

ENGROSSED HOUSE
BILL NO. 1748

By: Nations, Balkman,
Blackwell, Miller (Doug),
Wells, Morgan (Fred),
Braddock, Deutschendorf,
Ingmire and Adair of the
House

and

Morgan of the Senate

An Act relating to higher education; amending 70 O.S. 2001, Sections 3218.2, 3218.8, 3218.9, 3218.10 and 3218.12, which relate to resident and nonresident tuition and fees; enlarging distribution of report on tuition and fees; modifying contents of report; modifying certain limits set on the Oklahoma State Regents for Higher Education for certain increases in resident and nonresident tuition and fees; providing for mandatory fees; specifying criteria for use in determination of tuition and fee limits; deleting certain tuition and fee limits; deleting time limits set on the Oklahoma State Regents for Higher Education regarding increases in resident and nonresident tuition and fees; requiring the Oklahoma State Regents for Higher Education to take certain actions with regard to ensuring affordability and access to student aid when establishing tuition rates; authorizing institutional governing boards to establish academic service fees and specifying limit; modifying information to be maintained on fees; requiring the State Regents to maintain certain reports concerning tuition and fees for public inspection; requiring certain institutions to submit certain report to the United States Department of Education; requiring certain audit and specifying submission of audit for public inspection; amending 74 O.S. 2001, Section 3117, which relates to fee increases by state agencies; modifying description of higher education boards in exception to certain requirement on fees; modifying compliance standard for reporting to the Legislature on fee increases; changing name of certain legislative committee; repealing 70 O.S. 2001, Sections 3218.8a and 3218.11, which relate to tuition at Oklahoma State University Technical Branches at Okmulgee and Oklahoma City and to special fees; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 3218.2, is amended to read as follows:

Section 3218.2 A. Resident tuition, nonresident tuition, and other fees to be required of students receiving instruction or other academic services provided by institutions of The Oklahoma State System of Higher Education shall be established by the Oklahoma State Regents for Higher Education with due regard for the provisions of Section 3218.14 of this title within limits prescribed by the Legislature. Nothing in this act shall be construed as limiting or prohibiting the requirement of payment for goods or services provided by auxiliary enterprises operated by or in conjunction with institutions of The Oklahoma State System of Higher Education and authorized by the Oklahoma State Regents for Higher Education.

B. By January 1 of each year, the Oklahoma State Regents for Higher Education shall submit a report to the Governor, the President Pro Tempore of the Senate, ~~and~~ the Speaker of the House of Representatives, and the minority floor leaders and education committee chairs of both houses of the Oklahoma Legislature, of the actions taken in regard to and the schedule of tuition and fees approved for each institution and technical branch in The Oklahoma State System of Higher Education and for each special program listed in Section 3218.9 of this title the current academic year. The annual report shall include data on the impact of any tuition or fee increases on the ability of students to meet the costs of attendance, enrollment patterns, availability of financial aid, and any other data considered relevant by the State Regents.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 3218.8, is amended to read as follows:

Section 3218.8 A. ~~Except as otherwise provided by law, the~~ The Oklahoma State Regents for Higher Education are authorized to

establish undergraduate resident tuition ~~per semester credit hour~~
~~which shall not exceed:~~

~~Lower Division~~

Comprehensive Universities	\$61.00
Regional Universities	\$49.00
Two-year Colleges	\$31.50

~~Upper Division~~

Comprehensive Universities	\$65.00
Regional Universities	\$50.00

~~Graduate Division~~

Comprehensive Universities	\$86.00
Regional Universities	\$66.00

~~B. The Oklahoma State Regents for Higher Education are authorized to require that nonresidents pay nonresident tuition in addition to resident tuition, nonresident tuition and mandatory fees, which students shall pay as a condition of enrollment, except as otherwise provided by law. The process for establishing tuition and mandatory fees shall incorporate the provisions of Section 3218.14 of this title.~~

1. At the comprehensive universities the combined average of the resident tuition and mandatory fees, as determined by the State Regents, shall remain less than the combined average of the resident tuition and fees at the state-supported institutions of higher education that are members of the Big Twelve Conference on the effective date of this act. The combined average of the nonresident tuition and mandatory fees, as determined by the State Regents, shall remain less than one hundred five percent (105%) of the combined average of the nonresident tuition and fees at the state-supported institutions of higher education that are members of the Big Twelve Conference on the effective date of this act.

2. At the regional universities and two-year colleges the combined average of the resident tuition and mandatory fees, as

determined by the State Regents, shall remain less than the combined average of the resident tuition and mandatory fees at like-type state-supported institutions of higher education in states determined by the State Regents that include, but are not limited to, those adjacent to Oklahoma. The combined average of the nonresident tuition and mandatory fees, as determined by the State Regents, shall remain less than one hundred five percent (105%) of the combined average of the nonresident tuition and fees at like-type state-supported institutions of higher education in states determined by the State Regents that include, but are not limited to, those adjacent to Oklahoma. Except as otherwise provided by law, said nonresident tuition per semester credit hour shall not exceed:

~~Lower Division~~

Comprehensive Universities	\$136.00
Regional Universities	\$84.00
Two-year Colleges	\$67.50

~~Upper Division~~

Comprehensive Universities	\$153.00
Regional Universities	\$93.00

~~Graduate Division~~

Comprehensive Universities	\$188.50
Regional Universities	\$109.00

~~C. Notwithstanding the limits set forth in this section, beginning with the 2001-2002 academic year and each academic year thereafter through the 2005-2006 academic year, the Oklahoma State Regents for Higher Education are authorized to increase resident tuition per semester credit hour by an amount not to exceed seven percent (7%) of resident tuition per semester credit hour for the preceding academic year and to increase nonresident tuition per semester credit hour by an amount not to exceed nine percent (9%) of~~

~~the nonresident tuition per semester credit hour for the preceding academic year~~

B. In its deliberation on the establishment of resident tuition rates for undergraduate and graduate education, the Oklahoma State Regents for Higher Education shall balance the affordability of public higher education with the provision of available, diverse and high-quality learning opportunities. In this endeavor the State Regents shall give consideration to the level of state appropriations, the state economy, the per capita income and cost of living, the college-going and college-retention rates, and the availability of financial aid in Oklahoma. For any increase in the tuition rates, the State Regents shall demonstrate a reasonable effort to effect a proportionate increase in the availability of need-based student financial aid. Need-based financial aid shall include, but shall not be limited to, awards for the Oklahoma Higher Learning Access Program, Oklahoma Tuition Aid Grants, federal need-based financial aid and tuition waivers, and private donations.

~~D. C.~~ C. Students permitted to audit courses shall pay the same resident tuition and nonresident tuition as required of students who enroll for course credit.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 3218.9, is amended to read as follows:

Section 3218.9 ~~A.~~ A. The Oklahoma State Regents for Higher Education are authorized to establish resident tuition ~~and,~~ and mandatory fees for ~~the following~~ graduate and professional courses and programs ~~in amounts not to exceed the following limits:~~

Course or Program	Limit
Allopathic Medicine Students	
Resident tuition	\$4,776.00
	per semester
Nonresident tuition	\$7,346.00

	per semester	
Dental Students		
Resident tuition	\$4,066.00	
	per semester	
Nonresident tuition	\$7,171.00	
	per semester	
Physician's Associate		
Master's Students		
Resident tuition	\$2,750.00	
	per semester	
Nonresident tuition	\$5,609.00	
	per semester	
Summer Session for Medical		
and Dental Students		
Resident tuition	\$334.00	
	per course	
Nonresident tuition	\$699.00	
	per course	
Law Center		Beginning
		July 1, 2000
Resident tuition	\$2,277.00	\$2,391.00
	per semester	
Nonresident tuition	\$7,274.00	\$7,638.00
	per semester	
Optometry		
Regular Semester		
Resident tuition	\$2,646.00	
	per semester	
Nonresident tuition	\$3,794.00	
	per semester	
Summer Session		
Resident tuition	\$2,162.00	

	per summer
	session
Nonresident tuition	\$3,040.00
	per summer
	session
Special Studies Course	
Resident tuition	\$182.00
	per semester
	credit hour
Nonresident tuition	\$252.00
	per semester
	credit hour
Osteopathic Medicine Students	
Resident tuition	\$4,776.00
	per semester
Nonresident tuition	\$7,346.00
	per semester
Doctor of Pharmacy Students	
Resident tuition	\$2,676.00
	per semester
Nonresident tuition	\$6,997.00
	per semester
Summer Session for Doctor	
of Pharmacy Students	
Resident tuition	\$1,673.00
	per summer
	session
Nonresident tuition	\$2,624.00
	per summer
	session
Occupational Therapy	
Resident tuition	\$1,522.00

Summer Term	\$836.00
Nonresident tuition	\$2,057.00
Summer Term	\$1,028.00
Physical Therapy	
Resident tuition	\$1,522.00
Summer Term	\$836.00
Nonresident tuition	\$2,057.00
Summer Term	\$1,028.00
Veterinary Medicine	
Resident tuition	\$3,179.00
	per semester
Nonresident tuition	\$5,964.00
	per semester
National Technological	
University Courses	
Total charge	\$703.00
	per semester
	credit hour

~~B. Notwithstanding the limits set forth in this section, beginning with the 2001-2002 academic year and each academic year thereafter through the 2005-2006 academic year for the courses and programs set out in subsection A of this section, The Oklahoma State Regents for Higher Education are authorized to increase resident tuition by an amount not to exceed ten percent (10%) of the resident tuition for the preceding academic year and to increase nonresident tuition by an amount not to exceed fifteen percent (15%) of the nonresident tuition for the preceding academic year which shall remain less than the combined average of such tuition and fees for like-type graduate and professional courses and programs of comparable quality and standing at state-supported institutions of higher education as determined by the State Regents. Professional~~

courses and programs include, but are not limited to, law, medicine, veterinary medicine, optometry, pharmacy, and dentistry.

SECTION 4. AMENDATORY 70 O.S. 2001, Section 3218.10, is amended to read as follows:

Section 3218.10 A. The governing boards of institutions within The Oklahoma State System of Higher Education are authorized to establish academic service fees at their respective institutions with the approval of the Oklahoma State Regents for Higher Education ~~are authorized to establish the following supplementary fees at amounts not to exceed the limits provided for in this section.~~ These fees may be required, in addition to ~~fees~~ the resident and nonresident tuition and mandatory fees authorized by Sections 3218.8 and 3218.9 of this title, ~~of students enrolled in the activities, courses or programs indicated:~~

<u>Activity, Course or Program</u>	<u>Limit</u>
1. Special Instructional Fees	
Correspondence Courses	\$ 55.00 per course
Extension, Advanced Program and Urban Courses	\$110.00 per semester credit hour
Additional Out-of-State Fee	\$ 75.00 per semester credit hour
Other Special Instruction Fees	Actual cost of providing the special instruction and materials
2. Special Materials Fees	
Laboratory and Practicum	Direct cost of materials used
Art, Studio and Industrial Arts	Direct cost of materials used
Data Processing and Computer	

~~Sciences Fee~~

~~Direct cost of materials
used~~

~~Vocational-technical Course Fees~~

~~Direct cost of materials
used~~

The academic service fees shall not exceed the actual costs of the academic services provided by the institution which may include, but shall not be limited to, special instruction, testing, and provision of laboratory supplies and materials.

B. It is the intent of the Legislature that the Oklahoma State Regents for Higher Education maintain information on the ~~special instructional and materials~~ established mandatory fees authorized in Sections 3218.8 and 3218.9 of this title and on those fees that authorized in this section. The information shall include, but shall not be limited to the number of the course associated with the fee, the basis for the amount of the fee, the amount of total revenue to be collected from the fee, and the use of the revenue collected. ~~It is the further intent of the Legislature that special instructional and materials fees not exceed the actual cost of providing the special instruction and materials.~~

SECTION 5. AMENDATORY 70 O.S. 2001, Section 3218.12, is amended to read as follows:

Section 3218.12 A. ~~Fees for student activity purposes shall not exceed Five Dollars and fifteen cents (\$5.15) per semester credit hour or, if charged by semester, Forty-two Dollars (\$42.00) per semester at institutions and constituent agencies in The Oklahoma State System of Higher Education. Fees for student activity purposes shall not exceed Three Dollars (\$3.00) per semester credit hour at higher education centers in The Oklahoma State System of Higher Education. Such fees for higher education centers shall be administered for student activity purposes as authorized by the Oklahoma State Regents for Higher Education. Fees for student service facilities, such as student union, infirmary,~~

~~and stadium, shall not exceed Seven Dollars and thirty cents (\$7.30) per semester credit hour or, if charged by semester, Forty Dollars (\$40.00) per semester at institutions and constituent agencies in The Oklahoma State System of Higher Education.~~

~~B. Additional student activity and service facility fees shall not exceed the limit provided:~~

~~Student Health Care Fee \$54.00 per semester~~

~~Cultural and Recreation~~

~~Services Fee \$12.50 per semester~~

~~C. Institutions in The Oklahoma State System of Higher Education may charge each enrolled nonresident alien student an international student status maintenance fee of Fifteen Dollars (\$15.00) per semester and Ten Dollars (\$10.00) per summer session. The fee shall be for the administrative services rendered by the institution in processing, maintaining, and storing certificates of eligibility, work permits, practical training permits, transfer forms, visa extensions and expirations, and other immigration papers.~~

~~D. State educational institutions may be authorized by the State Regents to contract for, charge, collect, receive, and use any and all fees, tuition, charges, grants, and allowances available through the United States Veterans Administration, or any other federal agency, for the education and training of veterans.~~

~~E. B.~~ The State Regents are hereby authorized to establish a system of student tuition and fee waiver scholarships for each institution in The Oklahoma State System of Higher Education to be administered by the Board of Regents of the institution. Said system shall include students provided for in the Oklahoma State Regents Academic Scholars Program. Any institution may waive tuition and fees for such students as determined by the institution.

~~F. C.~~ The institutions comprising The Oklahoma State System of Higher Education are hereby authorized to establish an educational

assistance program whereby such institutions may administer and utilize state funds when federal student loan programs require institutional matching funds.

~~G.~~ D. Any institution, constituent agency or higher education center within The Oklahoma State System of Higher Education is authorized to establish a program for payment by consumer credit card of tuition, enrollment fees, and any other higher education fee authorized by law.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3218.15 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Regents for Higher Education shall maintain for public inspection, electronically or otherwise, all reports submitted by the institutions in The Oklahoma State System of Higher Education to the United States Department of Education regarding each institution's tuition and fees.

B. Each institution in The Oklahoma State System of Higher Education that receives federal funds shall submit the Integrated Postsecondary Education Data System Report, or any successor report with like data, annually to the United States Department of Education reflecting the average annual tuition rates and mandatory fees charged to its students.

C. Pursuant to the provisions of Section 3909 of Title 70 of the Oklahoma State Statutes, each institution in The Oklahoma State System of Higher Education shall conduct an independent third-party audit concerning its financial statements and submit the audit to the Oklahoma State Regents for Higher Education and the Oklahoma State Auditor and Inspector, and shall assure that the audit is available to the public.

SECTION 7. AMENDATORY 74 O.S. 2001, Section 3117, is amended to read as follows:

Section 3117. No agency, constitutionally or statutorily created state board, bureau, commission, office, authority, public trust in which the state is a beneficiary, or interstate commission, except ~~an institutional~~ governing ~~board~~ boards for entities within The Oklahoma State System of Higher Education, shall establish or increase fees, except during such times as the Legislature is in session, unless specifically mandated by the Legislature or federal legislation, or when the failure to establish or increase fees would conflict with an order issued by a court of law.

Prior to the establishment or increase of a fee, the agency, constitutionally or statutorily created state board, bureau, commission, office, authority, public trust in which the state is a beneficiary, or interstate commission ~~or an institutional~~, except governing ~~board~~ boards for entities within The Oklahoma State System of Higher Education for which fees are reported pursuant to Section 3218.2 of Title 70 of the Oklahoma Statutes, shall notify, in writing, the Governor, the Speaker of the House of Representatives, the Government Operations, Agency Oversight and Administrative Rule Review Rules Committee and the President Pro Tempore of the Senate of the intended action. The notice shall include justification for the fee or fee increase and all supportive documentation.

SECTION 8. REPEALER 70 O.S. 2001, Sections 3218.8a and 3218.11, are hereby repealed.

SECTION 9. 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.

Passed the House of Representatives the 26th day of February,
2003.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2003.

Presiding Officer of the Senate