

HB 3120
Relating to education governance

We previously amended and reported out House Bill 3120 which directs the Higher Education Coordinating Commission to provide integrated leadership, regulation and support for community colleges, universities, private career schools and financial aid programs. Legislative Counsel produced the –B14 amendment to resolve conflicts identified during its review process of measures in the second chamber.

I recommend House Bill 3120 be amended, and reported out do pass as amended.

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
B-ENGROSSED HOUSE BILL 3120**

- 1 On page 1 of the printed B-engrossed bill, line 11, delete “348.611,”.
2 On page 51, line 36, restore the bracketed material.
3 On page 55, line 14, delete “commission” and insert “Executive Director
4 of the Office of Student Access and Completion”.
5 On page 69, delete lines 36 through 45.
6 On page 70, delete lines 1 through 42 and insert:
7 “**NOTE:** Section 123 was deleted by amendment. Subsequent sections were
8 not renumbered.”.
9 On page 118, line 18, delete “and 29 to 201” and insert “, 29 to 201 and
10 205 to 208”.
11 After line 19, insert:

12
13 **“CONFLICT AMENDMENTS**

14
15 **“SECTION 205. If Senate Bill 267 becomes law, section 33 of this 2013**
16 **Act (amending ORS 284.540) is repealed and ORS 284.540, as amended**
17 **by section 3, chapter 230, Oregon Laws 2013 (Enrolled Senate Bill 267),**
18 **is amended to read:**

19 “284.540. (1) There is established the Governor’s Council on Oregon’s
20 Economy.

21 “(2) The members of the council are:

22 “(a) The presiding officer of the Oregon Business Development Commis-

1 sion;

2 “(b) The chairperson of the Oregon Transportation Commission;

3 “(c) The chairperson of the State Board of Agriculture;

4 “(d) The chairperson of the [*State Board of Higher Education*] **Higher**
5 **Education Coordinating Commission**; and

6 “(e) Other persons designated by the Governor.

7 “(3) The council shall meet quarterly to:

8 “(a) Discuss and coordinate the activities of each entity described in
9 subsection (2) of this section that relate to economic development and im-
10 proving the economy in Oregon; and

11 “(b) Discuss and recommend to the Legislative Assembly methods for
12 creating certainty for the development process.

13 **“SECTION 206. If Senate Bill 267 becomes law, section 34 of this 2013**
14 **Act (amending ORS 284.706) is repealed and ORS 284.706, as amended**
15 **by sections 21 and 31, chapter 90, Oregon Laws 2012, and sections 4 and**
16 **5, chapter 230, Oregon Laws 2013 (Enrolled Senate Bill 267), is amended**
17 **to read:**

18 “284.706. (1) There is created the Oregon Innovation Council consisting
19 of the following voting members:

20 “(a) The Governor or the Governor’s designated representative, who shall
21 be chairperson of the council.

22 “(b) Five members appointed by the Governor who are engaged in the
23 operations of Oregon traded sector industries or Oregon growth businesses.

24 “(c) One member appointed by the Governor who is a representative of
25 an Oregon-based, generally accredited, not-for-profit private institution of
26 higher education.

27 “(d) A member of the Oregon Growth Account Board, appointed by the
28 board, who has experience in the field of venture capital.

29 “(e) A member of the Engineering and Technology Industry Council, ap-
30 pointed by the Engineering and Technology Industry Council.

1 “(f) The Director of the Oregon Business Development Department.

2 “(g) The [*Chancellor of the Oregon University System*] **executive director**

3 **of the Higher Education Coordinating Commission.**

4 “[*h*] *The Commissioner for Community College Services.*]

5 “[*i*] **(h)** The State Treasurer.

6 “(2)(a) The Speaker of the House of Representatives shall appoint two

7 members to the council who are members of the House of Representatives.

8 “(b) The President of the Senate shall appoint two members to the council

9 who are members of the Senate.

10 “(c) Members of the Legislative Assembly appointed to the council are

11 nonvoting members and may act in an advisory capacity only.

12 “(3) The following persons, or their representatives, shall serve as ex

13 officio, nonvoting members of the council:

14 “(a) The presiding officer of the Oregon Business Development Commis-

15 sion.

16 “(b) The chairperson of the [*State Board of Higher Education*] **Higher**

17 **Education Coordinating Commission.**

18 “[*c*] *The chairperson of the State Board of Education.*]

19 “[*d*] **(c)** An executive officer of an association representing Oregon-

20 based, generally accredited, not-for-profit private institutions of higher edu-

21 cation, appointed by the Governor.

22 “(4) The term of office of each appointed voting member of the council is

23 three years, but an appointed member serves at the pleasure of the appoint-

24 ing authority. Before the expiration of the term of an appointed voting

25 member, the appointing authority shall appoint a successor whose term be-

26 gins on July 1 next following. An appointed member is eligible for reap-

27 pointment. If there is a vacancy for any cause, the appointing authority shall

28 make an appointment to become immediately effective for the remainder of

29 the unexpired term.

30 “(5) A majority of the voting members of the council constitutes a quorum

1 for the transaction of business.

2 “(6) Official action by the council requires the approval of a majority of
3 the voting members of the council.

4 “(7) The council shall meet at least twice per fiscal year at a place, day
5 and time determined by the chairperson. The council may also meet at other
6 times and places specified by a call of the chairperson or by written request
7 of a majority of the voting members of the council.

8 “(8) The council may adopt rules necessary for the operation of the
9 council.

10 “(9) The council may establish committees and delegate to the committees
11 duties as the council considers desirable.

12 “(10) The Oregon Business Development Department shall provide staff
13 support to the council.

14 “(11) Members of the council who are members of the Legislative Assem-
15 bly are entitled to compensation and expense reimbursement as provided in
16 ORS 171.072.

17 “(12) Members of the council who are not members of the Legislative
18 Assembly are entitled to compensation and expenses incurred by them in the
19 performance of their official duties in the manner and amounts provided for
20 in ORS 292.495. Claims for compensation and expenses of members of the
21 council who are public officers shall be paid out of funds appropriated to the
22 public agency that employs the member. Claims for compensation and ex-
23 penses of members of the council who are not public officers shall be paid
24 out of funds appropriated to the Oregon Business Development Department
25 for that purpose.

26 “(13) All agencies of state government, as defined in ORS 174.111, are di-
27 rected to assist the council in the performance of its duties and, to the extent
28 permitted by laws relating to confidentiality, to furnish such information and
29 advice as the members of the council consider necessary to perform their
30 duties.

1 **“SECTION 207. If Senate Bill 270 becomes law, section 199 of this**
2 **2013 Act (amending ORS 351.052) is repealed and ORS 351.052, as**
3 **amended by section 7, chapter 104, Oregon Laws 2012, and section 42,**
4 **chapter ___, Oregon Laws 2013 (Enrolled Senate Bill 270), is amended**
5 **to read:**

6 “351.052. [(1) *For the purposes of this section, ‘performance compact’ means*

7 *an agreement between the Higher Education Coordinating Commission and the*

8 *State of Oregon to achieve certain performance targets in order to enhance the*

9 *success of Oregon university students in exchange for consideration of the ap-*

10 *propriations sought in a funding request submitted by the commission to the*

11 *Governor.*]

12 “[(2)(a)] **(1)(a)** On or before April 1 of each even-numbered year, each

13 public university listed in ORS 352.002 must submit to an office designated

14 by the Higher Education Coordinating Commission as being responsible for

15 university coordination a funding request applicable to the biennium begin-

16 ning on July 1 of the following year; and

17 “(b) On or before May 1 of each even-numbered year, the office designated

18 under paragraph (a) of this subsection shall consolidate the funding requests

19 from public universities listed in ORS 352.002 and submit the consolidated

20 funding requests to the Higher Education Coordinating Commission.

21 “[(3)] **(2)** On or before September 1 of each even-numbered year, the

22 Higher Education Coordinating Commission shall submit a funding request

23 [*and performance compact*] to the Governor on behalf of all the public uni-

24 versities listed in ORS 352.002.

25 “[(4)] **(3)** The Governor’s biennial budget submitted to the Legislative

26 Assembly may include the Higher Education Coordinating Commission’s

27 funding request for public universities listed in ORS 352.002.

28 “[(5) *The commission’s funding request must include, in addition to the*

29 *performance compact, a report on performance from the previous biennium’s*

30 *performance compact.*]

1 “[6] *The Higher Education Coordinating Commission shall, by rule, es-*
2 *tablish a framework for the development of a performance compact that must*
3 *accompany the funding request to the Governor. The framework must address,*
4 *among other issues, the issue of tuition affordability for students.]*

5 **“SECTION 208. If Senate Bill 270 becomes law, section 148 of this**
6 **2013 Act (amending ORS 351.718) is repealed and ORS 351.718, as**
7 **amended by section 81, chapter __, Oregon Laws 2013 (Enrolled Senate**
8 **Bill 270), is amended to read:**

9 “351.718. [(1)] The members of the Higher Education Coordinating Com-
10 mission must be residents of this state who are well informed on the princi-
11 ples of higher education.

12 “[2) *A member of the State Board of Higher Education, the Oregon Health*
13 *and Science University Board of Directors, the governing board of a public*
14 *university with a governing board listed in section 3 of this 2013 Act or the*
15 *governing board of a community college district may not serve as a member*
16 *of the Higher Education Coordinating Commission.]”.*

17 In line 23, delete “205” and insert “209”.

18 In line 29, delete “206” and insert “210”.

19
