

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1426

By: Ford and Williams of the
Senate

and

Boyd (Betty), Bryant and
Roach of the House

COMMITTEE SUBSTITUTE

(Higher education - University of Oklahoma and Oklahoma
State University - Tulsa campus - amending 70 O.S. 1991,
Section 3103 - amending 51 O.S. 1991, Section 6, as last
amended by Section 1, Chapter 317, O.S.L. 1997 -
codification - effective date - repealer -

emergency)

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 4661 of Title 70, unless there
is created a duplication in numbering, reads as follows:

A. It is the intent of the Oklahoma Legislature to create
within The Oklahoma State System of Higher Education an institution
which will provide for the citizens of Tulsa access, programs,
standards and services sufficient to meet Tulsa's educational and
job market needs. Further, it is the intent of the Legislature to
reestablish the Claremore campus of Rogers University as a separate
institution of higher education with an independent governing board.
The actions identified for the creation of these entities for Tulsa

and Claremore shall be contingent upon the successful completion of all promissory provisions outlined in Section 8 of this act.

B. It is the intent of the Legislature that all academic programs operated at the OU/OSU Tulsa campus shall be funded at a level equivalent to their respective programs on the home campuses of the University of Oklahoma and Oklahoma State University.

Furthermore, it is intended that all academic programs operated on the Rogers University campus shall be funded at a level equivalent to the respective programs at the regional university tier.

C. It is the intent of the Legislature that the functions and programs of the OU/OSU Tulsa campus shall be conducted in such manner as to cooperate with Langston University in its operation of the Langston Urban Center Program as approved by the State Regents and not to offer any programs of study that would duplicate those approved programs offered by the Langston Urban Center Programs but rather to assist in every way to facilitate the accomplishment of the purposes and goals of the operation of the Langston Urban Center Program in Tulsa, as established in 1982.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4662 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in Tulsa, Oklahoma, a unified, single campus of the University of Oklahoma and Oklahoma State University, to be known as OU/OSU Tulsa which will operate from 700 North Greenwood Avenue as well as other locations in Tulsa. The University of Oklahoma and Oklahoma State University shall serve as lead institutions and offer upper-division and graduate courses and programs and shall contract with Northeastern State University and Langston University to continue to offer courses and programs in Tulsa, as described herein. As student needs dictate, OU/OSU Tulsa may contract with other institutions to provide services to Tulsa. The Oklahoma State Regents for Higher Education may contract with

Tulsa independent universities to offer courses and programs in low-demand/high cost areas.

B. There is hereby created in Claremore, Oklahoma, as a successor to the Claremore campus of Rogers University, an institution of higher education to be known as Rogers State College.

C. The entity known as the Board of Regents of Rogers University, created by Section 4651 of Title 70 of the Oklahoma Statutes, is hereby dissolved. The assets and obligations of Rogers University that, prior to April 1, 1996, belonged to its predecessor entities, the University Center at Tulsa and Rogers State College, shall be transferred to the Board of Regents for Oklahoma A & M Colleges, or the Board of Regents for the University of Oklahoma, and to the Board of Regents for Rogers State College, respectively. The transfer of assets acquired by Rogers University after April 1, 1996, shall be determined by the campus, Tulsa or Claremore, to which each specific asset may be attributed. Those assets attributable to the Tulsa campus shall be transferred to the Board of Regents for Oklahoma A & M Colleges, or the Board of Regents for the University of Oklahoma, and those attributable to the Claremore campus shall be transferred to Rogers State College.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4663 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established a Tulsa Higher Education Oversight Board. This board shall be comprised of: one member of the Board of Regents of the University of Oklahoma, designated by the chair of said board; one member of the Board of Regents for the Oklahoma A & M Colleges, designated by the chair of said board; one member of the Board of Regents for Oklahoma Colleges, designated by the chair of said board; one member of the Board of Regents for Tulsa Community College; and five residents of the Tulsa

metropolitan statistical area to be appointed by the Governor with the advice and consent of the Senate.

B. The designated members of the governing board designated in subsection A of this section, will serve at the pleasure of their appointing authority and may serve in this capacity notwithstanding the limitations of Section 6 of Title 51 of the Oklahoma Statutes.

C. The Tulsa County members appointed by the Governor with the advice and consent of the Senate shall be appointed to numbered positions and shall serve five-year rotating terms. The term for Position No. 1 shall expire on June 31, 1999, and each five (5) years thereafter. The term for Position No. 2 shall expire on June 31, 2000, and each five (5) years thereafter. The term for Position No. 3 shall expire on June 31, 2001, and each five (5) years thereafter. The term for Position No. 4 shall expire on June 31, 2002, and each five (5) years thereafter. The term for Position No. 5 shall expire on June 31, 2003, and each five (5) years thereafter.

D. The Tulsa Higher Education Oversight Board shall select its own officers, shall otherwise be responsible for its own organization, and shall be subject to the provisions of the Oklahoma Open Meeting Act.

E. The duties of the Tulsa Higher Education Oversight Board shall include advising the lead institutions on Tulsa's higher education needs, monitoring institutional responsiveness to Tulsa's needs, reviewing the budget needs for the Tulsa campus, recommending funding support, and assisting in securing local research funds.

F. Courses and programs offered at the undergraduate level at the Tulsa campus shall not duplicate those offered by Tulsa Community College.

G. The Tulsa Higher Education Oversight Board shall be responsible for the development of academic programs and services for the OU/OSU Tulsa campus in a manner consistent with those of a

comprehensive university. Those programs and services shall be developed pursuant to the following guidelines:

1. Admission standards. All students shall be admitted to the University of Oklahoma or Oklahoma State University in accordance with the degree program elected by the student and using the program admission standards of the appropriate lead comprehensive university.

2. Accreditation. All programs delivered at OU/OSU Tulsa shall have the same level of quality and be accredited by the same accrediting organization and bodies as the programs delivered on the main campuses of the lead comprehensive universities. This includes both institutional accreditation by the Commission on Institutions of Higher Education of the North Central Association (NCA) of Colleges and Schools as well as specialized accreditation for individual programs associated with national professional associations.

3. Faculty. In order to ensure overall integration of academic programs and quality, all faculty members, part-time and full-time, will be appointed and employed by the lead comprehensive institutions, or an entity with whom they have entered into a contract for the delivery of an academic program. All standards that apply to faculty on the main campuses of the University of Oklahoma and Oklahoma State University shall apply to faculty in Tulsa, regardless of the institution employing the faculty. The ratio of full-time and part-time faculty in any program on the OU/OSU Tulsa campus shall be the same as that of the respective program on the Norman and Stillwater campuses. This provision shall apply to all programs regardless of provider institution.

4. Conferral of Degrees. OU/OSU Tulsa shall award all credit for coursework completed. All degrees, baccalaureate, professional and/or graduate shall be conferred by the University of Oklahoma or Oklahoma State University.

5. Patents and Copyrights. All patents and copyrights related to the activities of the Tulsa campus shall be subject to the current policies of the respective comprehensive institutions.

6. Noncredit and Continuing Education. All noncredit and continuing education programs shall be conducted by and subject to the current policies of the respective comprehensive institutions.

7. Financial Aid. OSU, as the lead institution, will provide all financial aid services through a consortium agreement or a third-party processing agreement with all the institutions in accordance with United States Department of Education guidelines.

8. Fees. The same general enrollment fees and nonresident tuition shall apply at OU/OSU Tulsa as at the main campuses of the lead comprehensive institutions.

9. Student Records and Information. Official academic records shall be the responsibility of the degree granting university. All grades shall be placed on the student's transcript maintained by the university admitting the student. University staff in Tulsa shall have computer access to the student's official academic records on their respective campuses. Official academic transcripts shall be made available to students in the Central Office of Student Services. A procedure shall be established in which grades for courses taken from another university are shared with the student's degree granting university. The transfer course work shall be posted to the student's academic record without any action required by the student. Additionally, the Central Office of Student Services shall provide official student transcripts to any current or past students at their respective universities.

10. Academic Advisement. OU/OSU Tulsa shall provide full-time, resident faculty advisors for all degree programs awarded at OU/OSU Tulsa.

H. The State Regents will treat the OU/OSU Tulsa campus as a constituent agency for budgeting purposes, with funds for that

purpose allocated to the Board of Regents for Oklahoma A & M Colleges or the Board of Regents for the University of Oklahoma.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4664 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Board of Regents of Rogers State College, which shall initially consist of the current members of the predecessor institution for Rogers University. These members shall be eligible to serve until their respective terms 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 seven (7) members. The Governor, by and with the consent of the Senate, shall appoint one member each year until the number of members of the initial board is reduced to less than seven (7) members 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 seven (7) members.

1. Appointments shall be to numbered positions on the Board, and the terms of the Board shall be as follows:

- a. Position No. 1. The term of office of one member shall expire on the 30th day of June, 1999, and each seven (7) years thereafter,
- b. Position No. 2. The term of office of one member shall expire on the 30th day of June, 2000, and each seven (7) years thereafter,
- c. Position No. 3. The term of office of one member shall expire on the 30th day of June, 2001, and each seven (7) years thereafter,

- d. Position No. 4. The term of office of one member shall expire on the 30th day of June, 2002, and each seven (7) years thereafter,
- e. Position No. 5. The term of office of one member shall expire on the 30th day of June, 2003, and each seven (7) years thereafter,
- f. Position No. 6. The term of office of one member shall expire on the 30th day of June, 2004, and each seven (7) years thereafter, and
- g. Position No. 7. The term of office of one member shall expire on the 30th day of June, 2005, and each seven (7) years thereafter.

2. Vacancies in appointive positions on the Board shall be filled by the Governor for the unexpired term, by and with the advice and consent of the Senate.

3. No member of the Board shall be employed upon any work to be performed in connection with Rogers State College, nor shall any member of said Board enter into any contract or business transaction involving a financial consideration with Rogers State College.

B. The Board of Regents of Rogers State College 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. The Board of Regents of Rogers State College shall have the supervision, management, and control of Rogers State College and shall have the following additional powers and duties:

1. Adopt such rules as it deems necessary to govern 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 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 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 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 Rogers State College;

8. Acquire and take title or beneficial interest to real and personal property in its name, on behalf of Rogers State College, and convey, exchange or dispose of, or otherwise manage or control, such property in the interest of the institution, 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 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 dormitories and other buildings, on a self-liquidating basis, at Rogers State College;

11. a. Establish and maintain plans with regard to employees and retirees of 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;

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

13. Maintain an inventory of all property belonging to Rogers State College;

14. Audit all accounts against the funds allocated to 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 make Rogers State College effective for the purposes for which they are maintained or operated.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 3103, is amended to read as follows:

Section 3103. For the purposes of ~~this~~ the Oklahoma Higher Education Code, each of the following shall be deemed an agency and an integral part of the University of Oklahoma: the Health Sciences Center, the Law Center, and the Oklahoma Geological Survey; and each of the following shall be deemed an agency and an integral part of Oklahoma State University: the College of Veterinary Medicine, the College of Osteopathic Medicine, the Agricultural Experiment Station, the Agricultural Extension Division, the Technical Branch located at Oklahoma City, and the Technical Branch located at Okmulgee. The OU/OSU Tulsa Campus shall be deemed an agency and an integral part of both the University of Oklahoma and Oklahoma State University.

SECTION 6. AMENDATORY 51 O.S. 1991, Section 6, as last amended by Section 1, Chapter 317, O.S.L. 1997 (51 O.S. Supp. 1997, Section 6), is amended to read as follows:

Section 6. A. Except as may be otherwise provided, no person holding an office under the laws of the state and no deputy of any officer so holding any office shall, during the person's term of office, hold any other office or be the deputy of any officer holding any office, under the laws of the state. The provisions of this section shall not apply to:

1. Notaries public;
2. Members of the State Textbook Committee;
3. County free fair board members;
4. Municipal and county law enforcement officers serving in positions as law enforcement officers of both such governmental entities upon such terms and conditions as are mutually approved by resolutions adopted by the board of county commissioners and governing body of the municipality employing such officers;

5. Any person holding a county or municipal office or position, or membership on any public trust authority, who is a member of a board or commission that relates to federal, state, county or municipal government and is created by the United States Government, the State of Oklahoma or a political subdivision of the state, except where the duties of the offices or positions conflict;

6. Any elected municipal officers and school board members who are appointed to a state board, commission, or similar entity if there is no compensation for such services other than reimbursement for necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes;

7. Any trustee of a public trust, who is appointed as a trustee of a different public trust or any trustee of the Tulsa County Public Facilities Authority who may also be employed by the Department of Transportation;

8. Law enforcement officers employed by municipal or county law enforcement departments or agencies, other than those law enforcement officers elected or appointed as sheriff, chief of police or some similar position in which they are the head of a county or municipal law enforcement agency, who are elected to local boards of education; provided, the provisions of this paragraph shall not prohibit any law enforcement officer employed by a municipality having a population of ten thousand (10,000) or fewer people from serving as a member of a local board of education;

9. Any member of the Oklahoma Highway Patrol Division of the Department of Public Safety who is elected to a local board of education;

10. Any District Supervisor, Assistant District Supervisor, Team Supervisor, Parole Officer 1 or Parole Officer 2 of the Department of Corrections who is elected or appointed to a city council;

11. Any trustee or director of a rural electric cooperative, or port authority who is appointed or elected to a state, county or municipal board, commission or similar entity;

12. County employees who are elected as members of town or city councils;

13. Municipal, county, state or tribal law enforcement or peace officers operating under cross-deputization agreements with an Indian tribe or branch of the federal government;

14. Municipal or county law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by resolution adopted by the governing body of the municipality or county and the governing board of the institution of higher education;

15. State law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by written agreement between the Commissioner of Public Safety and the governing board of the institution of higher education;

16. Municipal and county law enforcement officers serving in positions as part-time rangers under the Oklahoma Tourism and Recreation Department;

17. The Administrator of a Scenic Rivers Commission serving in the position of a park ranger under the Oklahoma Tourism and Recreation Department;

18. Members of the University Hospitals Authority;

19. Any person holding a state office or position who is a noncompensated reserve force deputy sheriff or a noncompensated reserve municipal police officer;

20. Any person holding a state office or position who serves as a special assistant district attorney without compensation; and

21. Any elected or appointed member of a local school board who is a member of a municipal planning commission.

The provisions of this section shall not prohibit any person holding an office under the laws of the state or any deputy of any officer so holding any office from serving upon the board of Oklahoma Futures or upon the board of directors of the Oklahoma Center for the Advancement of Science and Technology. The provisions of this section shall not prohibit a member of the board of directors of the Oklahoma Center for the Advancement of Science and Technology from serving upon the board of Oklahoma Futures.

Nor shall the provisions of this section prohibit any person holding an office under the laws of the state or any deputy of any officer so holding any office from serving upon the Tulsa Higher Education Oversight Board.

B. Any salaries, emoluments or benefits that would otherwise be paid by the agency or political subdivision to a loaned employee or officer shall instead be paid to the regular employer of such employee. The loaned employee shall in turn be paid regular salary and benefits the same as if continuing regular employment with the permanent employer.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4666 of Title 70, unless there is created a duplication in numbering, reads as follows:

Oklahoma University and Oklahoma State University shall establish and operate a research and graduate education center in Tulsa to provide enhanced graduate education and research services designed to meet the needs of the greater Tulsa community. The programs of the two universities in Tulsa shall be extensions of and closely coordinated with the programs on the universities' other campuses. The Center shall offer joint degrees or coordinate the

offering of individual graduate courses, certificate and degree programs by the University of Oklahoma and Oklahoma State University in the greater Tulsa area. The Center shall also promote and facilitate responses to requests from industry, businesses and others in the Tulsa region for research services from Oklahoma University and/or Oklahoma State University and coordinate the joint research activities of both universities in Tulsa. The Center shall enhance the opportunity for businesses and industry in the Tulsa region to have more direct access to the intellectual capital of both Oklahoma University and Oklahoma State University and provide a vehicle to foster research opportunities of particular interest to the Tulsa region. In addition to providing collaborative research opportunities for businesses and industry, the Center shall enhance the opportunity for collaborative research with other universities, including Tulsa University. The Oklahoma State Regents for Higher Education may contract with Tulsa independent universities to offer courses and programs in low-demand/high cost areas.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4667 of Title 70, unless there is created a duplication in numbering, reads as follows:

The provisions of Sections 1 through 7 of this act shall go into effect upon the certification and completion of the following promissory provisions:

1. When the University of Oklahoma and Oklahoma State University combined, present a plan to commit to expand the degree programs at the undergraduate level, either in daytime or evening programs, that are fully available on the Tulsa campus, then the OU/OSU Tulsa institution shall be declared to exist and shall continue so long as these programs are offered. These programs may be offered with independent OU or OSU granted degrees, or may be offered with joint degrees with any of the other participating institutions on the Tulsa campus.

On the first day of classes of the semester in which this threshold number of degree programs is offered, the new entity of OU/OSU Tulsa shall take existence and the current statutory authority of the Rogers University campus in Tulsa shall be considered to have been repealed and the property of Rogers University in Tulsa shall be transferred to the Board of Regents for A&M Colleges, or the Board of Regents for the University of Oklahoma.

2. Rogers University will continue to operate under all current statutory authority, including current OSRHE provisions for the operation of the "contracting model", for the operation of the Tulsa campus until the existence is declared of the OU/OSU Tulsa entity. However, the University of Oklahoma and Oklahoma State University may independently expand and operate undergraduate degree programs without hindrance from Rogers University and notwithstanding any authority currently reserved by statute to Rogers University for contracting educational programs. Rogers University, until the existence of the OU/OSU entity, shall continue to provide support for all academic functions on the Tulsa campus and shall be so funded by the OSRHE.

3. There shall be a "Certification Board" created to determine that the provisions of paragraph 1 of this section have been met. This Board shall be made up of one appointee by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House, and one by the Mayor of the City of Tulsa. This Board shall meet on the first day of classes of each regular semester, including the summer term, shall certify if the provisions of paragraph 1 have been met. If the Certification Board, by majority vote of its membership, declares that all the provisions of paragraph 1 have been met, then the new OU/OSU Tulsa entity shall come into existence and the other provisions for the elimination of existing separate

Tulsa language governing Rogers University shall be considered repealed.

SECTION 9. REPEALER Sections 2 and 5, Chapter 5, O.S.L. 1996, as amended by Sections 11 and 14, Chapter 276, O.S.L. 1996 (70 O.S. Supp. 1997, Sections 4651 and 4654), are hereby repealed.

SECTION 10. 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.

46-2-10342 JB