Chapter 352

1981 REPLACEMENT PART

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UNIVERSITY OF OREGON

352.010 University of Oregon faculty. The president and professors constitute the faculty of the University of Oregon and as such have the immediate government and discipline of it and the students therein; but in all matters connected with the government and discipline of the preparatory department, the teachers therein shall be heard and consulted. The faculty may, subject to the supervision of the State Board of Higher Education, prescribe the course of study to be pursued in the university and the textbooks to be used.

352.020 President of the university. The president of the university is also president of the faculty, but whenever required by the board of higher education, he shall perform the duties of a professorship. He is also the executive and governing officer of the school, except as otherwise provided by statute; and subject to the supervision of said board, he has authority to control and give general directions to the practical affairs of the school.

352.030 Political or sectarian tests prohibited in appointment of professors, teachers or employes. No political or sectarian test shall ever be allowed or applied in the appointment of professors, teachers or employes of the university.

352.035 Streets through university property; establishment and dedication. The State Board of Higher Education may open, establish, lay out and dedicate to the public use such streets through the lands situated within the corporate limits of the City of Eugene, owned by or belonging to the University of Oregon, upon such terms and conditions as may be agreed upon by the board of higher education and the common council of the City of Eugene. Such streets may be opened, established, laid out and dedicated in such manner, form and procedure as the board of higher education shall prescribe and agree upon with the common council of the City of Eugene. When such streets are so opened, laid out and established, they hereby are declared to be dedicated to the public use and are further declared to be public streets of the City of Eugene. [Formerly 352 080]

352.040 [Repealed by 1961 c 238 §1]

352.045 Oregon State Museum of Anthropology. (1) The anthropological collections at the University of Oregon are designated and established as the Oregon State Museum of Anthropology. The Oregon State Museum of Anthropology is designated as official depository for any material of prehistorical, archaeological or anthropological nature that may come into the possession of the State of Oregon through the operation of ORS 273.705 or 273.711 or as a consequence of gifts from the Federal Government, the Smithsonian Institution or from other public or private agencies. The University of Oregon, through its professor of anthropology and director or curator of the Oregon State Museum of Anthropology, or either, shall assume full responsibility for the custody and safekeeping of said collection.

(2) ORS 273.705 or 273.711 or this section shall not interfere with any collections now in the possession of any institution of higher learning in Oregon, nor prevent any private person making a gift of any collection owned by him directly to any institution. [Formerly 352 090]

352.050 [Repealed by 1973 c 729 §17]

OREGON HEALTH SCIENCES UNIVERSITY
(Generally)

352.055 Functions of Oregon Health Sciences University. (1) The Oregon Health Sciences University shall provide clinical facilities for the education of students, shall maintain relationships with other hospitals in Oregon for the clinical training in health sciences, and shall provide clinical services to patients and shall support research activities to the extent reasonably necessary for support of the teaching function.

(2) In all matters affecting the activity of the Oregon Health Sciences University, the education function shall be the primary factor for consideration. As a necessary adjunct to its educational purpose, it must provide medical service. Those persons admitted for care shall be selected because treatment of their illness or condition contributes a valuable learning experience for students in training.

(3) The Oregon Health Sciences University shall not be required to provide medical care for indigent persons; nor shall the Oregon Health Sciences University be required to deny medical care to indigent persons. Rather the Oregon Health Sciences University shall be required to accord all persons equal consideration with regard to admission for medical

treatment All admissions shall be determined upon the basis of educational values and clinical circumstances. [1973 c 729 §16, 1975 c 693 §3, 1981 c 144 §1]

352.058 Amniocentesis program at health sciences university; eligibility; fees; participation to be voluntary. (1) It is declared to be the policy of this state to encourage amniocentesis to detect genetically transmitted diseases that cause severe retardation and overwhelming physical defects in children.

(2) The Oregon Health Sciences University shall establish a program for the prenatal testing by means of amniocentesis for genetic disorders

(3) The university shall establish criteria for eligibility, including but not limited to the following.

(a) Women 35 years of age or older

(b) Women having had a previous Down's syndrome child or a child with any other chromosome disorder.

(c) Pregnancies where one parent is a translocation carrier.

(d) Women who are carriers of an X-linked disease

(e) Pregnancies where both parents are carriers of an autosomal recessive disease that can be diagnosed prenatally

(f) Pregnancies where the parents have a previous child who has a neural tube defect.

(4) The university shall·

(a) Formulate a graduated fee schedule, based upon the ability of the patient to pay, to offset the costs of the program The costs of transportation to the university shall be considered in determining the patient's ability to pay.

(b) Develop an education program designed to educate physicians and the public concerning the uses of amniocentesis and the availability of the program established under this section.

(c) Assure that genetic counseling be given in conjunction with amniocentesis

(5) The participation by any individual in this program shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program. [1977 c 773 §§1, 2, 3]

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

352.065 Operation, control and use of former University-State Tuberculosis Hospital. (1) The responsibility for the operation and control of the present state tuberculosis hospital located on the grounds of the Oregon Health Sciences University in Multnomah County is transferred from the Board of Control to the State Board of Higher Education.

(2) The State Board of Higher Education shall manage the hospital buildings that constitute the state tuberculosis hospital on the grounds of the Oregon Health Sciences University in Multnomah County in the same manner as they manage all other institutions under their control, may use such buildings for any medical purposes and may make contracts of the type provided in ORS 352.060. [1959 c 97 §§1, 2]

352.070 [Repealed by 1961 c 238 §1]

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

352.080 [Renumbered 352 035]

352.090 [Renumbered 352 045]

(Dental School)

352.100 University dental school; creation; status. There is created a professional school in the higher educational system of the State of Oregon, to be known as the University of Oregon Dental School. The dental school shall be a distinct and separate professional school under the general jurisdiction and control of the State Board of Higher Education but shall be under the immediate administration, control and supervision of the President of the Oregon Health Sciences University to the extent which may be prescribed by the board and which is parallel to the administrative relationship between the President of the Oregon Health Sciences University and the University of Oregon Medical School. [Amended by 1957 c 595 §1, 1975 c 693 §4]

352.110 Powers of board of higher education in the operation of the dental school. The board of higher education in the management and operation of the dental school shall have all the general powers, so far as applicable or necessary, that are granted the board in the management of the Oregon Health Sciences University, and in addition

thereto, the board shall have the power and authority and be subject to the limitations and conditions of ORS 352.120 to 352.150. [Amended by 1975 c 693 §5]

352.120 Conferral of degrees. In addition to the powers granted by ORS 352.110 to 352.150, the board of higher education shall confer, upon recommendation of the faculty of the Dental School of the Oregon Health Sciences University, the degree of doctor of dental medicine, and such other degrees as may be authorized by the board. [Amended by 1975 c 693 §6]

352.130 Faculty; fees; dental clinic. (1) The board of higher education shall appoint a dean of the dental school and such other faculty, teachers and employes as are deemed desirable.

(2) The board of higher education shall prescribe and collect such fees, charges and exactions for admission into the dental school, and a rate of tuition for instruction therein, as are deemed desirable.

(3) The board of higher education, in the management and operation of said school and as a part of said school, may maintain a dental clinic to give an opportunity for practical experience to the dental students, and in that connection may make such charge for the services rendered to patients as from time to time is recommended by the dental school faculty and approved by the board of higher education.

(4) Money derived from fees, charges and exactions for admission into the dental school and for tuition in instruction therein and from the dental clinic shall be used exclusively for the support, maintenance and operation of said dental school.

352.140 Supervision of school; admission and graduation qualifications. The board of higher education shall supervise the general course of instruction and enact rules and bylaws for the government thereof, including the faculty, teachers, students and employes therein. The board shall also prescribe the qualifications for admission into the dental school, as well as the qualifications and accomplishments required for graduation therefrom, and the reception of the degrees authorized and granted by the school.

352.150 Gifts for dental school. The board of higher education may acquire, receive, hold, control, convey, sell, manage, operate, lease, lend, invest, improve and develop any and all property, real and personal, given for the use and benefit of the dental school, whether such gifts are made to any agency of the state or to said school or to the university or State of Oregon for said school. All such property given, devised or bequeathed shall be used exclusively for the use, benefit and operation of the dental school. [Amended by 1969 c 597 §58]

352.160 [Repealed by 1961 c 238 §1]

RURAL MEDICAL ACT OF 1973

352.165 Short title for ORS 352.165 to 352.175. ORS 352.165 to 352.175 shall be known as the Rural Medical Act of 1973. [1973 c 644 §1]

352.167 Purpose of ORS 352.165 to 352.175. The Legislative Assembly finds and declares that there is an emergency now existing from the shortage of doctors in medically disadvantaged areas of this state. It is the purpose of ORS 352.165 to 352.175 to meet this emergency by inducing students at the Oregon Health Sciences University to work with physicians in these areas and thereby afford more medical care in such areas. [1973 c 644 §2]

352.170 [Repealed by 1957 c 595 §3]

352.173 Definition of "medically disadvantaged area." As used in ORS 352 165 to 352.175, unless the context requires otherwise, a "medically disadvantaged area" means a rural area of Oregon which is without adequate medical assistance as determined by the Board of Medical Examiners for the State of Oregon. [1973 c 644 §3]

352.175 Preceptor program for medically disadvantaged areas; stipends. The Oregon Health Sciences University shall establish a preceptor program whereby medical students enrolled in the school are enabled to work with physicians licensed by the Board of Medical Examiners for the State of Oregon and practicing in medically disadvantaged areas. Students enrolled in the program shall be entitled to receive a monthly stipend from the school during their period of participation in the program. [1973 c 644 §4]

352.180 [Repealed by 1957 c 595 §3]

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

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

PORTLAND STATE UNIVERSITY

352.195 Portland State University. (1) There is created a separate and distinct department in the higher educational system, to be under the jurisdiction, management and control of the board of higher education, to be located on the site of the former Lincoln High School property and any areas in the vicinity of such property in the City of Portland and to be known as Portland State University. The board of higher education may acquire such land and acquire or construct such buildings and facilities as are necessary for Portland State University.

(2) Except as otherwise provided in this section, the board of higher education in the management and operation of Portland State University shall have all the general powers and duties, so far as applicable or necessary, that are granted to or imposed upon the board of higher education in the management and operation of the institutions under its control. The board of higher education shall have such additional powers as are necessary or convenient to carry out the objects and purposes of this section.

(3) This section does not prohibit use of the permanent buildings and facilities of Portland State University for extension classes. [1955 c 12 §§1, 3, 4, 1969 c 6 §1, 1977 c 144 §1]

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

OREGON INSTITUTE OF TECHNOLOGY

352.201 Oregon Institute of Technology. (1) Oregon Institute of Technology is established as a separate and distinct department in the higher education system to be under the jurisdiction, management and control of the board of higher education for the primary purpose of training technicians.

(2) Except as otherwise provided by this section and ORS 352.205, the board of higher education in the management and operation of Oregon Institute of Technology shall have all the general powers and duties, so far as applicable or necessary, that are granted to or imposed upon the board of higher education in the management and operation of the institutions under its control The board of higher education shall have such additional powers as are necessary or convenient to carry out the objects and purposes of this section. [1959 c 566 §1, 1973 c 70 §2]

352.205 Location of institute. (1) If within five years after July 1, 1960, the City of Klamath Falls, Oregon, or any other donor, agrees to furnish a site for Oregon Institute of Technology that is:

(a) Located within or near the city limits of Klamath Falls;

(b) Located where services and utilities necessary to the operation of an institution of higher learning are available; and

(c) Approved by the State Board of Higher Education,

Oregon Institute of Technology shall be moved from its present site and relocated upon the site furnished.

(2) Title to the property furnished as a site for the school shall be transferred to the State of Oregon, and the title to the property shall remain in the State of Oregon as long as the property is used for a state school. If the State of Oregon ceases to use the property for a state school, the state shall sell the property within a reasonable time after the state ceases to use the property for a state school and shall pay the donor or his heirs, successors or assigns from the proceeds of the sale an amount representing the value of the land, exclusive of improvements, at the time of the sale. The valuation of the land shall be determined by the state with the assistance of qualified independent appraisers. [1959 c 566 §3]

352.210 [Repealed by 1955 c 12 §5]

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

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

353.220 [Repealed by 1955 c 12 §5]

OREGON STATE UNIVERSITY

352.230 Agricultural college of the state designated Oregon State University. The state college in Benton County is designated and permanently adopted as the agricultural college of the state, in which all students sent under the provisions of law shall be instructed in accordance with the requirements of the Act of Congress, approved on July 2, 1862, granting public lands to the several states and territories which might

provide colleges for the benefit of agriculture and the mechanic arts, and the Acts amendatory thereof. The permanent location of the state agricultural college at Corvallis, Benton County, Oregon, is ratified and confirmed; and such college shall be named Oregon State University. [Amended by 1953 c.362 §1, 1961 c 54 §1]

352.240 Government of university vested in board of higher education; corporate character; powers. The general government of Oregon State University shall be vested in and exercised by the State Board of Higher Education who hereby are constituted a corporation for that purpose, with power to sue and be sued, to make contracts and to enact, and from time to time to vary and amend, all such bylaws and regulations as in their discretion seems necessary or proper for the benefit, development and successful working of the university.

352.250 [Repealed by 1961 c 238 §1]

352.260 Oregon State University course of study. The course of instruction and studies at Oregon State University shall be prescribed by the State Board of Higher Education and shall be in accordance with the objects sought by Congress in the establishment of state agricultural colleges, namely, instruction in agriculture and the mechanic arts.

352.270 Oregon State University fee and tuition. For the time being, an admission fee and rates of tuition, such as the State Board of Higher Education deems expedient, shall be required of each student at Oregon State University except those receiving free scholarships under ORS 352.280.

352.275 Sea Grant College. There is established, as a part of Oregon State University, a Sea Grant College dedicated to education and research in the marine sciences. [1967 c 349 §1]

352.280 [Repealed by 1959 c 564 §16]

352.285 Program in veterinary medicine. (1) There is established, as a part of Oregon State University, a program in Veterinary Medicine.

(2) The State Board of Higher Education is authorized to enter into agreements with its counterpart in the State of Idaho and with the Board of Regents of Washington State University for cooperative development of the program in Veterinary Medicine. [1975 c.528 §§1, 2]

STATE COLLEGES

352.290 State colleges designated. The Western Oregon State College at Monmouth, Polk County, Southern Oregon State College at Ashland, Jackson County, and Eastern Oregon State College at La Grande, Union County, are declared to be state colleges of the State of Oregon. [Amended by 1961 c.127 §1, 1975 c 76 §1, 1977 c 152 §1, 1981 c 72 §1]

352.300 Purposes and objects of colleges. The purposes and objects of each state college are to give:

(1) Instruction and training in the theory and art of teaching in all the various branches that pertain to a good common school education and in all branches needed to qualify for teaching in the elementary and secondary public schools.

(2) Instruction in the fundamental laws of the United States and of this state regarding the rights and duties of citizens.

(3) Instruction in such other academic and professional disciplines and in connection therewith to grant degrees as deemed appropriate by the State Board of Higher Education. [Amended by 1953 c 721 §3, 1977 c.152 §2]

352.310 [Repealed by 1959 c 570 §3]

352.320 [Repealed by 1953 c 721 §3]

352.330 [Repealed by 1961 c 238 §1]

352.340 Model schools. The State Board of Higher Education may organize in connection with each normal school such model schools as it may deem expedient for the illustration of the best methods of teaching and government.

352.350 [Repealed by 1961 c 238 §1]

STATE INSTITUTIONS GENERALLY

352.360 Traffic control on properties under state board; enforcement; fee use. (1) The State Board of Higher Education may enact such regulations as it shall deem convenient or necessary to provide for the policing, control and regulation of traffic and parking of vehicles on the property of any institution under the jurisdiction of the board. Such regulations may provide for the registration of vehicles, the designation of parking areas, and the assessment and collection of reasonable fees and charges for parking, and shall be

filed in accordance with the provisions of ORS 183.310 to 183.550.

(2) Except as otherwise provided in subsection (3) of this section, the regulations enacted pursuant to subsection (1) of this section shall be enforced administratively under procedures adopted by the board for each institution under its jurisdiction. Administrative and disciplinary sanctions may be imposed upon students, faculty and staff for violation of the regulations, including but not limited to, a reasonable monetary penalty which may be deducted from student deposits, and faculty or staff salaries or other funds in the possession of the institution. The board shall provide opportunity for hearing for the determination of controversies in connection with imposition of fines or penalties. The board may prescribe procedures for such hearings despite the provisions of ORS 183.415, 183.450, 183.460 and 183.470. Persons other than students, faculty or staff may voluntarily submit to the hearing procedures prescribed by the board, and shall be bound by the results thereof. The powers granted to the board by this section are supplemental to the existing powers of the board with respect to the government of activities of students, faculty and staff and the control and management of property under its jurisdiction.

(3) Proceedings to enforce regulations pursuant to subsection (1) of this section pertaining to the Oregon Health Sciences University shall be brought in the name of the board in the district or justice court in the county in which the violation occurred. The fines, penalties and costs recovered shall be paid to the clerk of the court involved, who, after first deducting the court costs in such proceedings at the rate prescribed by law, shall pay the remainder of the fine or penalty to the State Board of Higher Education.

(4) The regulations enacted pursuant to subsection (1) of this section may also be enforced by the impoundment of vehicles, and a reasonable fee may be enacted for the cost of impoundment and storage, if any, prior to the release of the vehicles to their owners.

(5) All fees and charges for parking privileges and violations are hereby continuously appropriated to the State Board of Higher Education to be used to defray the costs of constructing bicycle racks and bicycle lanes and of traffic control, enforcement of traffic and parking regulations, and maintenance and operation of parking facilities and for the purpose of acquiring and constructing additional parking facilities for vehicles at the various institutions, department or activities under the control of the board, and may also be credited to the Higher Education Bond Sinking Fund provided for in ORS 351.460.

(6) Every peace officer may enforce the regulations made by the board under subsection (1) of this section. The board, for the purpose of enforcing its rules and regulations governing traffic control, may appoint peace officers who shall have the same authority as other peace officers as defined in ORS 133.005.

(7) The State Board of Higher Education and any municipal corporation or any department, agency or political subdivision of this state may enter into agreements or contracts with each other for the purpose of providing a uniform system of enforcement of the rules and regulations of the board enacted pursuant to subsection (1) of this section.

(8) In proceedings brought to enforce regulations enacted pursuant to subsection (1) of this section, it shall be sufficient to charge the defendant by an unsworn written notice in accordance with the provisions of ORS 221.340. In any case in which the defendant is not subject to and does not voluntarily submit to the hearing procedures prescribed under subsection (2) of this section, proceedings to enforce regulations enacted pursuant to subsection (1) of this section shall be brought in the name of the board in a district court, a justice court or a city court for offenses committed within the territorial jurisdiction of such court. Such courts shall have concurrent jurisdiction over offenses committed within their respective jurisdictions. Except as provided in subsection (3) of this section, all fines, penalties and court costs recovered shall be paid to the clerk of the court involved and shall be disposed of as provided in ORS 153.630. [1959 c.569 §§1, 2, 3, 4, 5; 1969 c.622 §1, 1971 c 734 §22, 1973 c 836 §347; 1975 c.693 §7, 1977 c 825 §1]

352.370 Students unable because of religious beliefs to attend classes on certain days. (1) As used in this section, "school of higher education" means:

(a) Any school, institution or department under the jurisdiction of the State Board of Higher Education.

(b) Any community college.

(2) No student shall be refused admission to a school of higher education or be expelled

from such a school for the sole reason that, because of his religious beliefs, he is unable to attend classes on a particular day.

(3) Any student in a school of higher education who, because of his religious beliefs, is unable to attend classes on a particular day shall be excused on that day from any examination, study requirement or work requirement. However, at his own expense the student shall make up the examination, study requirement or work requirement missed because of his absence. [Formerly 351 765, 1965 c 100 §347]

352.380 Affirmative action plan. Each institution under the jurisdiction of the State Board of Higher Education shall consider and maintain affirmative action plans and goals when reductions in faculty and staff are required as a result of:

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

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

(3) Reduction in courses due to administrative decisions. [1981 c 814 §1]

REGIONAL DEVELOPMENT INSTITUTES

352.390 Regional development institutes; general program; location. (1) The State Board of Higher Education shall cause to have prepared and submitted to the Legislative Assembly a program and time schedule for the establishment of regional services institutes at appropriate state colleges. The program shall include academic curriculum and practical training appropriate to train students in various aspects of economic and community services planning, with particular emphasis on economic services planning for areas of the state that have common geographic, economic and social characteristics but which do not have sufficient population to qualify as standard metropolitan statistical areas.

(2) In carrying out its duties under subsection (1) of this section, the board shall consult with the Economic Development Department and shall rely on the department for technical advice and, as necessary, technical services. The board shall also consult with community colleges, Oregon State University Extension Service, economic development districts and special districts providing community and economic development services in the region in order to prepare curriculum and programs with particular emphasis to streamlining existing programs, avoiding duplication and overlap of programs, better utilization of students and resources, and identification of needs in the region which are currently unaddressed.

(3) In preparing programs for establishing regional services institutes, the board shall give priority to establishing such institutes at Eastern Oregon State College and Southern Oregon State College. The board may also direct the hiring of an institute director and other staff as may be from time to time required. [1973 c 692 §1, 1979 c 620 §1]

352.400 Program purpose and function. Programs prepared under ORS 352.390 shall include proposals for training students and utilizing resources in the following, using the region in which the institute is located as the training area:

(1) Developing specific resources on the campus where the institute is to be located to assist with orderly and balanced economic and community services and for the development and implementation of training and assistance programs;

(2) Providing technical and research assistance on request to political subdivisions, special districts, businesses located in the region and businesses which might prospectively locate in the region;

(3) Locating markets for local manufacturers and processors and aiding local merchants in locating and contacting markets;

(4) Investigating and studying conditions affecting local business, industry and commerce and collecting and disseminating information, and engaging in technical studies, scientific investigations, and statistical research and educational activities necessary or useful for the promoting and developing local business and industry upon request of local business and industry for such aid;

(5) Assembling and coordinating information relative to the status, scope, cost and employment possibilities and the availability of materials, equipment and labor in connection with public works projects, state, county and municipal; recommending limitations on public works; gathering current progress information with respect to public works being conducted in the local area and report

such information to the Economic Development Commission where such sources in the region do not presently exist;

(6) Gathering, compiling and making available statistical information relating to business, trade, commerce, industry, transportation, communication, natural resources and other related subjects in the region, with reliance on other agencies of the state and the region, whether public or private, for statistical data and results obtained by them;

(7) Publishing, disseminating and distributing information and statistics acquired by the institute;

(8) Aiding the communities in the region in getting businesses to locate therein by disseminating information as to natural resources, desirable locations and other advantages of the community upon request of the community for such aid;

(9) Cooperating with municipal, county, regional and other planning agencies and planning groups within the state for the purpose of promoting coordination between the state and localities as to plans and development in order to maintain a high level of gainful employment in private profitable production and achieve commensurate advancement in social and cultural welfare; and

(10) Aiding in coordinating the activities of state-wide and local planning agencies, correlating information secured from them, assisting in problem solving and resolving state department concerns on a regional level if appropriate, securing and disseminating information and suggestions to such planning agencies; and encouraging and assisting in the organization and functioning of local planning agencies where none exist. [1973 c 692 §2, 1979 c 620 §2]

POISON CONTROL AND DRUG INFORMATION PROGRAM

352.410 Purpose of ORS 352.410 to 352.440. (1) The purpose of ORS 30.805 and 352.410 to 352.440 is to reduce morbidity and mortality associated with overdose and poisoning incidents by:

(a) Providing emergency telephone assistance and treatment referral to victims of such incidents,

(b) Providing immediate treatment information to health care professionals, and

(c) Establishing an effective public education and prevention program.

(2) Further, the purpose of ORS 30.805 and 352.410 to 352.440 is to improve utilization of drugs by providing information to health professionals relating to appropriate therapeutic drug use. [1979 c 782 §1]

352.420 Program of poison control and drug information services. (1) The Oregon Health Sciences University shall establish a program of poison control and drug information services. The services of this program shall be:

(a) Emergency telephone management and treatment referral of victims of poisoning and overdose incidents;

(b) Information to health professionals involved in management of poisoning and overdose victims;

(c) Community education programs designed to inform the public of poison prevention methods; and

(d) Information to health professionals relating to appropriate therapeutic use of medications, their compatibility and stability, and adverse drug reactions and interactions.

(2) The services described in subsection (1) of this section shall be available to Oregon residents without a fee for service [1979 c 782 §2]

352.430 Program services. (1) The principal activity of the poison control and drug information program shall be answering requests by telephone for poison information, and making recommendations for appropriate emergency management and treatment referral of poisoning and overdose victims. This activity, provided around-the-clock, involves:

(a) Determining whether treatment can be accomplished in the home setting or whether transport to an emergency treatment facility is required;

(b) Recommending treatment measures to appropriate personnel; and

(c) Carrying out follow-up to assure that adequate care is provided.

(2) Program personnel shall provide follow-up education to prevent future similar incidents. They shall also provide community education programs designed to improve public awareness of poisoning and overdose problems, and to educate the public regarding prevention.

(3) Program personnel shall answer drug information questions from health professionals by providing current, accurate and unbiased information relating to drugs and their therapeutic uses.

(4) The program shall employ physicians, pharmacists, nurses, and supportive personnel trained in various aspects of toxicology, poison control and prevention, and drug information retrieval and analysis. [1979 c 782 §3]

352.440 Annual evaluation. The effectiveness of the poison control and drug information program shall be evaluated annually by the Oregon Health Sciences University. [1979 c.782 §4]

STATE INSTITUTION FINANCES

352.510 University Fund from sale of university lands; use of interest; additions to principal; pledges of credit limited. The interest which may hereafter accrue on the fund arising from the sale of the university lands donated to the state by Act of Congress of February 14, 1859, is set apart and perpetually appropriated to the maintenance, use and support of the University of Oregon. Until otherwise provided by law, no part of said interest shall be appropriated or expended otherwise than in the payment of the salaries of its president, professors and teachers, and other current expenses. If at the close of any fiscal year a sum equal to $500 of said interest remains unexpended or unappropriated after the full payment of such salaries and expenses for said year, the same shall be added to and become a part of the principal of said fund forever. The State Board of Higher Education, the faculty or other officers of the state university shall in no case pledge the faith or credit of the university of the state in excess of the interest annually accruing on the University Fund, together with the receipts from tuitions and other sources during the current year.

352.520 Loans of University Fund. All moneys belonging to the University Fund shall be loaned by the Division of State Lands in accordance with the provisions of ORS 327.425 to 327.455 governing loans from the Common School Fund.

352.530 Disbursement of proceeds of loans from the University Fund. The Division of State Lands shall pay the interest received on loans from the University Fund to the State Board of Higher Education semiannually.

352.540 Income from gifts or endowments; University of Oregon Donation Fund. (1) The interest, income, dividends or profits received on any property or funds of the University of Oregon, or of any department or division thereof, derived from gifts, legacies, devises, bequests or endowments deposited with the State Treasurer, hereby are set apart and appropriated to the use, maintenance and support of the University of Oregon, in like manner as the principal or corpus of each such gift or donation is set apart or appropriated.

(2) All such gifts or donations received shall be placed by the State Treasurer to the credit of a separate fund to be known as the University of Oregon Donation Fund, and the State Treasurer shall credit monthly to such fund any interest or other income derived from the depositing or investing thereof.

(3) This section does not repeal or otherwise affect the provisions of ORS 352.510 pertaining to the payment of interest on funds derived from the sale of university lands, or ORS 327.425 to 327.455 pertaining to the loaning of the Common School Fund.

352.550 [Repealed by 1961 c 238 §1]

352.560 Oregon State University Fund. For the endowment, maintenance and support of Oregon State University, there is set apart and appropriated the interest on the Oregon State University Fund, arising from the sale of all lands granted to the State of Oregon, or to which the state was entitled, under the Act of July 2, 1862 (12 Stat. 503), as amended, or so much thereof as may be necessary. In no case shall the interest arising from the fund be applied to the purchase of sites, or for buildings for Oregon State University, but only in the payment of the salaries of professors, officers and other current expenses. The remainder of such interest remaining over at the close of each fiscal year after the payment of such expenses shall be added to and become a part of the principal or endowment fund forever. [Amended by 1969 c 594 §49]

352.570 Loans of Oregon State University Fund. All moneys belonging to the Oregon State University Fund shall be loaned by the Division of State Lands in accordance with ORS 327.425 to 327.455, governing loans

from the Common School Fund. [Amended by 1969 c 594 §50]

352.580 Disbursement of proceeds of loans from Oregon State University Fund. The Division of State Lands shall pay the interest received on loans from the Oregon State University Fund to the State Board of Higher Education semiannually. [Amended by 1969 c 594 §51]

352.590 [Repealed by 1961 c 238 §1]

352.600 J. T. Apperson Agricultural College Educational Fund. The State Land Board shall execute the trust created by the last will and testament of John T. Apperson, deceased. On behalf of such trustee, the Division of State Lands shall administer the fund provided for and designated in the will as the J. T. Apperson Agricultural College Educational Fund. [Amended by 1969 c 594 §52]

352.610 General powers and duties of trustee. The Division of State Lands on behalf of the State Land Board may accept, receive, own, hold, sell and dispose of any and all real and personal property given, devised or bequeathed to the board by John T. Apperson in trust for the purpose of creating the J. T. Apperson Agricultural College Educational Fund. The division shall manage and use it in accordance with the directions contained in the will of John T. Apperson, deceased, for the purpose of defraying the expenses and assisting in the education at Oregon State University of deserving young men and women who are actual bona fide residents of Oregon and are unable to bear the expense of a collegiate course at that institution. [Amended by 1969 c 594 §53]

352.620 Execution of instruments. The Director of the Division of State Lands may execute all deeds, conveyances, contracts, mortgage releases and all other instruments necessary to be executed by the division in carrying out the terms of the trust referred to in ORS 352.600. All such deeds and other instruments may be executed in manner and form as prescribed by the division and shall be entitled to record without acknowledgment. [Amended by 1969 c 594 §54]

352.630 Payment of expenses; making rules and regulations. All necessary expenses incurred by the Division of State Lands in connection with the administration of the trust referred to in ORS 352.600 shall be payable out of the fund referred to in that section. The division may make such rules as it considers necessary for the transaction of business and carrying out ORS 352.600 to 352.640. [Amended by 1969 c 594 §55]

352.640 Annual report on Apperson fund. The Division of State Lands annually, on October 1, shall make and file with the Secretary of State a full report of the condition of the fund referred to in ORS 352.600, showing the amount thereof, moneys outstanding and any other data necessary to a full understanding of its conditions. [Amended by 1969 c 594 §56, 1975 c 605 §19]

352.650 Deposit of Apperson and Burbank funds. Whenever there remains in the hands of the trustee of the J. T. Apperson Agricultural College Educational Fund or of the Burbank Trust Fund any portion of either of such funds not then required for investment or loan purposes, the trustee may require the State Treasurer to deposit such fund or portions thereof, until the same is required by it, in qualified state depositories in the same manner as state funds belonging to the State of Oregon are deposited therein. Any interest received from the deposit of any such trust funds shall be credited to the particular fund on which such interest was earned.

352.660 [Repealed by 1961 c 238 §1]

352.670 [Repealed by 1961 c 238 §1]

352.680 [Repealed by 1961 c 238 §1]

PRIVATE INSTITUTIONS

352.710 Policy. It is hereby determined and declared as a matter of legislative finding that:

(1) Independent institutions of higher education in the state educate a substantial share of all post-secondary students in Oregon and such nonpublic institutions make an important contribution to post-secondary education in Oregon.

(2) The state's duty to support the achieving of public welfare purposes in education may be, in part, fulfilled by the state's support of those nonsectarian educational objectives achieved through nonpublic post-secondary institutions.

(3) Many of Oregon's private and independent institutions of higher learning face serious financial difficulties and, should any of these institutions be forced to close, many of their students would seek admission in public

institutions creating an added financial burden to the state and an impairment of post-secondary education in Oregon. Such hazards may be substantially reduced and all education in the state improved through the purchase of nonsectarian educational services from Oregon's private and independent institutions. [1971 c 693 §1]

352.720 Definitions for ORS 352.710 to 352.760. As used in ORS 352.710 to 352.760, unless the context requires otherwise:

(1) "Commission" means the State Scholarship Commission.

(2) "Private and independent institutions of higher education" or "institution" means any nonpublic and nonprofit college or university in the State of Oregon accredited by the Northwest Association of Secondary and Higher Schools, any hospital school of nursing located in this state and accredited by the National League for Nursing and any chiropractic college located in this state and accredited by the Commission on Accreditation of the Council on Chiropractic Education, or its successor.

(3) "Nonsectarian educational services" means the providing of instruction in secular subjects.

(4) "Secular subjects" means any course which is presented in the curriculum of a private and independent institution of higher education which is not hobby or recreational in nature or which does not advocate the religious teachings or the morals or forms of worship of any sect. [1971 c 693 §2, 1973 c 721 §6, 1977 c 735 §1, 1977 c 768 §2, 1978 s s c 1 §4]

352.730 Contracts with private institutions for nonsectarian and nonreligious educational services. (1) The commission may enter into contracts with private and independent institutions of higher education for the performance of nonsectarian educational services to assist the state in providing educational opportunities for Oregon students.

(2) The commission may accept grants, gifts, bequests, and devises of real and personal property to carry out the purposes of ORS 352.710 to 352.760

(3) No funds disbursed pursuant to ORS 352.710 to 352.760 shall be used by any recipient for any religious purpose. [1971 c 693 §3; 1981 c 213 §1]

352.740 Computation of payments under contracts. Payments to private and independent institutions of higher education under contracts entered into under ORS 352.730 shall be determined by the commission on a uniform rate for every 45 quarter hours, or equivalent, of approved and registered course work in nonsectarian subjects completed by undergraduate students enrolled in the institutions who are residents of Oregon, and shall not exceed the actual cost to the institution of providing such educational services. This uniform rate shall apply to the estimated 45-hour units for each institution upon which the legislative appropriation is based for that year, or the actual 45-hour units for each institution, whichever is the lesser. Any remaining funds shall be distributed among those institutions whose actual 45-hour units exceed the estimate. The distribution to each institution shall be according to the uniform rate established for the 45-hour units or an amount equal to the ratio that the excess units bear to 45. However, if insufficient funds are available for such a distribution, then the distribution shall be according to the ratio that the total number of 45-hour units in excess of the estimate bears to the total amount of funds remaining undistributed, multiplied by the number of excess 45-hour units, if any, at each institution. [1971 c 693 §4, 1973 c.815 §5; 1977 c 768 §1]

352.750 Rules. In accordance with any applicable provisions of ORS 183.310 to 183.550, the commission may make such reasonable rules and regulations as are necessary or proper to carry out ORS 352.710 to 352.760. [1971 c 693 §5]

352.760 Severability. If a part of ORS 352.710 to 352.760 is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of ORS 352.710 to 352.760 is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. [1971 c 693 §7]

PENALTIES

352.990 Penalties. (1) Violation of any of the provisions of ORS 352.010 to 352.050, 352.080, 352.090, 352.230 to 352.270, 352.290 to 352.340, 352.510 to 352.580 or 352.650 is a misdemeanor.

(2) Violation of any rule or regulation enacted by the board pursuant to ORS 352.360

(1) pertaining to the Oregon Health Sciences University is a misdemeanor and shall be punished by a fine not to exceed $10; provided, that a conviction under this subsection shall not be considered an offense for the purposes of ORS 482.430 or 482.450 [Subsection (2) enacted as 1959 c 569 §6, 1969 c 622 §2]

CHAPTER 353
[Reserved for expansion]