



STATE OF OREGON  
Legislative Counsel Committee

March 24, 2023

To: Representative Ricki Ruiz  
From: Daniel R. Gilbert, Senior Deputy Legislative Counsel  
Subject: House 2961-1 Amendments—Higher Education Funding

You requested that we draft “gut and stuff” amendments to House Bill 2961 that, *inter alia*, establish several programs and grants. The -1 amendments are enclosed.

Article I, section 21, and Article IV, section 1, of the Oregon Constitution, prohibit the unlawful delegation of legislative authority and provide that the power to make laws resides with the Legislative Assembly. While we believe it is more likely than not that the -1 amendments to House Bill 2961 comply with this constitutional requirement and do not unlawfully grant law-making powers to the Higher Education Coordinating Commission, we note that the multiple programs established in the -1 amendments appear significantly less developed or clear about how they should be implemented than are either existing programs—such as the Oregon Opportunity Grant program or Oregon Promise program—or proposed higher education programs—such as the program for Oregon National Guard members described in Senate Bill 1032 (2023) or the Oregon Tribal Student Grant program described in House Bill 3565 (2023). The relative lack of legislative direction appears particularly pronounced in section 5 of the -1 amendments, which establishes a block grant program but does not provide meaningful direction to the Higher Education Coordinating Commission regarding how the commission should determine which applications to fund.

For these reasons, we would recommend that if the -1 amendments are adopted, either the committee or the Senate consider additional amendments to further convey the legislative policy behind the law.

Encl.