

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)
CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1426

By: Ford and Williams of the
Senate

and

Boyd (Betty), Bryant and
Roach of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to higher education; stating findings and intent of the Legislature; establishing Oklahoma State University/Tulsa as successor to Rogers University in Tulsa and requiring certain courses and programs; requiring the development and implementation of certain programs to be earned at Oklahoma State University/Tulsa; requiring designation of award of certain degrees; allowing the offering and award of certain dual degrees; creating the Board of Trustees for Oklahoma State University/Tulsa; stating membership of Board; providing that certain Board members not be subject to dual office holding restrictions; providing for appointment and vacancies; stating the Board is a body corporate; allowing adoption and use of official seal; providing for election of Board officers; stating term and duties of officers; providing for adoption of rules and keeping of meeting minutes; requiring compliance with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act; allowing the authorization of certain duties and functions to the Board of Trustees for Oklahoma State University/Tulsa; providing for oversight of certain board by the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges; requiring the promulgation of rules and enacting of policies; stating that certain policies be deemed adopted until specifically amended or repealed; requiring the appointment of a joint committee and stating duties; stating responsibilities of the Board of Trustees of Oklahoma State University/Tulsa; requiring the establishment of certain accounts; authorizing and directing the negotiation of certain contracts; prohibiting the diminution of certain courses and programs during specified period; providing for selection of the president of Oklahoma State University/Tulsa; requiring appointment of search committee and stating composition; requiring the allocation of certain funds; providing criteria for certain funding; prohibiting the duplication of certain courses and programs; requiring funding of Langston University at certain level; prohibiting reductions in certain budget in succeeding years; requiring Oklahoma State Regents for Higher Education to allocate certain funds to Langston University; requiring certain funding level; requiring

adequate funding and facilities for performance of certain functions; requiring allocation of space for Langston University; requiring certain degrees to bear certain designation; authorizing and directing the design of certain statewide plan for Langston University and requiring report of plan; stating legislative intent; providing for establishment of branches of certain institutions; authorizing Oklahoma State Regents for Higher Education to make certain course offerings available; requiring funding of Northeastern State University at certain level; prohibiting reduction in certain budget; providing for the creation of Rogers State University and stating function of such; authorizing the offering of certain programs for Langston University and courses of study; allowing for the operation and governance of Rogers State University; requiring president of Rogers State University to report directly to the Board of Regents of Oklahoma colleges; stating intent of the Legislature as to funding for Rogers State University; stating legislative recognition of certain decision of the State Regents; requiring certain annual report by State Regents; requiring maintenance of community college component and corresponding admission standards, academic policies and practices within Rogers State University; authorizing Rogers State University to enter into certain contracts and allowing authorization to remain in force; providing for the dissolution of the Board of Regents of Rogers University; requiring such board to determine division of property of Rogers University; requiring transfer of certain property and assets; providing for division of certain assets and obligations; requiring Oklahoma State Regents for Higher Education to resolve certain issues; requiring the submission of a plan to the Legislature; stating contents of plan; requiring the immediate establishment of certain policies and procedures; requiring certain single site where students have access to student services; stating contents of student services; requiring the provision of efficient interface among certain institutions; providing certain power to Board of Regents of Rogers University; requiring certain information be included in specific contracts; requiring the establishment of the University of Oklahoma/Oklahoma State University Graduate Center at Tulsa; providing for funding and approval of programs and courses of study; providing for officers and appointment of the provost; requiring certain admissions committee; requiring appropriation of certain funds by the State Regents for Higher Education; providing that specified programs be under the operational control of the University of Oklahoma; providing that specified programs be under the operational control of Oklahoma State University; requiring the establishment of a joint consortium for research; allowing the offering of specified curricula; repealing Sections 2, 3, 4 and 5, Chapter 5, O.S.L. 1996, as amended by Sections 11, 12, 13 and 14, Chapter 276, O.S.L. 1996 (70 O.S. Supp. 1997, Sections 4651, 4652, 4653 and 4654), which relate to Rogers University; providing for codification; providing an effective date; and declaring an emergency.

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

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:

The Legislature finds that a structured, coherent system of higher education in the Tulsa metropolitan area offering a whole range of higher education courses for lower and upper division undergraduate students, traditional and nontraditional students, and graduate students would be of great benefit. The Legislature also finds that the existing resources can be reconfigured and maximized to offer the citizens of the Tulsa metropolitan area high quality higher education opportunities at a minimum cost to the State of Oklahoma. The Legislature intends to afford the citizens of the Tulsa metropolitan area a coordinated, vertically integrated system of higher education from freshman through graduate levels.

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:

On January 1, 1999, there shall be established as a successor to Rogers University in Tulsa a branch institution of Oklahoma State University which shall be known as Oklahoma State University/Tulsa and shall offer upper division undergraduate courses and baccalaureate degree programs. No later than July 1, 2001, the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, in cooperation with the Oklahoma State Regents for Higher Education, shall have developed and implemented programs leading to baccalaureate degrees that can be earned at Oklahoma State University/Tulsa. Beginning with the 2001 - 2002 academic year, degrees earned at Oklahoma State University/Tulsa shall be designated as awarded by the Oklahoma State Regents for Higher Education acting through Oklahoma State University; provided that dual degree programs may be offered at Oklahoma

State University/Tulsa and dual degrees may be awarded through Oklahoma State University and other institutions.

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. On January 1, 1999, there shall be created the Board of Trustees for Oklahoma State University/Tulsa which shall consist of seven members who reside in Tulsa County or contiguous counties and two members of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (A&M Board) who shall serve as voting, ex officio members, one of whom shall reside in the First Congressional District. The second member from the A&M Board shall be appointed by the A&M Board. For purposes of serving on the Board of Trustees, the members of the A&M Board who are appointed to the Board of Trustees shall not be subject to the dual office holding restrictions in Section 6 of Title 51 of the Oklahoma Statutes. The Governor shall appoint the other members of the Board of Trustees with the advice and consent of the Senate. The members shall be appointed to numbered positions with staggered terms to expire as provided in this section. Successors to the initial board members shall serve seven-year terms that shall expire on June 30 of the seventh year following appointment. Vacancies on the Board shall be filled for the unexpired term by the Governor with the advice and consent of the Senate. Four of the nine members on the initial Board of Trustees shall be appointed by the Governor with the advice and consent of the Senate from the members of the Board of Regents of Rogers University who are residents of Tulsa and are serving on the effective date of this act. The four members appointed from the Board of Regents of Rogers University shall be appointed to the positions numbered one through four. The remaining three members appointed by the Governor shall be appointed to positions five through seven. The member of the A&M Board who resides in the First Congressional District shall hold position number eight. The second member of the A&M Board shall hold position number nine. The numbered positions and terms shall be as follows:

1. Position No. 1: The term of office of one member shall expire on the 30th day of June, 2000, and each seven (7) years thereafter;

2. Position No. 2: The term of office of one member shall expire on the 30th day of June, 2001, and each seven (7) years thereafter;

3. Position No. 3: The term of office of one member shall expire on the 30th day of June, 2002, and each seven (7) years thereafter;

4. Position No. 4: The term of office of one member shall expire on the 30th day of June, 2003, and each seven (7) years thereafter;

5. Position No. 5: The term of office of one member shall expire on the 30th day of June, 2004, and each seven (7) years thereafter;

6. Position No. 6: The term of office of one member shall expire on the 30th day of June, 2005, and each seven (7) years thereafter;

7. Position No. 7: The term of office of one member shall expire on the 30th day of June, 2006, and each seven (7) years thereafter;

8. Position No. 8: The term of office shall coincide with the member's term on the A&M Board; and

9. Position No. 9: The term of office shall coincide with the member's term on the A&M Board.

B. The Board of Trustees 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 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 operation of the Board and the discharge of its duties and shall cause the minutes of all meetings to be kept. The Board shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

C. The Board of Trustees for Oklahoma State University/Tulsa may be authorized by the A&M Board to supervise and manage the campus of Oklahoma State University/Tulsa and perform other functions as necessary. The Board of Trustees shall promulgate rules and enact policies to govern the processes and procedures of the Board. The policies of the Board of Regents of Rogers University, including but not limited to policies on personnel and student participation, that are in effect on the date that the Board of Regents of Rogers University is dissolved shall be deemed adopted by the Board of Trustees unless specifically amended or repealed by the A&M Board. The A&M Board and the Board of Trustees shall appoint a joint committee of at least two members from each board and at least two members of the staff of each institution to develop and propose mutually agreed upon rules and policies to formalize the review and oversight procedures and the relationships between the A&M Board, the Board of Trustees, Oklahoma State University in Stillwater, and Oklahoma State University/Tulsa. It is the intent of the Legislature that in the interests of immediate responsiveness to the needs of students, employees, and the business community that the decision or approval process be expedited.

D. Subject to the oversight of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Trustees of Oklahoma State University/Tulsa shall set the compensation of the president of Oklahoma State University/Tulsa. On or after January 1, 1999, the A&M Board may assign and delineate roles and responsibilities for the Board of Trustees for Oklahoma State University/Tulsa. Such responsibilities may include, but are not limited to, student services, facility operations, student financial services, budget preparations, endowed chairs at Oklahoma State University/Tulsa, and administrative operations as specified by the A&M Board.

E. The Board of Trustees shall establish the usual and customary accounts established by higher education institutions within the Office of State Finance necessary to carry out its duties.

F. Until July 1, 2001, during the transition and development of Oklahoma State University/Tulsa, acting on behalf of the Board of Trustees for Oklahoma State University/Tulsa, Oklahoma State University is authorized and directed to negotiate contracts with institutions for courses and degree programs of study approved by the Oklahoma State Regents for Higher Education, as necessary to meet the higher education needs for the Tulsa metropolitan area. The number of degree programs offered by Northeastern State University and Langston University shall not be diminished or duplicated.

G. The president of Oklahoma State University/Tulsa shall be selected by the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges after completion of a search process as set forth in this subsection. The A&M Board shall appoint at least two of its members, one of whom must reside in the First Congressional District, and the Board of Trustees shall appoint at least two of its members to a search committee. The president of Oklahoma State University may appoint other representatives of faculty, staff, and students to the search committee. The president of Oklahoma State University shall recommend a candidate in consultation with the search committee to the Board of Trustees and the A&M Board.

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:

The Oklahoma State Regents for Higher Education shall allocate funds from its consolidated appropriation to Oklahoma State University/Tulsa in the same manner as allocations are made to other higher education institutions. The funding for Oklahoma State University/Tulsa shall be at essentially the same rates based on program costs as the rates for the Oklahoma State University campus in Stillwater.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4665 of Title 70, unless there is created a duplication in numbering, reads as follows:

Courses offered at the undergraduate level through Oklahoma State University/Tulsa shall not duplicate those offered by Tulsa Community College.

SECTION 6. 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:

In strengthening the State of Oklahoma's commitment to Langston's historical significance and future potential, the Oklahoma State Regents for Higher Education are directed and authorized to design a statewide plan for Langston University and report to the Legislature by January 1, 1999, for approval by the Legislature.

It is the intent of the Legislature that the functions and programs of Oklahoma State University/Tulsa shall be conducted in such manner as to cooperate with the Oklahoma State Regents for Higher Education in fulfilling the statewide mission for Langston University.

SECTION 7. 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:

On July 1, 2001, there shall be established a branch of Langston University within the Tulsa metropolitan area consistent with the statewide plan for Langston University as provided in Section 6 of this act. Langston University shall continue to meet the missions and programs of the Langston Urban Center in Tulsa. The Oklahoma State Regents for Higher Education are authorized to make upper division undergraduate and graduate course offerings at the Langston University Branch in Tulsa available as the State Regents shall determine are appropriate. Undergraduate degree programs offered through Oklahoma State University/Tulsa shall not duplicate those undergraduate degree programs offered by Langston University Branch in Tulsa, as determined by the Oklahoma State Regents for Higher Education and shall be consistent with and in furthering implementation of the statewide plan for Langston University as developed by the State Regents pursuant to Section 6

of this act and filed with the Office for Civil Rights, United States Department of Education.

The Oklahoma State Regents for Higher Education shall fund Langston University at a level not less than its fiscal year 1998 level, and its Education and General Budget shall be held harmless from reductions in succeeding years. The Oklahoma State Regents for Higher Education shall allocate funds to Langston University sufficient to fund full time faculty in Tulsa at a level equal to seventy percent (70%) of its faculty level that existed in Tulsa in fiscal year 1998 and adequate building and classroom space which were funded in fiscal year 1998 in order to carry out all functions in Tulsa. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges shall allocate space for Langston University in Tulsa.

It is the intent of the Legislature that Langston University be funded at a level consistent with the average allocation and allotment of the institutions in the regional funding tier as established by the Oklahoma State Regents for Higher Education.

Beginning with the 2001 - 2002 academic year, degrees earned at Langston University Branch in Tulsa shall be designated as awarded by the Oklahoma State Regents for Higher Education acting through Langston University.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4668 of Title 70, unless there is created a duplication in numbering, reads as follows:

On July 1, 2001, there may be established a branch of Northeastern State University within the Tulsa metropolitan area. The Oklahoma State Regents for Higher Education are authorized to make upper division undergraduate and graduate course offerings at the Northeastern State University branch available as the State Regents shall determine are appropriate. Undergraduate degree programs offered through Oklahoma State University/Tulsa shall not duplicate those undergraduate degree programs offered by Northeastern State University in Tulsa, as determined by the Oklahoma State Regents for Higher Education.

The Oklahoma State Regents for Higher Education shall fund Northeastern State University at a level not less than its fiscal year 1998 level, and its Education and General Budget shall be held harmless from reductions in succeeding years.

It is the intent of the Legislature that Northeastern State University be funded at a level consistent with the average allocation and allotment of the institutions in the regional funding tier as established by the Oklahoma State Regents for Higher Education.

Beginning with the 2001 - 2002 academic year, degrees earned at Northeastern State University Branch in Tulsa shall be designated as awarded by the Oklahoma State Regents for Higher Education acting through Northeastern State University.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4669 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. On January 1, 1999, there shall be created in Claremore, Oklahoma, and its other regionally accredited sites, as a successor to the Claremore campus of Rogers University, an institution of higher education to be known as Rogers State University. Rogers State University shall programmatically and budgetarily function as a regional institution within The Oklahoma State System of Higher Education, yet with a community college component. It shall be authorized to offer no less than the average number of programs and courses of study at other regional institutions of similar size and enrollment.

B. Rogers State University shall operate as an institution within The Oklahoma State System of Higher Education and shall be governed by the Board of Regents of Oklahoma Colleges. The president of Rogers State University shall report directly to the Board of Regents of Oklahoma Colleges.

C. It is the intent of the Legislature that Rogers State University be funded initially at a level consistent with the average allocation and allotment of the institutions in the regional funding tier as established by the Oklahoma State Regents for Higher Education.

D. The Legislature recognizes the decision of the State Regents, pursuant to the powers vested in the State Regents by Section 2 of Article XIII-A of the Oklahoma Constitution, to change the function of Rogers State University, formerly known as the Claremore campus of Rogers University, to include a four-year baccalaureate and graduate degree granting function, as quickly as that can be done, giving due consideration to the protection of the institution's regional accreditation status. The State Regents will provide an annual report on the transition in Rogers State University function to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, beginning on January 1, 2000, and continuing until Rogers State University is regionally accredited as a four-year baccalaureate and graduate degree granting institution.

E. Rogers State University shall maintain a community college component within the university and shall maintain admission standards, academic policies and practices for the community college component consistent with those approved for associate degree granting institutions by the Oklahoma State Regents for Higher Education.

F. Rogers State University is hereby authorized to contract with other regionally accredited institutions of higher education for the delivery of upper division courses and programs at any location where Rogers State University is authorized to deliver courses or programs. This authorization shall still remain in force after Rogers State University gains regional accreditation for upper division programs.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4670 of Title 70, unless there is created a duplication in numbering, reads as follows:

On January 1, 1999, the entity known as the Board of Regents of Rogers University, created by Section 4651 of Title 70 of the Oklahoma Statutes, shall be dissolved. No later than December 31, 1998, the Board of Regents of Rogers University shall determine how the property of Rogers University shall be divided, subject to Req. No. 3397Page 11

the limitations provided in this section. The property and assets of Rogers University which have accrued from the beneficial interests running to Rogers University from the public trust created by the University Center at Tulsa Authority and the beneficial interests running to Rogers University from the foundation created for the benefit of Rogers University/Tulsa, shall be transferred to Oklahoma State University/Tulsa. The beneficial interests running to Rogers University from the foundation created for the benefit of Rogers University/Claremore shall be transferred to Rogers State University. The assets and obligations of Rogers University shall be divided between Oklahoma State University/Tulsa and Rogers State University with the assets that belonged to Rogers State College prior to June 30, 1996, being transferred to Rogers State University and the assets that belonged to University Center at Tulsa being transferred to Oklahoma State University/Tulsa. The Board of Regents of Rogers University shall determine how the assets acquired since May 30, 1996, shall be divided between the two institutions. In cases of disagreement concerning asset distribution, the Oklahoma State Regents for Higher Education shall make the final determination.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4671 of Title 70, unless there is created a duplication in numbering, reads as follows:

No later than November 1, 1998, the president of Oklahoma State University shall submit to the Legislature a long-range plan for the development of the Oklahoma State University/Tulsa program.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4672 of Title 70, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Regents for Higher Education shall immediately establish policies and procedures requiring institutions that offer courses through Rogers University/Tulsa to cooperate in sharing information to implement a seamless system of

student services at Rogers University/Tulsa consistent with federal law and accreditation standards. There shall be a single site on the Rogers University campus in Tulsa where students shall have access to student services. Student services shall include but not be limited to registration, student records, faculty advisement, scholarship information, and financial aid. The system of services for students shall provide an efficient interface among the different institutions offering courses and programs.

Consistent with federal law and accreditation standards, the Board of Regents of Rogers University shall have the power to access student records for students who take or have taken courses through a contractual arrangement between Rogers University and any other higher education institution. As part of any contract with a providing institution, Rogers University and students at Rogers University must be able to obtain immediate information related to student records, scholarships, financial aid, and other student services for Rogers University students.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4673 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Regents for Higher Education shall establish the University of Oklahoma/Oklahoma State University Graduate Center at Tulsa (OU/OSU Graduate Center at Tulsa). The Center shall be directly funded by the State Regents for Higher Education and the Center shall be subject to its direction for final approval of programs and courses of study. There shall be a joint admissions committee composed of five faculty members appointed by the University of Oklahoma and five faculty members appointed by Oklahoma State University. The president of the University of Oklahoma shall serve as chair and the president of Oklahoma State University shall serve as vice-chair for the first year of operation of the Center. After one year the positions of chair and vice-chair shall rotate annually between presidents of the two

institutions. The chair shall appoint the provost with the approval of the vice-chair.

B. The State Regents for Higher Education shall appropriate funds to the University of Oklahoma for the operation of the programs of the University of Oklahoma College of Medicine and for the programs designated by the State Regents for Higher Education to be offered in Tulsa by the College. These programs shall be under the operational control of the University of Oklahoma.

C. The State Regents for Higher Education shall appropriate funds to Oklahoma State University for the operation of the College of Osteopathic Medicine in Tulsa and for any programs designated by the State Regents for Higher Education to be offered in Tulsa by the College. These programs shall be under the operational control of the Oklahoma State University.

D. A joint consortium for research shall be established as a part of the OU/OSU Graduate Center at Tulsa.

E. Any curricula offered by the University of Oklahoma and Oklahoma State University at the graduate or professional level may be offered by the University of Oklahoma and Oklahoma State University.

SECTION 14. REPEALER Effective January 1, 1999, Sections 2, 3, 4 and 5, Chapter 5, O.S.L. 1996, as amended by Sections 11, 12, 13 and 14, Chapter 276, O.S.L. 1996 (70 O.S. Supp. 1997, Sections 4651, 4652, 4653 and 4654), are hereby repealed.

SECTION 15. This act shall become effective July 1, 1998.

SECTION 16. 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.

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