

To: House Committee on Higher Education and Workforce Development

Re: February 25th Public Hearing on HB 3213

Chair Hudson, Vice-Chairs Fragala and Harbick,

I am an OSU graduate and current Employee of the Oregon State University Foundation. Much of the testimony in favor of HB 3213 has framed this measure as being inline with actions taken in other states, citing 22 states specifically that have adopted statues governing public university foundations. A review of the actual conditions for many university related foundations in these states reveals this claim to be inaccurate and misleading.

Public university foundations are not subject to public records laws in Washington, Minnesota, Virginia or Texas, and potentially more of the states listed. Several of the other states included on the map circulated by supporters of the bill have different legal structures between their universities and the foundations that support them – such that there may be some level of required disclosure for the foundations, but those states have not necessarily adopted legislation like HB 3213. In fact, HB 3213 – which appears to be modeled after legislation passed in California – is less protective of donor information than the California law.

Many of the states listed by the proponents of this bill do not have laws or statues, but instead court rulings or legal opinions applying to narrowly defined situations and specific relationships between specific institutions. Many that require some disclosures by foundations do not classify them as public entities.

In summary, the map shared by proponents of the bill represents a varied patchwork of different laws and legal interpretations, as well as a number of inaccuracies and mischaracterizations. The suggestion that adopting HB 3213 would align Oregon with a national trend of treating university foundations as public entities is not supported by the facts.

The OSU Foundation is a very transparent organization that follows and often exceeds industry best practices. The Foundation also takes seriously its responsibility to be a good steward of the private data and information of donors and volunteers, the vast majority of whom make small donations in support of programs and causes that are personally meaningful to them. HB 3213 is not reflective of the approach the majority of states have taken, and would distract from the mission of supporting students and enhancing the university.

Thank you for your attention.

Andrew Foster