

Chapter 352

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STATE SYSTEM OF HIGHER EDUCATION

352.002 State System of Higher Education. The State System of Higher Education consists of the programs, activities and institutions of higher education under the jurisdiction of the State Board of Higher Education including the following:

- (1) The University of Oregon.
- (2) Oregon State University.
- (3) Portland State University.
- (4) Oregon Health Sciences University.
- (5) Oregon Institute of Technology.
- (6) Western Oregon State College.
- (7) Southern Oregon State College.
- (8) Eastern Oregon State College. [1987 c.246 §1]

352.004 Presidents of universities and colleges. The president of each university and college is also president of the faculty. The president is also the executive and governing officer of the school, except as otherwise provided by statute. Subject to the supervision of the board, the president of the university has authority to control and give general directions to the practical affairs of the school. [Formerly 352.020]

352.006 Political or sectarian tests prohibited in appointment of faculty or employees. No political or sectarian test shall ever be allowed or applied in the appointment of faculty and other employees of the State System of Higher Education. [Formerly 352.030]

352.008 Alcohol and drug abuse policy and implementation plan. In consultation with the office of Alcohol and Drug Abuse Programs, each state institution of higher education shall adopt a comprehensive alcohol and drug abuse policy and implementation plan. [1989 c.1076 §3]

352.010 Status of faculty. The president and professors constitute the faculty of each of the state institutions of higher education and as such have the immediate government and discipline of it and the students therein. The faculty may, subject to the supervision of the State Board of Higher Education under ORS 351.070, prescribe the course of study to be pursued in the institution and the textbooks to be used. [Amended by 1987 c.246 §4; 1989 c.492 §3]

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

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

UNIVERSITY OF OREGON

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 the official depository for any material of an archaeological or anthropological nature that may come into the possession of the State of Oregon through the operation of ORS 358.935, 390.235 or 390.237 or as a consequence of gifts from the Federal Government, the Smithsonian Institution or from other public or private agencies. The University of Oregon, through the director of the Oregon State Museum of Anthropology shall assume full responsibility for the custody and safe-keeping of said collection. If responsibility for a collection is reassigned under ORS 273.705, the Oregon State Museum of Anthropology shall serve as the ultimate depository in the event the assigned curator is unable or fails to continue that responsibility.

(2) ORS 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 the person directly to any institution. [Formerly 352.090; 1987 c.246 §5]

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 consist of at least

a medical school, a dental school and a school of nursing. 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.

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

(5) The Oregon Health Sciences University shall establish a preceptor program whereby medical students enrolled in the school work with physicians licensed by the Board of Medical Examiners for the State of Oregon and practicing in medically disadvantaged areas.

(6) The Oregon Health Sciences University shall establish a program of poison control and drug information services. [1973 c.729 §16; 1975 c.693 §3; 1981 c.144 §1; 1987 c.246 §7]

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

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

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

352.070 [Repealed by 1961 c.238 §1]

(Center for Occupational Disease Research)

352.073 Center for Occupational Disease Research. (1) Subject to the provisions of sections 13, 16 and 17, chapter 770, Oregon Laws 1985, and ORS 352.077, there is created a Center for Occupational Disease Research.

The State Board of Higher Education, acting through the Oregon Health Sciences University, shall administer the center.

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

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

(b) Epidemiology and other data collection.

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

(d) Education and training programs.

(3) Although the output of the center's programs is intended to be of state-wide use for employers, employees, health professionals and the public concerning occupational disease, it is not intended that the center shall assume any of the responsibilities or functions of the physical rehabilitation facility operated by the Director of the Department of Insurance and Finance. The center may offer programs of diagnosis and treatment of occupational disease, but it is expected that such services shall be compensable under ORS chapter 656 and such services shall not be expected from the center under funding provided in section 17, chapter 770, Oregon Laws 1985. [1985 c.770 §12]

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

352.077 Advisory Committee on Occupational Disease; duties; members; officers; meetings; compensation and expenses. (1) There is created an Advisory Committee on Occupational Disease which shall serve in an advisory capacity to the President of the Oregon Health Sciences University during preparation of the initial plan for the Center for Occupational Disease Research. The committee may review the plan presented by the president concerning proposed programs and operations of the center.

(2) The membership of the committee shall be as follows:

(a) Two Senators appointed by the President of the Senate;

(b) Two Representatives appointed by the Speaker of the House of Representatives;

(c) One person representing labor, appointed by the Governor;

(d) One person representing employers, appointed by the Governor; and

(e) One person representing medical service providers who has experience in indus-

trial health and safety, appointed by the Governor.

(3) The chair of the committee shall be selected by the Governor.

(4) The committee shall meet according to a schedule adopted by the chair and the President of the Oregon Health Sciences University, or upon request of the president.

(5) A member of the committee who is not a member of the Legislative Assembly is entitled to compensation and expenses as provided in ORS 292.495, from funds available to the committee. Members of the committee who are members of the Legislative Assembly shall be paid compensation and expense reimbursement as provided in ORS 171.072, payable from funds appropriated to the Legislative Assembly.

(6) In addition to reviewing the plan required by section 13, chapter 770, Oregon Laws 1985, the committee shall advise the Director of the Department of Insurance and Finance in carrying out the provisions of subsection (1) of section 11, chapter 770, Oregon Laws 1985, to insure that the services provided to injured workers at the physical rehabilitation facility operated by the Director of the Department of Insurance and Finance are provided through other governmental or private sources in a cost efficient manner. [1985 c.770 §14; 1987 c.879 §14]

352.080 [Renumbered 352.035]

352.083 Funding of center. It is expected that the Center for Occupational Disease Research will operate, on an ongoing basis, from funds provided by the Department of Insurance and Finance, in addition to any gifts, grants or donations made to carry out the activities of the center. The Oregon Health Sciences University is not expected to provide funds for operation of the center from any other sources of funds for operation of the Oregon Health Sciences University. [1985 c 770 §18]

352.090 [Renumbered 352.045]

AREA HEALTH EDUCATION CENTER

352.095 Area Health Education Center program. It is the finding of the Legislative Assembly that there is need to provide programs that will assist a rural community to retain physicians. For that purpose:

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

(2) The university shall provide continuing education opportunities for persons licensed to practice medicine under ORS

chapter 677 who practice in rural areas of this state.

(3) The university shall seek funding through grants and other means to implement and operate a fellowship program for physicians intending to practice in rural areas. [1989 c.893 §8]

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

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

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

352.130 [Repealed by 1987 c 246 §8]

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

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

352.160 [Repealed by 1961 c 238 §1]

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

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

352.170 [Repealed by 1957 c.595 §3]

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

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

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]

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

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

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

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

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

(2) 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. [Amended by 1953 c.362 §1; 1961 c.54 §1; 1987 c.246 §6]

- 352.240 [Repealed by 1987 c.246 §8]
 352.250 [Repealed by 1961 c.238 §1]
 352.260 [Repealed by 1987 c.246 §8]
 352.270 [Repealed by 1983 c.740 §118]
 352.275 [1967 c.349 §1; repealed by 1987 c.246 §8]
 352.280 [Repealed by 1959 c.564 §16]
 352.285 [1975 c.528 §§1, 2, repealed by 1987 c.246 §8]
 352.290 [Amended by 1961 c.127 §1; 1975 c.76 §1; 1977 c.152 §1; 1981 c.72 §1; repealed by 1987 c.246 §8]
 352.300 [Amended by 1953 c.721 §3, 1977 c.152 §2; repealed by 1987 c.246 §8]
 352.310 [Repealed by 1959 c.570 §3]
 352.320 [Repealed by 1953 c.721 §3]
 352.330 [Repealed by 1961 c.238 §11]
 352.340 [Repealed by 1987 c.246 §8]
 352.350 [Repealed by 1961 c.238 §1]

STATE INSTITUTIONS GENERALLY

352.360 Traffic control on properties under state board; enforcement; fees; 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) 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) 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.

(4) 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. Parking fees shall be established at levels no greater than those required to finance the construction, operation and maintenance of parking facilities on the same campus of the institution of the state institution of higher education on which the parking is provided. Notwithstanding ORS 351.072, parking fees or changes in fees shall be adopted by rule of the state board subject to the procedure for rules adopted in ORS 183.310 to 183.550.

(5) 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.

(6) 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.

(7) 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.

tion over offenses committed within their respective jurisdictions. 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; 1983 c.186 §1; 1989 c.990 §2]

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 religious beliefs, the student is unable to attend classes on a particular day.

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

352.385 Special campus security officers; training; expense. (1) The State Board of Higher Education may, at the request of any institution under its control, authorize that institution to commission one or more of its employees as special campus security officers. However, the total number of special campus security officers commissioned at the eight institutions in the State System of Higher Education shall not exceed 20. Special campus security officers shall have probable cause arrest authority and the accompanying immunities as set forth in ORS 133.310 when acting in the scope of their employment as defined by the State Board of Higher Education. Special campus security

officers shall not be authorized to carry firearms as police officers and shall not be considered police officers for purposes of ORS 181.610, 237.003, 243.005 or 243.736.

(2) Special campus security officers shall be trained at the Board on Police Standards and Training Police Academy at the expense of the State Board of Higher Education. [1987 c.745 §§1, 2]

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]

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

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

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

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

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, separate and distinct from the General Fund, 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. [Amended by 1989 c.966 §38]

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 [Repealed by 1987 c.102 §4]

352.550 [Repealed by 1961 c.238 §1]

352.560 Oregon State University Fund. For the endowment, maintenance and sup-

port of Oregon State University, there is set apart, separate and distinct from the General Fund, 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; 1989 c.966 §39]

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 352.630. [Amended by 1969 c.594 §55]

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

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, but separate and distinct from the General Fund. Any interest received from the deposit of any such trust funds shall be credited to the particular fund on which such interest was earned. [Amended by 1989 c.966 §40]

352.660 [Repealed by 1961 c.238 §1]

352.670 [Repealed by 1961 c.238 §1]

352.680 [Repealed by 1961 c.238 §1]

AID TO 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 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, 1989 c.845 §3]

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]

FINANCE OF EDUCATIONAL FACILITIES BY MUNICIPALITY

352.790 Definitions for ORS 352.790 to 352.820. As used in ORS 352.790 to 352.820, unless the context requires otherwise:

(1) "Education facilities" means real or personal property owned or operated by an educational institution and used to provide post-secondary education. "Education facilities" includes administrative offices, student and staff parking and on-campus dormitories, but does not include property used for sectarian instruction nor used primarily as a place of religious worship or as a part of a program of a school or department of divinity for any religious denomination or for the religious training of ministers, priests, rabbis or other similar persons in the field of religion.

(2) "Education facilities costs" means all costs of acquiring, constructing and improving education facilities, and capitalized in-

terest, reserves, costs of credit enhancements and costs of issuing and paying revenue bonds.

(3) "Education facility revenues" means repayments of loans authorized by ORS 352.800 (3), and any moneys derived from rights or property which are security for such a loan.

(4) "Educational institution" means any nonprofit institution located in this state which grants post-secondary degrees and is accredited by the Northwest Association of Schools and Colleges or affiliated nonprofit foundations whose role is to further the mission of qualified institutions.

(5) "Municipality" means any city or county.

(6) "Revenue bond" means bonds, notes, loan contracts or other obligations issued by a municipality pursuant to ORS 352.790 to 352.820. [1987 c.812 §1]

352.795 Finance of education facilities by municipalities. In order to provide the people of this state with access to quality post-secondary education at a reasonable cost, and to provide an educated work force which promotes economic development within this state, the Legislative Assembly authorizes municipalities to finance education facilities in accordance with ORS 352.790 to 352.820. [1987 c.812 §2]

352.800 Powers of a municipality. Except as otherwise provided in ORS 352.810, a municipality shall have all powers necessary to finance education facilities in accordance with ORS 352.790 to 352.820, including the power:

(1) To borrow money and to issue revenue bonds to finance education facilities costs or to refund revenue bonds, as provided in ORS 288.815 to 288.945.

(2) To pledge education facility revenues to pay revenue bonds.

(3) To loan money to educational institutions to finance education facilities and to enter into loan contracts.

(4) To enter into covenants with the owners of revenue bonds which are intended to protect the rights of such owners.

(5) To contract with trustees to hold and administer education facility revenues and the proceeds of revenue bonds.

(6) To take any other action necessary to carry out the powers granted by ORS 352.790 to 352.820. [1987 c.812 §3]

352.805 Revenue bonds; issuance; trust funds; pledge; terms; legal effect. (1) Revenue bonds shall be payable solely from that portion of education facility revenues which the municipality pledges therefor in the res-

olution authorizing issuance of revenue bonds.

(2) A municipality may authorize the issuance of revenue bonds by resolution or ordinance under the procedure described in ORS 288.815.

(3) The resolution may provide for the establishment of one or more special funds and may place such funds under the control of one or more trustees. The resolution may obligate the municipality to deposit and expend the proceeds of the revenue bonds only into and from such fund or funds, and to set aside and pay into such fund or funds specified education facility revenues.

(4) Any pledge of education facility revenues made by a municipality shall be valid and binding, without physical delivery or additional action, from the time that the pledge is made against any parties having subsequent claims of any kind in tort, contract or otherwise against a municipality or an educational institution, irrespective of whether such parties have actual notice thereof. The pledge shall be noted in the resolution authorizing issuance of revenue bonds, which shall be constructive notice thereof to all parties and the resolution need not be recorded, nor shall the filing of any financing statement under the Uniform Commercial Code be required to perfect such pledge.

(5) The municipality may establish the terms under which its revenue bonds shall be issued and sold.

(6) All revenue bonds issued pursuant to ORS 352.790 to 352.820 shall be legal securities which may be used by any bank or trust company for deposit with the State Treasurer or a county treasurer or city treasurer as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys. The revenue bond shall constitute legal investments for public bodies, trustees and other fiduciaries, banks, savings and loan associations and insurance companies. All revenue bonds shall constitute negotiable instruments within the meaning of and for all purposes of the law of this state. [1987 c.812 §4]

352.810 Revenue bonds secured by educational facility revenues. Revenue bonds shall not be a general bond of any municipality nor a charge upon the tax revenues of any municipality, and shall be secured solely by the education facility revenues pledged to their payment. [1987 c.812 §5]

352.815 Municipalities acting jointly. All powers and duties provided in ORS 352.790 to 352.820 may be exercised or discharged by two or more municipalities acting jointly. A municipality may issue revenue bonds to finance education facilities located

within the boundaries of another municipality. [1987 c 812 §6]

352.820 Investment of revenues. Notwithstanding ORS chapter 294, education facility revenues and the proceeds of revenue bonds may be invested in any classes of security which are described in the resolution authorizing issuance of the revenue bonds or are otherwise approved by the municipality. [1987 c 812 §7]

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

CHAPTER 353

[Reserved for expansion]