monitor the use of grants made from the fund and identify the income realized by the university as the result of the use of the grants. Income consists of cash realized from royalties, milestone and license fee payments and cash from the sale of equity. The university shall cause the transfer of 20 percent of the income realized from the grants to the General Fund, but not to exceed the amount of the tax credits issued by the university as a result of contributions to its university venture development fund. Immediately upon deposit of the transferred amount into the General Fund, the university may issue new tax credits to equal the transferred amount.

(7) A university that has established a university venture development fund shall report annually to the Legislative Assembly or, if the Legislative Assembly is not in session, to the interim legislative committees on revenue. The report shall be at the end of the fiscal year of the university or of its affiliated foundation and provide information for that fiscal year. The university shall include in the report the following information pertaining to its university venture development fund:

(a) The amount of donations received for the fund;

(b) The amount of income received from the fund;

(c) The amount of disbursements and grants paid from the fund;

(d) The amount of income and royalties received from disbursements from the fund; and

(e) The amount of moneys transferred from the fund to the General Fund. [2005 c.592 §1; 2007 c.586 §1]

Note: See note under 351.692.

FACULTY

351.700 Definitions. As used in ORS 351.704 and 351.708, "public institution of higher education" means:

(1) A community college; or

(2) A state institution of higher education listed in ORS 352.002. [2009 c.773 §1]

Note: 351.700 to 351.708 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 351 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

351.704 Health care benefits for part-time faculty; rules. (1) A part-time faculty member at a public institution of higher education is eligible for the same health care benefits as full-time faculty members if the part-time faculty member is eligible for membership in the Public Employees Retirement System by teaching either at a single public institution of higher education or in aggregate at multiple public institutions of higher education during the prior year.

(2) A part-time faculty member at a public institution of higher education shall pay all insurance premiums for health care benefits unless otherwise provided for by the policy of the institution or by collective bargaining at the institution.

(3) The Oregon Educators Benefit Board and the Public Employees' Benefit Board shall each adopt rules to implement subsections (1) and (2) of this section. [2009 c.773 §2]

Note: See note under 351.700.

351.708 Review of employment of full-time and part-time faculty; report to Legislative Assembly and Governor. The State Board of Education and the State Board of Higher Education shall establish baselines and conduct annual reviews of each public institution of higher education with respect to the employment of full-time faculty and of faculty working less than full-time. Each public institution of higher education shall provide the necessary data for the board's report prior to September 1 of each year. The boards shall report the results of the reviews to the Legislative Assembly and the Governor's office prior to October 1 of each year. The reviews shall include:

(1) Examination of data related to the ratio of courses taught by the following faculty categories:

- (a) Full-time faculty;
- (b) Part-time faculty; and
- (c) Graduate assistants;

(2) The pay differential for the faculty categories; and

(3) The health care and other benefits provided for each faculty category. [2009 c.773 §3]

Note: See note under 351.700.

351.710 [Amended by 1959 c.459 §1; 1975 c.553 §4; renumbered 348.835]

351.720 [Amended by 1975 c.553 §5; renumbered 348.845]

351.730 [Amended by 1975 c.553 §3; renumbered 348.855]

351.740 [Renumbered 348.865]

351.750 [Renumbered 348.875]

351.760 [Renumbered 348.885]

351.765 [1957 c.409 §§1,2; 1959 c.566 §6; 1959 c.641 §37; renumbered 352.370]

WESTERN REGIONAL HIGHER EDUCATION COMPACT

351.770 Western Regional Higher Education Compact ratified. The Western Regional Higher Education Compact is ratified and approved and the adherence of this state to its provisions, upon ratification and approval by any five or more of the states or territories therein named, is declared.

351.780 Compact provisions. The terms and provisions of the compact referred to in ORS 351.770 are as follows:

ARTICLE I

Whereas the future of this nation and of the western states is dependent upon the quality of the education of its youth; and

Whereas many of the western states individually do not have sufficient numbers of

potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

Whereas it is believed that the western states, or groups of such states within the region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the region and of the students thereof:

Now, therefore, the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming and the territories of Alaska and Hawaii do hereby covenant and agree as follows:

ARTICLE II

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact.

ARTICLE III

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the commission. Said commission shall be a body corporate of each compacting state and territory and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

ARTICLE IV

The commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The commissioners from each state and territory shall be appointed by the Governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The terms of each commissioner shall be four years; provided, however, that the first three commissioners shall be appointed as follows: One for two years, one for three years, and one for four years. Each commissioner shall hold office until his successor

shall be appointed and qualified. If any office becomes vacant for any reason, the Governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

ARTICLE V

Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Each compacting state and territory represented at any meeting of the commission is entitled to one vote.

ARTICLE VI

The commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

ARTICLE VII

The commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The commission may elect such committees as it deems necessary for the carrying out of its functions.

The commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call upon such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

The commission shall submit a budget to the Governor of each compacting state and territory at such time and for such period as may be required.

The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

On or before the fifteenth day of January of each year the commission shall submit to

the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the Governor of any compacting state or territory or his designated representative. The commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The commission shall provide for an independent annual audit.

ARTICLE VIII

It shall be the duty of the commission to enter into such contractual agreements with any institutions in the region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the commission may enter into contractual agreements:

(a) With the governing authority of any educational institution in the region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) With the governing authority of any educational institution in the region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the region providing the desired services and facilities, upon such terms and conditions as the commission may prescribe.

It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education; and from time to time prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting such studies, the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the Governors of the various compacting states

and territories uniform legislation dealing with problems of higher education in the region.

For the purposes of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states and territories.

ARTICLE IX

The operating costs of the commission shall be apportioned equally among the compacting states and territories.

ARTICLE X

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii have duly adopted it prior to July 1, 1953. This compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

ARTICLE XI

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and Governor of such terminating state. Any state or territory may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the Governor of the withdrawing state or territory, accompanied by a certified copy of the requisite legislative action, is received by the commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the commission.

ARTICLE XII

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such de-

faulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Any such defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the commission.

351.790 Effective time of compact.

Upon ratification and approval of the Western Regional Higher Education Compact by any five or more of the specified states or territories, the Governor of this state shall execute the compact on behalf of this state and perform any other acts which may be deemed requisite to its formal ratification and promulgation.

351.800 Commission members; appointment and removal. (1) The Governor shall appoint the Oregon members of the Western Interstate Commission for Higher Education.

(2) The qualifications and terms of office of the members of the commission for this state shall conform with the provisions of Article IV of the compact.

(3) The Governor may remove a member of the commission for cause after notice and public hearing.

351.810 Authority to take action to achieve ends of compact. The State Board of Higher Education, the Oregon Health and Science University and the Oregon members of the Western Interstate Commission for Higher Education are authorized to take any action necessary to achieving the ends of the Western Regional Higher Education Compact. [1953 c.205 §1; 1995 c.162 §71]

351.820 Contracts with commission to furnish out-of-state educational service to Oregon students. (1) Prior to June 1 of each even-numbered year the Oregon members of the Western Interstate Commission for Higher Education shall determine the quotas of Oregon students for whom various kinds of educational service should be purchased in out-of-state institutions during the next biennium and shall recommend to the State Board of Higher Education and the Oregon Health and Science University Board of Directors the amount to be included in its biennial budget to cover the cost of such educational service for students enrolled in their respective institutions.

(2) The State Board of Higher Education and the Oregon Health and Science University Board of Directors shall negotiate contracts with the Western Interstate Commission for Higher Education for educational service of the kind and amount indi-

cated by the quotas determined under subsection (1) of this section. The board shall make payments required by such contracts out of the money appropriated to it for that purpose.

(3) The State Board of Higher Education may also contract with higher education institutions, or others, which are not members of the Western Interstate Commission for Higher Education, to furnish educational services to students who are residents of the State of Oregon in those areas of higher education where the educational institutions of the State of Oregon are unable to provide the desired professional educational opportunities. [1953 c.205 §§2,3; 1969 c.277 §1; 1995 c.162 §72]

351.830 Selection of Oregon residents to receive out-of-state educational service. (1) Any Oregon resident desiring to take advantage of the Western Regional Higher Education Compact may make application to the State Board of Higher Education for out-of-state educational service. From such applicants the board shall select students to fill the quotas determined under ORS 351.820.

(2) The board and the Oregon members of the Western Interstate Commission for Higher Education shall jointly establish criteria to be observed by the board in making such selections.

(3) The board shall certify the names of the students selected to the Western Interstate Commission for Higher Education and to the out-of-state institution to which each student desires admission. [1953 c.205 §4]

351.840 Contracts with commission to furnish educational service in Oregon institutions to out-of-state students. (1) The State Board of Higher Education and the Oregon Health and Science University Board of Directors may contract with the Western Interstate Commission for Higher Education to furnish educational service in their respective Oregon institutions to out-of-state students.

(2) The State Board of Higher Education and the Oregon Health and Science University Board of Directors shall determine the number of out-of-state students that should be accepted into their respective institutions, and shall make final decisions on admission of individual applicants.

(3) Payments made by the commission under such contracts shall be deposited in and credited to a designated account in the Oregon University System Fund established by ORS 351.506 for students enrolled in institutions under the jurisdiction of the State Board of Higher Education in the same manner that fees and tuition payments for resident students are deposited and credited.

The estimated amount of the payments must be considered by the board in making its biennial budgetary requests. Payments made by the commission under such contracts must be deposited with the Oregon Health and Science University for students who enroll in that university under the terms of such contracts. [1953 c.205 §5; 1995 c.56 §1; 1995 c.162 §73; 2009 c.762 §24]

RESEARCH POLICY

351.865 Definition for ORS 351.865 to 351.890. As used in ORS 351.865 to 351.890, "basic research" is defined as scholarly investigation conducted to obtain new knowledge for its own sake. [1983 c.429 §2]

351.870 Findings and policy for ORS 351.865 to 351.890. (1) The Legislative Assembly finds and declares that basic research is fundamental to the continuation and expansion of applied research and is thus a necessary ingredient in economic growth. The Legislative Assembly further finds that basic research is itself an important activity which should be promoted.

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

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

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

(5) The Legislative Assembly intends that in implementing the policy on basic research or any other research policy, the State Board of Higher Education, in keeping with the principle of academic freedom, shall insure open and free inquiry and publication in all institutions under its jurisdiction. [1983 c.429 §§3,4,5,6; 1987 c.731 §1]

351.875 Account for research. (1) An account in the Oregon University System Fund established by ORS 351.506 is designated to provide grants for research.

(2) The account designated by this section may consist of moneys from any public or private source. Interest earned on the account is credited to the account.

(3) The account designated by this section shall be administered by the State Board of Higher Education according to policies and procedures adopted pursuant to ORS 351.880 and 351.885.

(4) Expenditures from the account designated by this section shall take the form of grants for a time certain and may extend beyond the biennium in which the expenditure is made. Grants may not be used for capital construction. [1983 c.429 §7; 2009 c.762 §25]

351.880 Council for Research Policy Recommendations. For the purpose of recommending policies and procedures for the administration of the account designated by ORS 351.875, the State Board of Higher Education shall establish a Council for Research Policy Recommendations. [1983 c.429 §8; 2009 c.762 §26]

351.885 Administration of account. (1) With the advice and recommendations of the Council for Research Policy Recommendations established by ORS 351.880, the State Board of Higher Education shall adopt policies and procedures for the administration of the account designated by ORS 351.875.

(2) The policies and procedures shall give consideration to:

(a) The promotion of basic research of the highest caliber at institutions of higher education within the Oregon University System;

(b) The identification of areas of inquiry that should be supported so as to recognize both the intrinsic value and extrinsic economic value of basic research;

(c) The capacity of each institution of higher education to decide where basic research moneys could best be spent within that institution;

(d) Administrative and accounting requirements that place upon the institution of higher education receiving moneys from the account designated by ORS 351.875 a minimum burden sufficient to guarantee an appropriate degree of public accountability; and

(e) Methods of assuring nondiscriminatory access to the account designated by ORS 351.875. [1983 c.429 §9; 2009 c.762 §27]

351.890 Short title. ORS 351.865 to 351.890 shall be known and cited as the Research Policy Act. [1983 c.429 §1; 2007 c.71 §98]

351.990 [Part renumbered 348.990; repealed by 1979 c.308 §7]