

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
A-ENGROSSED HOUSE BILL 3437**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon in-
2 sert “creating new provisions;” and after “ORS” insert “284.706.”

3 In line 6, after “284.297” insert “and section 44, chapter ___, Oregon Laws
4 2017 (Enrolled House Bill 2312), and sections 3 and 5, chapter ___, Oregon
5 Laws 2017 (Enrolled Senate Bill 41)”.

6 On page 6, after line 6, insert:

7 **“SECTION 5a. If House Bill 2312 becomes law, section 5 of this 2017**
8 **Act (amending ORS 660.321) is repealed and ORS 660.321, as amended**
9 **by section 27, chapter ___, Oregon Laws 2017 (Enrolled House Bill 2312),**
10 **is amended to read:**

11 “660.321. (1) A State Workforce **and Talent** Development Board shall be
12 created under section 3111 of the federal Workforce Innovation and Oppor-
13 tunity Act to assist in the development of the [*State Unified or Combined*]
14 Workforce **and Talent Development** Plan established under ORS 660.324
15 [*and*], to carry out the other functions described by the federal Act[.] **and**
16 **to provide strategic planning and recommendations related to state**
17 **talent development.**

18 “(2) The membership of the board must be in accordance with the re-
19 quirements of section 3111(b) of the federal Act.

20 “(3) Representatives of business described in section 3111(b)(1)(C)(i) of the
21 federal Act who are appointed to the board must be confirmed by the Senate

1 in the manner prescribed under ORS 171.562 and 171.565.

2 “(4) The Governor shall select a chairperson in accordance with the re-
3 quirements of section 3111(c) of the federal Act.

4 “(5) The Governor shall appoint one member who is a representative of
5 a local workforce development board.

6 “(6) A majority of the board must be representatives of business, as de-
7 scribed in section 3111(b)(1)(C)(i) of the federal Act.

8 “(7) Members of the Legislative Assembly appointed to the board are
9 nonvoting members of the board and may act in an advisory capacity only.

10 “(8) To transact business at a meeting of the board, a quorum of voting
11 members must participate. A quorum consists of a majority of the voting
12 members. At least 25 percent of the members participating must be repre-
13 sentatives of business, as described in section 3111(b)(1)(C)(i) of the federal
14 Act.

15 “(9) Members of the board are not entitled to compensation, but may be
16 reimbursed for actual and necessary travel and other expenses incurred by
17 them in the performance of their official duties in the manner and amount
18 provided for in ORS 292.495.”.

19 On page 13, after line 44, insert:

20 **“SECTION 7a. If House Bill 2312 becomes law, section 6 of this 2017**
21 **Act (amending ORS 660.324) is repealed and ORS 660.324, as amended**
22 **by section 28, chapter __, Oregon Laws 2017 (Enrolled House Bill 2312),**
23 **is amended to read:**

24 *“660.324. [(1) The State Workforce Development Board shall develop and*
25 *submit to the Governor a single state plan that outlines a strategy, with*
26 *quantitative goals, for the statewide workforce development system for the State*
27 *of Oregon in accordance with section 3111 of the federal Workforce Innovation*
28 *and Opportunity Act. In addition, the state plan must convey the expectations*
29 *for performance and the priorities for delivery of services to local workforce*
30 *development boards and state workforce agencies. Upon the Governor’s ap-*

1 *proval of the state plan, the Governor shall cause the State Unified or Com-*
2 *bined Workforce Plan to be delivered to the Legislative Assembly.]*

3 *“(2) The board shall develop and include in the state plan goals designed*
4 *to promote Oregonians’ self-sufficiency. In addition to requirements under the*
5 *federal Act regarding wage and other goals, the state plan shall include*
6 *quantifiable goals that will empower Oregonians to gain independence from*
7 *public assistance and move up the socioeconomic ladder.]*

8 **“(1) The State Workforce and Talent Development Board shall**
9 **identify:**

10 **“(a) Key industries in this state and the workforce skills needed for**
11 **key industries to grow and thrive;**

12 **“(b) In collaboration with workforce representatives, needs for ed-**
13 **ucation, training, work experience, and job preparation to ensure**
14 **Oregonians access to stable high-wage jobs and employment advance-**
15 **ment; and**

16 **“(c) Opportunities for partnerships with key industry sectors to**
17 **coordinate workforce development, economic development and educa-**
18 **tion in response to industry and workforce needs.**

19 *“[(3)] (2) The board shall assist the Governor in:*

20 *“(a) Developing Oregon’s workforce development system;*

21 *“(b) Ensuring timely consultation and collaboration with chief elected*
22 *officials, local workforce development boards and other workforce*
23 *stakeholders, including but not limited to business and labor organizations*
24 *and organizations working with persons with disabilities, persons living at*
25 *or below 100 percent of the federal poverty guidelines and the chronically*
26 *unemployed and underemployed;*

27 *“(c) Reviewing and approving local workforce plans;*

28 *“(d) Developing, as required by the federal Act, allocation formulas for*
29 *the distribution of funds to local workforce development areas for adult em-*
30 *ployment and training activities and for youth activities that are developed*

1 by the local workforce development boards;

2 “(e) Working with local workforce development boards to increase effi-
3 ciencies and align workforce programs and services with local needs;

4 “(f) Recommending the duties and responsibilities of state agencies to
5 implement the federal Act, to avoid conflicts of interest and to capitalize on
6 the experience developed by workforce partners that are efficient and effec-
7 tive at meeting the requirements of the federal Act;

8 “(g) Participating in the development of a coordinated statewide system
9 of activities and services that includes both mandatory and optional partners
10 of the one-stop delivery system, as provided in the federal Act;

11 “(h) Providing for the development, accountability and continuous im-
12 provement of comprehensive workforce performance measures to assess the
13 effectiveness of the workforce development activities in this state;

14 “(i) Developing a statewide employment statistics system, as described in
15 section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49L-2(e)); and

16 “(j) Preparing an annual report and submitting it to the United States
17 Department of Labor.

18 “[4] (3) The State Workforce **and Talent** Development Board, in part-
19 nership with the Governor, shall establish criteria for use by chief elected
20 officials in appointing members to local workforce development boards in
21 accordance with the requirements of section 3122 of the federal Workforce
22 Innovation and Opportunity Act. The State Workforce **and Talent** Develop-
23 ment Board shall establish the following requirements:

24 “(a) To transact business at a meeting of a local workforce development
25 board, a quorum of members must participate. A quorum shall consist of a
26 majority of the members. At least 25 percent of the members participating
27 must be representatives of business.

28 “(b) When appropriate and upon a request from the chief elected official
29 of a county or the City of Portland, the State Workforce **and Talent** De-
30 velopment Board shall consider the county or the City of Portland to be a

1 candidate for designation as a local workforce development area. The board
2 shall consult with the county or the City of Portland before designating it
3 as a local workforce development area. After considering the criteria in
4 section 3121 of the federal Act for designating local workforce development
5 areas, chief elected officials may submit a request to the board to combine
6 their units of government into a local workforce development area. The
7 board shall make recommendations to the Governor about the designation
8 of local workforce development areas. Only the Governor may designate local
9 workforce development areas. The Governor must show just cause for not
10 designating a requested local workforce development area. A county or the
11 City of Portland may submit an appeal to the board, as provided in section
12 3121 of the federal Act, if the Governor does not grant the county's or the
13 city's request to designate a local workforce development area.

14 “[5] (4) The State Workforce **and Talent** Development Board shall pro-
15 vide guidance and direction to local workforce development boards in the
16 development of local workforce plans. The State Workforce **and Talent**
17 Development Board shall adopt policies that:

18 “(a) Require each local workforce development board, in partnership with
19 its chief elected officials and in accordance with section 3123 of the federal
20 Act, to develop and submit to the Governor and the State Workforce **and**
21 **Talent** Development Board a strategic local workforce plan that includes,
22 but is not limited to, performance goals; and

23 “(b) Permit each local workforce development board, in consultation with
24 its chief elected officials:

25 “(A) To determine, consistent with the requirements of the federal Act,
26 the appropriate level of services based on the workforce needs in the local
27 workforce development area; and

28 “(B) To designate or certify one-stop operators and to terminate for cause
29 the eligibility of such operators.

30 “(5) **The State Workforce and Talent Development Board may**

1 **charter and enter into performance compacts with local workforce**
2 **development boards.**

3 “(6) The State Workforce **and Talent** Development Board shall:

4 “(a) Function as the primary advisory committee to the Employment De-
5 partment in conjunction with the Employment Department Advisory Council
6 established under ORS 657.695;

7 “(b) Collaborate with other advisory bodies also tasked with workforce
8 development, including but not limited to the Oregon State Rehabilitation
9 Council, the Commission for the Blind, the State Apprenticeship and Train-
10 ing Council and the Higher Education Coordinating Commission;

11 “(c) Work with the Chief Education Office and the Oregon Business De-
12 velopment Commission to identify areas of common interest to efficiently
13 align resources, recommend common strategies and provide accountability
14 for reaching statewide goals; and

15 “(d) Hold state workforce agencies and local workforce development
16 boards accountable for meeting performance goals and system outcomes.

17 “[*(7) The State Workforce Development Board may charter and enter into*
18 *performance compacts with the local workforce development boards.*]

19 **“(7) The State Workforce and Talent Development Board shall**
20 **convene, engage and coordinate with senior executives of identified**
21 **key industries in this state, the Oregon Business Development Com-**
22 **mission, the Higher Education Coordinating Commission, the Depart-**
23 **ment of Education, the Bureau of Labor and Industries, the STEM**
24 **Investment Council, local workforce development boards, the Em-**
25 **ployment Department, the Department of Human Services, the Com-**
26 **mission for the Blind, the Chief Education Office, the Youth**
27 **Development Council and any other partners from training or**
28 **workforce development entities in this state to:**

29 **“(a) Determine needs across identified key industries in this state,**
30 **including challenges and opportunities in developing and growing rel-**

1 **evant talent pipelines;**

2 **“(b) Ensure that the talent pipeline development infrastructure in-**
3 **cludes:**

4 **“(A) A listening process to collect workforce needs of employers**
5 **from identified key industries in this state;**

6 **“(B) Curriculum alignment for high-demand occupation skill needs;**

7 **“(C) Prediction and monitoring of national trends relating to high-**
8 **demand industries and occupations;**

9 **“(D) Occupation-aligned education and training options with a**
10 **clearly articulated progression;**

11 **“(E) Skills assessments; and**

12 **“(F) Academic career counseling;**

13 **“(c) Utilize sector partnerships to:**

14 **“(A) Advise the development of career pathway programs for crit-**
15 **ical occupations in identified key industries in this state; and**

16 **“(B) Ensure the coordination of education, economic development,**
17 **business and workforce initiatives between key partners to develop a**
18 **strong talent pipeline;**

19 **“(d) Leverage and optimize existing measures and data systems to**
20 **improve systems alignment and interagency communication; and**

21 **“(e) Ensure state alignment and coordination between industry**
22 **sector partnerships and initiatives in the local workforce development**
23 **areas.**

24 **“(8)(a) Every biennium, the State Workforce and Talent Develop-**
25 **ment Board shall coordinate and collaborate with entities listed under**
26 **subsection (7) of this section to create a single, unified state**
27 **Workforce and Talent Development Plan.**

28 **“(b) The Workforce and Talent Development Plan must include:**

29 **“(A) A strategy, with quantitative goals, for the statewide**
30 **workforce development system for the State of Oregon in accordance**

1 with section 3111 of the federal Workforce Innovation and Opportunity
2 Act;

3 “(B) Quantifiable goals designed to promote Oregonians’ self-
4 sufficiency and that will empower Oregonians to gain independence
5 from public assistance and move up the socioeconomic ladder;

6 “(C) Expectations for performance and the priorities for delivery
7 of services to local workforce development boards and state workforce
8 agencies;

9 “(D) Industry-based information and data from the Employment
10 Department and other agencies and entities listed in subsection (7) of
11 this section related to talent needs and gaps;

12 “(E) Analysis of data regarding the skills required for identified key
13 industry jobs;

14 “(F) Information regarding the status of career pathway programs
15 targeted at identified key industries in this state;

16 “(G) Recommendations related to advancing talent pipeline and ca-
17 reer pathways development based on the identified talent issues and
18 trends;

19 “(H) Recommendations regarding the alignment and consistency of
20 data nomenclature, collection practices and data sharing;

21 “(I) Utilization and, as appropriate, expansion of existing data-
22 sharing agreements between agencies and partners;

23 “(J) Identification of talent issues and trends related to identified
24 key industries in this state that are in strategic alignment with state
25 and local workforce and economic priorities;

26 “(K) Identification and prioritization of the urgent talent gaps of
27 identified key industries in this state;

28 “(L) A response to immediate talent needs through the creation of
29 additional opportunities for Oregonians to pursue education and
30 training in disciplines critical to the advancement of identified key

1 **industries in this state;**

2 **“(M) Ways to strengthen efforts to enhance student work experi-**
3 **ence and job preparedness in high-demand and critical occupations;**

4 **“(N) New means of delivering workforce training and proficiency-**
5 **based education to enhance program efficiency, upgrading and sharing**
6 **resources and facilities and improving student outcomes and access**
7 **to typically underrepresented populations while meeting talent needs**
8 **of traded sector and high growth industries; and**

9 **“(O) Ways to increase the skills of the existing professional and**
10 **technical workforce, including the issuance of certifications, badges**
11 **and industry-based credentials.**

12 **“(c) The State Workforce and Talent Development Board shall:**

13 **“(A) Update the plan every biennium; and**

14 **“(B) Submit a report about the plan every year to:**

15 **“(i) The Governor; and**

16 **“(ii) The Legislative Assembly in the manner provided by ORS**
17 **192.245.**

18 **“(9) The State Workforce and Talent Development Board shall seek,**
19 **accept and expend funds received from gifts, grants or other sources**
20 **as necessary to perform activities authorized under this section.**

21 **“SECTION 7b. If House Bill 2312 becomes law, section 7 of this 2017**
22 **Act (amending ORS 660.324) is repealed and ORS 660.324, as amended**
23 **by section 65, chapter 774, Oregon Laws 2015, and section 29, chapter**
24 **___, Oregon Laws 2017 (Enrolled House Bill 2312), is amended to read:**

25 *“660.324. [(1) The State Workforce Development Board shall develop and*
26 *submit to the Governor a single state plan that outlines a strategy, with*
27 *quantitative goals, for the statewide workforce development system for the State*
28 *of Oregon in accordance with section 3111 of the federal Workforce Innovation*
29 *and Opportunity Act. In addition, the state plan must convey the expectations*
30 *for performance and the priorities for delivery of services to local workforce*

1 *development boards and state workforce agencies. Upon the Governor’s ap-*
2 *proval of the state plan, the Governor shall cause the State Unified or Com-*
3 *bined Workforce Plan to be delivered to the Legislative Assembly.]*

4 “[(2) *The board shall develop and include in the state plan goals designed*
5 *to promote Oregonians’ self-sufficiency. In addition to requirements under the*
6 *federal Act regarding wage and other goals, the state plan shall include*
7 *quantifiable goals that will empower Oregonians to gain independence from*
8 *public assistance and move up the socioeconomic ladder.]*

9 “(1) **The State Workforce and Talent Development Board shall**
10 **identify:**

11 “(a) **Key industries in this state and the workforce skills needed for**
12 **key industries to grow and thrive;**

13 “(b) **In collaboration with workforce representatives, needs for ed-**
14 **ucation, training, work experience, and job preparation to ensure**
15 **Oregonians access to stable high-wage jobs and employment advance-**
16 **ment; and**

17 “(c) **Opportunities for partnerships with key industry sectors to**
18 **coordinate workforce development, economic development and educa-**
19 **tion in response to industry and workforce needs.**

20 “[3] (2) The board shall assist the Governor in:

21 “(a) Developing Oregon’s workforce development system;

22 “(b) Ensuring timely consultation and collaboration with chief elected
23 officials, local workforce development boards and other workforce
24 stakeholders, including but not limited to business and labor organizations
25 and organizations working with persons with disabilities, persons living at
26 or below 100 percent of the federal poverty guidelines and the chronically
27 unemployed and underemployed;

28 “(c) Reviewing and approving local workforce plans;

29 “(d) Developing, as required by the federal Act, allocation formulas for
30 the distribution of funds to local workforce development areas for adult em-

1 ployment and training activities and for youth activities that are developed
2 by the local workforce development boards;

3 “(e) Working with local workforce development boards to increase effi-
4 ciencies and align workforce programs and services with local needs;

5 “(f) Recommending the duties and responsibilities of state agencies to
6 implement the federal Act, to avoid conflicts of interest and to capitalize on
7 the experience developed by workforce partners that are efficient and effec-
8 tive at meeting the requirements of the federal Act;

9 “(g) Participating in the development of a coordinated statewide system
10 of activities and services that includes both mandatory and optional partners
11 of the one-stop delivery system, as provided in the federal Act;

12 “(h) Providing for the development, accountability and continuous im-
13 provement of comprehensive workforce performance measures to assess the
14 effectiveness of the workforce development activities in this state;

15 “(i) Developing a statewide employment statistics system, as described in
16 section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49L-2(e)); and

17 “(j) Preparing an annual report and submitting it to the United States
18 Department of Labor.

19 “[~~(4)~~] **(3)** The State Workforce **and Talent** Development Board, in part-
20 nership with the Governor, shall establish criteria for use by chief elected
21 officials in appointing members to local workforce development boards in
22 accordance with the requirements of section 3122 of the federal Workforce
23 Innovation and Opportunity Act. The State Workforce **and Talent** Develop-
24 ment Board shall establish the following requirements:

25 “(a) To transact business at a meeting of a local workforce development
26 board, a quorum of members must participate. A quorum shall consist of a
27 majority of the members. At least 25 percent of the members participating
28 must be representatives of business.

29 “(b) When appropriate and upon a request from the chief elected official
30 of a county or the City of Portland, the State Workforce **and Talent** De-

1 velopment Board shall consider the county or the City of Portland to be a
2 candidate for designation as a local workforce development area. The board
3 shall consult with the county or the City of Portland before designating it
4 as a local workforce development area. After considering the criteria in
5 section 3121 of the federal Act for designating local workforce development
6 areas, chief elected officials may submit a request to the board to combine
7 their units of government into a local workforce development area. The
8 board shall make recommendations to the Governor about the designation
9 of local workforce development areas. Only the Governor may designate local
10 workforce development areas. The Governor must show just cause for not
11 designating a requested local workforce development area. A county or the
12 City of Portland may submit an appeal to the board, as provided in section
13 3121 of the federal Act, if the Governor does not grant the county's or the
14 city's request to designate a local workforce development area.

15 “[5] (4) The State Workforce **and Talent** Development Board shall pro-
16 vide guidance and direction to local workforce development boards in the
17 development of local workforce plans. The State Workforce **and Talent**
18 Development Board shall adopt policies that:

19 “(a) Require each local workforce development board, in partnership with
20 its chief elected officials and in accordance with section 3123 of the federal
21 Act, to develop and submit to the Governor and the State Workforce **and**
22 **Talent** Development Board a strategic local workforce plan that includes,
23 but is not limited to, performance goals; and

24 “(b) Permit each local workforce development board, in consultation with
25 its chief elected officials:

26 “(A) To determine, consistent with the requirements of the federal Act,
27 the appropriate level of services based on the workforce needs in the local
28 workforce development area; and

29 “(B) To designate or certify one-stop operators and to terminate for cause
30 the eligibility of such operators.

1 **“(5) The State Workforce and Talent Development Board may**
2 **charter and enter into performance compacts with local workforce**
3 **development boards.**

4 “(6) The State Workforce **and Talent** Development Board shall:

5 “(a) Function as the primary advisory committee to the Employment De-
6 partment in conjunction with the Employment Department Advisory Council
7 established under ORS 657.695;

8 “(b) Collaborate with other advisory bodies also tasked with workforce
9 development, including but not limited to the Oregon State Rehabilitation
10 Council, the Commission for the Blind, the State Apprenticeship and Train-
11 ing Council and the Higher Education Coordinating Commission;

12 “(c) Work with the Oregon Business Development Commission to identify
13 areas of common interest to efficiently align resources, recommend common
14 strategies and provide accountability for reaching statewide goals; and

15 “(d) Hold state workforce agencies and local workforce development
16 boards accountable for meeting performance goals and system outcomes.

17 “[(7) *The State Workforce Development Board may charter and enter into*
18 *performance compacts with the local workforce development boards.*]

19 **“(7) The State Workforce and Talent Development Board shall**
20 **convene, engage and coordinate with senior executives of identified**
21 **key industries in this state, the Oregon Business Development Com-**
22 **mission, the Higher Education Coordinating Commission, the Depart-**
23 **ment of Education, the Bureau of Labor and Industries, the STEM**
24 **Investment Council, local workforce development boards, the Em-**
25 **ployment Department, the Department of Human Services, the Com-**
26 **mission for the Blind, the Chief Education Office, the Youth**
27 **Development Council and any other partners from training or**
28 **workforce development entities in this state to:**

29 **“(a) Determine needs across identified key industries in this state,**
30 **including challenges and opportunities in developing and growing rel-**

1 **evant talent pipelines;**

2 **“(b) Ensure that the talent pipeline development infrastructure in-**
3 **cludes:**

4 **“(A) A listening process to collect workforce needs of employers**
5 **from identified key industries in this state;**

6 **“(B) Curriculum alignment for high-demand occupation skill needs;**

7 **“(C) Prediction and monitoring of national trends relating to high-**
8 **demand industries and occupations;**

9 **“(D) Occupation-aligned education and training options with a**
10 **clearly articulated progression;**

11 **“(E) Skills assessments; and**

12 **“(F) Academic career counseling;**

13 **“(c) Utilize sector partnerships to:**

14 **“(A) Advise the development of career pathway programs for crit-**
15 **ical occupations in identified key industries in this state; and**

16 **“(B) Ensure the coordination of education, economic development,**
17 **business and workforce initiatives between key partners to develop a**
18 **strong talent pipeline;**

19 **“(d) Leverage and optimize existing measures and data systems to**
20 **improve systems alignment and interagency communication; and**

21 **“(e) Ensure state alignment and coordination between industry**
22 **sector partnerships and initiatives in the local workforce development**
23 **areas.**

24 **“(8)(a) Every biennium, the State Workforce and Talent Develop-**
25 **ment Board shall coordinate and collaborate with entities listed under**
26 **subsection (7) of this section to create a single, unified state**
27 **Workforce and Talent Development Plan.**

28 **“(b) The Workforce and Talent Development Plan must include:**

29 **“(A) A strategy, with quantitative goals, for the statewide**
30 **workforce development system for the State of Oregon in accordance**

1 with section 3111 of the federal Workforce Innovation and Opportunity
2 Act;

3 “(B) Quantifiable goals designed to promote Oregonians’ self-
4 sufficiency and that will empower Oregonians to gain independence
5 from public assistance and move up the socioeconomic ladder;

6 “(C) Expectations for performance and the priorities for delivery
7 of services to local workforce development boards and state workforce
8 agencies;

9 “(D) Industry-based information and data from the Employment
10 Department and other agencies and entities listed in subsection (7) of
11 this section related to talent needs and gaps;

12 “(E) Analysis of data regarding the skills required for identified key
13 industry jobs;

14 “(F) Information regarding the status of career pathway programs
15 targeted at identified key industries in this state;

16 “(G) Recommendations related to advancing talent pipeline and ca-
17 reer pathways development based on the identified talent issues and
18 trends;

19 “(H) Recommendations regarding the alignment and consistency of
20 data nomenclature, collection practices and data sharing;

21 “(I) Utilization and, as appropriate, expansion of existing data-
22 sharing agreements between agencies and partners;

23 “(J) Identification of talent issues and trends related to identified
24 key industries in this state that are in strategic alignment with state
25 and local workforce and economic priorities;

26 “(K) Identification and prioritization of the urgent talent gaps of
27 identified key industries in this state;

28 “(L) A response to immediate talent needs through the creation of
29 additional opportunities for Oregonians to pursue education and
30 training in disciplines critical to the advancement of identified key

1 **industries in this state;**

2 **“(M) Ways to strengthen efforts to enhance student work experi-**
3 **ence and job preparedness in high-demand and critical occupations;**

4 **“(N) New means of delivering workforce training and proficiency-**
5 **based education to enhance program efficiency, upgrading and sharing**
6 **resources and facilities and improving student outcomes and access**
7 **to typically underrepresented populations while meeting talent needs**
8 **of traded sector and high growth industries; and**

9 **“(O) Ways to increase the skills of the existing professional and**
10 **technical workforce, including the issuance of certifications, badges**
11 **and industry-based credentials.**

12 **“(c) The State Workforce and Talent Development Board shall:**

13 **“(A) Update the plan every biennium; and**

14 **“(B) Submit a report about the plan every year to:**

15 **“(i) The Governor; and**

16 **“(ii) The Legislative Assembly in the manner provided by ORS**
17 **192.245.**

18 **“(9) The State Workforce and Talent Development Board shall seek,**
19 **accept and expend funds received from gifts, grants or other sources**
20 **as necessary to perform activities authorized under this section.”.**

21 On page 44, after line 33, insert:

22 **“SECTION 40a. If Senate Bill 41 becomes law and House Bill 2312**
23 **does not become law, section 3, chapter __, Oregon Laws 2017 (En-**
24 **rolled Senate Bill 41) (amending ORS 657.730), is repealed and ORS**
25 **657.730, as amended by section 40 of this 2017 Act, is amended to read:**

26 **“657.730. (1) As used in this section, unless the context requires otherwise:**

27 **“[(a) ‘Labor market analysis’ means the measurement and evaluation of**
28 **economic forces as they relate to the employment process in the local labor**
29 **market area. Variables affecting labor market relationships include, but are**
30 **not limited to, such factors as labor force changes and characteristics, popu-**

1 *lation changes and characteristics, occupational and industrial structure and*
2 *development, technological developments, shifts in consumer demand, volume*
3 *and extent of unionization and trade disputes, recruitment practices, wage*
4 *levels, conditions of employment and training opportunities.]*

5 “[(b)] (a) ‘Labor market area’ means an economically integrated ge-
6 ographic area within which individuals can reside and find employment
7 within a reasonable distance or can readily change employment without
8 changing their place of residence. Such areas shall be identified in accord-
9 ance with criteria used by the Bureau of Labor Statistics of the United
10 States Department of Labor in defining such areas or similar criteria estab-
11 lished by the Director of the Employment Department. [*The area generally*
12 *takes the name of its community.*] The boundaries depend primarily on eco-
13 nomic and geographic factors. The State of Oregon is divided into labor
14 market areas, **including local workforce areas**, which usually include a
15 county or group of contiguous counties.

16 “[(c)] (b) ‘**Workforce and** labor market information’ means the body of
17 information generated from measurement and evaluation of the
18 socioeconomic factors and variables influencing the employment process in
19 the state and specific labor market areas. These socioeconomic factors and
20 variables [*affect labor demand and supply relationships and*] include:

21 “(A) Labor force information, which includes but is not limited to em-
22 ployment, unemployment, labor force participation[, *labor turnover and mo-*
23 *bility, average hours and earnings and changes*] and characteristics of the
24 population and labor force [*within specific labor market areas and the state*];

25 “(B) Occupational information, which includes but is not limited to oc-
26 cupational supply and demand estimates and projections, characteristics of
27 occupations, **skill requirements**, wage levels, job duties, training and edu-
28 cation requirements, conditions of employment, unionization, retirement
29 practices and training opportunities;

30 “(C) Economic information, which includes but is not limited to number

1 of business starts and stops by industry and labor market area, information
2 on employment growth and decline by industry and labor market area, **em-**
3 **ployment projections by industry**, employer establishment data and num-
4 ber of union disputes and strikes by industry and labor market area; and

5 “(D) Program information, which includes but is not limited to program
6 participant or student information gathered in cooperation with other state
7 and local agencies along with related labor market information to evaluate
8 the effectiveness, efficiency and impact of state and local employment,
9 training, education and job creation efforts in support of planning, manage-
10 ment, implementation and evaluation.

11 “(2) The Director of the Employment Department shall have the following
12 duties:

13 “(a) [*Oversight, operation and management of*] **Overseeing, operating and**
14 **managing** a statewide comprehensive [*labor market and occupational supply*
15 *and demand information system, including development of a five-year employ-*
16 *ment forecast for state and labor market areas*] **workforce and labor market**
17 **information system.**

18 “(b) [*Preparation of local labor market information packages for the state’s*
19 *workforce system, including special studies and job impact analyses*] **Sup-**
20 **porting Oregon’s state and local workforce boards by providing foun-**
21 **dational workforce data and special studies** in support of state and local
22 employment, training, education and job creation programs, especially ac-
23 tivities that prevent job loss, reduce unemployment and create jobs.

24 “[*c) Coordination with other appropriate public agencies to improve em-*
25 *ployment estimates by enhancing data on corporate officers, improving business*
26 *establishment listings, expanding samples for employment estimates and de-*
27 *veloping business entry or exit analysis relevant to the generation of occupa-*
28 *tional and economic forecasts.*]

29 “(c) **Supporting other Oregon customers of workforce and labor**
30 **market information, including, but not limited to, businesses, job**

1 **seekers, policy makers, educational agencies and students, and pro-**
2 **viding foundational workforce data and analysis of trends at the state**
3 **and local levels.**

4 “[(d) *Production of long-term and occupational employment forecasts in co-*
5 *operation with other appropriate agencies.*]

6 “[(e)] **(d)** [*Coordination with state workforce agencies as defined in ORS*
7 *660.300 to study ways to standardize federal and state multiagency adminis-*
8 *trative records, such as unemployment insurance information and other infor-*
9 *mation to produce employment, training, education and economic analysis*
10 *needed to improve]* **Coordinating with state workforce agencies and other**
11 **federal, state and local government partners to improve workforce and**
12 **labor market information products and services.**

13 “[(f)] **(e)** [*Production of]* **Producing workforce and** labor market infor-
14 mation and economic analysis needed to facilitate the efficient and effective
15 matching of the supply and demand of labor critical to an effective labor
16 exchange in Oregon. [*Information collected will be coordinated with other*
17 *public agencies through cooperative data collection efforts for statistical anal-*
18 *ysis, research or studies including, but not limited to, agricultural labor supply*
19 *and demand, high performance organizations, targeted industries programs,*
20 *and industrial improvement and expansion.*]

21 “[(g)] **(f)** [*Administration of]* **Administering** other appropriate **workforce**
22 **and** labor market information activities including support of efforts by local
23 workforce development boards, as defined in ORS 660.300, to align economic
24 development, education and training with workforce development invest-
25 ments and services for job seekers and businesses to efficiently address local
26 labor market needs and statewide workforce development priorities.

27 “(3) To implement this section, the director shall have authority to:

28 “(a) Establish rules and procedures to recover reasonable costs incurred
29 in producing and providing:

30 “(A) **Workforce and** labor market information products developed by the

1 Employment Department in the ordinary course of business when the request
2 results in costs over and above the ordinary costs of production including,
3 but not limited to, special publication runs, photocopying or supplying the
4 copy in some other medium; and

5 “(B) Special **workforce and** labor market information products in re-
6 sponse to individual requests that incur costs beyond the ordinary costs of
7 doing business including, but not limited to, computer time, staff costs,
8 preparation and distribution of surveys, electronic scanning, and special data
9 collection, formatting and analysis. The director may enter into agreements
10 with other public agencies to provide special **workforce and** labor market
11 information products in a quid pro quo arrangement.

12 “(b) Receive federal set aside funds from federal programs that are au-
13 thorized to fund state and local **workforce and** labor market information
14 and are required to use such information in support of their programs.

15 “(c) Enter into agreements for statistical analysis, research or evaluation
16 studies of privately and publicly funded employment, training, education and
17 economic development programs.

18 “(4) **Home care workers described in ORS 410.619 (1) are not em-**
19 **ployees of state government for the purposes of workforce and labor**
20 **market information.”**

21 On page 46, after line 8, insert:

22 “**SECTION 41a. If Senate Bill 41 becomes law and House Bill 2312**
23 **does not become law, section 5, chapter __, Oregon Laws 2017 (En-**
24 **rolled Senate Bill 41) (amending ORS 657.734), is repealed and ORS**
25 **657.734, as amended by section 41 of this 2017 Act, is amended to read:**

26 “657.734. (1) As used in this section:

27 “(a) ‘Public body’ has the meaning given that term in ORS 192.410.

28 “(b) ‘System participant’ means:

29 “(A) Mandatory partners under the federal Workforce Innovation and
30 Opportunity Act and other one-stop system partners, which may include

1 public bodies and private organizations; and

2 “(B) Public bodies and private organizations that have been approved by
3 the Director of the Employment Department, in consultation with the Edu-
4 cation and Workforce Policy Advisor, to participate in the Performance Re-
5 porting Information System.

6 “(2) There is established the Performance Reporting Information System
7 for the purpose of collecting, analyzing and sharing statistical and demo-
8 graphic data for the development and reporting of workforce system per-
9 formance measures.

10 “(3) The Performance Reporting Information System is intended to share
11 the data described in subsection (2) of this section, by agreement, with all
12 system participants.

13 “(4) The Director of the Employment Department shall administer and, in
14 consultation with the Education and Workforce Policy Advisor, oversee the
15 development of the Performance Reporting Information System. System par-
16 ticipants shall be designated as participants in the system by rule of the
17 Employment Department, in consultation with the Education and Workforce
18 Policy Advisor. A system participant shall enter into an interagency or other
19 applicable agreement with the director that:

20 “(a) Establishes protocols for the collection and sharing of data in the
21 system;

22 “(b) Establishes safeguards for protecting the confidentiality of data in
23 the system;

24 “(c) Includes provisions regarding informed consent for sharing informa-
25 tion obtained from individuals; and

26 “(d) Provides for the sharing of costs for developing and maintaining the
27 system.

28 “(5)(a) All individual record information in the Performance Reporting
29 Information System is confidential and may not be disclosed as a public re-
30 cord under the provisions of ORS 192.410 to 192.505. As administrator of the

1 system, the director may view all data or individual record information in
2 the system. System participants may not allow public access to information
3 received from the system that identifies a particular individual unless re-
4 quired by law. System participants shall limit the disclosure of, or refuse to
5 disclose, aggregate or summary level information when a small number of
6 aggregated records or some other factor creates a reasonable risk that the
7 identity of individuals may be discovered or disclosed.

8 “(b) System participants shall provide information in a format that en-
9 codes identifying data, including the client’s Social Security number, using
10 a formula unique to the system participant. In disclosing Social Security
11 numbers to the system, system participants shall comply with any state and
12 federal laws that govern the collection and use of Social Security numbers
13 by the system participant and any additional requirements specified by the
14 director, in consultation with the Education and Workforce Policy Advisor,
15 that are included in the agreement entered into under subsection (4) of this
16 section.

17 “(6) The information in the Performance Reporting Information System
18 is not a public record for purposes of ORS 192.410 to 192.505. For purposes
19 of ORS 192.410 to 192.505, the information submitted to the system and the
20 information received from the system is a public record, and the custodian
21 of such information is the system participant that submits or receives the
22 information. If the system participant receiving the information is not a
23 public body, the department shall keep a copy of the system information sent
24 to that system participant and shall be the custodian of that copy for pur-
25 poses of ORS 192.410 to 192.505. As custodian, the department shall limit the
26 disclosure of, or refuse to disclose, aggregate or summary level information
27 when a small number of aggregated records or some other factor creates a
28 reasonable risk that the identity of individuals may be discovered or dis-
29 closed. The department shall refer all other requests for disclosure of system
30 information to the public body that is the custodian of the information.

1 “(7) The department may charge a reasonable fee under ORS 192.440 for
2 the disclosure of reports containing only aggregate data to individuals, pub-
3 lic bodies or private organizations.

4 “(8) If a system participant prepares or acquires a record that is confi-
5 dential under federal or state law, including ORS 192.502 (2), the system
6 participant does not violate state confidentiality laws by providing the in-
7 formation described in this section to the Performance Reporting Information
8 System. [*Notwithstanding the provisions of ORS 279C.815 (4), 279C.850 (3),*
9 *657.665 and 660.339, the Bureau of Labor and Industries, the Higher Education*
10 *Coordinating Commission and the Employment Department are authorized to*
11 *provide information to the system.*]

12 “(9) Any individual who, without proper authority, discloses confidential
13 information under this section may be disqualified from holding any ap-
14 pointment or employment with the State of Oregon. The department shall
15 adopt by rule procedures to prevent disclosure of confidential information
16 submitted to the Performance Reporting Information System.

17 **“SECTION 42.** ORS 284.706 is amended 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) Seven members appointed by the Governor who are experienced en-
23 trepreneurs or investors or are engaged in the operations of Oregon traded
24 sector industries or Oregon growth businesses.

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

28 “(d) One member appointed by the Governor who is a representative of
29 an Oregon-based, generally accredited public institution of higher education
30 as defined in ORS 284.633.

1 “(e) A member of the Oregon Growth Board, appointed by the board, who
2 is experienced in making direct investments in new growth-based companies.

3 “(f) A private sector member of the [*Oregon Talent Council*] **State**
4 **Workforce and Talent Development Board.**

5 “(g) The Director or an executive officer of the Oregon Business Devel-
6 opment Department.

7 “(h) The executive director of the Higher Education Coordinating Com-
8 mission.

9 “(i) The State Treasurer.

10 “(2)(a) The Speaker of the House of Representatives shall appoint two
11 members to the council who are members of the House of Representatives.

12 “(b) The President of the Senate shall appoint two members to the council
13 who are members of the Senate.

14 “(c) Members of the Legislative Assembly appointed to the council are
15 nonvoting members and may act in an advisory capacity only.

16 “(3) The presiding officer of the Oregon Business Development Commis-
17 sion shall serve as an ex officio, nonvoting member of the council.

18 “(4) The term of office of each appointed voting member of the council is
19 two years, but an appointed member serves at the pleasure of the appointing
20 authority. Before the expiration of the term of an appointed voting member,
21 the appointing authority shall appoint a successor whose term begins on July
22 1 next following. An appointed member is eligible for reappointment for one
23 additional term. If there is a vacancy for any cause, the appointing authority
24 shall make an appointment to become immediately effective for the remain-
25 der of the unexpired term.

26 “(5) A majority of the voting members of the council constitutes a quorum
27 for the transaction of business.

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

30 “(7) The council shall meet at least four times per fiscal year at a place,

1 day and time determined by the chairperson. The council may also meet at
2 other times and places specified by a call of the chairperson or by written
3 request of a majority of the voting members of the council.

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

6 “(9) The council shall establish an audit and accountability committee
7 that shall monitor performance of council contracts and benchmark Oregon’s
8 performance against nationally accepted innovation metrics.

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

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

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

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

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

30 In line 9, delete “42” and insert “43”.

1 After line 9, insert:

2 **“SECTION 44. (1) The amendments to ORS 660.321 by section 5 of**
3 **this 2017 Act are intended to change the name of the ‘State Workforce**
4 **Investment Board’ to the ‘State Workforce and Talent Development**
5 **Board.’**

6 **“(2) For the purpose of harmonizing and clarifying statutory law,**
7 **the Legislative Counsel may substitute for words designating the**
8 **‘State Workforce Investment Board,’ wherever they occur in statutory**
9 **law, other words designating the ‘State Workforce and Talent Devel-**
10 **opment Board.’**

11 **“SECTION 45. If House Bill 2312 becomes law, section 44, chapter**
12 **___, Oregon Laws 2017 (Enrolled House Bill 2312), is repealed.**

13 **“SECTION 46. If House Bill 2312 becomes law, section 44 of this 2017**
14 **Act is amended to read:**

15 **“(1) The amendments to ORS 660.321 by section 5 of this 2017 Act are**
16 **intended to change the name of the ‘State Workforce Investment Board’ to**
17 **the ‘State Workforce and Talent Development Board.’**

18 **“(2) The amendments to ORS 660.321 by section 27, chapter ___,**
19 **Oregon Laws 2017 (Enrolled House Bill 2312), are intended to change**
20 **the name of the ‘State Workforce Investment Board’ to the ‘State**
21 **Workforce Development Board.’**

22 **“[(2)] (3) For the purpose of harmonizing and clarifying statutory law, the**
23 **Legislative Counsel may substitute for words designating the ‘State**
24 **Workforce Investment Board,’ or ‘State Workforce Development Board,’**
25 **wherever they occur in statutory law, other words designating the ‘State**
26 **Workforce and Talent Development Board.’”.**

27 In line 10, delete “43” and insert “47”.

28