

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 164

By: Haney and Hobson of the
Senate

and

Settle and Begley of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to higher education; placing Rogers State University under governance of the Board of Regents for the University of Oklahoma; prohibiting reduction of benefits for certain employees; requiring provision of certain retirement plan; requiring certain employees to receive credit for certain service; requiring maintenance of certain benefits for certain employees; amending 70 O.S. 1991, Section 3302, as amended by Section 11, Chapter 308, O.S.L. 1992, and 3305, as last amended by Section 24, Chapter 364, O.S.L. 1998 (70 O.S. Supp. 1998, Sections 3302 and 3305), which relate to the Board of Regents of the University of Oklahoma; adding Rogers State University to institutions controlled by certain Board; modifying duties of certain Board; amending 70 O.S. 1991, Section 3201, as last amended by Section 1, Chapter 276, O.S.L. 1996 (70 O.S. Supp. 1998, Section 3201), which relates to higher education institutions; modifying list of higher education institutions within The Oklahoma State System of Higher Education; amending Section 9, Chapter 325, O.S.L. 1998 (70 O.S. Supp. 1998, Section 4669), which relates to Rogers State University; modifying governance of Rogers State University; specifying contracting authority with certain higher education institution; deleting certain description of certain courses; 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 4669.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The governance, supervision, management and control of Rogers State University is hereby transferred from the Board of Regents of Oklahoma Colleges to the Board of Regents for the University of Oklahoma, Cameron University and Rogers State University. All property, assets, and obligations of Rogers State University and any and all obligations of the Board of Regents of Oklahoma Colleges for and on behalf of Rogers State University are hereby transferred to the Board of Regents for the University of Oklahoma, Cameron University and Rogers State University.

B. Obligations for tenure or retirement of employees of Rogers State University, either through Rogers State University or the Board of Regents of Oklahoma Colleges, shall be assumed by the Board of Regents for the University of Oklahoma, Cameron University, and Rogers State University. For the employees of Rogers State University who were employed by Rogers State University on or after January 1, 1999, and who were participants in the Supplemental Retirement Plan for the Board of Regents of Oklahoma Colleges at the time of their employment by Rogers State University, the Board of Regents of Oklahoma University, Cameron University, and Rogers State University shall assume or provide a reasonable substitute for the Supplemental Retirement Plan for the Board of Regents of Oklahoma Colleges in accordance with applicable rules and regulations of the Internal Revenue Service or other governmental agencies. These employees shall receive credit for compensation, vesting, and service years in the calculation of benefits under the plan assumed or provided as required in this section to the same extent as though they had not left the employ of the regional university that was participating in the Supplemental Retirement Plan for the Board of Regents of Oklahoma Colleges.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 3302, as amended by Section 11, Chapter 308, O.S.L. 1992 (70 O.S. Supp. 1998, Section 3302), is amended to read as follows:

Section 3302. (a) The Board of Regents provided for by Section 8, Article XIII, Oklahoma Constitution, shall constitute a body corporate by the name of Regents of the University of Oklahoma and shall be the government of the University of Oklahoma ~~and of,~~ Cameron University, and Rogers State University. It shall consist of seven (7) members to be appointed by the Governor by and with the advice and consent of the Senate. Provided, that persons now serving on such Board shall be members of and continue to serve on the Board for the terms for which they were appointed.

(b) Appointments shall be to numbered positions on the Board, and terms of members of the Board shall be, as follows:

(1) Position No. 1. The term of office of one member shall expire on the 21st day of March, 1966, and each seven (7) years thereafter.

(2) Position No. 2. The term of office of one member shall expire on the 21st day of March, 1967, and each seven (7) years thereafter.

(3) Position No. 3. The term of office of one member shall expire on the 21st day of March, 1968, and each seven (7) years thereafter.

(4) Position No. 4. The term of office of one member shall expire on the 21st day of March, 1969, and each seven (7) years thereafter.

(5) Position No. 5. The term of office of one member shall expire on the 21st day of March, 1970, and each seven (7) years thereafter.

(6) Position No. 6. The term of office of one member shall expire on the 21st day of March, 1971, and each seven (7) years thereafter.

(7) Position No. 7. The term of office of one member shall expire on the 21st day of March, 1972, and each seven (7) years thereafter.

(c) No member of the Board shall be employed upon any work to be performed in connection with the University of Oklahoma ~~or with,~~ Cameron University, or Rogers State University, nor shall any member of said Board enter into any contract or business transaction involving a financial consideration with the University of Oklahoma ~~or with,~~ Cameron University, or Rogers State University.

(d) Members of the Board shall be subject to removal from office as provided by law for the removal of elective officers not liable to impeachment.

(e) Vacancies on the Board shall be filled by the Governor, for the unexpired term, by and with the advice and consent of the Senate.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 3305, as last amended by Section 24, Chapter 364, O.S.L. 1998 (70 O.S. Supp. 1998, Section 3305), is amended to read as follows:

Section 3305. The Board of Regents of the University of Oklahoma shall have the supervision, management and control of the University of Oklahoma and all its integral parts ~~and,~~ of Cameron University, and of Rogers State University and shall have the following additional powers and duties:

(a) Adopt such rules and regulations as it deems necessary to govern the University of Oklahoma ~~and,~~ Cameron University, and Rogers State University.

(b) 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 the University of Oklahoma ~~and of,~~ Cameron University, and Rogers State University. Any of such personnel having custody of public funds or other public property may be required to furnish corporate surety bonds in such amounts as may be deemed necessary by the Board, payable to the State of

Oklahoma and conditioned upon a faithful accounting of all such funds and property.

(c) Enter into contracts, purchase supplies, materials and equipment, and incur such other expenses as may be necessary to make any of its powers effective.

(d) Authorize officials of the University of Oklahoma ~~and of,~~ Cameron University, and Rogers State University to act in its behalf in the making of contracts, or in carrying out the powers conferred upon it.

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

(f) Accept gifts of real and personal property, monies and other things, and use or dispose of the same in accordance with the directions of the donors or grantors thereof.

(g) 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 the University of Oklahoma ~~and by,~~ Cameron University, and Rogers State University.

(h) Acquire and take title to real and personal property in its name, on behalf of the University of Oklahoma or any agency thereof ~~and,~~ on behalf of Cameron University, and on behalf of Rogers State University and convey, exchange or dispose of, or otherwise manage or control, such property in the interest of the University of Oklahoma or agency thereof ~~and,~~ Cameron University, and Rogers State University, including the granting of leases, permits, easements and licenses over or upon such real property. The Board shall have the power to institute legal action in the name of the Board before any court having jurisdiction of such actions. The Board shall have the custody and control of abstracts of title and instruments affecting the ownership of or title to real property belonging to the Board, and being held by the Board on behalf of the University of Oklahoma

or any agency thereof ~~and~~, on behalf of Cameron University, and on behalf of Rogers State University.

(i) Have supervision and charge of the construction of all buildings at the University of Oklahoma ~~and at~~, Cameron University, and Rogers State University.

(j) Determine the need for and cause to be constructed, dormitories and other buildings, on a self-liquidating basis, at the University of Oklahoma or any branch or facility thereof ~~and~~, at Cameron University, and at Rogers State University.

(k) Establish and maintain plans for tenure and retirement of employees of the Board and of the University of Oklahoma ~~and~~, Cameron University, and Rogers State University and for payment of deferred compensation of such employees; and provide hospital and medical benefits, accident, health and life insurance, and annuity contracts, for such employees and their dependents. The Board may pay for all or a part of the cost thereof for employees, with funds available for the operation of the institution. Amounts payable by an employee for such insurance or annuity contracts may, with the consent of the employee, be deducted from his salary.

(l) Audit all accounts against the funds appropriated for the use and maintenance of the University of Oklahoma ~~and for the use and maintenance of~~, Cameron University, and Rogers State University and the State Treasurer shall issue his warrant for the amount of all accounts, including salaries and expenses of said Board, which shall have been audited and allowed by the Board of Regents and attested by the President and Secretary of the University of Oklahoma ~~and~~, the President of Cameron University, and the President of Rogers State University.

(m) Provide penalties and forfeitures by way of damages and otherwise for the violation of rules and regulations of the Board, which may be sued for and collected in the name of the Board before any court having jurisdiction of such actions.

(n) Do all things necessary and convenient to carry out the powers expressly granted to it by the Constitution and the laws of the state, or to make the University of Oklahoma ~~and~~, Cameron University, and Rogers State University effective for the ~~purpose~~ purposes for which they are maintained and operated and the enumeration herein of certain powers and immunities of the Board of Regents of the University shall not be construed as in derogation or as a limitation of the powers and immunities properly belonging to the Board in the government of the University of Oklahoma ~~and~~, Cameron University, and Rogers State University by virtue of Section 8, Article XIII of the Constitution.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 3201, as last amended by Section 1, Chapter 276, O.S.L. 1996 (70 O.S. Supp. 1998, Section 3201), is amended to read as follows:

Section 3201. The following state educational institutions shall be members of The Oklahoma State System of Higher Education: University of Oklahoma, Oklahoma State University, Langston University, Oklahoma Panhandle State University, Murray State College, Connors State College of Agriculture and Applied Science, Cameron University, Eastern Oklahoma State College, Northeastern Oklahoma Agricultural and Mechanical College, University of Central Oklahoma, East Central University, Northeastern State University, Northwestern Oklahoma State University, Southeastern Oklahoma State University, Southwestern Oklahoma State University, University of Science and Arts of Oklahoma, Rogers State University, Carl Albert State College, Redlands Community College, Northern Oklahoma College, Oklahoma City Community College, Rose State College, Seminole State College, Tulsa Community College, ~~Rogers University~~, and Western Oklahoma State College.

SECTION 5. AMENDATORY Section 9, Chapter 325, O.S.L. 1998 (70 O.S. Supp. 1998, Section 4669), is amended to read as follows:

Section 4669. 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 University of Oklahoma. The president of Rogers State University shall report directly to the Board of Regents of ~~Oklahoma Colleges~~ the University of Oklahoma.

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, specifically including Northeastern State University, 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 6. This act shall become effective June 1, 1999.

SECTION 7. 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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