

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1332

By: Lockhart

4  
5 AS INTRODUCED

6 An Act relating to higher education; amending 70 O.S.  
7 2011, Sections 3218.2, 3218.8 and 3218.14, which  
8 relate to establishment of tuition and fees; adding  
9 clarification; requiring legislative approval prior  
10 to implementing an increase in certain tuition;  
11 directing the State Regents for Higher Education to  
12 submit tuition increase recommendations by a certain  
13 date; establishing process for legislative approval;  
14 requiring legislative approval prior to implementing  
15 an increase in certain undergraduate tuition; making  
16 State Regents' consideration subject to legislative  
17 approval; providing an effective date; and declaring  
18 an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3218.2, is  
21 amended to read as follows:

22 Section 3218.2 A. Resident tuition, nonresident tuition, and  
23 other fees to be required of students receiving instruction or other  
24 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~~ to  
recommendations made by institutions and constituent agencies

1 pursuant to the provisions of Section 3218.14 of this title within  
2 limits prescribed by the Legislature. Legislative approval  
3 expressed by concurrent resolution shall be required prior to the  
4 Oklahoma State Regents for Higher Education commencing any action to  
5 implement an increase in resident or nonresident tuition. Nothing  
6 in this ~~act~~ section shall be construed as limiting or prohibiting  
7 the requirement of payment for goods or services provided by  
8 auxiliary enterprises operated by or in conjunction with  
9 institutions of The Oklahoma State System of Higher Education and  
10 authorized by the Oklahoma State Regents for Higher Education.

11 B. By January 1 of each year, the Oklahoma State Regents for  
12 Higher Education shall submit a report to the Governor, the  
13 President Pro Tempore of the Senate, the Speaker of the House of  
14 Representatives, and the minority floor leaders and education  
15 committee chairs of both houses of the Oklahoma Legislature, of the  
16 actions taken in regard to and the schedule of tuition and fees  
17 approved for The Oklahoma State System of Higher Education for the  
18 current academic year. The annual report shall include data on the  
19 impact of any tuition or fee increases on the ability of students to  
20 meet the costs of attendance, enrollment patterns, availability of  
21 financial aid, and any other data considered relevant by the State  
22 Regents.

23 C. If the Oklahoma State Regents for Higher Education is  
24 recommending an increase in resident and nonresident tuition for the

1 next academic year, it shall submit to the Speaker of the House of  
2 Representatives and President Pro Tempore of the Senate its  
3 recommendations by February 1 prior to the next academic year. The  
4 Legislature shall by concurrent resolution either approve or  
5 disapprove the proposed tuition rate increase. The tuition rate  
6 increase shall be deemed approved if the Legislature has adjourned  
7 the regular session and has failed to disapprove the tuition rate  
8 increase.

9 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3218.8, is  
10 amended to read as follows:

11 Section 3218.8 A. Subject to the provisions of subsection ~~D~~ E  
12 of this section, the Oklahoma State Regents for Higher Education ~~are~~  
13 is authorized to establish undergraduate resident tuition,  
14 nonresident tuition and mandatory fees, which students shall pay as  
15 a condition of enrollment, except as otherwise provided by law. The  
16 process for establishing tuition and mandatory fees shall  
17 incorporate the recommendations made by institutions and constituent  
18 agencies pursuant to the provisions of Section 3218.14 of this  
19 title.

20 1. At the comprehensive universities the combined average of  
21 the resident tuition and mandatory fees established for any school  
22 year for the nonguaranteed rate, as determined by the State Regents,  
23 shall remain less than the combined average of the resident tuition  
24 and fees at the state-supported institutions of higher education

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

8       2. At the regional universities and two-year colleges the  
9 combined average of the resident tuition and mandatory fees  
10 established for any school year for the nonguaranteed rate, as  
11 determined by the State Regents, shall remain less than the combined  
12 average of the resident tuition and mandatory fees at like-type  
13 state-supported institutions of higher education in states  
14 determined by the State Regents that include, but are not limited  
15 to, those adjacent to Oklahoma. The combined average of the  
16 nonresident tuition and mandatory fees, as determined by the State  
17 Regents, shall remain less than one hundred five percent (105%) of  
18 the combined average of the nonresident tuition and fees at like-  
19 type state-supported institutions of higher education in states  
20 determined by the State Regents that include, but are not limited  
21 to, those adjacent to Oklahoma.

22       B. In its deliberation on the establishment of resident tuition  
23 rates for undergraduate and graduate education, the Oklahoma State  
24 Regents for Higher Education shall balance the affordability of

1 public higher education with the provision of available, diverse and  
2 high-quality learning opportunities. In this endeavor the State  
3 Regents shall give consideration to the level of state  
4 appropriations, the state economy, the per capita income and cost of  
5 living, the college-going and college-retention rates, and the  
6 availability of financial aid in Oklahoma. For any increase in the  
7 tuition rates, the State Regents shall demonstrate a reasonable  
8 effort to effect a proportionate increase in the availability of  
9 need-based student financial aid. Need-based financial aid shall  
10 include, but shall not be limited to, awards for the Oklahoma Higher  
11 Learning Access Program, Oklahoma Tuition Aid Grants, federal need-  
12 based financial aid and tuition waivers, and private donations. In  
13 addition, when determining the guaranteed tuition rates as provided  
14 for in subsection D E of this section, the Regents shall consider  
15 the anticipated revenue needs during the four-year period of the  
16 guarantee.

17 C. Legislative approval expressed by concurrent resolution  
18 shall be required prior to the Oklahoma State Regents for Higher  
19 Education commencing any action to implement an increase in  
20 undergraduate resident or nonresident tuition, subject to the limits  
21 set forth in this section.

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

1       ~~D.~~ E. 1. Beginning with the 2008-2009 academic year, each  
2 comprehensive and regional institution within The Oklahoma State  
3 System of Higher Education shall offer to resident students  
4 enrolling for the first time as a full-time undergraduate a tuition  
5 rate that will be guaranteed for a period of not less than four (4)  
6 consecutive academic years as provided for in this subsection.  
7 Students shall have the option to participate or not participate in  
8 the guaranteed tuition rate program and shall indicate their  
9 election at the time of enrollment. Each institution shall provide  
10 students with the following information prior to enrollment:

- 11           a. the annual tuition rate charged and the percentage  
12           increase for the previous four (4) academic years, and
- 13           b. the annual tuition and percentage increase that the  
14           nonguaranteed tuition rate would have to increase to  
15           equal or exceed the guaranteed tuition rate for the  
16           succeeding four (4) academic years.

17       2. Except as otherwise provided for in this subsection, for a  
18 student who elects to participate in the guaranteed tuition rate  
19 program, who is a resident of the state, and who enrolls for the  
20 first time as a full-time undergraduate student at an institution in  
21 the state after the 2007-2008 academic year, the amount of  
22 undergraduate resident tuition charged to the student for four (4)  
23 consecutive academic years at a comprehensive and regional  
24 institution shall not exceed the amount that the student was charged

1 at the time of first enrollment, nor shall it exceed one hundred  
2 fifteen percent (115%) of the nonguaranteed undergraduate tuition  
3 rate charged to resident students enrolling for the first time as  
4 undergraduate students at the same institution for the same academic  
5 year.

6 3. If the normal time of completion for an undergraduate  
7 program is more than four (4) years, as determined by the  
8 institution, the amount of resident tuition charged to students in  
9 that program who have elected to participate in the guaranteed  
10 tuition rate program shall not increase during the normal completion  
11 period of the program.

12 4. If a student who has elected to participate in the  
13 guaranteed tuition rate program is a member of the United States  
14 Armed Forces including the Army and Air National Guard, the Army,  
15 Navy, Air Force, Marine Corps, and Coast Guard Reserves, or any  
16 other component of the Armed Forces, and when ordered by the proper  
17 authority to active or inactive duty or service is required to  
18 withdraw from an institution for military or other national defense  
19 emergencies, the amount of resident tuition the student is required  
20 to pay upon reentering the institution shall not exceed the amount  
21 the student was charged at the time of withdrawal.

22 5. If a student who has elected to participate in the  
23 guaranteed tuition rate program transfers to another institution or  
24 transfers from a constituent agency of an institution to another

1 constituent agency or the institution after initial enrollment, the  
2 student shall be charged the amount of resident tuition charged to  
3 other students enrolling for the first time at that institution or  
4 constituent agency.

5 6. If a student who has elected to participate in the  
6 guaranteed tuition rate program changes majors or transfers to  
7 another campus of the same institution after initial enrollment, the  
8 tuition charged to the student shall equal the amount the student  
9 would have been charged had the student been admitted to the changed  
10 major or enrolled at the new campus when the student first enrolled.  
11 This paragraph shall not apply if a student transfers from a  
12 constituent agency of an institution to another constituent agency  
13 of the institution.

14 7. A student who elects to participate in the guaranteed  
15 tuition rate program shall maintain full-time enrollment during the  
16 guaranteed four-year period. For purposes of this subsection, full-  
17 time enrollment shall be the number of credit hours as determined by  
18 the State Regents for Higher Education to be full-time enrollment  
19 for each institution.

20 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3218.14, is  
21 amended to read as follows:

22 Section 3218.14 Each institution and constituent agency shall  
23 have the option to recommend to the governing board and to the State  
24 Regents fees and tuition to be charged to students enrolled at the

1 institution or constituent agency. The fees and tuition shall not  
2 exceed the limits established by law. The State Regents shall  
3 consider and, if appropriate, shall approve the recommendations of  
4 the institution or constituent agency pursuant to Article XIII-A of  
5 the Oklahoma Constitution, subject to legislative approval as  
6 provided for in Section 3218.2 of this title.

7 SECTION 4. This act shall become effective July 1, 2013.

8 SECTION 5. It being immediately necessary for the preservation  
9 of the public peace, health and safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

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