House Bill 3012

Sponsored by Representatives NOSSE, EVANS

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.

Limits ability of public university to refuse new mandatory incidental fees or process for collecting mandatory incidental fees. Limits ability of community college to refuse new mandatory student-initiated fees or process for collecting mandatory student-initiated fees.

A BILL FOR 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 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; or

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

[(D) The fee request is not 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 budget for the previous year was at an abnormal level due the effects of a declared state of emergency in

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.

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Oregon that changed the normal operations of the university and altered the anticipated level of fee collection.

(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 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].

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(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 oper-
ated under ORS chapter 341 or of a public university listed in ORS 352.002 to establish man-
datory student-initiated fees or mandatory incidental fees on or after the effective date of
this 2021 Act.