

Senate Bill 761

Sponsored by Senator THATCHER; Senator WEBER, Representatives BOSHART DAVIS, CRAMER, LEVY B, WRIGHT

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**.

Requires each post-secondary institution of education that receives state moneys to make institution's budgets and expenditures publicly available on institution's website.

Allows Legislative Assembly to disapprove of individual expenditures proposed by public universities. Prohibits public university from making disapproved expenditure.

Requires each post-secondary institution of education that receives state moneys to inform students of expected costs to attend institution and to be responsible for set percentages of federal loans taken by students attending institution who default on loans.

Requires each post-secondary institution of education that receives state moneys to devote at least 35 percent of budget, with exceptions, to paying for full-time faculty instruction.

Requires post-secondary institutions of education that receive state moneys to publicly post on website details of each gift in excess of \$10,000 from foreign entity or contract entered into with foreign entity in excess of \$10,000.

A BILL FOR AN ACT

1
2 Relating to higher education.

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

4 **SECTION 1. (1) Each post-secondary institution of education that receives state moneys**
5 **shall make available to the public, on the website of the institution, all budgets and expen-**
6 **ditures made by the institution, all vendors used by the institution and all contracts entered**
7 **into by the institution.**

8 **(2) The information required to be listed on the website of an institution under subsection**
9 **(1) of this section shall include:**

10 **(a) An annual budget that includes anticipated revenues and expenditures for each ad-**
11 **ministrative unit;**

12 **(b) A report comparing the annual budget with actual expenditures that shows the**
13 **budget, actual revenue and expense transactions, revenue and expense encumbrances and**
14 **budget balance information for each administrative unit;**

15 **(c) A budgeted salary report that shows the name, title, classifications, full-time equiv-**
16 **alent percentage, annual salary and funding sources for each full-time and part-time em-**
17 **ployee at the institution;**

18 **(d) A declaration of whether each listed expenditure has contributed to diversity, equity**
19 **and inclusion, social justice, sustainability or any similar commitment;**

20 **(e) Discrete sections that collate all individual expenditures for each of the categories**
21 **of diversity, equity and inclusion, social justice, sustainability or any similar commitment,**
22 **and that set forth the aggregate expenditures of the institution as a whole, and the aggregate**
23 **expenditures of each administrative unit, for each of the categories;**

24 **(f) A transaction register that contains a complete record of all moneys expended by the**
25 **institution and:**

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) For each expenditure lists:**
 2 **(i) The transaction amount;**
 3 **(ii) The name of the payee;**
 4 **(iii) The identification number of the transaction; and**
 5 **(iv) A description of the expenditure, including the source of funds, a category title, and**
 6 **an object title for the expenditure;**
 7 **(B) Includes all reimbursements for expenditures;**
 8 **(C) Includes an entry for salary, wages or other compensation paid to each individual**
 9 **employee; and**
 10 **(D) Is accompanied by a complete explanation of any codes or acronyms used to identify**
 11 **a payee or an expenditure; and**
 12 **(g) Month-end financial statements that show the current status of project budgets,**
 13 **expenditures, commitments and balances.**
 14 **(3) Social security numbers and any information that is expressly prohibited from public**
 15 **disclosure by federal or state law or regulation must be redacted from any posting required**
 16 **by this section.**
 17 **(4) The information posted on the website of the institution must:**
 18 **(a) Be accessible from the home page of the institution’s website by use of not more than**
 19 **three links;**
 20 **(b) Be searchable by keywords and phrases;**
 21 **(c) Be accessible to the public without requiring registration or the use of a user name,**
 22 **password or another user identification;**
 23 **(d) Be updated on a regular basis to present expenditure data for the current fiscal year;**
 24 **and**
 25 **(e) Retain expenditure data until 10 years of expenditure data are available, after which**
 26 **the website shall retain at least the most recent 10 years of expenditure data.**
 27 **(5) As used in this section, “administrative units” means all schools, departments, of-**
 28 **fices, programs and other administrative subdivisions of a post-secondary institution of ed-**
 29 **ucation.**
 30 **SECTION 2. (1) The Legislative Assembly may disapprove any individual expenditure by**
 31 **a public university listed in ORS 352.002 that is required to be posted on the website of the**
 32 **public university under section 1 of this 2023 Act. A public university may not make an ex-**
 33 **penditure that the Legislative Assembly has disapproved under this subsection.**
 34 **(2) The Higher Education Coordinating Commission by rule shall adopt disciplinary**
 35 **sanctions that must be:**
 36 **(a) Adopted by each public university listed in ORS 352.002; and**
 37 **(b) Applied against any employee at a public university who substantially interferes with**
 38 **or prevents a public university from complying with a directive from the Legislative As-**
 39 **sembly under this section.**
 40 **SECTION 3. (1) Each post-secondary institution of education that receives state moneys**
 41 **shall:**
 42 **(a) Inform students of the expected total cost of attending the institution;**
 43 **(b) Accept responsibility for five percent of federally funded student loans, including ac-**
 44 **crued interest, defaulted on by students enrolled at the institution who did not enroll in re-**
 45 **medial classes while at the institution; and**

1 (c) Accept responsibility for 10 percent of federally funded student loans, including ac-
 2 crued interest, defaulted on by students enrolled at the institution who enrolled in remedial
 3 classes while at the institution.

4 (2) As used in this section, “remedial classes” means below-college-level courses and
 5 training in reading, writing and math that provide the competencies necessary for a student
 6 to succeed in college-level coursework.

7 **SECTION 4.** (1) Each post-secondary institution of education that receives state moneys
 8 shall:

9 (a)(A) Calculate the percentage of the institution’s total nonhospital expenditures that
 10 the institution devotes to full-time faculty instruction; and

11 (B) Make the information calculated under subparagraph (A) of this paragraph publicly
 12 available on the website of the institution; and

13 (b) Dedicate at least 35 percent of the institution’s nonhospital expenditures to full-time
 14 faculty instruction.

15 (2) The information required to be calculated and made publicly available under sub-
 16 section (1)(a) of this section must:

17 (a) Be accessible from the home page of the institution’s website by use of not more than
 18 three links;

19 (b) Be searchable by keywords and phrases; and

20 (c) Be accessible to the public without requiring registration or the use of a user name,
 21 password or another user identification.

22 (3) As used in this section, “instruction”:

23 (a) Means faculty salary and benefits of the colleges, schools, departments and other in-
 24 structional divisions of the institution for academic credit activities; and

25 (b) Does not include academic administration, community education, departmental re-
 26 search, financial aid, general administration, institutional support, noncredit activities,
 27 overhead, preparatory and adult basic education, public service, remedial education, re-
 28 search, service-learning, student services or tutorial instruction.

29 **SECTION 5.** (1) Each time a post-secondary institution of education that receives state
 30 moneys receives a gift from, or enters into a contract with, a foreign source, the value of
 31 which is \$10,000 or more, considered alone or in combination with all other gifts from or
 32 contracts with that foreign source within a calendar year, the institution shall post infor-
 33 mation regarding the gift or contract prominently on the website of the institution. The in-
 34 formation required to be posted on the website under this subsection must include:

35 (a) The name of the foreign source, including the name of a foreign government agency;

36 (b) The purpose of the gift or contract;

37 (c) The full text of the gift or contract; and

38 (d) The full text of any conditions attached to the gift or contract.

39 (2) The information required to be posted on the website of the institution under sub-
 40 section (1) of this section:

41 (a) Must:

42 (A) Be accessible from the home page of the institution’s website by use of not more than
 43 three links;

44 (B) Be searchable by keywords and phrases; and

45 (C) Be accessible to the public without requiring registration or the use of a user name,

1 password or another user identification;

2 (b) Applies to gifts made by foreign individuals, foreign organizations, foreign states and
3 registered foreign agents;

4 (c) Applies to gifts conveyed from a foreign source to a post-secondary institution of ed-
5 ucation by means of an intermediary individual or entity; and

6 (d) Applies to in-kind gifts, with the value of any in-kind gift counting towards the \$10,000
7 threshold described in subsection (1) of this section.

8 (3)(a) Each public university listed in ORS 352.002 shall annually provide a report to the
9 Higher Education Coordinating Commission that lists each gift or contract the public uni-
10 versity was required to display on the website of the public university under subsection (1)
11 of this section.

12 (b) The Higher Education Coordinating Commission shall post on the website of the
13 commission a database of all information the commission receives from public universities
14 under this section. The information posted on the commission's website under this para-
15 graph must:

16 (A) Be accessible from the home page of the commission's website by use of not more
17 than three links;

18 (B) Be searchable by keywords and phrases; and

19 (C) Be accessible to the public without requiring registration or the use of a user name,
20 password or another user identification.

21 **SECTION 6.** If any provision of sections 1 to 5 of this 2023 Act, or the application of any
22 provision of sections 1 to 5 of this 2023 Act, to any person or circumstance, is held to be
23 invalid, the remainder of sections 1 to 5 of this 2023 Act and the application of the provisions
24 of sections 1 to 5 of this 2023 Act shall remain in effect to the degree possible.
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