

**PROPOSED AMENDMENTS TO
HOUSE BILL 4018**

1 In line 2 of the printed bill, after “education” insert “; creating new pro-
2 visions; amending ORS 351.735 and section 168a, chapter 768, Oregon Laws
3 2013; and declaring an emergency”.

4 Delete lines 4 through 16 and insert:

5 **“SECTION 1.** Section 168a, chapter 768, Oregon Laws 2013, is amended
6 to read:

7 **“Sec. 168a.** (1) If the president of Oregon State University notifies the
8 Governor between August 2, 2013, and January 1, 2014, that the university
9 will become a university with a governing board:

10 “(a) Within two weeks after receiving the notification, the Governor shall
11 inform the President of the Senate, the Speaker of the House of Represen-
12 tatives and the Legislative Counsel of the notification; and

13 “(b) Not later than February 1, 2014, the Governor shall appoint all of the
14 members of the governing board in the manner set forth in [*section 6 of this*
15 *2013 Act*] **ORS 352.076.**

16 “(2)(a) If the president of Eastern Oregon University, Oregon Institute of
17 Technology, Southern Oregon University or Western Oregon University de-
18 termines that the university should become a university with a governing
19 board, the president shall notify the Governor and the State Board of Higher
20 Education of the university’s intent. Notification under this subsection must
21 occur during the period beginning March 1, 2014, and ending [*June 1, 2015*]
22 **May 15, 2014.**

1 “(b) Within 45 days of receiving notification under this subsection from
2 a university president, the State Board of Higher Education shall [*decide*
3 *whether or not to*] **take one of the following actions:**

4 “(A) Endorse the university’s decision. If the board endorses the
5 [*request*] **university’s decision**, the board shall immediately communicate
6 any endorsement to the Governor.

7 “(B) **Refuse to endorse the university’s decision.**

8 “(C) **Endorse the university’s decision subject to conditions recom-**
9 **mended by the board to the Governor and Legislative Assembly.**
10 **Subject to any legislation enacted by the Legislative Assembly, a uni-**
11 **versity that is endorsed under this subparagraph will become a uni-**
12 **versity with a governing board in the same manner and under the**
13 **same time frame, and will function in the same manner, as a univer-**
14 **sity receiving an endorsement from the board under subparagraph (A)**
15 **of this paragraph.**

16 “(c) **If the board refuses to endorse the university’s decision under**
17 **paragraph (b)(B) of this subsection, or if the board issues an endorse-**
18 **ment with conditions under paragraph (b)(C) of this subsection, the**
19 **Special Committee on University Governance and Operations estab-**
20 **lished in section 166, chapter 768, Oregon Laws 2013, shall develop**
21 **proposed legislation, for consideration during the 2015 regular session**
22 **of the Legislative Assembly, based on the recommended conditions.**

23 “[*(c)*] (d) Upon receiving notification that the [*State Board of Higher*
24 *Education*] **board** has endorsed a university’s decision to become a university
25 with a governing board **under paragraph (b)(A) or (C) of this**
26 **subsection**, the Governor shall:

27 “(A) Inform the President of the Senate, the Speaker of the House of
28 Representatives and the Legislative Counsel that the university will become
29 a university with a governing board; and

30 “(B) Not later than six months after receiving the notification, appoint

1 all of the members of the governing board in the manner set forth in [section
2 6 of this 2013 Act] **ORS 352.076**.

3 “(3) Notwithstanding section 169, **chapter 768, Oregon Laws 2013** [of this
4 2013 Act], if Eastern Oregon University, Oregon Institute of Technology,
5 Southern Oregon University or Western Oregon University becomes a uni-
6 versity with a governing board under subsection (2) of this section, the
7 president of that university shall take over administrative responsibilities for
8 the university from the State Board of Higher Education on [either] July 1,
9 2015[, or when the Governor appoints the members of the governing board,
10 whichever date comes later].

11 **“SECTION 2.** ORS 351.735 is amended to read:

12 “351.735. (1) As used in this section, ‘student access programs’ means
13 scholarship, loan, grant and access programs described in ORS chapter 348.

14 “(2) The Higher Education Coordinating Commission shall be guided by
15 the legislative findings in ORS 341.009, 351.001 and 351.003 and the goals and
16 mission of post-secondary education set forth in ORS 351.006 and 351.009.

17 “(3) The Higher Education Coordinating Commission shall:

18 “(a) Develop state goals and associated achievement compacts for the
19 state post-secondary education system, including community colleges and
20 public universities listed in ORS 352.002, and for student access programs.

21 “(b) Determine strategic investments in the state’s community colleges,
22 public universities and student access programs necessary to achieve state
23 post-secondary education goals.

24 “(c) Coordinate the post-secondary elements of data collection and struc-
25 ture, with the advice and recommendation of the state’s community colleges
26 and public universities, as appropriate, in order to construct a state longi-
27 tudinal data system.

28 “(d) Adopt a strategic plan for achieving state post-secondary education
29 goals, taking into consideration the contributions of this state’s independent
30 institutions, philanthropic organizations and other organizations dedicated

1 to helping Oregonians reach state goals. State post-secondary education
2 goals as described in this section should include, but need not be limited to:

3 “(A) Increasing the educational attainment of the population;

4 “(B) Increasing this state’s global economic competitiveness and the
5 quality of life of its residents;

6 “(C) Ensuring affordable access for qualified Oregon students at each
7 college or public university;

8 “(D) Removing barriers to on-time completion; and

9 “(E) Tracking progress toward meeting the state’s post-secondary educa-
10 tion goals established in the strategic plan described in this paragraph.

11 “(e)(A) Each biennium, after receiving funding requests from the state’s
12 community colleges and public universities as authorized by law, recommend
13 to the Governor a consolidated higher education budget request aligned with
14 the strategic plan described in subsection (3)(d) of this section, including
15 appropriations for:

16 “(i) Student access programs;

17 “(ii) Public universities listed in ORS 352.002, including but not limited
18 to education and general operations, statewide public services and state-
19 funded debt service;

20 “(iii) Community colleges, including but not limited to education and
21 general operations and state-funded debt service;

22 “(iv) New facilities or programs;

23 “(v) Capital improvements and deferred maintenance; and

24 “(vi) Special initiatives and investments.

25 “(B) In the development of the consolidated higher education budget re-
26 quest:

27 “(i) Determine the costs necessary to provide quality post-secondary edu-
28 cation;

29 “(ii) Solicit input from educators, education policy experts, appropriate
30 legislative committees, students and other persons interested in the develop-

1 ment of the funding model; and

2 “(iii) Solicit public input regarding educational priorities.

3 “(f) Adopt rules governing the distribution of appropriations from the
4 Legislative Assembly to community colleges, public universities listed in
5 ORS 352.002 and student access programs. These rules must be based on al-
6 location formulas developed in consultation with the state’s community col-
7 leges and public universities, as appropriate.

8 “(g) Approve or disapprove any significant change to the academic pro-
9 gram of a community college or a public university listed in ORS 352.002. In
10 reaching a decision under this paragraph, the commission shall consider the
11 recommendation from the community college or public university seeking to
12 make the change to an academic program that is issued pursuant to the ob-
13 ligation of the governing board of a community college or public university
14 to review and approve academic programs. The commission shall ensure that
15 approved programs:

16 “(A) Are consistent with the mission statement of the community college
17 or public university;

18 “(B) Do not unnecessarily duplicate academic programs offered by
19 Oregon’s other community colleges or public universities;

20 “(C) Are not located in a geographic area that will cause undue hardship
21 to Oregon’s other community colleges or public universities; and

22 “(D) Are allocated among Oregon’s community colleges and public uni-
23 versities to maximize the achievement of statewide needs and requirements.

24 “(h) For public universities listed in ORS 352.002:

25 “(A) Approve the mission statement adopted by a governing board of a
26 public university or by the State Board of Higher Education.

27 “(B) Review and determine whether a proposed annual increase of resi-
28 dent undergraduate enrollment fees, as described in ORS 351.063, of greater
29 than five percent is appropriate.

30 “(C) Advise the Governor and the Legislative Assembly on issues of uni-

1 versity governance.

2 “(D) Approve and authorize degrees.

3 “(i) Authorize degrees to be offered by independent post-secondary insti-
4 tutions in this state under ORS 348.594 to 348.615.

5 “(j) Oversee the licensing of career schools under ORS 345.010 to 345.450.

6 **“(k) Have the authority to enter into and administer interstate**
7 **agreements regarding the provision of post-secondary distance educa-**
8 **tion. The participation by an educational institution that is not based**
9 **in this state in distance learning courses or programs that are part**
10 **of an interstate agreement entered into and administered under this**
11 **paragraph does not constitute operating in this state for purposes of**
12 **ORS 348.594 to 348.615. The commission, by rule, may impose a fee on**
13 **any educational institution that seeks to operate under or participate**
14 **in such interstate agreements. The fee amount shall be established to**
15 **recover designated expenses incurred by the commission in partic-**
16 **ipating in such agreements.**

17 “(4) In addition to the duties described in subsections (2) and (3) of this
18 section, the Higher Education Coordinating Commission shall advise the
19 Legislative Assembly, the Governor, community colleges, public universities
20 and other state boards and commissions on policies in order to:

21 “(a) Ensure or improve access to higher education by diverse and under-
22 served populations.

23 “(b) Encourage student success and completion initiatives.

24 “(c) Improve the coordination of the provision of educational services,
25 including:

26 “(A) Transfers and coenrollment throughout the higher education system;

27 “(B) Accelerated college credit programs for high school students;

28 “(C) Applied baccalaureate and other transfer degrees;

29 “(D) Programs and grants that span multiple institutions; and

30 “(E) Reciprocity agreements with other states.

1 “(d) In coordination with the State Board of Education, enhance the use
2 and quality of dual credit, career and technical pathways and efforts to cre-
3 ate a culture of college attendance in this state.

4 “(e) In coordination with the State Workforce Investment Board, local
5 workforce investment boards, the Oregon Health and Science University and
6 independent institutions, ensure that the state’s colleges and universities
7 offer programs in high-demand occupations that meet Oregon’s workforce
8 needs.

9 “(f) Improve economies of scale by encouraging and facilitating the use
10 of the shared services among post-secondary institutions in this state.

11 “(5) The Higher Education Coordinating Commission, in a manner con-
12 sistent with ORS chapter 183, may adopt administrative rules.

13 “(6) With the exception of the rulemaking authority granted in subsection
14 (5) of this section, the Higher Education Coordinating Commission may del-
15 egate any of its powers, duties or functions to a committee of the commission
16 or to the executive director of the commission.

17 “(7) The Higher Education Coordinating Commission may establish tech-
18 nical or advisory committees to assist the commission in exercising its pow-
19 ers, duties and functions.

20 “(8) The Higher Education Coordinating Commission may exercise only
21 powers, duties and functions expressly granted by the Legislative Assembly.
22 Except as otherwise expressly provided by law, all other authorities reside
23 at the institutional level with the respective boards of the post-secondary
24 institutions.

25 **“SECTION 3. The amendments to ORS 351.735 by section 2 of this**
26 **2014 Act become operative on July 1, 2014.**

27 **“SECTION 4. This 2014 Act being necessary for the immediate**
28 **preservation of the public peace, health and safety, an emergency is**
29 **declared to exist, and this 2014 Act takes effect on its passage.”.**

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