

House Bill 4141

Sponsored by Representative HERNANDEZ, Senator DEMBROW; Representatives ALONSO LEON, KENY-GUYER, NOSSE, SALINAS, Senator ROBLAN (Presession filed.)

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 governing board of each public university to establish Tuition Advisory Council to make recommendations regarding tuition and mandatory enrollment fees.

Requires governing board to submit specified information and materials to Higher Education Coordinating Commission if board will increase tuition and mandatory enrollment fees by more than three percent, with additional information and materials required if board seeks to increase tuition and mandatory enrollment fees by more than five percent.

Establishes criteria for commission approval of proposed increase in tuition and mandatory enrollment fees of more than five percent.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to setting the costs of attending public universities; creating new provisions; amending ORS
3 352.102; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2018 Act is added to and made a part of ORS 352.025 to**
6 **352.146.**

7 **SECTION 2. (1) Each governing board shall establish a Tuition Advisory Council to make**
8 **recommendations regarding tuition and mandatory enrollment fees for the upcoming aca-**
9 **ademic year.**

10 **(2) The governing board shall establish a process to ensure that the Tuition Advisory**
11 **Council is composed of:**

12 **(a) Two administrators of the university;**

13 **(b) Two faculty members of the university;**

14 **(c) Two students representing the recognized student government of the university;**

15 **(d) Two students representing historically underserved students of the university, as de-**
16 **finied by the board; and**

17 **(e) One ex officio member from the governing board.**

18 **(3) The council shall convene no later than the third week of January in each calendar**
19 **year. During the period the council convenes, an administrator from the finance department**
20 **of the university shall present the council with the effects on the university of a tuition and**
21 **mandatory enrollment fees increase of three percent or less.**

22 **(4) At a time established by the governing board, the council shall present a recommen-**
23 **dation to the governing board regarding tuition and mandatory enrollment fees for the up-**
24 **coming academic year. Each member of the council must sign the recommendation**
25 **indicating the member's involvement in the process.**

26 **(5) If the council recommends increasing by more than three percent the tuition and**
27 **mandatory enrollment fees for undergraduate students who are enrolled in a degree program**

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 **and are qualified to pay resident tuition, the council's presentation to the governing board**
 2 **under subsection (4) of this section must include all testimony from members of the council**
 3 **who objected to increasing tuition and mandatory enrollment fees by more than three per-**
 4 **cent.**

5 **SECTION 3.** ORS 352.102 is amended to read:

6 352.102. (1) Except as set forth in this section, the governing board may authorize, establish,
 7 eliminate, collect, manage, use in any manner and expend all revenue derived from tuition and
 8 mandatory enrollment fees.

9 (2) The governing board shall establish a process for determining tuition and mandatory enroll-
 10 ment fees. The process must **include the use of the Tuition Advisory Council in the manner set**
 11 **forth in section 2 of this 2018 Act** [*provide for participation of enrolled students and the recognized*
 12 *student government of the university*].

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

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

20 (a) **If the governing board determines that it is necessary to increase the total of tuition**
 21 **and mandatory enrollment fees by more than three percent annually, not later than July 1**
 22 **of the year in which the increase will take effect, the board shall provide the Higher Educa-**
 23 **tion Coordinating Commission with:**

24 (A) **Materials demonstrating that historically underserved students, as defined by the**
 25 **commission by rule, are better served by the tuition and mandatory enrollment fees proposed**
 26 **by the board than by an increase of three percent or less;**

27 (B) **A plan approved by the board for assisting students who will have difficulty financing**
 28 **their education under the proposed tuition and mandatory enrollment fees;**

29 (C) **A plan for how the governing board and the public university's administration are**
 30 **managing costs on an ongoing basis; and**

31 (D) **A plan for how tuition and mandatory enrollment fees will be decreased if the public**
 32 **university receives more moneys from the state than anticipated.**

33 [(a)] (b) The governing board may not increase the total of tuition and mandatory enrollment
 34 fees by more than five percent annually unless the board first receives approval from:

35 (A) The [*Higher Education Coordinating*] commission, **based on the information provided un-**
 36 **der subsection (5) of this section; or**

37 (B) The Legislative Assembly.

38 [(b)] (c) The governing board shall attempt to limit annual increases in tuition and mandatory
 39 enrollment fees for undergraduate students who are enrolled in a degree program and have estab-
 40 lished residency in Oregon to a percentage that is not greater than the percentage increase in the
 41 Higher Education Price Index, as compiled by the Commonfund Institute.

42 (5)(a) **The commission may not approve an increase in the total amount of tuition and**
 43 **mandatory enrollment fees of more than five percent under subsection (4)(b) of this section**
 44 **unless the governing board has:**

45 (A) **Submitted the plans and materials required under subsection (4)(a) of this section;**

1 (B) Presented the commission with clear and significant evidence that the governing
2 board gave serious consideration to alternative scenarios that involved tuition and manda-
3 tory enrollment fee increases of five percent or less;

4 (C) Submitted to the commission all testimony from members of the Tuition Advisory
5 Council who disagreed with the recommendation to increase tuition and mandatory enroll-
6 ment fees by more than five percent; and

7 (D) Provided the commission with any other information or materials the commission
8 determines are necessary in order for the commission to determine whether to approve the
9 proposed increase in the total amount of tuition and mandatory enrollment fees.

10 (b) As used in this subsection, “clear and significant evidence” and “serious
11 consideration” shall be defined by the commission by rule.

12 [(5)] (6) The governing board may not delegate authority to determine tuition and mandatory
13 enrollment fees for undergraduate students who are enrolled in a degree program and are qualified
14 to pay resident tuition.

15 **SECTION 4.** (1) Section 2 of this 2018 Act first applies on January 1, 2019.

16 (2)(a) Except as provided in paragraph (b) of this subsection, the amendments to ORS
17 352.102 by section 3 of this 2018 Act apply to tuition and mandatory enrollment fees proposed
18 by the governing board of a public university on or after the effective date of this 2018 Act.

19 (b) The process used to determine tuition and mandatory enrollment fees before January
20 1, 2019, is not required to include the use of a Tuition Advisory Council.

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

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