

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 240

By: Haney and Hobson of the
Senate

and

Mass and Bonny of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to higher education; amending 70 O.S. 1991, Section 695.18, which relates to the Oklahoma Student Loan Authority; increasing certain family income limitation; empowering Authority to prescribe certain cost-of-living adjustment to certain income limitation; limiting maximum percentage increase; abolishing the Medical Technology and Research Authority of Oklahoma; providing for transfer of certain employees to the University of Oklahoma; requiring retention of certain employee pay and benefits; authorizing employee election of certain retirement systems; providing formula for computing certain service credit; requiring employer contributions and employee contributions to the Teachers' Retirement System and Oklahoma Public Employees' Retirement System; transferring certain powers and duties to the University of Oklahoma; authorizing University of Oklahoma to regulate and control certain vehicular parking in certain areas; providing definitions; repealing 74 O.S. 1991, Sections 7050, 7051, 7052, as last amended by Section 2, Chapter 377, O.S.L. 1997, 7053, 7054, 7055, 7056, 7057, 7058, 7059, 7060, 7061, 7062, 7063, 7064, 7065, 7066 and 7067 (74 O.S. Supp. 2000, Section 7052), which relate to the Medical Technology and Research Authority of Oklahoma; 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 695.18, is amended to read as follows:

Section 695.18 The Oklahoma Student Loan Authority shall establish and operate a supplemental loan program for qualified

students who are not eligible for loans under the federally insured student loan program, pursuant to the following:

A. "Qualified students" shall be those students enrolled in collegiate education who have completed federal needs analysis and require additional financial assistance as certified by the institution of enrollment but are ineligible for a Guaranteed Student Loan sufficient to meet that need, provided that in no instance shall a supplemental loan be made to any student whose family income, if dependent, or whose personal income, if independent, exceeded ~~Forty Thousand Dollars (\$40,000.00)~~ Eighty Thousand Dollars (\$80,000.00), or the income limitation as adjusted pursuant to this subsection, in the previous tax year. Beginning with the fiscal year ending June 30, 2002, the Authority shall prescribe a cost-of-living adjustment to the income limitation provided in this section. The adjustment shall be based on the maximum percentage increase, if any, not to exceed the previous year's Consumer Price Index for All Urban Consumers (CPI-U) as prepared by the United States Bureau of Labor Statistics.

B. The Authority may enter into agreements with the Commissioners of the Land Office for funding this loan program or may obtain funding through authorized procedures as provided for in the Oklahoma Student Loan Act.

C. The Authority may enter into agreements with the State Guarantee Agency or any nationally recognized guarantor approved by the United States Secretary of Education for the insurance of such loans.

D. The Authority shall collect its loans when due; and, in the event of a possible default after due diligence has been performed to collect, a claim shall be filed with the State Guarantee Agency for collection under the insurance program, which guarantor shall pay the claim for the Authority, following which it shall take whatever action may be necessary to collect from the borrower in

order to assure that the State of Oklahoma will not suffer any loss in connection with default payments; and if insurance of the loan is with a nationally recognized guarantor, the same procedure shall apply.

E. The Authority shall establish the rate of interest to be paid on loans, which shall be paid by the borrowers to the Authority on a quarterly basis, which rate shall be as modest as possible for the benefit of the student but shall be at sufficient level to assure repayment of the debt incurred to underwrite the loans and expenses incurred by the Authority in administration of the program.

F. The Authority shall promulgate rules ~~and regulations~~ as may be necessary and appropriate for the full and effective administration of the loan program provided for in ~~this act~~ the Oklahoma Student Loan Act, and it shall be the sole state agency for providing loans to eligible persons under the federal and state student loan programs.

G. As in the case of other trust agencies, the State of Oklahoma is not obligated to support with state-appropriated funds the loan program provided for in ~~this act~~ the Oklahoma Student Loan Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7068 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Medical Technology and Research Authority of Oklahoma is hereby abolished. Effective July 1, 2001, the powers, duties, and responsibilities of the Authority as set forth in subsection C of this section shall be transferred to the University of Oklahoma. All employees, property, records, unexpended funds, and outstanding financial obligations and encumbrances of the Authority are hereby transferred to the University of Oklahoma.

B. 1. Employees transferred to the University of Oklahoma pursuant to this section shall retain pay and benefits, to the

extent possible, including longevity, insurance benefits for themselves and their dependents, seniority, and rights and other privileges and benefits.

2. a. An employee transferred pursuant to the provisions of this section may elect to remain as a member of the Oklahoma Public Employees Retirement System and, if the employee elects to do so, shall file an election on a form prescribed for that purpose with the Oklahoma Public Employees Retirement System not later than December 31, 2001, or the employee may elect to become a member of the Teachers' Retirement System of Oklahoma and, if the employee elects to do so, shall file an election on a form prescribed for that purpose with the Teachers' Retirement System of Oklahoma not later than December 31, 2001.

b. If an employee files the election provided for in this paragraph to continue membership in the Oklahoma Public Employees Retirement System, the University of Oklahoma shall pay the required employer contributions applicable to the participating employers in the Oklahoma Public Employees Retirement System pursuant to Section 920 of Title 74 of the Oklahoma Statutes and the employee shall continue to pay employee contributions as required by Section 919.1 of Title 74 of the Oklahoma Statutes.

c. Until an employee files an election pursuant to this paragraph, the employee shall continue to be a member of the Oklahoma Public Employees Retirement System and the University of Oklahoma shall make required employer contributions pursuant to Section 920 of Title 74 of the Oklahoma Statutes.

- d. If an employee transferred pursuant to this section elects a vested benefit to be paid from the Oklahoma Public Employees Retirement System, and if the employee has accumulated sick leave, on June 30, 2001, equal to or in excess of one hundred thirty (130) days then, notwithstanding the actual amount of accumulated sick leave the employee has accrued on the date as of which the vested benefit is elected, the provisions of Section 913 of Title 74 of the Oklahoma Statutes shall be applicable to the computation of participating service credit based upon accumulated sick leave for such employee.
- 3.
- a. An employee transferred pursuant to the provisions of this section may elect to become a member of the Teachers' Retirement System of Oklahoma pursuant to the election authorized by this section. If the employee makes an election to become a member of the Teachers' Retirement System of Oklahoma, the employee may acquire service credit in the Teachers' Retirement System of Oklahoma pursuant to the provisions of Section 17-116.2 of Title 70 of the Oklahoma Statutes.
 - b. On and after the date that an employee makes an election to become a member of the Teachers' Retirement System of Oklahoma pursuant to subparagraph a of paragraph 2 of this subsection, the University of Oklahoma shall make required contributions pursuant to Section 17-108.1 of Title 70 of the Oklahoma Statutes and the employee shall make required contributions imposed pursuant to Section 17-116.2 of Title 70 of the Oklahoma Statutes.
 - c. On and after the date that an employee files the election to become a member of the Teachers'

Retirement System of Oklahoma, the University of Oklahoma and the employee making the election shall be subject to all requirements of the provisions of Sections 17-101 et seq. of Title 70 of the Oklahoma Statutes governing the Teachers' Retirement System of Oklahoma.

C. The following powers, duties, and responsibilities of the Authority shall be transferred to the University of Oklahoma:

1. The regulation and control of all vehicular parking within the district, including vehicular parking in parking garages, on parking lots, along driveways and along public or private streets, and at all other locations within the district. The University of Oklahoma is specifically empowered to regulate the number of vehicular parking spaces within the district, the hours of operation and availability of vehicular parking spaces, the charges to be assessed to the users of vehicular parking spaces and standards of construction and operation with respect to all vehicular parking facilities or areas within the district. In furtherance of the foregoing, the University may enter into agreements with the City of Oklahoma City or other governmental agencies with respect to enforcement of parking regulations; however, in all cases, the jurisdiction, power and authority to regulate vehicular parking granted by this act to the University shall be superior to and shall control over any parking jurisdiction possessed by any other agency of state government, political subdivision or municipality. No vehicular parking spaces shall be created or allowed to continue within the district unless authorized by the University.

Notwithstanding anything contained herein to the contrary, vehicular parking garages and hard-surfaced parking lots existing on May 1, 1990, not within public streets or rights-of-way, and having individual capacities in excess of ten (10) vehicular parking spaces, shall not be subject to the powers of the University as

granted by this paragraph as to parking regulation unless, with respect to an individual property, the holder of same shall consent to such regulation by the University. Those parties not consenting to regulation by the University shall be responsible for the maintenance and operation of their respective parking garages; and

2. The regulation and control of vehicular parking within the secondary district as follows: No parking garages or parking lots shall be constructed or used without the prior approval of the University; however, vehicular parking accessory to a building, provided to meet the minimum vehicular parking requirements of the City of Oklahoma City for such building, need not obtain approval of the University; provided further, all parking in excess of such minimum requirements shall obtain the approval of the University. University approval shall not be required for vehicular parking garages or parking lots existing on May 1, 1990. Parking accessory to a residence shall not require University approval.

D. As used in this section:

1. "District" means an area of Oklahoma County described as follows: Beginning at a point on the centerline of the Centennial Expressway which intersects N.E. 11th Street, extended, thence east along the north right-of-way line of N.E. 11th Street and N.E. 11th Street extended to the west right-of-way line of Stiles Avenue, thence north along the west right-of-way line of Stiles Avenue to the north right-of-way line of N.E. 13th Street, thence east along the north right-of-way of N.E. 13th Street to the east right-of-way of Lincoln Boulevard, thence north along the west right-of-way line of Lincoln Boulevard to the intersection of the north right-of-way line of the east-west alley, extended, located in Block 7, Howe's Capitol Addition, thence east along the north right-of-way line of said alley and said alley, extended, to the west right-of-way line of Lindsay Avenue, thence north along the west right-of-way line of Lindsay Avenue to the north right-of-way line of N.E. 14th Street,

thence east along the north right-of-way line of N.E. 14th Street to the west right-of-way line of Phillips Avenue, thence north along the west right-of-way line of Phillips Avenue to the north right-of-way line of N.E. 16th Street, thence east along the north right-of-way line of N.E. 16th Street to the east right-of-way line of McMecham Parkway, McMecham Parkway, also known as McMechan Parkway, also known as McMechan Parkway, thence south along the east right-of-way line of McMecham Parkway, thence south along the east right-of-way line of McMecham Parkway to the north right-of-way line of N.E. 15th Street, thence east along the north right-of-way line of N.E. 15th Street to the east right-of-way line of Kelley Avenue, thence south along the east right-of-way line of Kelley Avenue to the north right-of-way line of N.E. 13th Street, thence northeasterly and east along the north right-of-way line of N.E. 13th Street to the east right-of-way line of Lottie Avenue, thence south along the east right-of-way line of Lottie Avenue to the south right-of-way line of N.E. 8th Street, thence west along the south right-of-way line of N.E. 8th Street to the east right-of-way line of North Lindsay Avenue, thence south along the east right-of-way line of Lindsay Avenue to the south right-of-way line of N.E. 6th Street and N.E. 6th Street, extended, thence west along the south right-of-way line of N.E. 6th Street to the east right-of-way line of Lincoln Boulevard, thence south along the east right-of-way line of Lincoln Boulevard to the south right-of-way line of N.E. 4th Street, thence west along the south right-of-way line of N.E. 4th Street to the centerline of the Centennial Expressway, thence north along the centerline of the Centennial Expressway to intersect with the north right-of-way line of N.E. 11th Street extended, being the point of beginning; and

2. "Secondary district" means an area extending one thousand five hundred (1,500) feet beyond the boundaries of the district, but in no case west of the centerline of the Centennial Expressway.

SECTION 3. REPEALER 74 O.S. 1991, Sections 7050, 7051, 7052, as last amended by Section 2, Chapter 377, O.S.L. 1997, 7053, 7054, 7055, 7056, 7057, 7058, 7059, 7060, 7061, 7062, 7063, 7064, 7065, 7066 and 7067 (74 O.S. Supp. 2000, Section 7052), are hereby repealed.

SECTION 4. This act shall become effective July 1, 2001.

SECTION 5. 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.

48-1-1668

KDB

6/12/2015 3:15:08 AM