

Enrolled
House Bill 3012

Sponsored by Representatives NOSSE, EVANS, Senator FREDERICK; Representatives ALONSO LEON, BYNUM, CAMPOS, GRAYBER, MCLAIN, NERON, REARDON, SALINAS, SOLLMAN, VALDERRAMA

CHAPTER

AN ACT

Relating to student fees at public institutions of higher education; creating new provisions; and amending ORS 341.470 and 352.105.

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

SECTION 1. ORS 352.105 is amended to read:

352.105. (1)(a) The board for each public university listed in ORS 352.002 shall collect mandatory incidental fees upon the request of the recognized student government under a process established by the recognized student government of a university [*in consultation with the board*]. **The recognized student government shall:**

(A) **Make a good faith effort to collaborate with the board and president of the university under the board’s control prior to finalizing any process to collect mandatory incidental fees; and**

(B) **Notify the board and president of each process, and any subsequent change to a process, to collect mandatory incidental fees that is established by the recognized student government.**

(b) The process may include a student body referendum conducted under procedures established by the recognized student government. Mandatory incidental fees collected under this section shall be allocated by the recognized student government.

(2)(a) The mandatory incidental fee, use of the fee or decision to modify an existing fee may be refused by the board or the president [*of a university under the board’s control*] if the board or president determines that:

(A) The recognized student government assessed or allocated the mandatory incidental fees in violation of applicable local, state or federal law;

(B) The allocation conflicts with a preexisting contractual financial commitment;

(C) **Except as provided in paragraph (b) of this subsection,** the total mandatory incidental fees **proposed is** [*budget is an increase of*] more than five percent **higher than the mandatory incidental fees set for the prior year** [*over the level of the previous year*]; or

(D) The fee request is not **reasonably related to:**

(i) **The education of university students;**

(ii) **The instruction of university students;**

(iii) **Services for university students; or**

(iv) **The recreation of university students** [*advantageous to the cultural or physical development of students*].

(b) The mandatory incidental fee, use of the fee or decision to modify an existing fee may not be refused by the board or the president of a university based on:

(A) Considerations about the point of view that the funding seeks to advance; **or**

(B) Paragraph (a)(C) of this subsection, if the mandatory incidental fees collected or expended in the prior year were abnormally low due to a disruption of university activities related to a state of emergency declared by the Governor under ORS 401.165 or a state of public health emergency proclaimed under ORS 433.441.

(3) The recognized student government and the board shall seek to reach agreement on any dispute involving mandatory incidental fees, if necessary with the aid of mediation, prior to a decision by the board.

(4)(a) If an agreement is not reached, the board shall promptly provide written notice to the recognized student government of how the proposed mandatory incidental fee will be altered or if the proposed mandatory incidental fee will be rejected.

(b) The decision of the board may be appealed to the Higher Education Coordinating Commission by the recognized student government within seven days of the **recognized student government's receipt of the written notice of the board's decision**. The board shall submit its response within seven days of the appeal. The commission shall render its decision within *[seven]* **14** days of its receipt of the board's response.

(5) Mandatory incidental fees are not subject to ORS 352.102.

SECTION 2. ORS 341.470 is amended to read:

341.470. (1) As used in this section, "mandatory student-initiated fee" means a fee that:

(a) Is initiated by the recognized student government of the community college;

(b) Students are required to pay in addition to tuition fees;

(c) Is collected by the board of the community college; and

(d) Is allocated by the recognized student government of the community college.

(2)(a) The board for each community college shall collect mandatory student-initiated fees upon the request of the recognized student government of the community college to the president of the community college under a process established by the recognized student government *[in consultation with the board]*. The recognized student government shall:

(A) Make a good faith effort to collaborate with the board and president prior to finalizing any process to collect mandatory student-initiated fees; and

(B) Notify the board and president of each process to collect mandatory student-initiated fees that is established by the recognized student government.

(b) Mandatory student-initiated fees collected under this section must be allocated by the recognized student government.

(3) If the recognized student government makes a request under subsection (2) of this section for a new or increased mandatory student-initiated fee, the board may require a campus referendum in which the student body votes on whether to approve the fee. If a mandatory student-initiated fee is rejected by the student body in a referendum held under this subsection, the recognized student government may not request another mandatory student-initiated fee for the remainder of the academic year.

(4) A request for a mandatory student-initiated fee, use of the fee or decision to modify an existing fee may be refused by the president if the president determines that:

(a) The recognized student government assessed or allocated the mandatory student-initiated fee in violation of applicable local, state or federal law;

(b) The allocation conflicts with a preexisting contractual financial commitment; **or**

(c) The total mandatory student-initiated fees budget would increase by a percentage that is greater than the percentage increase in tuition and other fees approved by the board for the upcoming academic year[; *or*]

[(d) The fee request is not advantageous to the cultural or physical development of students].

(5) The recognized student government and the president shall seek to reach agreement on any dispute involving mandatory student-initiated fees, if necessary with the aid of a process established by the board, prior to a decision by the president.

(6) If an agreement is not reached, the decision of the president may be appealed to the board, which will render a final decision prior to the adoption, use or modification of a mandatory student-initiated fee.

SECTION 3. The amendments to ORS 341.470 and 352.105 by sections 1 and 2 of this 2021 Act apply to decisions by the recognized student government of a community college operated under ORS chapter 341 or of a public university listed in ORS 352.002 to establish mandatory student-initiated fees or mandatory incidental fees on or after the effective date of this 2021 Act.

Passed by House April 12, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 25, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State