

**SENATE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3437
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON EDUCATION

May 24

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

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

5 On page 6, after line 6, insert:

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7 **660.321) is repealed and ORS 660.321, as amended by section 27, chapter ___, Oregon Laws 2017**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

9 “660.321. (1) A State Workforce **and Talent** Development Board shall be created under section
10 3111 of the federal Workforce Innovation and Opportunity Act to assist in the development of the
11 [*State Unified or Combined*] Workforce **and Talent Development** Plan established under ORS
12 660.324 [*and*], to carry out the other functions described by the federal Act[.] **and to provide**
13 **strategic planning and recommendations related to state talent development.**

14 “(2) The membership of the board must be in accordance with the requirements of section
15 3111(b) of the federal Act.

16 “(3) Representatives of business described in section 3111(b)(1)(C)(i) of the federal Act who are
17 appointed to the board must be confirmed by the Senate in the manner prescribed under ORS 171.562
18 and 171.565.

19 “(4) The Governor shall select a chairperson in accordance with the requirements of section
20 3111(c) of the federal Act.

21 “(5) The Governor shall appoint one member who is a representative of a local workforce de-
22 velopment board.

23 “(6) A majority of the board must be representatives of business, as described in section
24 3111(b)(1)(C)(i) of the federal Act.

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

27 “(8) To transact business at a meeting of the board, a quorum of voting members must partic-
28 ipate. A quorum consists of a majority of the voting members. At least 25 percent of the members
29 participating must be representatives of business, as described in section 3111(b)(1)(C)(i) of the fed-
30 eral Act.

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

34 On page 9, delete line 45.

1 On page 10, delete lines 1 and 2.

2 On page 13, delete lines 42 through 44 and insert:

3 **“SECTION 7a. If House Bill 2312 becomes law, section 6 of this 2017 Act (amending ORS**
4 **660.324) is repealed and ORS 660.324, as amended by section 28, chapter __, Oregon Laws 2017**
5 **(Enrolled House Bill 2312), is amended to read:**

6 *“660.324. [(1) The State Workforce Development Board shall develop and submit to the Governor*
7 *a single state plan that outlines a strategy, with quantitative goals, for the statewide workforce devel-*
8 *opment system for the State of Oregon in accordance with section 3111 of the federal Workforce Inno-*
9 *vation and Opportunity Act. In addition, the state plan must convey the expectations for performance*
10 *and the priorities for delivery of services to local workforce development boards and state workforce*
11 *agencies. Upon the Governor’s approval of the state plan, the Governor shall cause the State Unified*
12 *or Combined Workforce Plan to be delivered to the Legislative Assembly.]*

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

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

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

20 **“(b) In collaboration with workforce representatives, needs for education, training, work**
21 **experience, and job preparation to ensure Oregonians access to stable high-wage jobs and**
22 **employment advancement; and**

23 **“(c) Opportunities for partnerships with key industry sectors to coordinate workforce**
24 **development, economic development and education in response to industry and workforce**
25 **needs.**

26 *“[(3)] (2) The board shall assist the Governor in:*

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

28 *“(b) Ensuring timely consultation and collaboration with chief elected officials, local workforce*
29 *development boards and other workforce stakeholders, including but not limited to business and la-*
30 *bor organizations and organizations working with persons with disabilities, persons living at or be-*
31 *low 100 percent of the federal poverty guidelines and the chronically unemployed and*
32 *underemployed;*

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

34 *“(d) Developing, as required by the federal Act, allocation formulas for the distribution of funds*
35 *to local workforce development areas for adult employment and training activities and for youth*
36 *activities that are developed by the local workforce development boards;*

37 *“(e) Working with local workforce development boards to increase efficiencies and align*
38 *workforce programs and services with local needs;*

39 *“(f) Recommending the duties and responsibilities of state agencies to implement the federal Act,*
40 *to avoid conflicts of interest and to capitalize on the experience developed by workforce partners*
41 *that are efficient and effective at meeting the requirements of the federal Act;*

42 *“(g) Participating in the development of a coordinated statewide system of activities and ser-*
43 *vices that includes both mandatory and optional partners of the one-stop delivery system, as pro-*
44 *vided in the federal Act;*

45 *“(h) Providing for the development, accountability and continuous improvement of comprehen-*

1 sive workforce performance measures to assess the effectiveness of the workforce development ac-
2 tivities in this state;

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

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

6 “[4] (3) The State Workforce **and Talent** Development Board, in partnership with the Gover-
7 nor, shall establish criteria for use by chief elected officials in appointing members to local
8 workforce development boards in accordance with the requirements of section 3122 of the federal
9 Workforce Innovation and Opportunity Act. The State Workforce **and Talent** Development Board
10 shall establish the following requirements:

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

14 “(b) When appropriate and upon a request from the chief elected official of a county or the City
15 of Portland, the State Workforce **and Talent** Development Board shall consider the county or the
16 City of Portland to be a candidate for designation as a local workforce development area. The board
17 shall consult with the county or the City of Portland before designating it as a local workforce de-
18 velopment area. After considering the criteria in section 3121 of the federal Act for designating local
19 workforce development areas, chief elected officials may submit a request to the board to combine
20 their units of government into a local workforce development area. The board shall make recom-
21 mendations to the Governor about the designation of local workforce development areas. Only the
22 Governor may designate local workforce development areas. The Governor must show just cause for
23 not designating a requested local workforce development area. A county or the City of Portland may
24 submit an appeal to the board, as provided in section 3121 of the federal Act, if the Governor does
25 not grant the county’s or the city’s request to designate a local workforce development area.

26 “[5] (4) The State Workforce **and Talent** Development Board shall provide guidance and di-
27 rection to local workforce development boards in the development of local workforce plans. The
28 State Workforce **and Talent** Development Board shall adopt policies that:

29 “(a) Require each local workforce development board, in partnership with its chief elected offi-
30 cials and in accordance with section 3123 of the federal Act, to develop and submit to the Governor
31 and the State Workforce **and Talent** Development Board a strategic local workforce plan that in-
32 cludes, but is not limited to, performance goals; and

33 “(b) Permit each local workforce development board, in consultation with its chief elected offi-
34 cials:

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

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

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

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

42 “(a) Function as the primary advisory committee to the Employment Department in conjunction
43 with the Employment Department Advisory Council established under ORS 657.695;

44 “(b) Collaborate with other advisory bodies also tasked with workforce development, including
45 but not limited to the Oregon State Rehabilitation Council, the Commission for the Blind, the State

1 Apprenticeship and Training Council and the Higher Education Coordinating Commission;

2 “(c) Work with the Chief Education Office and the Oregon Business Development Commission
3 to identify areas of common interest to efficiently align resources, recommend common strategies
4 and provide accountability for reaching statewide goals; and

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

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

9 “**(7) The State Workforce and Talent Development Board shall convene, engage and co-**
10 **ordinate with senior executives of identified key industries in this state, the Oregon Business**
11 **Development Commission, the Higher Education Coordinating Commission, the Department**
12 **of Education, the Bureau of Labor and Industries, the STEM Investment Council, local**
13 **workforce development boards, the Employment Department, the Department of Human**
14 **Services, the Commission for the Blind, the Chief Education Office, the Youth Development**
15 **Council and any other partners from training or workforce development entities in this state**
16 **to:**

17 “**(a) Determine needs across identified key industries in this state, including challenges**
18 **and opportunities in developing and growing relevant talent pipelines;**

19 “**(b) Ensure that the talent pipeline development infrastructure includes:**

20 “**(A) A listening process to collect workforce needs of employers from identified key in-**
21 **dustries in this state;**

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

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

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

27 “**(E) Skills assessments; and**

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

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

30 “**(A) Advise the development of career pathway programs for critical occupations in**
31 **identified key industries in this state; and**

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

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

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

38 “**(8)(a) Every biennium, the State Workforce and Talent Development Board shall coor-**
39 **ordinate and collaborate with entities listed under subsection (7) of this section to create a**
40 **single, unified state Workforce and Talent Development Plan.**

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

42 “**(A) A strategy, with quantitative goals, for the statewide workforce development system**
43 **for the State of Oregon in accordance with section 3111 of the federal Workforce Innovation**
44 **and Opportunity Act;**

45 “**(B) Quantifiable goals designed to promote Oregonians’ self-sufficiency and that will**

1 empower Oregonians to gain independence from public assistance and move up the
2 socioeconomic ladder;

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

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

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

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

10 “(G) Recommendations related to advancing talent pipeline and career pathways devel-
11 opment based on the identified talent issues and trends;

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

14 “(I) Utilization and, as appropriate, expansion of existing data-sharing agreements be-
15 tween agencies and partners;

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

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

20 “(L) A response to immediate talent needs through the creation of additional opportu-
21 nities for Oregonians to pursue education and training in disciplines critical to the advance-
22 ment of identified key industries in this state;

23 “(M) Ways to strengthen efforts to enhance student work experience and job
24 preparedness in high-demand and critical occupations;

25 “(N) New means of delivering workforce training and proficiency-based education to en-
26 hance program efficiency, upgrading and sharing resources and facilities and improving stu-
27 dent outcomes and access to typically underrepresented populations while meeting talent
28 needs of traded sector and high growth industries; and

29 “(O) Ways to increase the skills of the existing professional and technical workforce, in-
30 cluding the issuance of certifications, badges and industry-based credentials.

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

32 “(A) Update the plan every biennium; and

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

34 “(i) The Governor; and

35 “(ii) The Legislative Assembly in the manner provided by ORS 192.245.

36 “**SECTION 7b.** If House Bill 2312 becomes law, section 7 of this 2017 Act (amending ORS
37 660.324) is repealed and ORS 660.324, as amended by section 65, chapter 774, Oregon Laws
38 2015, and section 29, chapter ___, Oregon Laws 2017 (Enrolled House Bill 2312), is amended
39 to read:

40 “660.324. [(1) *The State Workforce Development Board shall develop and submit to the Governor*
41 *a single state plan that outlines a strategy, with quantitative goals, for the statewide workforce devel-*
42 *opment system for the State of Oregon in accordance with section 3111 of the federal Workforce Inno-*
43 *vation and Opportunity Act. In addition, the state plan must convey the expectations for performance*
44 *and the priorities for delivery of services to local workforce development boards and state workforce*
45 *agencies. Upon the Governor’s approval of the state plan, the Governor shall cause the State Unified*

1 or Combined Workforce Plan to be delivered to the Legislative Assembly.]

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

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

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

9 “(b) **In collaboration with workforce representatives, needs for education, training, work**
10 **experience, and job preparation to ensure Oregonians access to stable high-wage jobs and**
11 **employment advancement; and**

12 “(c) **Opportunities for partnerships with key industry sectors to coordinate workforce**
13 **development, economic development and education in response to industry and workforce**
14 **needs.**

15 “[(3)] (2) The board shall assist the Governor in:

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

17 “(b) Ensuring timely consultation and collaboration with chief elected officials, local workforce
18 development boards and other workforce stakeholders, including but not limited to business and la-
19 bor organizations and organizations working with persons with disabilities, persons living at or be-
20 low 100 percent of the federal poverty guidelines and the chronically unemployed and
21 underemployed;

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

23 “(d) Developing, as required by the federal Act, allocation formulas for the distribution of funds
24 to local workforce development areas for adult employment and training activities and for youth
25 activities that are developed by the local workforce development boards;

26 “(e) Working with local workforce development boards to increase efficiencies and align
27 workforce programs and services with local needs;

28 “(f) Recommending the duties and responsibilities of state agencies to implement the federal Act,
29 to avoid conflicts of interest and to capitalize on the experience developed by workforce partners
30 that are efficient and effective at meeting the requirements of the federal Act;

31 “(g) Participating in the development of a coordinated statewide system of activities and ser-
32 vices that includes both mandatory and optional partners of the one-stop delivery system, as pro-
33 vided in the federal Act;

34 “(h) Providing for the development, accountability and continuous improvement of comprehen-
35 sive workforce performance measures to assess the effectiveness of the workforce development ac-
36 tivities in this state;

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

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

40 “[(4)] (3) The State Workforce **and Talent** Development Board, in partnership with the Gover-
41 nor, shall establish criteria for use by chief elected officials in appointing members to local
42 workforce development boards in accordance with the requirements of section 3122 of the federal
43 Workforce Innovation and Opportunity Act. The State Workforce **and Talent** Development Board
44 shall establish the following requirements:

45 “(a) To transact business at a meeting of a local workforce development board, a quorum of

1 members must participate. A quorum shall consist of a majority of the members. At least 25 percent
2 of the members participating must be representatives of business.

3 “(b) When appropriate and upon a request from the chief elected official of a county or the City
4 of Portland, the State Workforce **and Talent** Development Board shall consider the county or the
5 City of Portland to be a candidate for designation as a local workforce development area. The board
6 shall consult with the county or the City of Portland before designating it as a local workforce de-
7 velopment area. After considering the criteria in section 3121 of the federal Act for designating local
8 workforce development areas, chief elected officials may submit a request to the board to combine
9 their units of government into a local workforce development area. The board shall make recom-
10 mendations to the Governor about the designation of local workforce development areas. Only the
11 Governor may designate local workforce development areas. The Governor must show just cause for
12 not designating a requested local workforce development area. A county or the City of Portland may
13 submit an appeal to the board, as provided in section 3121 of the federal Act, if the Governor does
14 not grant the county’s or the city’s request to designate a local workforce development area.

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

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

22 “(b) Permit each local workforce development board, in consultation with its chief elected offi-
23 cials:

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

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

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

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

31 “(a) Function as the primary advisory committee to the Employment Department in conjunction
32 with the Employment Department Advisory Council established under ORS 657.695;

33 “(b) Collaborate with other advisory bodies also tasked with workforce development, including
34 but not limited to the Oregon State Rehabilitation Council, the Commission for the Blind, the State
35 Apprenticeship and Training Council and the Higher Education Coordinating Commission;

36 “(c) Work with the Oregon Business Development Commission to identify areas of common in-
37 terest to efficiently align resources, recommend common strategies and provide accountability for
38 reaching statewide goals; and

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

41 “[7] *The State Workforce Development Board may charter and enter into performance compacts*
42 *with the local workforce development boards.*]

43 “(7) **The State Workforce and Talent Development Board shall convene, engage and co-**
44 **ordinate with senior executives of identified key industries in this state, the Oregon Business**
45 **Development Commission, the Higher Education Coordinating Commission, the Department**

1 of Education, the Bureau of Labor and Industries, the STEM Investment Council, local
2 workforce development boards, the Employment Department, the Department of Human
3 Services, the Commission for the Blind, the Chief Education Office, the Youth Development
4 Council and any other partners from training or workforce development entities in this state
5 to:

6 “(a) Determine needs across identified key industries in this state, including challenges
7 and opportunities in developing and growing relevant talent pipelines;

8 “(b) Ensure that the talent pipeline development infrastructure includes:

9 “(A) A listening process to collect workforce needs of employers from identified key in-
10 dustries in this state;

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

12 “(C) Prediction and monitoring of national trends relating to high-demand industries and
13 occupations;

14 “(D) Occupation-aligned education and training options with a clearly articulated
15 progression;

16 “(E) Skills assessments; and

17 “(F) Academic career counseling;

18 “(c) Utilize sector partnerships to:

19 “(A) Advise the development of career pathway programs for critical occupations in
20 identified key industries in this state; and

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

23 “(d) Leverage and optimize existing measures and data systems to improve systems
24 alignment and interagency communication; and

25 “(e) Ensure state alignment and coordination between industry sector partnerships and
26 initiatives in the local workforce development areas.

27 “(8)(a) Every biennium, the State Workforce and Talent Development Board shall coordi-
28 nate and collaborate with entities listed under subsection (7) of this section to create a
29 single, unified state Workforce and Talent Development Plan.

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

31 “(A) A strategy, with quantitative goals, for the statewide workforce development system
32 for the State of Oregon in accordance with section 3111 of the federal Workforce Innovation
33 and Opportunity Act;

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

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

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

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

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

44 “(G) Recommendations related to advancing talent pipeline and career pathways devel-
45 opment based on the identified talent issues and trends;

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

3 “(I) Utilization and, as appropriate, expansion of existing data-sharing agreements be-
4 tween agencies and partners;

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

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

9 “(L) A response to immediate talent needs through the creation of additional opportu-
10 nities for Oregonians to pursue education and training in disciplines critical to the advance-
11 ment of identified key industries in this state;

12 “(M) Ways to strengthen efforts to enhance student work experience and job
13 preparedness in high-demand and critical occupations;

14 “(N) New means of delivering workforce training and proficiency-based education to en-
15 hance program efficiency, upgrading and sharing resources and facilities and improving stu-
16 dent outcomes and access to typically underrepresented populations while meeting talent
17 needs of traded sector and high growth industries; and

18 “(O) Ways to increase the skills of the existing professional and technical workforce, in-
19 cluding the issuance of certifications, badges and industry-based credentials.

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

21 “(A) Update the plan every biennium; and

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

23 “(i) The Governor; and

24 “(ii) The Legislative Assembly in the manner provided by ORS 192.245.”.

25 On page 44, after line 33, insert:

26 “**SECTION 40a.** If Senate Bill 41 becomes law and House Bill 2312 does not become law,
27 section 3, chapter __, Oregon Laws 2017 (Enrolled Senate Bill 41) (amending ORS 657.730),
28 is repealed and ORS 657.730, as amended by section 40 of this 2017 Act, is amended to read:

29 “657.730. (1) As used in this section, unless the context requires otherwise:

30 “[(a) ‘Labor market analysis’ means the measurement and evaluation of economic forces as they
31 relate to the employment process in the local labor market area. Variables affecting labor market re-
32 lationships include, but are not limited to, such factors as labor force changes and characteristics,
33 population changes and characteristics, occupational and industrial structure and development, tech-
34 nological developments, shifts in consumer demand, volume and extent of unionization and trade dis-
35 putes, recruitment practices, wage levels, conditions of employment and training opportunities.]

36 “[(b)] (a) ‘Labor market area’ means an economically integrated geographic area within which
37 individuals can reside and find employment within a reasonable distance or can readily change em-
38 ployment without changing their place of residence. Such areas shall be identified in accordance
39 with criteria used by the Bureau of Labor Statistics of the United States Department of Labor in
40 defining such areas or similar criteria established by the Director of the Employment Department.
41 [The area generally takes the name of its community.] The boundaries depend primarily on economic
42 and geographic factors. The State of Oregon is divided into labor market areas, **including local**
43 **workforce areas**, which usually include a county or group of contiguous counties.

44 “[(c)] (b) ‘**Workforce and** labor market information’ means the body of information generated
45 from measurement and evaluation of the socioeconomic factors and variables influencing the em-

1 ployment process in the state and specific labor market areas. These socioeconomic factors and
2 variables [*affect labor demand and supply relationships and*] include:

3 “(A) Labor force information, which includes but is not limited to employment, unemployment,
4 labor force participation[, *labor turnover and mobility, average hours and earnings and changes*] and
5 characteristics of the population and labor force [*within specific labor market areas and the state*];

6 “(B) Occupational information, which includes but is not limited to occupational supply and de-
7 mand estimates and projections, characteristics of occupations, **skill requirements**, wage levels, job
8 duties, training and education requirements, conditions of employment, unionization, retirement
9 practices and training opportunities;

10 “(C) Economic information, which includes but is not limited to number of business starts and
11 stops by industry and labor market area, information on employment growth and decline by industry
12 and labor market area, **employment projections by industry**, employer establishment data and
13 number of union disputes and strikes by industry and labor market area; and

14 “(D) Program information, which includes but is not limited to program participant or student
15 information gathered in cooperation with other state and local agencies along with related labor
16 market information to evaluate the effectiveness, efficiency and impact of state and local employ-
17 ment, training, education and job creation efforts in support of planning, management, implementa-
18 tion and evaluation.

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

20 “(a) [*Oversight, operation and management of*] **Overseeing, operating and managing** a state-
21 wide comprehensive [*labor market and occupational supply and demand information system, including*
22 *development of a five-year employment forecast for state and labor market areas*] **workforce and labor**
23 **market information system.**

24 “(b) [*Preparation of local labor market information packages for the state’s workforce system, in-*
25 *cluding special studies and job impact analyses*] **Supporting Oregon’s state and local workforce**
26 **boards by providing foundational workforce data and special studies** in support of state and
27 local employment, training, education and job creation programs, especially activities that prevent
28 job loss, reduce unemployment and create jobs.

29 “[*c*] *Coordination with other appropriate public agencies to improve employment estimates by en-*
30 *hancing data on corporate officers, improving business establishment listings, expanding samples for*
31 *employment estimates and developing business entry or exit analysis relevant to the generation of oc-*
32 *cupational and economic forecasts.*]

33 “(c) **Supporting other Oregon customers of workforce and labor market information, in-**
34 **cluding, but not limited to, businesses, job seekers, policy makers, educational agencies and**
35 **students, and providing foundational workforce data and analysis of trends at the state and**
36 **local levels.**

37 “[*d*] *Production of long-term and occupational employment forecasts in cooperation with other ap-*
38 *propriate agencies.*]

39 “[*e*] (d) [*Coordination with state workforce agencies as defined in ORS 660.300 to study ways to*
40 *standardize federal and state multiagency administrative records, such as unemployment insurance in-*
41 *formation and other information to produce employment, training, education and economic analysis*
42 *needed to improve*] **Coordinating with state workforce agencies and other federal, state and**
43 **local government partners to improve workforce and labor market information products and**
44 **services.**

45 “[*f*] (e) [*Production of*] **Producing workforce and labor market information and economic**

1 analysis needed to facilitate the efficient and effective matching of the supply and demand of labor
2 critical to an effective labor exchange in Oregon. [*Information collected will be coordinated with other*
3 *public agencies through cooperative data collection efforts for statistical analysis, research or studies*
4 *including, but not limited to, agricultural labor supply and demand, high performance organizations,*
5 *targeted industries programs, and industrial improvement and expansion.*]

6 “[g] (f) [Administration of] **Administering** other appropriate **workforce and** labor market in-
7 formation activities including support of efforts by local workforce development boards, as defined
8 in ORS 660.300, to align economic development, education and training with workforce development
9 investments and services for job seekers and businesses to efficiently address local labor market
10 needs and statewide workforce development priorities.

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

12 “(a) Establish rules and procedures to recover reasonable costs incurred in producing and pro-
13 viding:

14 “(A) **Workforce and** labor market information products developed by the Employment Depart-
15 ment in the ordinary course of business when the request results in costs over and above the ordi-
16 nary costs of production including, but not limited to, special publication runs, photocopying or
17 supplying the copy in some other medium; and

18 “(B) Special **workforce and** labor market information products in response to individual re-
19 quests that incur costs beyond the ordinary costs of doing business including, but not limited to,
20 computer time, staff costs, preparation and distribution of surveys, electronic scanning, and special
21 data collection, formatting and analysis. The director may enter into agreements with other public
22 agencies to provide special **workforce and** labor market information products in a quid pro quo
23 arrangement.

24 “(b) Receive federal set aside funds from federal programs that are authorized to fund state and
25 local **workforce and** labor market information and are required to use such information in support
26 of their programs.

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

29 “(4) **Home care workers described in ORS 410.619 (1) are not employees of state govern-**
30 **ment for the purposes of workforce and labor market information.”.**

31 On page 46, after line 8, insert:

32 “**SECTION 41a. If Senate Bill 41 becomes law and House Bill 2312 does not become law,**
33 **section 5, chapter __, Oregon Laws 2017 (Enrolled Senate Bill 41) (amending ORS 657.734),**
34 **is repealed and ORS 657.734, as amended by section 41 of this 2017 Act, is amended to read:**

35 “657.734. (1) As used in this section:

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

37 “(b) ‘System participant’ means:

38 “(A) Mandatory partners under the federal Workforce Innovation and Opportunity Act and other
39 one-stop system partners, which may include public bodies and private organizations; and

40 “(B) Public bodies and private organizations that have been approved by the Director of the
41 Employment Department, in consultation with the Education and Workforce Policy Advisor, to par-
42 ticipate in the Performance Reporting Information System.

43 “(2) There is established the Performance Reporting Information System for the purpose of col-
44 lecting, analyzing and sharing statistical and demographic data for the development and reporting
45 of workforce system performance measures.

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

3 “(4) The Director of the Employment Department shall administer and, in consultation with the
4 Education and Workforce Policy Advisor, oversee the development of the Performance Reporting
5 Information System. System participants shall be designated as participants in the system by rule
6 of the Employment Department, in consultation with the Education and Workforce Policy Advisor.
7 A system participant shall enter into an interagency or other applicable agreement with the director
8 that:

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

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

11 “(c) Includes provisions regarding informed consent for sharing information obtained from indi-
12 viduals; and

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

14 “(5)(a) All individual record information in the Performance Reporting Information System is
15 confidential and may not be disclosed as a public record under the provisions of ORS 192.410 to
16 192.505. As administrator of the system, the director may view all data or individual record infor-
17 mation in the system. System participants may not allow public access to information received from
18 the system that identifies a particular individual unless required by law. System participants shall
19 limit the disclosure of, or refuse to disclose, aggregate or summary level information when a small
20 number of aggregated records or some other factor creates a reasonable risk that the identity of
21 individuals may be discovered or disclosed.

22 “(b) System participants shall provide information in a format that encodes identifying data, in-
23 cluding the client’s Social Security number, using a formula unique to the system participant. In
24 disclosing Social Security numbers to the system, system participants shall comply with any state
25 and federal laws that govern the collection and use of Social Security numbers by the system par-
26 ticipant and any additional requirements specified by the director, in consultation with the Educa-
27 tion and Workforce Policy Advisor, that are included in the agreement entered into under subsection
28 (4) of this section.

29 “(6) The information in the Performance Reporting Information System is not a public record for
30 purposes of ORS 192.410 to 192.505. For purposes of ORS 192.410 to 192.505, the information sub-
31 mitted to the system and the information received from the system is a public record, and the
32 custodian of such information is the system participant that submits or receives the information. If
33 the system participant receiving the information is not a public body, the department shall keep a
34 copy of the system information sent to that system participant and shall be the custodian of that
35 copy for purposes of ORS 192.410 to 192.505. As custodian, the department shall limit the disclosure
36 of, or refuse to disclose, aggregate or summary level information when a small number of aggregated
37 records or some other factor creates a reasonable risk that the identity of individuals may be dis-
38 covered or disclosed. The department shall refer all other requests for disclosure of system infor-
39 mation to the public body that is the custodian of the information.

40 “(7) The department may charge a reasonable fee under ORS 192.440 for the disclosure of re-
41 ports containing only aggregate data to individuals, public bodies or private organizations.

42 “(8) If a system participant prepares or acquires a record that is confidential under federal or
43 state law, including ORS 192.502 (2), the system participant does not violate state confidentiality
44 laws by providing the information described in this section to the Performance Reporting Informa-
45 tion System. *[Notwithstanding the provisions of ORS 279C.815 (4), 279C.850 (3), 657.665 and 660.339,*

1 *the Bureau of Labor and Industries, the Higher Education Coordinating Commission and the Employ-*
2 *ment Department are authorized to provide information to the system.]*

3 “(9) Any individual who, without proper authority, discloses confidential information under this
4 section may be disqualified from holding any appointment or employment with the State of Oregon.
5 The department shall adopt by rule procedures to prevent disclosure of confidential information
6 submitted to the Performance Reporting Information System.

7 “**SECTION 42.** ORS 284.706 is amended to read:

8 “284.706. (1) There is created the Oregon Innovation Council consisting of the following voting
9 members:

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

12 “(b) Seven members appointed by the Governor who are experienced entrepreneurs or investors
13 or are engaged in the operations of Oregon traded sector industries or Oregon growth businesses.

14 “(c) One member appointed by the Governor who is a representative of an Oregon-based, gen-
15 erally accredited, not-for-profit private institution of higher education.

16 “(d) One member appointed by the Governor who is a representative of an Oregon-based, gen-
17 erally accredited public institution of higher education as defined in ORS 284.633.

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

20 “(f) A private sector member of the [*Oregon Talent Council*] **State Workforce and Talent De-**
21 **velopment Board.**

22 “(g) The Director or an executive officer of the Oregon Business Development Department.

23 “(h) The executive director of the Higher Education Coordinating Commission.

24 “(i) The State Treasurer.

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

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

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

31 “(3) The presiding officer of the Oregon Business Development Commission shall serve as an ex
32 officio, nonvoting member of the council.

33 “(4) The term of office of each appointed voting member of the council is two years, but an ap-
34 pointed member serves at the pleasure of the appointing authority. Before the expiration of the term
35 of an appointed voting member, the appointing authority shall appoint a successor whose term be-
36 gins on July 1 next following. An appointed member is eligible for reappointment for one additional
37 term. If there is a vacancy for any cause, the appointing authority shall make an appointment to
38 become immediately effective for the remainder of the unexpired term.

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

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

43 “(7) The council shall meet at least four times per fiscal year at a place, day and time deter-
44 mined by the chairperson. The council may also meet at other times and places specified by a call
45 of the chairperson or by written request of a majority of the voting members of the council.

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

2 “(9) The council shall establish an audit and accountability committee that shall monitor per-
3 formance of council contracts and benchmark Oregon’s performance against nationally accepted in-
4 novation metrics.

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

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

8 “(12) Members of the council who are members of the Legislative Assembly are entitled to
9 compensation and expense reimbursement as provided in ORS 171.072.

10 “(13) Members of the council who are not members of the Legislative Assembly are entitled to
11 compensation and expenses incurred by them in the performance of their official duties in the man-
12 ner and amounts provided for in ORS 292.495. Claims for compensation and expenses of members
13 of the council who are public officers shall be paid out of funds appropriated to the public agency
14 that employs the member. Claims for compensation and expenses of members of the council who are
15 not public officers shall be paid out of funds appropriated to the Oregon Business Development De-
16 partment for that purpose.

17 “(14) All agencies of state government, as defined in ORS 174.111, are directed to assist the
18 council in the performance of its duties and, to the extent permitted by laws relating to
19 confidentiality, to furnish such information and advice as the members of the council consider nec-
20 essary to perform their duties.”.

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

22 After line 9, insert:

23 **“SECTION 44. (1) The amendments to ORS 660.321 by section 5 of this 2017 Act are in-
24 tended to change the name of the ‘State Workforce Investment Board’ to the ‘State
25 Workforce and Talent Development Board.’**

26 **“(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel
27 may substitute for words designating the ‘State Workforce Investment Board,’ wherever
28 they occur in statutory law, other words designating the ‘State Workforce and Talent De-
29 velopment Board.’**

30 **“SECTION 45. If House Bill 2312 becomes law, section 44, chapter __, Oregon Laws 2017
31 (Enrolled House Bill 2312), is repealed.**

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

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

36 **“(2) The amendments to ORS 660.321 by section 27, chapter __, Oregon Laws 2017 (En-
37 rolled House Bill 2312), are intended to change the name of the ‘State Workforce Investment
38 Board’ to the ‘State Workforce Development Board.’**

39 **“[(2)] (3) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel
40 may substitute for words designating the ‘State Workforce Investment Board,’ or ‘State Workforce
41 Development Board,’ wherever they occur in statutory law, other words designating the ‘State
42 Workforce and Talent Development Board.’”.**

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

44