

Requested by Representative HERNANDEZ

**PROPOSED AMENDMENTS TO
HOUSE BILL 4141**

1 On page 1 of the printed bill, delete lines 5 through 27.

2 Delete pages 2 and 3 and insert:

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

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

9 **“(2) The governing board shall:**

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

12 **“(A) Two administrators of the university;**

13 **“(B) Two faculty members of the university;**

14 **“(C) Two students representing the recognized student government**
15 **of the university; and**

16 **“(D) Two students representing historically underserved students**
17 **of the university, as defined by the governing board.**

18 **“(b) Establish a written document describing the role of the advi-**
19 **sory body and the relationship of the advisory body to the public uni-**
20 **versity, president of the university and the governing board.**

21 **“(3) The governing board shall ensure that all members of the ad-**

1 **visory body receive training on:**

2 **“(a) The budget of the public university;**

3 **“(b) The mechanisms by which moneys are appropriated by the**
4 **Legislative Assembly to the Higher Education Coordinating Commis-**
5 **sion for allocation to public universities; and**

6 **“(c) Historical data regarding the relationship between the amount**
7 **of tuition and mandatory enrollment fees charged by the public uni-**
8 **versity and the amount of state appropriations that the commission**
9 **allocates to the public university.**

10 **“(4) The advisory body shall:**

11 **“(a) Provide meaningful opportunities for members of the recog-**
12 **nized student government and other students enrolled at the public**
13 **university to participate in the process and deliberations of the advi-**
14 **sory body; and**

15 **“(b) At a time established by the governing board, provide a written**
16 **report to the president of the university that sets forth the recom-**
17 **mendations, deliberations and observations of the advisory body re-**
18 **garding tuition and mandatory enrollment fees for the next academic**
19 **year. The written report must include any minority report requested**
20 **by a member of the advisory body.**

21 **“(5) Each public university shall ensure that the process of estab-**
22 **lishing tuition and mandatory enrollment fees at the public university**
23 **is described on the Internet website of the public university. This**
24 **material must include, but is not limited to:**

25 **“(a) The written document produced by the governing board under**
26 **subsection (2)(b) of this section; and**

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

29 **“SECTION 3. ORS 352.102 is amended to read:**

30 **“352.102. (1) Except as set forth in this section, the governing board may**

1 authorize, establish, eliminate, collect, manage, use in any manner and ex-
2 pend all revenue derived from tuition and mandatory enrollment fees.

3 “(2) The governing board shall establish a process for determining tuition
4 and mandatory enrollment fees. The process must:

5 **“(a) Include the use of an advisory body in the manner set forth in**
6 **section 2 of this 2018 Act** [*provide for participation of enrolled students and*
7 *the recognized student government of the university.*]; **and**

8 **“(b) Ensure that the governing board receives and considers all**
9 **written reports and minority reports from the advisory body that are**
10 **provided to the president of the university under section 2 of this 2018**
11 **Act.**

12 “(3) The governing board shall request that the president of the university
13 transmit to the board the joint recommendation of the president and the re-
14 cognized student government before the board authorizes, establishes or
15 eliminates any incidental fees for programs under the supervision or control
16 of the board and found by the board to be advantageous to the cultural or
17 physical development of students.

18 “(4) In determining tuition and mandatory enrollment fees for under-
19 graduate students who are enrolled in a degree program and are qualified to
20 pay resident tuition:

21 “(a) The governing board may not increase the total of tuition and man-
22 datory enrollment fees by more than five percent annually unless the board
23 first receives approval from:

24 “(A) The Higher Education Coordinating Commission; or

25 “(B) The Legislative Assembly.

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

1 “(5)(a) When deciding whether to approve an increase in the total
2 amount of tuition and mandatory enrollment fees of more than five
3 percent under subsection (4)(a) of this section, the commission shall
4 consider the following information provided by the governing board:

5 “(A) Materials demonstrating that historically underserved students
6 are better served by the tuition and mandatory enrollment fees pro-
7 posed by the governing board than by an increase of five percent or
8 less;

9 “(B) A plan for how the governing board and the public university’s
10 administration are managing costs on an ongoing basis;

11 “(C) A plan for how tuition and mandatory enrollment fees will be
12 decreased if the public university receives more moneys from the state
13 than anticipated;

14 “(D) Clear and significant evidence that the governing board con-
15 sidered alternative scenarios that involved tuition and mandatory en-
16 rollment fee increases of five percent or less;

17 “(E) All testimony from members of the advisory body described in
18 section 2 of this 2018 Act who disagreed with the recommendation to
19 increase tuition and mandatory enrollment fees by more than five
20 percent; and

21 “(F) Any other information or materials the commission determines
22 are necessary in order for the commission to determine whether to
23 approve the proposed increase in the total amount of tuition and
24 mandatory enrollment fees.

25 “(b) As used in this subsection, ‘clear and significant evidence’ and
26 ‘historically underserved students’ shall be defined by the commission
27 by rule.

28 “[(5)] (6) The governing board may not delegate authority to determine
29 tuition and mandatory enrollment fees for undergraduate students who are
30 enrolled in a degree program and are qualified to pay resident tuition.

1 **“SECTION 4. (1) Section 2 of this 2018 Act becomes operative on**
2 **January 1, 2019.**

3 **“(2)(a) Except as provided in paragraph (b) of this subsection, the**
4 **amendments to ORS 352.102 by section 3 of this 2018 Act apply to tui-**
5 **tion and mandatory enrollment fees proposed by the governing board**
6 **of a public university on or after the effective date of this 2018 Act.**

7 **“(b) The process used to determine tuition and mandatory enroll-**
8 **ment fees before January 1, 2019, is not required to include the use of**
9 **an advisory body.**

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

13
