

A-Engrossed
House Bill 4141

Ordered by the House February 16
Including House Amendments dated February 16

Sponsored by Representative HERNANDEZ, Senator DEMBROW, Representatives ALONSO LEON, BYNUM, HEARD; Representatives KENY-GUYER, MCLAIN, NOSSE, SALINAS, SOLLMAN, Senator ROBLAN (Presession filed.)

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.

Requires *[governing board of]* each public university to establish *[Tuition Advisory Council to make recommendations]* **advisory body to advise university president on recommendations to governing board** regarding tuition and mandatory enrollment fees.

[Requires governing board to submit specified information and materials to Higher Education Coordinating Commission if board will increase tuition and mandatory enrollment fees by more than three percent, with additional information and materials required if board seeks to increase tuition and mandatory enrollment fees by more than five percent.]

[Establishes criteria for commission approval of proposed increase in tuition and mandatory enrollment fees of more than five percent.]

Requires public university to provide specified training and information to advisory body. Requires advisory body to document consideration of specified impacts on recommended tuition and mandatory enrollment fees before making recommendation to president of university.

Requires advisory body to provide meaningful opportunities to participate in process and deliberation of advisory body to recognized student government and other students enrolled at public university.

Requires advisory body to provide written report to president of university setting forth recommendations, deliberations and observations of advisory body regarding tuition and mandatory enrollment fees. Specifies contents of report.

Requires governing board to receive and consider written reports from advisory body when determining tuition and mandatory enrollment fees.

Provides that if Higher Education Coordinating Commission must approve request by governing board to increase total of tuition and mandatory enrollment fees for undergraduate resident students by more than five percent, that public university will provide commission with written reports from advisory body and any other information or materials commission determines are necessary for commission to reach determination.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to setting the costs of attending public universities; creating new provisions; amending ORS
3 352.102; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2018 Act is added to and made a part of ORS 352.025 to**
6 **352.146.**

7 **SECTION 2. (1) Each public university listed in ORS 352.002 shall have an advisory body**
8 **to advise the president of the university on the president's recommendations to the govern-**
9 **ing board regarding tuition and mandatory enrollment fees for the upcoming academic year.**

10 **(2) The public university shall:**

11 **(a) Establish a process to ensure that the advisory body required under subsection (1)**
12 **of this section is composed of no fewer than:**

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 **(A) Two administrators of the university;**
2 **(B) Two faculty members of the university;**
3 **(C) Two students representing the recognized student government of the university; and**
4 **(D) Two students representing historically underserved students of the university, as**
5 **defined by the public university.**
- 6 **(b) Establish a written document describing the role of the advisory body and the re-**
7 **lationship of the advisory body to the public university, president of the university and the**
8 **governing board.**
- 9 **(3) The public university shall ensure that all members of the advisory body receive**
10 **training on:**
- 11 **(a) The budget of the public university;**
12 **(b) The mechanisms by which moneys are appropriated by the Legislative Assembly to**
13 **the Higher Education Coordinating Commission for allocation to public universities; and**
14 **(c) Historical data regarding the relationship between the amount of tuition and manda-**
15 **tory enrollment fees charged by the public university and the amount of state appropriations**
16 **that the commission allocates to the public university.**
- 17 **(4) In order to assist the advisory body in making its recommendations, the public uni-**
18 **versity shall provide the advisory body with:**
- 19 **(a) A plan for how the governing board and the public university's administration are**
20 **managing costs on an ongoing basis; and**
21 **(b) A plan for how tuition and mandatory enrollment fees will be decreased if the public**
22 **university receives more moneys from the state than anticipated.**
- 23 **(5) Before making a recommendation to the president of the university regarding tuition**
24 **and mandatory enrollment fees, the advisory body must document its consideration of:**
- 25 **(a) Whether historically underserved students, as defined by the public university, will**
26 **be better served by the tuition and mandatory enrollment fees that the advisory body intends**
27 **to recommend to the president of the public university than by a smaller increase in tuition**
28 **and mandatory enrollment fees; and**
- 29 **(b) Alternative scenarios that involve smaller increases in tuition and mandatory enroll-**
30 **ment fees than the advisory body intends to recommend to the president of the public uni-**
31 **versity.**
- 32 **(6) The advisory body shall:**
- 33 **(a) Provide meaningful opportunities for members of the recognized student government**
34 **and other students enrolled at the public university to participate in the process and delib-**
35 **erations of the advisory body; and**
36 **(b) At a time established by the public university, provide a written report to the presi-**
37 **dent of the university that sets forth the recommendations, deliberations and observations**
38 **of the advisory body regarding tuition and mandatory enrollment fees for the upcoming ac-**
39 **ademic year. The written report must include any minority report requested by a member**
40 **of the advisory body and any documents produced or received by the advisory body under**
41 **subsections (4) and (5) of this section.**
- 42 **(7) Each public university shall ensure that the process of establishing tuition and man-**
43 **datory enrollment fees at the public university is described on the Internet website of the**
44 **public university. This material must include, but is not limited to:**
- 45 **(a) The written document produced by the public university under subsection (2)(b) of**

1 **this section; and**

2 **(b) All relevant documents, agendas and data that are considered by the advisory body**
3 **during its deliberations.**

4 **SECTION 3.** ORS 352.102 is amended to read:

5 352.102. (1) Except as set forth in this section, the governing board may authorize, establish,
6 eliminate, collect, manage, use in any manner and expend all revenue derived from tuition and
7 mandatory enrollment fees.

8 (2) The governing board shall establish a process for determining tuition and mandatory enroll-
9 ment fees. The process must [*provide for participation of enrolled students and the recognized student*
10 *government of the university.*]:

11 **(a) Include the use of an advisory body in the manner set forth in section 2 of this 2018**
12 **Act; and**

13 **(b) Ensure that the governing board receives and considers all written reports and mi-**
14 **nority reports, including all recommendations, deliberations and observations of the advisory**
15 **body that are provided to the president of the university under section 2 of this 2018 Act.**

16 (3) The governing board shall request that the president of the university transmit to the board
17 the joint recommendation of the president and the recognized student government before the board
18 authorizes, establishes or eliminates any incidental fees for programs under the supervision or con-
19 trol of the board and found by the board to be advantageous to the cultural or physical development
20 of students.

21 (4) In determining tuition and mandatory enrollment fees for undergraduate students who are
22 enrolled in a degree program and are qualified to pay resident tuition:

23 (a) The governing board may not increase the total of tuition and mandatory enrollment fees
24 by more than five percent annually unless the board first receives approval from:

25 (A) The Higher Education Coordinating Commission; or

26 (B) The Legislative Assembly.

27 (b) The governing board shall attempt to limit annual increases in tuition and mandatory en-
28 rollment fees for undergraduate students who are enrolled in a degree program and have established
29 residency in Oregon to a percentage that is not greater than the percentage increase in the Higher
30 Education Price Index, as compiled by the Commonfund Institute.

31 **(5) If the governing board of a public university requests that the commission approve**
32 **an increase in the total amount of tuition and mandatory enrollment fees of more than five**
33 **percent under subsection (4)(a) of this section, the public university shall provide to the**
34 **commission:**

35 **(a) All written reports and minority reports, including all recommendations, deliberations**
36 **and observations of the advisory body that are provided to the president of the university**
37 **under section 2 of this 2018 Act; and**

38 **(b) Any other information or materials the commission determines are necessary in or-**
39 **der for the commission to determine whether to approve the proposed increase in the total**
40 **amount of tuition and mandatory enrollment fees.**

41 [(5)] (6) The governing board may not delegate authority to determine tuition and mandatory
42 enrollment fees for undergraduate students who are enrolled in a degree program and are qualified
43 to pay resident tuition.

44 **SECTION 4. Section 2 of this 2018 Act and the amendments to ORS 352.102 by section 3**
45 **of this 2018 Act first apply to the process used to establish tuition and mandatory enrollment**

1 fees for the 2019-2020 academic year.

2 **SECTION 5. This 2018 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
4 **on its passage.**

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