

A-Engrossed
House Bill 2871

Ordered by the House April 15
Including House Amendments dated April 15

Sponsored by COMMITTEE ON EDUCATION (at the request of Representative Margaret Doherty)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Directs Higher Education Coordinating Commission to conduct study to determine what additional actions are necessary to meet 40-40-20 goals.]

[Requires commission to report findings to interim committees of Legislative Assembly related to higher education on or before September 15, 2020.]

[Sunsets January 2, 2021.]

[Takes effect on 91st day following adjournment sine die.]

Renames Oregon Youth Conservation Corps as Oregon Youth Corps.

Renames Oregon Youth Conservation Corps Advisory Committee as Oregon Youth Corps Advisory Board.

Alters requirements for receipt of vouchers for completion of Oregon Community Stewardship Corps program.

A BILL FOR AN ACT

1
2 Relating to higher education; amending ORS 320.013, 320.100, 418.205, 418.653, 418.657, 418.658,
3 418.660 and 418.663.

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

5 **SECTION 1.** ORS 418.653 is amended to read:

6 418.653. (1) Subject to the availability of funds *[therefor]*, there is created an Oregon Youth
7 *[Conservation]* Corps that shall provide emergency services, public conservation, rehabilitation and
8 improvement programs. The corps shall be headed by a program director, and shall be administered
9 through the *[Office of Community Colleges and Workforce Development]* **Higher Education Coordi-**
10 **nating Commission.**

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **SECTION 2.** ORS 418.657 is amended to read:

2 418.657. (1) In consultation with the Oregon Youth [*Conservation*] Corps Advisory [*Committee*]
3 **Board** and the **executive** director of the **Higher Education Coordinating Commission** [*Office of*
4 *Community Colleges and Workforce Development*], **or the designee of the executive director**, the
5 program director of the Oregon Youth [*Conservation*] Corps shall:

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

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

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

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

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

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

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

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

25 (4) Corps members are exempt from:

26 (a) State Personnel Relations Law; and

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

28 **SECTION 3.** ORS 418.658 is amended to read:

29 418.658. (1) The program director of the Oregon Youth [*Conservation*] Corps shall establish a
30 separate program known as the Oregon Community Stewardship Corps. In addition to the estab-
31 lished purposes of the Oregon Youth [*Conservation*] Corps, the purpose of the Oregon Community
32 Stewardship Corps is to promote community service activities throughout the state for a broad cross
33 section of Oregon disadvantaged and at-risk youth through programs that also include appropriate
34 educational and job training opportunities for participants.

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

37 (a) Child care services.

38 (b) Elderly and disabled care services.

39 (c) Literacy education programs.

40 (d) Recycling and other waste reduction services.

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

43 (4) Under rules adopted by the Higher Education Coordinating Commission, participants who
44 successfully complete any [*12-month*] program under this section shall be eligible for **up to** \$1,500
45 in [*tuition*] **support** vouchers that can be used [*at any career school or post-secondary educational*

1 *institution that is qualified to receive assistance through the Director of the Office of Student Access*
2 *and Completion]* **to pay for tuition, books or other items or services that enhance and support**
3 **education or employment.**

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

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

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

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

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

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

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

26 **SECTION 4.** ORS 418.660 is amended to read:

27 418.660. (1) The programs established under ORS 418.650 to 418.663 may include, but shall not
28 be limited to, projects such as:

29 (a) Rangeland conservation, rehabilitation and improvement;

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

31 (c) Urban revitalization;

32 (d) Historical and cultural site preservation and maintenance;

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

34 (f) Road and trail maintenance and improvement;

35 (g) Soil conservation work, including erosion control;

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

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

38 (j) Fish culture and habitat maintenance and improvement;

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

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

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

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

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

- 1 (p) Recycling projects; **and**
- 2 (q) **Garden, greenhouse and farming programs.**

3 (2) In consultation with the Oregon Youth [*Conservation*] Corps Advisory [*Committee*] **Board** and
4 the **executive** director of the [*Office of Community Colleges and Workforce Development*] **Higher**
5 **Education Coordinating Commission, or the designee of the executive director**, the program
6 director of the Oregon Youth [*Conservation*] Corps shall ensure that projects selected under ORS
7 418.650 to 418.663 shall be consistent with all other provisions of applicable state and federal law
8 relating to the management, oversight and administration of affected public lands.

9 **SECTION 5.** ORS 320.013 is amended to read:

10 320.013. (1) In addition to the excise tax imposed by ORS 320.011, an excise tax is imposed upon
11 every person for the privilege of operating an amusement device within this state. The tax shall be
12 \$10 for each amusement device operated during the tax year.

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

17 **SECTION 6.** ORS 320.100 is amended to read:

18 320.100. (1) All moneys received from the taxes imposed under ORS 320.011 and 320.012, includ-
19 ing penalties, shall be paid by the Department of Revenue in the following manner:

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

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

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

27 (C) Forty-seven and one-tenth percent (47.1%) thereof shall be remitted to the county treasurers
28 of the several counties of the state. Each county shall receive such share of the moneys as its pop-
29 ulation, determined by Portland State University, bears to the total population of the counties of the
30 state, as determined by the census last preceding such apportionment.

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

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

37 **SECTION 7.** ORS 418.205 is amended to read:

38 418.205. As used in ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to 418.970 and 418.992 to
39 418.998, unless the context requires otherwise:

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

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

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

44 (i) Day treatment for children with emotional disturbances;

45 (ii) Adoption placement services;

1 (iii) Residential care, including but not limited to foster care or residential treatment for chil-
2 dren;

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

5 (v) Outdoor youth programs; or

6 (vi) Other similar care or services for children.

7 (B) Includes the following:

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

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

10 (iii) A private residential boarding school; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (A) Operated by a governmental entity;

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

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

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

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

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

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

45 (b) A private school providing residential care that is primarily engaged in educational work

1 under ORS 418.327.

2 (9) "Proctor foster home" means a foster home certified by a child-caring agency under ORS
3 418.248 that is not subject to ORS 418.625 to 418.645.

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

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

10 **SECTION 8.** ORS 418.663 is amended to read:

11 418.663. (1) Projects selected under ORS 418.650 to 418.663 shall:

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

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

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

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

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

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

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

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