

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2781

By: Lockhart

4  
5  
6  
7 AS INTRODUCED

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

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

24 SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 3218.7b of Title 70, unless  
there is created a duplication in numbering, reads as follows:

Notwithstanding the provisions of any other law, the tuition and  
fees which students are required to pay as a condition of enrollment

1 at institutions within The Oklahoma State System of Higher Education  
2 as authorized pursuant to Sections 3218.8, 3218.9, and 3218.10 of  
3 Title 70 of the Oklahoma Statutes shall not be increased above the  
4 amounts established by the Oklahoma State Regents for Higher  
5 Education as of September 1, 2013, until on or after June 30, 2019.

6 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3218.2, is  
7 amended to read as follows:

8 Section 3218.2 A. Resident tuition, nonresident tuition, and  
9 other fees to be required of students receiving instruction or other  
10 academic services provided by institutions of The Oklahoma State  
11 System of Higher Education shall be established by the Oklahoma  
12 State Regents for Higher Education with due regard ~~for~~ to  
13 recommendations made by institutions and constituent agencies  
14 pursuant to the provisions of Section 3218.14 of this title within  
15 limits prescribed by the Legislature. Legislative approval  
16 expressed by concurrent resolution shall be required prior to the  
17 Oklahoma State Regents for Higher Education commencing any action to  
18 implement an increase in resident or nonresident tuition. Nothing  
19 in this ~~act~~ section shall be construed as limiting or prohibiting  
20 the requirement of payment for goods or services provided by  
21 auxiliary enterprises operated by or in conjunction with  
22 institutions of The Oklahoma State System of Higher Education and  
23 authorized by the Oklahoma State Regents for Higher Education.

24

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

13 C. If the Oklahoma State Regents for Higher Education is  
14 recommending an increase in resident and nonresident tuition for the  
15 next academic year, it shall submit to the Speaker of the House of  
16 Representatives and President Pro Tempore of the Senate its  
17 recommendations by February 1 prior to the next academic year. The  
18 Legislature shall by concurrent resolution either approve or  
19 disapprove the proposed tuition rate increase. The tuition rate  
20 increase shall be deemed approved if the Legislature has adjourned  
21 the regular session and has failed to disapprove the tuition rate  
22 increase.

23 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3218.8, is  
24 amended to read as follows:

1 Section 3218.8 A. Subject to the provisions of subsection ~~D~~ E  
2 of this section, the Oklahoma State Regents for Higher Education ~~are~~  
3 is authorized to establish undergraduate resident tuition,  
4 nonresident tuition and mandatory fees, which students shall pay as  
5 a condition of enrollment, except as otherwise provided by law. The  
6 process for establishing tuition and mandatory fees shall  
7 incorporate the recommendations made by institutions and constituent  
8 agencies pursuant to the provisions of Section 3218.14 of this  
9 title.

10 1. At the comprehensive universities the combined average of  
11 the resident tuition and mandatory fees established for any school  
12 year for the nonguaranteed rate, as determined by the State Regents,  
13 shall remain less than the combined average of the resident tuition  
14 and fees at the state-supported institutions of higher education  
15 that are members of the Big Twelve Conference on the effective date  
16 of this act. The combined average of the nonresident tuition and  
17 mandatory fees, as determined by the State Regents, shall remain  
18 less than one hundred five percent (105%) of the combined average of  
19 the nonresident tuition and fees at the state-supported institutions  
20 of higher education that are members of the Big Twelve Conference on  
21 the effective date of this act.

22 2. At the regional universities and two-year colleges the  
23 combined average of the resident tuition and mandatory fees  
24 established for any school year for the nonguaranteed rate, as

1 determined by the State Regents, shall remain less than the combined  
2 average of the resident tuition and mandatory fees at like-type  
3 state-supported institutions of higher education in states  
4 determined by the State Regents that include, but are not limited  
5 to, those adjacent to Oklahoma. The combined average of the  
6 nonresident tuition and mandatory fees, as determined by the State  
7 Regents, shall remain less than one hundred five percent (105%) of  
8 the combined average of the nonresident tuition and fees at like-  
9 type state-supported institutions of higher education in states  
10 determined by the State Regents that include, but are not limited  
11 to, those adjacent to Oklahoma.

12 B. In its deliberation on the establishment of resident tuition  
13 rates for undergraduate and graduate education, the Oklahoma State  
14 Regents for Higher Education shall balance the affordability of  
15 public higher education with the provision of available, diverse and  
16 high-quality learning opportunities. In this endeavor the State  
17 Regents shall give consideration to the level of state  
18 appropriations, the state economy, the per capita income and cost of  
19 living, the college-going and college-retention rates, and the  
20 availability of financial aid in Oklahoma. For any increase in the  
21 tuition rates, the State Regents shall demonstrate a reasonable  
22 effort to effect a proportionate increase in the availability of  
23 need-based student financial aid. Need-based financial aid shall  
24 include, but shall not be limited to, awards for the Oklahoma Higher

1 Learning Access Program, Oklahoma Tuition Aid Grants, federal need-  
2 based financial aid and tuition waivers, and private donations. In  
3 addition, when determining the guaranteed tuition rates as provided  
4 for in subsection ~~D~~ E of this section, the Regents shall consider  
5 the anticipated revenue needs during the four-year period of the  
6 guarantee.

7 C. Legislative approval expressed by concurrent resolution  
8 shall be required prior to the Oklahoma State Regents for Higher  
9 Education commencing any action to implement an increase in  
10 undergraduate resident or nonresident tuition, subject to the limits  
11 set forth in this section.

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

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

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

2. Except as otherwise provided for in this subsection, for a student who elects to participate in the guaranteed tuition rate program, who is a resident of the state, and who enrolls for the first time as a full-time undergraduate student at an institution in the state after the 2007-2008 academic year, the amount of undergraduate resident tuition charged to the student for four (4) consecutive academic years at a comprehensive and regional institution shall not exceed the amount that the student was charged at the time of first enrollment, nor shall it exceed one hundred fifteen percent (115%) of the nonguaranteed undergraduate tuition rate charged to resident students enrolling for the first time as undergraduate students at the same institution for the same academic year.

3. If the normal time of completion for an undergraduate program is more than four (4) years, as determined by the institution, the amount of resident tuition charged to students in that program who have elected to participate in the guaranteed

1 tuition rate program shall not increase during the normal completion  
2 period of the program.

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

13 5. If a student who has elected to participate in the  
14 guaranteed tuition rate program transfers to another institution or  
15 transfers from a constituent agency of an institution to another  
16 constituent agency or the institution after initial enrollment, the  
17 student shall be charged the amount of resident tuition charged to  
18 other students enrolling for the first time at that institution or  
19 constituent agency.

20 6. If a student who has elected to participate in the  
21 guaranteed tuition rate program changes majors or transfers to  
22 another campus of the same institution after initial enrollment, the  
23 tuition charged to the student shall equal the amount the student  
24 would have been charged had the student been admitted to the changed

1 major or enrolled at the new campus when the student first enrolled.  
2 This paragraph shall not apply if a student transfers from a  
3 constituent agency of an institution to another constituent agency  
4 of the institution.

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

11 SECTION 4. AMENDATORY 70 O.S. 2011, Section 3218.14, is  
12 amended to read as follows:

13 Section 3218.14 Each institution and constituent agency shall  
14 have the option to recommend to the governing board and to the State  
15 Regents fees and tuition to be charged to students enrolled at the  
16 institution or constituent agency. The fees and tuition shall not  
17 exceed the limits established by law. The State Regents shall  
18 consider and, if appropriate, shall approve the recommendations of  
19 the institution or constituent agency pursuant to Article XIII-A of  
20 the Oklahoma Constitution, subject to legislative approval as  
21 provided for in Section 3218.2 of this title.

22 SECTION 5. This act shall become effective July 1, 2014.

23 SECTION 6. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3

4 54-2-8393 KB 12/30/13

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24