

Students lose Newbry battle

By NAN HENDERSON
Of the Emerald

SALEM (SPECIAL)- University students lost a long-fought battle with the Senate Education committee Friday.

The committee decided, despite extensive lobbying from students, to adopt a revised version of SB 47 which in practice will give students no more power over their incidental fees than they now have. The student lobbyists had hoped and worked for much more.

The battle began over a month ago with the introduction of SB 47, another attempt by Sen. Lynn Newbry (R-Talent) to explicitly define in Oregon law who or what body has final control over assessing and allocating tuition and incidental fees.

SB 47, an amendment to the same section amended last session by the first "Newbry Amendment," gives the total control of student fees to the State Board of Higher Education and institution executives. Newbry, with the aid of State Chancellor Roy Lieuallen, drafted SB 47 to replace his original amendment, scheduled to go into effect July 1, 1973, because, as he put it, the original was "hurriedly drafted" and can be construed to exclude all extra-curricular activities from incidental fee funding.

Student leaders were concerned about the first amendment and anxiously awaited the second amendment they knew Newbry was preparing.

They were equally displeased, however, with SB 47 because of sections giving the final authority over assessing and allocating incidental fees to the State Board of Higher Education to be spent for programs under the supervision and control of the board deemed by the board to be "advantageous to the cultural or physical development of students."

The students contended throughout numerous hearings on the subject that incidental fees are students' money and that students, through the "recognized entities of student government" at each institution, should have the power to levy and allocate their money.

After the hearings and several private lobby sessions, the students believed that SB 47 would possibly be amended by the committee to give students some, if not total, control over the fees.

Sen. Wallace Carson (R-Salem) appeared the most receptive to amendments offered by the students and he eventually agreed to introduce "compromise amendments" which supposedly would give students some control over the money.

The first blow to the student lobbyists came two weeks ago when Carson introduced his "student control" amendments to the bill. They contained none of the strong language proposed by student lobbyists; instead Carson's amendments called for the insertion of two simple clauses.

The first clause states that the State Board can prescribe fees "upon its own motion or upon recommendation of the recognized student government of the institution concerned" and the second clause states that the institution executives

"upon recommendation of the recognized student governments" can collect optional fees not authorized by the Board.

Don Brookhyser, state vice-chairer of the Inter-Institutional Union of Students (IUS) appeared before the committee Friday with objections to Carson's amendments.

He again argued that "students should not have to support programs through incidental fees that they do not want to support" and reiterated the major concern of student lobbyists: "It (SB47) has the same implication as Sen. Newbry's amendment passed last session; that is that the Board seems required to review each program and pass on its merits. The Board doesn't have the time and shouldn't have the prerogative to control the content of student programs."

Brookhyser called for removal of the phrase "upon its own motion" from Carson's amendment. With the removal of the phrase the Board would be restricted to prescribing only fees recommended by student governments.

Carson, after hearing Brookhyser's objections, agreed to remove the clause thereby giving students some actual control over the fees.

Three of the other four committee members present, however, would not agree to Carson's new offer.

Sen. Victor Atiyeh (R-Portland) said that he could possibly go along with more student control "if it had been proven that the Board has ever acted in a capricious manner. But the State Board has not acted poorly," he said. "Students are just worrying that it might."

Sen. Tom Hartung (R-Portland) and Sen. Mike Thorne (D-Pendleton) concurred with Atiyeh in their refusals to support Carson.

Sen. Ed Fadeley (D-Eugene), chairer of the committee, did not voice an opinion.

He did, however, paraphrase what he believed to be the feeling of the committee: "If some of the vulnerable student programs die, then the legislature should be available to consider that students should have the right to spend their money," Fadeley said.

The committee then voted to adopt the revised SB 47. If the revised bill passes the legislature little change would be made in the current procedure for allocating fees at this and other universities within the State System of Higher Education. Student governments at most institutions currently make the recommendations called for in the revised SB 47.

Students governments do not and would not, however, have any final authority over expenditures of the money.

Fadeley said he views the revised SB 47 "as a stronger bill." At least, he said, the procedure for fee allocation now followed by universities and the State Board will be written into law.

Student lobbyists, however, appeared far from pleased with the bill and plan to continue introducing amendments to give students more control over incidental fees as SB 47 travels through the Senate and into the House.

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