ENROLLED SENATE
BILL NO. 1162

By: Williams (Penny), Ford, Taylor, Rubottom, Long (Lewis), Shurden, Easley, Smith, Horner and Wright of the Senate

and

Steidley, Bryant, Breckinridge, Boyd (Betty), Hastings, Sullivan (John), Holt, McCorkell, Thornbrugh, Adkins, Perry, Ross, Tyler, Roach, Stottlemyre, Satterfield and Taylor of the House

An Act relating to schools; amending 70 O.S. 1991, Section 4601, as amended by Section 2, Chapter 223, O.S.L. 1992 (70 O.S. Supp. 1995, Section 4601), which relates to University Center at Tulsa; declaring University Center at Tulsa and Rogers State College a single institution; changing name of governing board; modifying powers of Board of Regents of University Center at Tulsa; transferring supervision, management and control of certain institutions; specifying duties; requiring certain compliance; providing for certain public hearings; authorizing certain hearing process; authorizing certain persons to file a certain civil action in district court; providing certain dates; providing for appointment of a district judge; authorizing partition; specifying requirements pursuant to certain partition; creating Board of Regents of University Center at Tulsa and Rogers State College; providing for membership; specifying length of terms; specifying duties; prohibiting certain employment of board members; requiring

taking of certain oaths; providing for travel reimbursement; stating powers and duties; repealing 70 O.S. 1991, Section 4604.1, as renumbered by Section 8, Chapter 223, O.S.L. 1992 (51 O.S. Supp. 1995, Section 6.1), which relates to certain officers and deputies not to hold certain offices; repealing 70 O.S. 1991, Sections 3802, 3804, 3805, 3806, 4604, as amended by Section 3, Chapter 223, O.S.L. 1992, and Sections 4 and 5, Chapter 223, O.S.L. 1992 (70 O.S. Supp. 1995, Sections 4604, 4607 and 4608), which relate to Rogers State College and University Center at Tulsa; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 1991, Section 4601, as amended by Section 2, Chapter 223, O.S.L. 1992 (70 O.S. Supp. 1995, Section 4601), is amended to read as follows:

Section 4601. A. The university center located at Tulsa which is known as "University Center at Tulsa" and which is presently designated as "University Center at Tulsa" shall be a full member of The Oklahoma State System of Higher Education. The Board of Regents of the center shall continue to make programs of public higher education available to citizens in the Tulsa metropolitan area. The center shall draw upon the educational resources of existing colleges and universities to provide the kind of courses and programs needed. Notwithstanding the center's institutional status, the center shall not establish an independent faculty, shall not provide courses and programs under its own aegis and shall not award through the Oklahoma State Regents for Higher Education its own degrees. The State Regents shall, pursuant to Article XIII-A of the Constitution of Oklahoma, establish standards of education to assure that credits earned will be fully transferable between and among institutions of The Oklahoma State System of Higher Education.

B. In regard to courses and programs of study, the Board of Regents of the center is empowered to:

1. Determine the upper division and graduate education needs of the Tulsa metropolitan area and the area served by Rogers State College;

2. Recommend courses and programs at the third and fourth years of undergraduate study leading toward completion of the bachelor's degree and programs of graduate study to be offered by the

participating institutions at the University Center at Tulsa campus and the Rogers State College campuses; and

3. Negotiate contracts with institutions for courses and programs of study approved by the State Regents; such contracts shall be negotiated with Langston University, the University of Oklahoma, Oklahoma State University, and Northeastern State University unless the Board of Regents determines that none of said institutions can satisfactorily offer programs for which need has been established by the Board of Regents.

Courses and programs offered at the undergraduate level at the University Center at Tulsa campus shall not duplicate those offered by Tulsa Junior College.

C. The Board of Regents of the center shall prepare an annual budget which shall include the costs of administering and operating the center and which shall cover the amounts paid by it to the institutions with whom agreements are entered into pursuant to the provisions of paragraph 3 of subsection B of this section. The Board of Regents for the center shall establish the usual and customary accounts established by other higher education institutions within the Office of State Finance necessary to carry out its duties.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4651 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. From and after the effective date of this act, University Center at Tulsa and Rogers State College shall constitute a single institution within The Oklahoma State System of Higher Education.

B. The governance, supervision, management and control of University Center at Tulsa and Rogers State College is hereby transferred from the Board of Trustees of University Center at Tulsa and the Board of Regents of Rogers State College to the Board of Regents of University Center at Tulsa and Rogers State College, and all property, assets, beneficial interest and obligations of University Center at Tulsa and Rogers State College and any and all obligations of the Board of Trustees of University Center at Tulsa and Board of Regents of Rogers State College for and on behalf of University Center at Tulsa and Rogers State College are hereby transferred to the Board of Regents of University Center at Tulsa and Rogers State College. Obligations for any and all plans for tenure or retirement of employees of University Center at Tulsa and Rogers State College, either through University Center at Tulsa or Rogers State College or the Board of Trustees of University Center at Tulsa and the Board of Regents of Rogers State College, shall be assumed by the Board of Regents of University Center at Tulsa and Rogers State College.

C. The Board of Regents of University Center at Tulsa and Rogers State College shall govern, supervise, manage, and control the campuses of University Center at Tulsa and Rogers State College in a manner which will substantially preserve and promote the functions, courses of study, missions, and programs of both University Center at Tulsa and Rogers State College. In addition, the Board shall:

1. Prior to implementing any changes in functions or courses of study of either institution, comply with the provisions of Section 3208 of Title 70 of the Oklahoma Statutes; and

2. Prior to implementing any substantial change in missions and programs of the institution, give notice and an opportunity to be heard to the public and to the student body of the institution, in a manner calculated to inform the public and the student body of the change together with the date, time, and place of hearing which shall be convenient to the public and student body of the institution.

D. 1. On and after June 1, 1998, until June 1, 2003, any resident of Tulsa, Rogers, Mayes or Washington Counties and any student of University Center at Tulsa or of Rogers State College may file with the Oklahoma State Regents for Higher Education a request for a hearing to review the governance, supervision, management and control of University Center at Tulsa or Rogers State College. The Regents shall schedule the hearing within thirty (30) days after a request is filed and shall take public comment on the matter. The Regents shall issue their findings and recommendations and actions to be taken on the matter within ten (10) days after the hearing. The party or parties who have filed the request for hearing, if not satisfied with the findings and recommendations of the Regents, may file a civil action in the district court of Rogers County for a declaration by the court that the Board has not governed, supervised, managed, and controlled University Center at Tulsa or Rogers State College in conformance with subsection C of this section. If an action is filed pursuant to this subsection, the court clerk of Rogers County shall immediately notify the Chief Justice of the Supreme Court of Oklahoma who shall appoint a district judge or active-retired district judge of this state to hear the matter, who is not a resident of either Rogers or Tulsa County, who has not served on the district court of either Rogers or Tulsa County, and who, in the discretion of the Chief Justice, has no articulable basis for bias in the case. The procedure utilized in said civil action shall be the same as in other civil matters, except as otherwise herein provided.

2. In addition to any other appropriate relief, the court shall have the authority to order a partition of the assets, real, personal, and mixed, and the obligations of University Center at Tulsa and Rogers State College. If partition is ordered:

a. the provisions of Sections 1512 through 1517 of Title 12 of the Oklahoma Statutes shall not apply,

b. the commissioners appointed by the court shall:

(1) in addition to other qualifications imposed by the court, have knowledge and experience in the field of higher education, and

(2) divide the assets and obligations in a manner which will return University Center at Tulsa and Rogers State College to substantially the same position they were in on the effective date of this act prior to combining the assets and obligations of University Center at Tulsa and Rogers State College, and

c. the court shall set a time for the partition to be effective which shall be not less than thirty (30) days nor more than one hundred twenty (120) days after the judgment is filed.

3. If partition is ordered pursuant to paragraph 2 of this subsection, the Oklahoma State Regents for Higher Education shall assume the powers and duties of the Board for University Center at Tulsa and Rogers State College on the date the judgment is filed and shall proceed to effectuate the judgment and orders of the court.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4652 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Board of Regents of University Center at Tulsa and Rogers State College, which shall initially consist of the members of the Board of Trustees of University Center at Tulsa and the Board of Regents of Rogers State College. The members of the Board of Regents of Rogers State College and the members of the Board of Trustees of University Center at Tulsa shall be eligible to serve on the Board of Regents of University Center at Tulsa and Rogers State College until the respective terms to which

they were previously appointed expire. The members of the initial Board shall not be eligible to serve additional terms after their respective current terms expire, unless the Board created herein is reduced to fewer than nine (9) members. The Governor shall appoint one member each year with the advice and consent of the Senate to the Board until the number of members of the initial Board is reduced to less than nine (9) due to vacancies or expiration of terms, at which time the Governor shall make an appointment or appointments as necessary, with the advice and consent of the Senate, to ensure the Board consists of nine (9) members. All appointments made to the Board after the effective date of this act shall be made so that the Board consists of nine (9) members and at least one member shall be a resident of Washington County, three members shall be residents of Mayes or Rogers County and four members shall be residents of Tulsa County. The terms of appointed members shall be nine (9) years.

B. The Board shall be a body corporate and shall adopt and use an official seal. The Board shall elect a chair, vice-chair, and secretary annually, each of whom shall serve for a term of one (1) fiscal year and until a successor is elected and qualified, and who shall perform such duties as the Board directs. The Board shall adopt rules which it deems necessary for the governance of the Board and the discharge of its duties, and shall cause the minutes of all meetings to be kept.

C. No member of the Board shall be employed in connection with any work to be performed at University Center at Tulsa or Rogers State College, nor shall any member of the Board enter into any contract or business transaction involving a financial consideration with University Center at Tulsa or Rogers State College.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4653 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each member of the Board of Regents of University Center at Tulsa and Rogers State College shall take and subscribe to oaths required of state officials generally.

B. Each member of the Board shall be reimbursed for necessary travel expenses, as may be approved by the Board, as provided in the State Travel Reimbursement Act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4654 of Title 70, unless there is created a duplication in numbering, reads as follows:

The Board of Regents of University Center at Tulsa and Rogers State College shall have the supervision, management, and control of University Center at Tulsa and Rogers State College and shall have the following additional powers and duties:

1. Adopt such rules as it deems necessary to govern University Center at Tulsa and Rogers State College;

2. Employ and fix the compensation and duties of such personnel as it deems necessary, including architects, attorneys, engineers, and other professional and technical persons for its operation and for the operation of University Center at Tulsa and Rogers State College. Any personnel having custody of public funds or other public property may be required to furnish corporate surety bonds in amounts deemed necessary by the Board, payable to the State of Oklahoma, and conditioned upon a faithful accounting of all funds and property;

3. Enter into contracts, purchase supplies, materials, and equipment, and incur such other expenses as may be necessary and proper to make its powers effective;

4. Authorize officials at University Center at Tulsa and Rogers State College to act in its behalf in the making of contracts, or in carrying out the powers conferred upon it;

5. Receive and make disposition of monies, grants, and property from federal agencies, and administer the same in accordance with federal requirements;

6. Accept gifts of real and personal property, money, and other things, and use or dispose of the same in accordance with the rules of the Board of Regents of University Center at Tulsa and Rogers State College and any directions of the donors or grantors thereof;

7. Direct the disposition of all monies appropriated by the Legislature or by the Congress or derived from the sale of bonds or received from any other source by University Center at Tulsa and Rogers State College;

8. Acquire and take title or beneficial interest to real and personal property in its name, on behalf of University Center at Tulsa and Rogers State College, and convey, exchange or dispose of, or otherwise manage or control, such property in the interest of the institutions, including the granting of leases, permits, easements, and licenses over or upon real property. The Board shall have custody of abstracts of title and instruments affecting the ownership of or title to real property belonging to University Center at Tulsa and Rogers State College;

9. Institute and defend any action in the name of the Board before any court having jurisdiction of such actions;

10. Determine the need for and cause to be constructed buildings, on a self-liquidating basis, at University Center at Tulsa and Rogers State College;

11. a. Establish and maintain plans with regard to employees and retirees of University Center at Tulsa and Rogers State College including, but not limited to:
    (1) retirement,
    (2) payment of deferred compensation to employees,
    (3) hospital and medical benefits, accident, health, and life insurance, and annuity contracts for employees and their dependents.

    b. The Board may pay for all or a part of the cost of benefits for employees with funds available for the operation of the institution. Amounts payable by an employee may, with the consent of the employee, be deducted from his or her salary.

    c. Nothing in this paragraph shall be construed as authorizing benefits for, or the hiring of, faculty at University Center at Tulsa;

12. Establish and maintain a plan for tenure of employees at Rogers State College;

13. Maintain an inventory of all property belonging to University Center at Tulsa and Rogers State College;

14. Audit all accounts against the funds allocated to University Center at Tulsa and Rogers State College;

15. Provide penalties and forfeitures by way of damages and otherwise for the violation of rules of the Board, which may be sued for and collected in the name of the Board before any court having jurisdiction; and

16. Do all things necessary or convenient to carry out the powers expressly granted to it, or to make University Center at Tulsa and Rogers State College effective for the purposes for which they are maintained or operated.

SECTION 6. REPEALER 70 O.S. 1991, Section 4604.1, as renumbered by Section 8, Chapter 223, O.S.L. 1992 (51 O.S. Supp. 1995, Section 6.1), is hereby repealed.

SECTION 7. REPEALER 70 O.S. 1991, Sections 3802, 3804, 3805, 3806, 4604, as amended by Section 3, Chapter 223, O.S.L. 1992, and Sections 4 and 5 of Chapter 223, O.S.L. 1992 (70 O.S. Supp. 1995, Sections 4604, 4607 and 4608), are hereby repealed.

SECTION 8. This act shall become effective April 1, 1996.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.