

Oregon Community College Association 2012 Legislative Summary

In its first official even-year session the Oregon Legislature dealt with a variety of issues including a rebalance of the state budget, an overhaul to all levels of education, and a transformation of Medicaid and Medicare services. While legislators had hoped to finish the short session on February 25, the session lasted until March 5.

Budget

The session began with a quarterly revenue forecast showing another drop in expected revenue of \$110 million. To balance the budget ([SB 5701](#)), the legislature chose not to release the 3.5 percent of state funding that was held back in the 2011-13 biennium budgets. As a result a total of \$14.5 million was held back from the Community College Support Fund dropping biennial funding to \$395.5 million. However, the Legislature set aside \$10 million for the Legislative Emergency board to have available to avoid any possible future cuts to community colleges, Oregon Health and Sciences University and Head Start. While state economists do not forecast further drops in revenue, should another dip occur requiring further cuts, the dollars set aside would be used to minimize the impact to these priority areas.

Capital Construction

OCCA worked with Rep. Dave Hunt to secure funding for \$9.6 million in capital projects through lottery bonds for career and technical or STEM programs at all 17 colleges. However, [HB 5202](#) contained language that the State Treasurer cannot issue the bonds until after “considering a report from the State Debt Policy Advisory Council Commission” to reaffirm the state has the debt capacity to issue the bonds. The report is to be received no later than Feb. 1, 2013. Bonds are expected to be sold in spring 2013 after the report is received. The bill includes a six-year expenditure limitation.

Oregon Education Investment Board (OEIB)

After prolonged negotiation, the legislature agreed to pass Governor Kitzhaber’s education reform package in [SB 1581](#). This legislation sets up a requirement in statute for achievement compacts between local K-12 school district, education service district, or community college boards and the Oregon Education Investment Board (OEIB), as well as a compact with the Oregon University System and each public university. The OEIB will define by rule the content and process for developing the compacts. Additionally, language was added requesting associations, including OCCA, to recommend to the OEIB by September 30 2012 “processes for collaboration in the development of achievement compacts for their institutions, including professional development opportunities, for the achievement of student success.” SB 1581 also clarifies the authority of the soon to be hired Chief Education Officer in relation to the Commissioner, Chancellor, Deputy Superintendent, and others.

Higher Education Coordinating Commission (HECC)

Legislation fixing the ambiguity and conflicts between the Higher Education Coordinating Commission (HECC) and the OEIB passed. [SB 1538](#) clarifies that HECC serves under the OEIB and may give advice on budgetary and achievement compact matters to the OEIB. Additionally, the HECC was given authority to

review and recommend on several issues, including student success, access, underserved populations, transfer and articulation. The HECC has no authority, however, to direct colleges to implement any specific recommendations.

Operations

The legislature considered a number of bills during the February session that would impact community college operations. At the end of the day, only one bill passed that will require action by community colleges. [HB 4016](#) added community college and university employees, and paid coaches to Oregon's existing list of mandatory child abuse reporters. This bill passed the House and Senate unanimously after provisions related to volunteers were removed from the bill. Amendments that were added clarify that the duty to report lies with the individual and not the institution. The child abuse reporting requirement becomes effective on January 1, 2013. OCCA supported the legislation and committed to working with the Department of Human Services to ensure that child abuse reporting training materials are made available to college employees which reflect the unique situations faced on community college campuses.

An effort to expand the annual mandated full-time/ part-time faculty report to include all college employees contained in [HB 4057](#) failed to garner support in the House Higher Education Committee. These provisions were pulled out and the bill was "gut and stuffed" with an unrelated amendment to extend a reporting deadline needed by the Oregon University System. OCCA will continue to work with Rep. Michael Dembrow to find ways to address concerns related to the comparability of data in the existing full-time/ part-time faculty report.

Health Insurance

A compromise to move Governor Kitzhaber's health exchange legislation resulted in an unexpected opportunity for community colleges. An amendment added to [HB 4164](#) will allow school districts, education service districts, and participating community college districts to choose between health insurance plans offered by the Oregon Educators Benefit Board (OEBB) or through the health insurance exchange beginning in October 2015. The Oregon Health Insurance Exchange Corporation will consult with OEBB regarding the plans that can be offered. OCCA supported this amendment.

Public Contracting

A number of bills related to changes in Oregon public contracting laws were heard during the early days of the February session but most failed to move out of committee when concerns were raised by state and local governments. (See list of failed bills below.) Several of the issues may be addressed in a legislative work group tasked during the interim to look at public contracting issues and develop recommendations for the 2013 session. Community colleges are represented in this work group.

One proposal that did pass is bill to amend the existing statute that requires a 1.5% set aside for solar energy in public improvement contracts to include green technology sources. [HB 1533](#) expands the

definition of green technology to include both solar energy and geothermal energy sources. OCCA supported this expansion.

Oregon Opportunity Grant

One of the few state agencies to have its 3.5 percent hold back restored was the Oregon Opportunity Grant. The program received \$2 million in funding back. However, the program still has less than half the funding necessary to cover all eligible students in the 2011-13 biennium.

Textbook Task Force

[HB 4058](#) directs the Higher Education Coordination Commission (HECC) to study and recommend strategies for making textbooks more affordable for students in post-secondary and higher education. OCCA worked successfully to remove language in the bill that would have given the HECC the authority to implement recommendations from the task force.

Western Governors University

[HB 4059](#) directs the Higher Education Coordinating Commission to work with the State Board of Higher Education, the State Board of Education and private non-profit and for-profit colleges and universities to increase opportunities for awarding credit to students for prior learning. OCCA worked successfully to remove language that would have given the HECC implementation authority for policies intended to increase prior learning opportunities.

Prior Learning

[HB 4059](#) also included language that directs the HECC to prepare a report proposing a partnership with Western Governors University. The report is due Nov. 1, 2012. OCCA supported this policy and the overall bill after the prior learning section was amended to respond to concerns from the colleges.

Firearms on Campus

A last minute attempt to pass a bill to prohibit firearms on school, community college and university campuses failed on the Senate floor. [SB 1594](#) as amended would have given local community college boards the authority to adopt rules or written policies to authorize concealed handgun licensees to possess firearms on college property. OCCA took a neutral position on this bill.

Tracked Bills That Failed:

The following is a list of bills OCCA tracked that failed to move from committee:

[HB 4033](#) Exempts employee and retiree names maintained in records of Public Employees Retirement System from disclosure under public records law. OCCA position: Support

[HB 4065](#) Directs Oregon State Lottery Commission to establish lottery games to benefit veterans' education and economic development. OCCA position: Neutral

- [HB 4099](#) Provides that if public body agrees to pay or provide benefit to retired employees other than payments required or provided for in statutes, public body must create separate account for funding of those benefits and make annual contributions to account in amounts necessary to amortize liability for benefits in 25 years or less. OCCA position: Oppose
- [HB 4115](#) Requires contracting agency to pay fee to Secretary of State in amount of one-tenth of one percent of contract price for public contract. OCCA position: Oppose
- [HB 4130](#) Provides that an employee who separates from contracting agency, under specified conditions and for period of one year, may not seek or gain employment with contractor with which contracting agency entered into public contract. OCCA position: Oppose
- [HB 4139](#) Directs public officials to deposit public funds in certain community banks. OCCA position: Oppose
- [HB 4142](#) Requires contracting agency to apply certain preferences in awarding contracts related to certain goods manufactured from recycled materials. OCCA position: Oppose
- [HB 4144](#) Requires contracting agency, in determining lowest bid for procurement, to make certain additions and deductions based on health and retirement benefits paid for workers who are residents of this state, based on fuel consumption and carbon generation and based on personal income taxes paid by employing workers who are residents of this state. OCCA position: Oppose
- [SB 1526](#) Excludes certain types of communications from meaning of "deliberations" for purposes of public meetings law. Carried over for discussion during interim. OCCA position: Support
- [SB 1585](#) Requires that total amount of General Fund appropriations, special purpose appropriations to Emergency Board, lottery fund allocations, appropriations from Oregon Rainy Day Fund and appropriations from Education Stability Fund made for public education purposes in biennium not be less than 50 percent of total amount of General Fund appropriations, lottery fund allocations, appropriations from Oregon Rainy Day Fund and appropriations from Education Stability Fund contained in legislatively adopted budget or legislatively approved budget for biennium. OCCA position: Support