STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 694

By: Fisher, Hobson, Rabon, and Williams of the Senate

and

Ervin of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to economic development; creating the Oklahoma Institute of Technology; stating mission and purposes of Institute; providing for governance of Institute; creating board of trustees for Institute; stating qualifications of trustees; providing for appointment of trustees; requiring Senate confirmation of certain trustees; providing for selection of officers; stating exception to dual office holding prohibitions; providing for chief executive officer of Institute; stating certain qualification; providing for staff of Institute; exempting Institute chief executive officer and other staff from Oklahoma Merit System of Personnel Administration; providing for corporate status and official seal; authorizing board of trustees to adopt rules; stating powers and duties; creating Oklahoma Institute of Technology Trust Fund; providing for administration of Trust Fund; stating uses of Trust Fund; prohibiting use of Trust Fund principal; providing for dissolution of Trust Fund upon certain act by Legislature; providing for dissolution of Trust Fund pursuant to certain plan approved by Legislature and Governor; providing for disposition of funds upon Trust Fund dissolution; 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 5060.41 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Recognizing the vast, underutilized human and capital resources, both urban and rural, in the State of Oklahoma and the opportunity for economic development through technological advancement, the Legislature and the Governor hereby adopt the following goals:

1. Establishing Oklahoma as a premier information technology and biotechnology center for the twenty-first century; and

2. Enhancing the lives of, and expanding opportunities for, all Oklahomans through growth of information technology and biotechnology industries and infrastructure throughout the urban and rural areas of the state.

B. To further the goals set forth in this act, there is hereby created the Oklahoma Institute of Technology. The mission and purposes of the Institute shall include:

1. Attracting and retaining outstanding faculty and graduate students at Oklahoma colleges and universities through public-private partnerships that will support the creation of endowed chairs, scholarships, and research grants in the fields of engineering, information technology, and biotechnology;

2. Partnering with the public and private universities of this state to set standards for a world-class curriculum for information technology and biotechnology disciplines;

3. Developing policies and procedures and partnering with public universities to facilitate joint public-private technology research and development projects using facilities of public higher education institutions;

4. Establishing a procedure for certifying courses and programs in information technology and biotechnology disciplines that meet the Institute's standards;

5. Coordinating and implementing through distance-learning strategies the delivery of engineering courses, to be provided by the University of Oklahoma, Oklahoma State University, and a private university located in Oklahoma that offers engineering degree programs, to public colleges and universities and Career Technology Centers of this state;

6. Coordinating and implementing through distance-learning strategies the delivery of technology courses, to be provided by the

University of Oklahoma, Oklahoma State University, other public colleges and universities recognized as leaders in distance education and accredited to offer degree programs via distance education, including but not limited to Rogers State University and Tulsa Community College, and a private university located in Oklahoma that offers technology degree programs, to public colleges and universities and Career Technology Centers of this state;

7. Developing strategies for providing workforce training in technology;

8. Developing strategies for providing leadership development programs to prepare rural residents for leadership in a technologically enhanced economy; and

9. Developing strategies for upgrading and enhancing rural technology infrastructure, including medical procedures, telemedicine capabilities, and emergency response capabilities.

C. The Institute shall be governed by a board of trustees appointed as follows:

1. One ranking research officer of the University of Oklahoma to be appointed by the president of the University of Oklahoma;

2. One ranking research officer of Oklahoma State University to be appointed by the president of Oklahoma State University;

3. One ranking officer of Rogers State University to be appointed by the president of Rogers State University;

4. One ranking officer of Tulsa Community College to be appointed by the president of Tulsa Community College;

5. One ranking research officer of a private Oklahoma university that offers engineering degrees to be appointed by the Governor;

6. One person representing a private foundation that has a history of providing grants for capital higher education funding and health research and delivery systems to be appointed by the Governor;

7. The president of the Oklahoma Center for the Advancement of Science and Technology;

8. The director of the Oklahoma Department of Career and Technology Education;

9. Five persons appointed by the Governor who represent higher education or the information technology or biotechnology industries, at least two of whom may reside outside the state of Oklahoma. The gubernatorial appointees to fill vacancies occurring after the initial appointments shall be selected from nominees submitted by information technology and biotechnology industries representatives convened by the chair of the Institute board of trustees. The nominating group shall be comprised of representatives of businesses that have demonstrated support for the Oklahoma Institute of Technology; and

10. After January 1, 2002, the board may by majority vote expand the membership of the board at any time. No more than three members added by the board may serve concurrently. The members added by the board shall be representatives of industries that have demonstrated support for the Oklahoma Institute of Technology, shall have full voting rights and shall serve four-year terms. A position added by the board may be filled at the end of the term by vote of the board. A position not filled by the board at the end of the term shall be considered abolished.

All non-gubernatorial appointees who do not have set statutory terms serve at the pleasure of the appointing authority.

Gubernatorial appointees shall serve four-year terms after the expiration of initial terms that shall be staggered. One initial term shall expire in 2003. Two initial terms shall expire in 2004, and two initial terms shall expire in 2005. Gubernatorial appointees' terms shall expire on June 30. All gubernatorial appointees shall be subject to confirmation by the Senate. The Governor shall select members of the board to serve as chair and

vice-chair. The members of the board shall not be subject to the dual office holding prohibitions set forth in Section 6 of Title 51 of the Oklahoma Statutes.

D. The board of trustees shall determine the qualifications of, appoint, and set the compensation of a chief executive officer of the Institute. The qualifications shall include administrative experience. The board shall appoint such other research and support staff as the board deems appropriate. The chief executive officer and all other Institute staff shall be exempt from the Oklahoma Merit System of Personnel Administration.

E. The board of trustees shall be a body corporate and shall adopt and use an official seal. The board shall adopt rules as it deems necessary for the governing of the board and the discharge of its duties, and shall cause to be kept the minutes of all meetings and transactions considered at each meeting. The board shall have the following powers and duties:

1. To maintain an office at such place or places as it may designate;

2. To make and execute contracts with any individual, corporation, association or any other entity and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this act;

3. To receive funds from any source to carry out the purposes of this act, including, but not limited to, gifts or grants from any department, agency or instrumentality of the United States or of the state for any purpose consistent with the provisions of this act;

4. To acquire or sell, convey, lease, exchange, transfer or otherwise dispose of its property or any interest therein; and

5. Such other powers as are necessary to carry out its duties under this act.

F. There is hereby created a trust fund to be known as the "Oklahoma Institute of Technology Trust Fund". The Trust Fund shall be administered as follows:

1. The board of trustees of the Oklahoma Institute of Technology shall be the trustees of the Trust Fund;

2. The Trust Fund shall be utilized to implement the provisions of this act;

3. The Trust Fund principal shall consist of monies received from any monies the Legislature appropriates or transfers to the Oklahoma Institute of Technology for the Trust Fund and any monies or assets contributed to the Trust Fund from any other source, public or private. Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust Fund for use as authorized by the trustees for the purposes provided in this act. The Trust Fund principal shall not be used for any purpose except upon express authorization of the Legislature;

4. The trustees shall adopt rules for accomplishing transfer of income and investment return to appropriate accounts set up in the Office of the State Treasurer for operation of the Institute; and

5. The Trust Fund may be dissolved upon an act approved by three-fourths (3/4) of both houses of the Legislature or pursuant to a plan for use of the principal, leading to dissolution of the trust fund, over a ten-year period that has been proposed by the trustees and approved by the Legislature and the Governor. Upon the Trust Fund's dissolution, any funds in the Trust Fund shall be placed in the General Revenue Fund of the State Treasury.

SECTION 2. This act shall become effective July 1, 2001.

SECTION 3. 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.