

CHAPTER 209

AN ACT

HB 2871

Relating to higher education; amending ORS 320.013, 320.100, 418.205, 418.653, 418.657, 418.658, 418.660 and 418.663.

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

SECTION 1. ORS 418.653 is amended to read:

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

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

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

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

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

SECTION 2. ORS 418.657 is amended to read:

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

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

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

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

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

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

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

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

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

(4) Corps members are exempt from:

(a) State Personnel Relations Law; and

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

SECTION 3. ORS 418.658 is amended to read:

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

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

(a) Child care services.

(b) Elderly and disabled care services.

(c) Literacy education programs.

(d) Recycling and other waste reduction services.

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

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

that enhance and support education or employment.

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

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

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

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

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

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

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

SECTION 4. ORS 418.660 is amended to read:

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

(a) Rangeland conservation, rehabilitation and improvement;

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

(c) Urban revitalization;

(d) Historical and cultural site preservation and maintenance;

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

(f) Road and trail maintenance and improvement;

(g) Soil conservation work, including erosion control;

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

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

(j) Fish culture and habitat maintenance and improvement;

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

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

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

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

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

(p) Recycling projects; and

(q) Garden, greenhouse and farming programs.

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

SECTION 5. ORS 320.013 is amended to read:

320.013. (1) In addition to the excise tax imposed by ORS 320.011, an excise tax is imposed upon every person for the privilege of operating an amusement device within this state. The tax shall be \$10 for each amusement device operated during the tax year.

(2) All moneys received from the tax imposed under subsection (1) of this section, not including penalties, shall be paid by the Department of Revenue into the State Treasury quarterly and are continuously appropriated to pay the expenses of the state and local programs of the Oregon Youth [*Conservation*] Corps established under ORS 418.650 to 418.663.

SECTION 6. ORS 320.100 is amended to read:

320.100. (1) All moneys received from the taxes imposed under ORS 320.011 and 320.012, including penalties, shall be paid by the Department of Revenue in the following manner:

(a) Seventy-five percent (75%) of the moneys shall be credited, appropriated or remitted as follows:

(A) Forty-three and two-tenths percent (43.2%) thereof shall be credited to the General Fund to be available for payment of general governmental expenses.

(B) Nine and seven-tenths percent (9.7%) is continuously appropriated to pay the expenses of state and local programs of the Oregon Youth [*Conservation*] Corps established under ORS 418.650 to 418.663.

(C) Forty-seven and one-tenth percent (47.1%) thereof shall be remitted to the county treasurers of

the several counties of the state. Each county shall receive such share of the moneys as its population, determined by Portland State University, bears to the total population of the counties of the state, as determined by the census last preceding such apportionment.

(b) Twenty-five percent (25%) of the moneys shall be continuously appropriated to pay the expenses of the state and local programs of the Oregon Youth [*Conservation*] Corps established under ORS 418.650 to 418.663.

(2) All revenues received under this section by the treasurers of the several counties shall be placed in the general fund of each county to be expended by the county courts or the board of county commissioners of the several counties for general governmental expenses.

SECTION 7. ORS 418.205 is amended to read:

418.205. As used in ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to 418.970 and 418.992 to 418.998, unless the context requires otherwise:

(1) "Child" means an unmarried person under 21 years of age who resides in or receives care or services from a child-caring agency.

(2)(a) "Child-caring agency":

(A) Means any private school, private agency or private organization providing:

(i) Day treatment for children with emotional disturbances;

(ii) Adoption placement services;

(iii) Residential care, including but not limited to foster care or residential treatment for children;

(iv) Residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances;

(v) Outdoor youth programs; or

(vi) Other similar care or services for children.

(B) Includes the following:

(i) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;

(ii) An independent residence facility as described in ORS 418.475;

(iii) A private residential boarding school; and

(iv) A child-caring facility as defined in ORS 418.950.

(b) "Child-caring agency" does not include:

(A) Residential facilities or foster care homes certified or licensed by the Department of Human Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental disability services;

(B) Any private agency or organization facilitating the provision of respite services for parents pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subparagraph, "respite services" means the voluntary assumption of short-term care and control of a minor child without compensation or reimbursement of expenses for the purpose of providing a parent in crisis with relief from the demands of ongoing care of the parent's child;

(C) A youth job development organization as defined in ORS 344.415;

(D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645;

(E) A foster home subject to ORS 418.625 to 418.645;

(F) A facility that exclusively serves individuals 18 years of age and older; or

(G) A facility that primarily serves both adults and children but requires that any child must be accompanied at all times by at least one custodial parent or guardian.

(3) "Child-caring facility" has the meaning given that term in ORS 418.950.

(4) "Governmental agency" means an executive, legislative or judicial agency, department, board, commission, authority, institution or instrumentality of this state or of a county, municipality or other political subdivision of this state.

(5) "Independent residence facility" means a facility established or certified under ORS 418.475.

(6)(a) "Outdoor youth program" means a program that provides, in an outdoor living setting, services to children who have behavioral problems, mental health problems or problems with abuse of alcohol or drugs.

(b) "Outdoor youth program" does not include any program, facility or activity:

(A) Operated by a governmental entity;

(B) Operated or affiliated with the Oregon Youth [*Conservation*] Corps;

(C) Licensed by the Department of Human Services under other authority of the department; or

(D) Operated by a youth job development organization as defined in ORS 344.415.

(7) "Private" means not owned, operated or administered by any governmental agency or unit.

(8) "Private residential boarding school" means either of the following as the context requires:

(a) A child-caring agency that is a private school that provides residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances; or

(b) A private school providing residential care that is primarily engaged in educational work under ORS 418.327.

(9) "Proctor foster home" means a foster home certified by a child-caring agency under ORS 418.248 that is not subject to ORS 418.625 to 418.645.

(10) "Provider of care or services for children" means a person, entity or organization that provides care or services to children, regardless of whether the child is in the custody of the Department of Human Services, and that does not otherwise meet the definition of, or requirements for, a child-caring agency. "Provider of care or services for children" includes a proctor foster home certified by a child-caring agency under ORS 418.248.

(11) "Shelter-care home" has the meaning given that term in ORS 418.470.

SECTION 8. ORS 418.663 is amended to read:

418.663. (1) Projects selected under ORS 418.650 to 418.663 shall:

(a) Result in an increase in employment opportunities for disadvantaged and at-risk youth over those opportunities which would otherwise be available;

(b) Not result in the displacement of currently employed workers, including partial displacement such as reduction in the hours of nonovertime work or wages or employment benefits;

(c) Not impair existing contracts for services or result in the substitution of state for other funds in connection with work that would otherwise be performed;

(d) Not substitute jobs assisted under ORS 418.650 to 418.663 for existing federally assisted jobs;

(e) Not employ any person when any other person is on layoff by an employer from the same or any substantially equivalent job in the same area; and

(f) Not be used to employ any person to fill a job opening created by the act of an employer in laying off or terminating employment of any regular employee, otherwise reducing the regular workforce not supported under ORS 418.650 to 418.663, in anticipation of filling the vacancy so created by hiring a person to be supported under ORS 418.650 to 418.663.

(2) Where a labor organization represents employees who are engaged in similar work or a workers' cooperative is engaged in work in the same area to that proposed to be performed under the program for which an application is being developed, the organization or cooperative shall be notified and shall be afforded a reasonable period of time prior to the submission of the application in which to make comments to the applicant and to the program director of the Oregon Youth [*Conservation*] Corps.

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