

Requested by Representative NOSSE

**PROPOSED AMENDMENTS TO
HOUSE BILL 3012**

1 On page 1 of the printed bill, delete lines 5 through 31.

2 On page 2, delete lines 1 through 14 and insert:

3 **“SECTION 1.** ORS 352.105 is amended to read:

4 “352.105. (1)(a) The board for each public university listed in ORS 352.002
5 shall collect mandatory incidental fees upon the request of the recognized
6 student government under a process established by the recognized student
7 government of a university [*in consultation with the board*]. **The recognized
8 student government shall:**

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

12 **“(B) Notify the board and president of each process, and any sub-
13 sequent change to a process, to collect mandatory incidental fees that
14 is established by the recognized student government.**

15 **“(b)** The process may include a student body referendum conducted under
16 procedures established by the recognized student government. Mandatory
17 incidental fees collected under this section shall be allocated by the recog-
18 nized student government.

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

1 “(A) The recognized student government assessed or allocated the man-
2 datory incidental fees in violation of applicable local, state or federal law;

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

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

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

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

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

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

13 “(iv) **The recreation of university students** [*advantageous to the cul-*
14 *tural or physical development of students*].

15 “(b) The mandatory incidental fee, use of the fee or decision to modify
16 an existing fee may not be refused by the board or the president of a uni-
17 versity based on:

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

20 “(B) **Paragraph (a)(C) of this subsection, if the mandatory inci-**
21 **dental fees collected or expended in the prior year were abnormally**
22 **low due to a disruption of university activities related to a state of**
23 **emergency declared by the Governor under ORS 401.165 or a state of**
24 **public health emergency proclaimed under ORS 433.441.**

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

28 “(4)(a) If an agreement is not reached, **the board shall promptly pro-**
29 **vide written notice to the recognized student government of how the**
30 **proposed mandatory incidental fee will be altered or if the proposed**

1 **mandatory incidental fee will be rejected.**

2 “(b) The decision of the board may be appealed to the Higher Education
3 Coordinating Commission by the recognized student government within seven
4 days of the **recognized student government’s receipt of the written no-**
5 **tice of the** board’s decision. The board shall submit its response within
6 seven days of the appeal. The commission shall render its decision within
7 [*seven*] **14** days of its receipt of the board’s response.

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

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