

House Bill 2209

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Oregon University System)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes terminology for certain fees charged by institutions of higher education.

A BILL FOR AN ACT

1
2 Relating to fees charged by institutions of higher education; amending ORS 351.070, 351.072 and
3 351.590.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 351.070 is amended to read:

6 351.070. (1) The Oregon University System, in accordance with rules adopted by the State Board
7 of Higher Education, shall implement a personnel system and may engage in collective bargaining
8 with its employees. All collective bargaining with any certified or recognized exclusive employee
9 representative shall be under the direction and supervision of the Chancellor of the Oregon Uni-
10 versity System. The Oregon University System shall have payroll authority pursuant to ORS 292.043
11 to 292.180.

12 (2)(a) The board shall establish competitive procedures for the purchasing, procurement and
13 contracting of goods, services and information technology, for the benefit of the Oregon University
14 System and all the institutions, departments and activities therein. The board may also establish
15 exemptions from the competitive procedures when appropriate.

16 (b) The board shall ensure that the hourly rate of wage paid by any contractor upon all public
17 improvements contracts undertaken for the board shall not be less than the same rate of wage as
18 determined by the Bureau of Labor and Industries for an hour's work in the same trade or occupa-
19 tion in the locality where such labor is performed. Claims or disputes arising under this subsection
20 shall be decided by the Commissioner of the Bureau of Labor and Industries.

21 (c) The board shall adopt policies and procedures that achieve results equal to or better than
22 the standards existing on July 17, 1995, regarding affirmative action, pay equity for comparable
23 work, recycling, the provision of workers' compensation insurance to workers on contract and the
24 participation of emerging small businesses and businesses owned by minorities and women.

25 (3) The board may, for each institution under its control:

26 (a) Appoint and employ a president and the requisite number of professors, teachers and em-
27 ployees, and prescribe their compensation and tenure of office or employment.

28 (b) Demand and receive the interest mentioned in ORS 352.510 and all sums due and accruing
29 to the institutions of higher education for admission and tuition therein, and apply the same, or so
30 much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this
31 subsection and the other current expenses of the institutions.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Prescribe fees for enrollment into the institutions. Such enrollment fees shall include tuition
 2 for education and general services and such other charges found by the board to be necessary to
 3 carry out its educational programs. The board may award student aid from any fund other than the
 4 General Fund.

5 (d) Prescribe [*incidental*] **activity** fees for programs under the supervision or control of the
 6 board found by the board, upon its own motion or upon recommendation of the recognized student
 7 government of the institution concerned, to be advantageous to the cultural or physical development
 8 of students. Fees realized in excess of amounts allocated and exceeding required reserves shall be
 9 considered surplus [*incidental*] **activity** fees and shall be allocated for programs under the control
 10 of the board and found to be advantageous to the cultural or physical development of students by
 11 the institution president upon the recommendation of the recognized student government at the in-
 12 stitution concerned.

13 (e) Upon recommendation of the recognized student government, collect optional fees authorized
 14 by the institution executive, for student activities not included in paragraph (c) or (d) of this sub-
 15 section. The payment of such optional fees shall be at the option and selection of the student and
 16 shall not be a prerequisite of enrollment.

17 (f) Confer, on the recommendation of the faculty of any such institution, such degrees as usually
 18 are conferred by such institutions, or as they deem appropriate.

19 (g) Prescribe the qualifications for admission into such institutions.

20 (4) Subject to such delegation as the board may decide to make to the institutions, divisions and
 21 departments under its control, the board, for each institution, division and department under its
 22 control:

23 (a) Shall supervise the general course of instruction therein, and the research, extension, edu-
 24 cational and other activities thereof.

25 (b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers,
 26 students and employees therein.

27 (c) Shall maintain cultural and physical development services and facilities therefor and, in
 28 connection therewith, may cooperate and enter into agreements with any person or governmental
 29 agency.

30 (d) May contract to provide health services at student health centers.

31 (e) Shall provide health services at student health centers to students.

32 (f) May provide health services at student health centers to any of the following:

33 (A) Dependents of students.

34 (B) Staff.

35 (C) Faculty.

36 (g) Shall prescribe and collect charges.

37 (h) Shall adopt rules relating to the creation, use, custody and disclosure, including access, of
 38 student education records of the institutions that are consistent with the requirements of applicable
 39 state and federal law. Whenever a student has attained 18 years of age or is attending an institution
 40 of post-secondary education, the permission or consent required of and the rights accorded to a
 41 parent of the student regarding education records shall thereafter be required of and accorded to
 42 only the student.

43 (5) For each institution under its jurisdiction, the board shall provide opportunities for part-time
 44 students to obtain complete undergraduate degrees at unconventional times, which include but are
 45 not limited to early morning and noon hours, evenings and weekends. In administering these degree

1 programs, the institution may use any educational facility available for the use of the institution.

2 **SECTION 2.** ORS 351.072 is amended to read:

3 351.072. (1) Notwithstanding ORS chapter 183, the following actions may be taken by the State
4 Board of Higher Education or the educational institutions under its control without compliance with
5 the rulemaking provisions of ORS chapter 183:

6 (a) Adoption of standards, regulations, policies or practices relating primarily to admissions,
7 academic advancement, classroom grading policy, the granting of academic credits, granting of de-
8 grees, scholarships and similar academic matters.

9 (b) Adoption of fees or fee schedules relating to charges for symposiums, conferences, short
10 courses, food, books or other retail goods, prices of admission to athletic, entertainment or cultural
11 events or advertising rates in student or institutional publications. However, student loan service
12 charges, charges levied as penalties for prohibited conduct, general tuition, building fees,
13 [*incidental*] **activity** fees, health service fees and residence hall and housing charges shall be
14 adopted in accordance with the provisions of ORS chapter 183.

15 (2) Any standards, regulations, policies, practices or fees adopted under this section by the State
16 Board of Higher Education or by any of the educational institutions under its control shall be re-
17 duced to writing and made available to interested persons upon request.

18 **SECTION 3.** ORS 351.590 is amended to read:

19 351.590. (1) The State Board of Higher Education shall maintain with the State Treasurer a fund,
20 separate and distinct from the General Fund, known as the Higher Education Student Activities
21 Fund in which shall be deposited all revenue from [*incidental*] **activity** fees, optional fees, health
22 services fees and all operating revenue from intercollegiate athletics, student unions and educational
23 activities.

24 (2) The moneys in the Higher Education Student Activities Fund are continuously appropriated
25 to the Department of Higher Education. Disbursements from the fund, including any interest cred-
26 ited thereto, may be made for necessary expenses for supplies, services and equipment associated
27 with student activities including but not limited to recruiting, training and grant-in-aid to
28 intercollegiate athletes.

29 (3) The fund may be invested by the State Treasurer, and the earnings from such investments
30 shall be credited to the fund. The State Board of Higher Education shall distribute annually the
31 total interest earnings proportionately to each institution based on each institution's average cash
32 balance in the fund.

33 _____