

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3179

By: Blackwell

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5
6 AS INTRODUCED

7 An Act relating to higher education; amending 70 O.S.
8 2011, Section 3218.8, which relates to the tuition
9 and mandatory fees that may be charged at state
10 institutions of higher education; prohibiting
11 students from being charged tuition or fees for
12 remedial courses; allowing institutions of higher
13 education to charge an online fee for online remedial
14 courses; allowing certain students to re-enroll in
15 online or other courses at the resident school
16 district in order to complete remediation
17 requirements; providing for calculation of funding
18 for students who re-enroll; amending 70 O.S. 2011,
19 Section 3903, as amended by Section 637, Chapter 304,
20 O.S.L. 2012 (70 O.S. Supp. 2013, Section 3903), which
21 relates to the allocation and allotment system for
22 The Oklahoma State System of Higher Education;
23 updating statutory language; changing Oklahoma State
24 Regents for Higher Education budget preparation
timeframe; deleting certain process for allocating
funds for the Regents' budget; providing for
appropriation of funds for the Regents' budget;
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. 2011, Section 3218.8, is
amended to read as follows:

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

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

20 2. At the regional universities and two-year colleges the
21 combined average of the resident tuition and mandatory fees
22 established for any school year for the nonguaranteed rate, as
23 determined by the State Regents, shall remain less than the combined
24 average of the resident tuition and mandatory fees at like-type

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

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

1 addition, when determining the guaranteed tuition rates as provided
2 for in subsection D of this section, the Regents shall consider the
3 anticipated revenue needs during the four-year period of the
4 guarantee.

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

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

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

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

14 3. If the normal time of completion for an undergraduate
15 program is more than four (4) years, as determined by the
16 institution, the amount of resident tuition charged to students in
17 that program who have elected to participate in the guaranteed
18 tuition rate program shall not increase during the normal completion
19 period of the program.

20 4. If a student who has elected to participate in the
21 guaranteed tuition rate program is a member of the United States
22 Armed Forces including the Army and Air National Guard, the Army,
23 Navy, Air Force, Marine Corps, and Coast Guard Reserves, or any
24 other component of the Armed Forces, and when ordered by the proper

1 authority to active or inactive duty or service is required to
2 withdraw from an institution for military or other national defense
3 emergencies, the amount of resident tuition the student is required
4 to pay upon reentering the institution shall not exceed the amount
5 the student was charged at the time of withdrawal.

6 5. If a student who has elected to participate in the
7 guaranteed tuition rate program transfers to another institution or
8 transfers from a constituent agency of an institution to another
9 constituent agency or the institution after initial enrollment, the
10 student shall be charged the amount of resident tuition charged to
11 other students enrolling for the first time at that institution or
12 constituent agency.

13 6. If a student who has elected to participate in the
14 guaranteed tuition rate program changes majors or transfers to
15 another campus of the same institution after initial enrollment, the
16 tuition charged to the student shall equal the amount the student
17 would have been charged had the student been admitted to the changed
18 major or enrolled at the new campus when the student first enrolled.
19 This paragraph shall not apply if a student transfers from a
20 constituent agency of an institution to another constituent agency
21 of the institution.

22 7. A student who elects to participate in the guaranteed
23 tuition rate program shall maintain full-time enrollment during the
24 guaranteed four-year period. For purposes of this subsection, full-

1 time enrollment shall be the number of credit hours as determined by
2 the State Regents for Higher Education to be full-time enrollment
3 for each institution.

4 E. A student who graduates from a high school and enrolls in a
5 state institution of higher education within three (3) years of
6 graduating high school and is required to take a remedial course or
7 courses as determined by the Oklahoma State Regents of Higher
8 Education policy shall not be required to pay any tuition or fees
9 associated with the remedial course or courses. The institution of
10 higher education providing the remedial course to the student may
11 charge an online fee for each remedial course if the course is
12 provided to the student as an online course. In addition to
13 complete any remediation requirements, the student may enroll in an
14 online course offered through the resident school district of the
15 student or may re-enroll in the resident school district in a course
16 or courses for which the student is in need of remediation. State
17 Aid funding for students re-enrolling in a school district pursuant
18 to this subsection, either in an online course or course offered at
19 the resident school district, shall be calculated based upon the
20 percentage of the total school day in which the student is enrolled
21 multiplied by the appropriate grade level weight pursuant to Section
22 18-201.1 of this title. Only enrollment in courses necessary to
23 complete remediation requirements and not elective courses or
24 periods shall be included in the calculation of State Aid funding.

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3903, as
2 amended by Section 637, Chapter 304, O.S.L. 2012 (70 O.S. Supp.
3 2013, Section 3903), is amended to read as follows:

4 Section 3903. ~~(a)~~ A. The Oklahoma State System of Higher
5 Education shall operate an allotment system similar to the procedure
6 set out in the Oklahoma State Finance Act, Section 34 et seq. of
7 Title 62 of the Oklahoma Statutes, for other agencies of the state
8 except that the State Regents shall be substituted for the Director
9 of the Office of Management and Enterprise Services in connection
10 with approving allotment requests of the constituent institutions
11 and agencies comprising the State System. The account
12 classification for the State System shall conform as nearly as
13 possible with the classification of accounts recommended by the
14 publications of the National Association of College and University
15 Business Officers. The State Regents shall allocate to each
16 institution and agency in the State System, from the consolidated or
17 lump-sum appropriation made by the Legislature, an amount sufficient
18 to meet the needs and functions of the institution or agency for the
19 entire year. Upon ~~such~~ allocation, monies appropriated for
20 educational and general purposes shall be transferred to the
21 Educational and General Operations Revolving Fund of the institution
22 or agency and monies appropriated for capital improvement purposes
23 shall be transferred to the Capital Improvement Revolving Fund of
24 the institution or agency. The amount allocated to an institution

1 or agency for each fiscal year shall be made in a lump sum without
2 regard to uniform budget or accounting classifications, but shall
3 not be available for expenditure until subsequently allotted by the
4 State Regents.

5 ~~(b)~~ B. The State Regents, with the approval of the Director of
6 the Office of Management and Enterprise Services, may allot money to
7 any ~~such~~ institution or agency to establish and operate a petty cash
8 fund at the institution or agency; ~~said~~. The petty cash fund shall
9 only be reimbursed upon the filing of claims showing the purposes
10 for which the money was expended. No single expenditure from any
11 petty cash fund so established and operated shall exceed Five
12 Hundred Dollars (\$500.00). Splitting of invoices for the purpose of
13 avoiding this limitation is prohibited. Except for payments to
14 sports officials, research participants, refunds to students,
15 competition judges, and temporary farm crews employed at Oklahoma
16 Agricultural Experiment Stations, expenditures from ~~such~~ the fund
17 for personal services, travel reimbursement, or professional
18 services are prohibited. Further, the exemption for payments to
19 sports officials and refunds to students is limited to only those
20 institutions which have previously been authorized to participate in
21 both the "Alternate Claims Processing", by the Director of the
22 Office of Management and Enterprise Services, and "Remote Warrant
23 Printing", by the State Treasurer. The Oklahoma State Regents for
24 Higher Education shall publish uniform guidelines applicable to all

1 institutions of higher education for expenditures from petty cash
2 funds, which shall be strictly adhered to.

3 ~~(e)~~ C. Governing boards of control are integral parts of
4 institutions under their respective jurisdiction; ~~therefore.~~

5 Therefore, the expenses of boards in carrying out their respective
6 duties shall be paid from the operating budgets of the institutions
7 and other budget agencies under their jurisdiction. In cases where
8 a board is the governing board for two or more institutions and/or
9 other budget agencies, the board shall prorate its operating
10 expenses among the institutions and/or other budget agencies so
11 governed. Prior to the beginning of the fiscal year, each board
12 shall prepare a budget, setting out in detail its necessary expenses
13 for the entire fiscal year and shall, not later than July 1, file a
14 copy of its budget with the President Pro Tempore of the Senate, the
15 Speaker of the House of Representatives, the Director of the Office
16 of Management and Enterprise Services and the Legislative Service
17 Bureau. ~~Said~~ The budget shall include all full-time-equivalent
18 positions in each activity or division and an itemization of all
19 sources of income used for operations and programs. Each board
20 shall revise its budget, if necessary, and provide ~~said~~ revisions to
21 the President Pro Tempore of the Senate, the Speaker of the House of
22 Representatives, the Director of the Office of Management and
23 Enterprise Services, and the Legislative Service Bureau not later
24 than January 1 of each year. In cases where a board has

1 jurisdiction over two or more institutions or budget agencies, it
2 shall, not later than July 1, notify the President of each
3 institution as to the amount of its pro rata share of the ~~board's~~
4 expense budget of the board that will be assessed against the
5 institution and/or other budget agency during the fiscal year.

6 ~~(d)~~ D. Prior to ~~the beginning of the fiscal~~ March 1 of each
7 year, the coordinating board of the Oklahoma State Regents for
8 Higher Education shall prepare a budget setting out in detail its
9 necessary expenses for the entire fiscal year, and, not later than
10 ~~July~~ April 1, shall file a copy of its budget with the Director of
11 the Office of Management and Enterprise Services and the Legislative
12 Service Bureau. ~~The State Regents shall allocate the money required~~
13 ~~to fund its budget prior to making distribution of appropriated~~
14 ~~monies to the various institutions of The Oklahoma State System of~~
15 ~~Higher Education~~ expenses of the Regents shall be paid from
16 appropriations made by the Legislature for that purpose.

17 ~~(e)~~ E. The Division of Central Accounting and Reporting shall
18 make cash allocations of revenue, in accordance with Section 23 of
19 Article X of the Oklahoma Constitution, to each institution and
20 agency, considering the total allocation made by the State Regents
21 from the lump-sum legislative appropriation as the total
22 appropriation for the institution or agency, in lieu of legislative
23 appropriations. All income available to an institution or agency
24 for educational and general purposes, as defined in the uniform

1 budget and accounting classifications recommended by the
2 publications of the National Association of College and University
3 Business Officers, and including income defined by law as revolving
4 fund income, shall operate as a continuing nonfiscal appropriation
5 which may be expended for any educational and general purpose for
6 which appropriated funds may be expended, if allocated and allotted
7 in accordance with the Oklahoma State Finance Act, as provided in
8 this section; ~~provided that no.~~ No obligation shall be incurred in
9 excess of the unencumbered balance of cash on hand.

10 ~~(f)~~ F. At least thirty (30) days prior to the beginning of each
11 fiscal year, each of the constituent institutions and agencies shall
12 file with the State Regents its request for appropriation allotments
13 for each of the purposes for which expenditures are to be made.
14 ~~Such requests~~ Requests shall be in conformity with the uniform
15 budget or accounting classifications recommended by the publications
16 of the National Association of College and University Business
17 Officers. Each request for appropriation allotments shall show the
18 amount required to finance each item of the request for the entire
19 year and for each quarter or each six-month period within the fiscal
20 year, as required by the Director of the Office of Management and
21 Enterprise Services. The State Regents, or their designated
22 official or employee who has been authorized to approve itemized
23 allotment requests, shall consider the allotment requests for the
24 purpose of making a determination that: ~~(1) the~~

1 1. The current financial requirements of the institution or
2 agency concerned justify the allotment to be made; ~~(2) the~~

3 2. The accounting classification is sufficient to reflect the
4 purpose for which expenditures are to be made and that ~~such~~ the
5 classification is in accordance with the budget classifications
6 adopted by the Director of the Office of Management and Enterprise
7 Services and the State Regents, which shall conform as nearly as
8 possible to the account classification recommended by the
9 publications of the National Association of College and University
10 Business Officers; and ~~(3) the~~

11 3. The realization of estimated revenues determined by the
12 Director of the Office of Management and Enterprise Services is
13 sufficient to allow the commitments to be made.

14 In allotting appropriations and other funds, and approving
15 subsequent allotments, which may be required by each institution and
16 agency the State Regents shall follow the same general procedure as
17 other agencies of the state not under the control of the State
18 Regents, except as otherwise provided in this section. All forms
19 and account classifications shall be mutually agreed upon by the
20 Director of the Office of Management and Enterprise Services and the
21 State Regents. The State Regents shall file approved requests of
22 constituent institutions and agencies with the Division of Central
23 Accounting and Reporting. The State Regents and the Director of the
24 Office of Management and Enterprise Services shall approve any

1 request from the administrative head of a constituent institution or
2 agency for amendment of the approved schedule of positions and
3 salaries or transfers between items, so long as the currently
4 approved allotment for ~~such~~ those purposes is not exceeded and each
5 ~~such~~ amendment shall be filed with the Director of the Office of
6 Management and Enterprise Services, in ~~such~~ as much detail as ~~he~~ the
7 Director may require, prior to the date on which the first payroll
8 or other disbursement affected by such amendments is submitted for
9 payment. In the event that the realization of estimated revenues at
10 any time during the fiscal year indicates that the total revenue
11 from that fiscal year to any state fund will be insufficient at the
12 end of the fiscal year to meet the total appropriations from that
13 fund, the Director of the Office of Management and Enterprise
14 Services shall notify the State Regents as to the amount of
15 reduction necessary against the consolidated~~7~~ or lump-sum
16 appropriation~~7~~ made to the State Regents.

17 ~~(g)~~ G. The State Regents in making itemized allotments during
18 the fiscal year~~7~~ may reserve an amount sufficient to meet a
19 reasonable failure of revenue until receipt of notice from the
20 Director of the Office of Management and Enterprise Services that
21 the realization of estimated revenues indicates that the total
22 appropriations may be allotted for expenditure. Upon receipt of
23 notice from the Director of the Office of Management and Enterprise
24 Services of a necessary reduction in the consolidated~~7~~ or lump-sum

1 appropriation, to meet a failure in revenue, the State Regents shall
2 immediately take action to control the approval of subsequent
3 allotment requests sufficient to make the aggregate reduction in
4 allotments of all constituent institutions under their control equal
5 the amount of reduction ordered against the lump-sum appropriation
6 made by the Legislature. ~~Such~~ The reductions against the lump-sum
7 appropriation shall not exceed the percentage reduction ordered
8 against other agencies of the state, in accordance with Section 23
9 of Article X of the Oklahoma Constitution.

10 SECTION 3. This act shall become effective July 1, 2014.

11 SECTION 4. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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