

HB 3213 -1, -4 STAFF MEASURE SUMMARY

House Committee On Higher Education and Workforce Development

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Meeting Dates: 2/25, 4/8

WHAT THE MEASURE DOES:

The measure makes public university foundations' records subject to public disclosure. It exempts the personal information of donors and information related to fundraising plans or investment strategies. The measure requires a public university foundation to release an annual report beginning November 2025 detailing certain expenditures, audited financial statements, financial investment holdings, and a list of contracts, subsidiaries, and foundation employees. The measure makes conforming amendments, declares an emergency, and takes effect on passage.

Detailed Summary

- Establishes that public university foundations' records are subject to public inspection, including the amount, date, and purpose of a donation and the identity of a donor who makes a gift in exchange for a financial benefit or influence over academic curriculum.
- Exempts the personal information of donors and information related to fundraising plans or investment strategies from disclosure.
- Requires a public university foundation to publicly release an annual report detailing:
 - The foundation's total annual expenditures;
 - The portion of expenditures that were used for scholarships or financial aid; faculty compensation; university programs; equipment and technology; administrative support; and executive compensation;
 - Audited financial statements;
 - Financial investment holdings;
 - Contracts and subsidiaries of the foundation; and
 - Employees' names, campuses, job locations, salaries, job titles, and compensation.
- Requires a public university foundation to release annual reports starting no later than November 1, 2025.
- Makes conforming amendments to public records laws.
- Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Conditions on and goals of donations to university foundations
- Potential for positive or negative impact on future donations
- Desired outcome of inspecting donation records
- Financial disclosure requirements for nonprofit corporations, IRS Form 990

EFFECT OF AMENDMENT:

-1 The amendment adds foundations associated with Oregon Health and Science University to the foundations subject to the provisions of the measure, in addition to those of the seven public universities. The amendment also adds investments in private funds and their quarterly performance results to the annual report that each public university foundation would be required to publish.

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-4 The amendment adds foundations associated with Oregon Health and Science University to the foundations subject to the provisions of the measure, in addition to those of the seven public universities. It adds investments in private funds and their quarterly performance results to the annual report that each public university foundation would be required to publish, and removes the requirement to report contracts and employee information.

BACKGROUND:

University foundations are nonprofit corporations that manage the fundraising activities of universities. A university foundation might conduct alumni outreach, collect donations, manage endowments, and distribute institutional scholarships, among other activities. As nonprofit corporations, university foundations are not typically subject to the same public record disclosure laws as public entities such as universities themselves. All seven of Oregon's public universities - [University of Oregon](#) (UO), [Oregon State University](#) (OSU), [Portland State University](#) (PSU), [Oregon Institute of Technology](#) (OIT), [Eastern Oregon University](#) (EOU), [Southern Oregon University](#) (SOU), and [Western Oregon University](#) (WOU) - have foundations associated with the institution.

At least six universities have audited financial statements available on their website ([UO](#), [OSU](#), [PSU](#), [OIT](#), [EOU](#), and [SOU](#)). Two universities, SOU and WOU, have a recent IRS Form 990 tax return available on their website. Three universities - UO, OSU, and PSU - note that this document is available upon request.

Some provisions of House Bill 3213 resemble language in Virginia's public records disclosure law related to public university fundraising activities, which were first enacted in [Virginia Senate Bill 130 \(2008\)](#) and modified in [Virginia House Bill 510 \(2020\)](#). In 2020, the Virginia General Assembly also passed [Virginia House Bill 1223 \(2020\)](#), which required public institutions of higher education in that state to release an annual report on certain expenditures by their university foundations, in the same categories as House Bill 3213.

Other states that have passed legislation applying public record disclosure laws to public university foundations include California (Senate Bill 8, 2011); Colorado (House Bill 05-1041, 2005); Minnesota (House File 1245, 1993); and Nevada (Senate Bill 322, 1993).