

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1073

By: Stanislawski

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5  
6 AS INTRODUCED

7 An Act relating to higher education; amending 70 O.S.  
8 2011, Sections 3407.2, 3412, 3512, 3706, 4413, 4418  
9 and 4423, which relate to boards of regents of two-  
10 year colleges; prohibiting the boards of regents from  
11 establishing and maintaining tenure plans for  
12 employees hired on or after certain date; updating  
13 language; providing an effective date; and declaring  
14 an emergency.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3407.2, is  
17 amended to read as follows:

18 Section 3407.2. A. The Board of Regents of Murray State  
19 College of Technology shall consist of seven (7) members appointed  
20 by the Governor, by and with the advice and consent of the Senate.  
21 The regular term of each member shall be seven (7) years, except  
22 that the initial appointments shall be for lesser terms so that the  
23 term of only one member shall expire each year.

24 B. The Board of Regents of Murray State College of Technology  
shall be a body corporate, and shall adopt and use an official seal.  
It shall annually elect a chairman, a vice chairman, and a

1 secretary, each of whom shall serve for a term of one (1) fiscal  
2 year and until his successor is elected and qualified, and who shall  
3 perform such duties as the Board directs. The Board shall adopt  
4 rules and regulations as it deems necessary for the governing of the  
5 Board and the discharge of its duties, and shall cause to be kept  
6 the minutes of all meetings and transactions considered at each  
7 meeting, in a suitable book to be obtained and kept for such  
8 purpose. The Board of Regents of Murray State College of Technology  
9 shall be the governing board of the College and shall have the  
10 supervision and management thereof and, except for the provisions of  
11 subsection C of this section, shall have the same powers and duties  
12 as governing boards of other institutions in The Oklahoma State  
13 System of Higher Education, and may do all things necessary or  
14 convenient to make the College effective for the purpose for which  
15 it is operated.

16 C. Beginning July 1, 2018, the Board of Regents of Murray State  
17 College shall not have the authority to establish and maintain plans  
18 for tenure of employees hired July 1, 2018, and thereafter.

19 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3412, is  
20 amended to read as follows:

21 Section 3412. The Board of Regents for the Oklahoma  
22 Agricultural and Mechanical Colleges shall have the supervision,  
23 management and control of Oklahoma State University, Panhandle State  
24 University, Langston University, Connors State College, and

1 Northeastern Oklahoma Agricultural and Mechanical College; and shall  
2 have the following additional powers and duties:

3 1. Adopt such rules and regulations as it deems necessary to  
4 govern each of the institutions under its jurisdiction;

5 2. Employ and fix the compensation and duties of such personnel  
6 as it deems necessary, including architects, attorneys, engineers,  
7 and other professional and technical persons deemed necessary by the  
8 Board, for its operation and for the operation of the institutions  
9 under its jurisdiction. Any of such personnel having custody of  
10 public funds or other public property may be required to furnish  
11 corporate surety bonds in such amounts as may be deemed necessary by  
12 the Board, payable to the State of Oklahoma and conditioned upon a  
13 faithful accounting of all such funds and property;

14 3. Enter into contracts, purchase supplies, materials and  
15 equipment, and incur such other expenses as may be necessary to make  
16 any of its powers effective;

17 4. Authorize officials at the several institutions under its  
18 jurisdiction to act in its behalf in the making of contracts, or in  
19 carrying out the powers conferred upon it;

20 5. Receive and make disposition of monies, grants and property  
21 from federal agencies, and administer the same in accordance with  
22 federal requirements;

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1           6. Accept gifts of real and personal property, money and other  
2 things, and use or dispose of the same in accordance with the  
3 directions of the donors or grantors thereof;

4           7. Direct the disposition of all monies appropriated by the  
5 Legislature or by the Congress or derived from the sale of bonds or  
6 received from any other source by institutions under its  
7 jurisdiction;

8           8. Acquire and take title to real and personal property in its  
9 name, on behalf of any of the institutions under its jurisdiction,  
10 and convey, exchange or dispose of, or otherwise manage or control,  
11 such property in the interest of such institutions, including the  
12 granting of leases, permits, easements and licenses over or upon any  
13 such real property. The Board shall have the power to institute any  
14 legal action in the name of the Board before any court having  
15 jurisdiction of such actions. The Board shall have the custody and  
16 control of abstracts of title and instruments affecting the  
17 ownership of or title to real property belonging to the Board, and  
18 being held by the Board on behalf of a particular state educational  
19 institution;

20           9. Have supervision and charge of the construction of all  
21 buildings at the institutions under its jurisdiction;

22           10. Determine the need for and cause to be constructed,  
23 dormitories and other buildings, on a self-liquidating basis, at any  
24 institution under its jurisdiction;

1 11. Establish and maintain plans for tenure and retirement of  
2 employees of the Board and of the institutions under its  
3 jurisdiction, and for payment of deferred compensation of such  
4 employees; and provide hospital and medical benefits, accident,  
5 health and life insurance, and annuity contracts, for such employees  
6 and their dependents. The Board may pay for all or a part of the  
7 cost for employees thereof with funds available for the operation of  
8 the institution. Amounts payable by an employee for such insurance  
9 or annuity contracts may, with the consent of the employee, be  
10 deducted from the employee's salary. Beginning July 1, 2018, the  
11 Board of Regents for the Oklahoma Agricultural and Mechanical  
12 Colleges shall not have the authority to establish and maintain  
13 plans for tenure of employees hired July 1, 2018, and thereafter at  
14 Connors State College or Northeastern Oklahoma Agricultural and  
15 Mechanical College;

16 12. The Board shall cause a complete inventory to be made of  
17 all properties belonging to each of the agricultural colleges or  
18 universities within the State of Oklahoma before the last Monday in  
19 December, next preceding each biennial session of the State  
20 Legislature, and accompanying the inventories shall be a financial  
21 statement showing in detail the condition of all funds appropriated  
22 for the use of the agricultural colleges and experimental stations,  
23 also the money expended and the purposes for which the same were  
24 expended and the condition of the institution; and, the results of

1 experiments carried on, together with their recommendations  
2 concerning remedial legislation or rules for the betterment of the  
3 institution;

4 13. The Board shall audit all accounts against the funds  
5 appropriated for the use and maintenance of the Oklahoma State  
6 University and the other state agricultural colleges, including  
7 experimental stations, and the State Treasurer shall issue a warrant  
8 for the amount of all accounts, including salaries and expenses;

9 14. Provide penalties and forfeitures by way of damages and  
10 otherwise for the violation of rules of the Board, which may be sued  
11 for and collected in the name of the Board before any court having  
12 jurisdiction of such actions;

13 15. The Legislature further recognizes and confirms, that the  
14 Oklahoma State University is an institution corporate under the  
15 constitution and statutes of Oklahoma with full power and authority,  
16 acting through its constitutional Board of Regents, to do all things  
17 necessary or convenient to accomplish the corporate objects of the  
18 institution, and the institution, acting through its constitutional  
19 Board of Regents, is hereby recognized to be such public corporation  
20 and to have such powers; and

21 16. Issue, on behalf of Oklahoma State University, special and  
22 limited obligations for purposes of such capital projects as the  
23 Regents may deem to be proper.

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1 Without limiting the generality of the foregoing, the powers of  
2 the board of regents to control and use monies accruing to the  
3 institutions under their jurisdiction and control, from nontax  
4 sources, including institutional earnings, and proceeds of sales of  
5 surplus properties heretofore authorized to be sold, and revenues  
6 derived by way of bonuses and rentals from oil and gas leases, for  
7 any lawful institutional purpose, is hereby specifically confirmed.

8 The enumeration herein of certain powers and immunities of the  
9 Board of Regents for the Oklahoma Agricultural and Mechanical  
10 Colleges shall not be construed as in derogation or as a limitation  
11 of other powers and immunities properly belonging to the Board by  
12 virtue of any provisions of the Constitution of Oklahoma or of any  
13 provision of law. The Board, is hereby, expressly granted every  
14 power necessary or convenient to make institutions under its  
15 jurisdiction effective for the purposes for which they were created  
16 and are maintained and operated.

17 Nothing in this section shall be construed as in derogation of  
18 the constitutional powers and responsibilities of the Board of  
19 Regents for the Oklahoma Agricultural and Mechanical Colleges,  
20 acting as the Board of Regents for Connors State College,  
21 Northeastern Oklahoma Agricultural and Mechanical College, Panhandle  
22 State University, and Langston University.

23 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3512, is  
24 amended to read as follows:

1 Section 3512. A. The Board of Regents of Eastern Oklahoma  
2 State College shall consist of seven (7) members appointed by the  
3 Governor, by and with the advice and consent of the Senate. The  
4 regular term of each member shall be seven (7) years, except that  
5 the initial appointments shall be for lesser terms so that the term  
6 of only one member shall expire each year.

7 B. The Board of Regents of Eastern Oklahoma State College shall  
8 be a body corporate, and shall adopt and use an official seal. It  
9 shall annually elect a chairman, a vice chairman, and a secretary,  
10 each of whom shall serve for a term of one (1) fiscal year and until  
11 his successor is elected and qualified, and who shall perform such  
12 duties as the Board directs. The Board shall adopt rules and  
13 regulations as it deems necessary for the governing of the Board and  
14 the discharge of its duties, and shall cause to be kept the minutes  
15 of all meetings and transactions considered at each meeting in a  
16 suitable book to be obtained and kept for such purpose. The Board  
17 of Regents of Eastern Oklahoma State College shall be the governing  
18 board of the college and shall have the supervision and management  
19 thereof, and, except for the provisions of subsection C of this  
20 section, shall have the same powers and duties as governing boards  
21 of other institutions in The Oklahoma State System of Higher  
22 Education, and may do all things necessary or convenient to make the  
23 college effective for the purpose for which it is operated.

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1        C. Beginning July 1, 2018, the Board of Regents of Eastern  
2 Oklahoma State College shall not have the authority to establish and  
3 maintain plans for tenure of employees hired July 1, 2018, and  
4 thereafter.

5        SECTION 4.        AMENDATORY        70 O.S. 2011, Section 3706, is  
6 amended to read as follows:

7        Section 3706. The Board of Regents of the Northern Oklahoma  
8 College shall have the supervision, management and control of the  
9 Northern Oklahoma College; and it shall have the following  
10 additional powers and duties:

11        (a) Adopt such rules and regulations as it deems necessary to  
12 govern the Northern Oklahoma College.

13        (b) Employ and fix the compensation and duties of such personnel  
14 as it deems necessary, including architects, attorneys, engineers  
15 and other professional and technical persons for its operation and  
16 for the operation of Northern Oklahoma College. Any of such  
17 personnel having custody of public funds or other public property  
18 may be required to furnish corporate surety bonds in such amounts as  
19 may be deemed necessary by the Board, payable to the State of  
20 Oklahoma and conditioned upon a faithful accounting of all such  
21 funds and property.

22        (c) Enter into contracts, purchase supplies, materials and  
23 equipment, and incur such other expenses as may be necessary to make  
24 any of its powers effective.

1 (d) Authorize officials at the Northern Oklahoma College to act  
2 in its behalf in the making of contracts, or in carrying out the  
3 powers conferred upon it.

4 (e) Receive and make disposition of monies, grants and property  
5 from federal agencies, and administer the same in accordance with  
6 Federal requirements.

7 (f) Accept gifts of real and personal property, money and other  
8 things, and use or dispose of the same in accordance with the  
9 directions of the donors or grantors thereof.

10 (g) Direct the disposition of all monies appropriated by the  
11 Legislature or by the Congress or derived from the sale of bonds or  
12 received from any other source by Northern Oklahoma College.

13 (h) Acquire and take title to real and personal property in its  
14 name, on behalf of the Northern Oklahoma College, and convey,  
15 exchange or dispose of, or otherwise manage or control, such  
16 property in the interest of such institution, including the granting  
17 of leases, permits, easements and licenses over or upon any such  
18 real property. The Board shall have the power to institute any  
19 legal action in the name of the Board before any court having  
20 jurisdiction of such actions. The Board shall have custody of  
21 abstracts of title and instruments affecting the ownership of or  
22 title to real property belonging to the Northern Oklahoma College.

23 (i) Have supervision and charge of the construction of all  
24 buildings at Northern Oklahoma College.

1 (j) Determine the need for and cause to be constructed  
2 dormitories and other buildings, on a self-liquidating basis, at the  
3 Northern Oklahoma College.

4 (k) Establish and maintain plans for ~~tenure and~~ retirement of  
5 employees at the Northern Oklahoma College, and for payment of  
6 deferred compensation of such employees; and provide hospital and  
7 medical benefits, accident, health and life insurance, and annuity  
8 contracts, for such employees and their dependents. The Board may  
9 pay for all or a part of the cost thereof for employees with funds  
10 available for the operation of the institution. Amounts payable by  
11 an employee for such insurance or annuity contracts may, with the  
12 consent of the employee be deducted from his salary. Beginning July  
13 1, 2018, the Board of Regents of the Northern Oklahoma College shall  
14 not have the authority to establish and maintain plans for tenure of  
15 employees hired July 1, 2018, and thereafter.

16 (l) Maintain an inventory of all property belonging to the  
17 Northern Oklahoma College.

18 (m) Audit all accounts against the funds allocated to Northern  
19 Oklahoma College.

20 (n) Provide penalties and forfeitures by way of damages and  
21 otherwise for the violation of rules and regulations of the Board,  
22 which may be sued for and collected in the name of the Board before  
23 any court having jurisdiction of such actions.

1 (o) Do all things necessary or convenient to carry out the  
2 powers expressly granted to it, or to make the Northern Oklahoma  
3 College effective for the purposes for which it is maintained or  
4 operated.

5 SECTION 5. AMENDATORY 70 O.S. 2011, Section 4413, is  
6 amended to read as follows:

7 Section 4413. A. The Oklahoma State Regents for Higher  
8 Education shall have authority to establish a two-year community  
9 college in Tulsa County to serve Tulsa County and surrounding area,  
10 if provision is made locally for the donation, to the State of  
11 Oklahoma, of a suitable site for the college, which shall be known  
12 as the Tulsa Community College and shall be an integral part of The  
13 Oklahoma State System of Higher Education; and shall be entitled to  
14 the same privileges and be subject to the same laws as other member  
15 institutions of such State System.

16 B. After the Oklahoma State Regents for Higher Education have  
17 acted to establish the Tulsa Community College, there shall be  
18 created the Board of Regents of the Tulsa Community College, which  
19 shall consist of seven (7) members, to be appointed by the Governor,  
20 by and with the advice and consent of the Senate. Four members of  
21 ~~said~~ the Board shall be residents of Tulsa County. Appointments  
22 shall be to numbered positions on the Board, and the terms of  
23 members of the Board shall be as follows:

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1       Position No. 1. The term of office of one member shall expire  
2 on the 30th day of June, 1969, and each seven (7) years thereafter.

3       Position No. 2. The term of office of one member shall expire  
4 on the 30th day of June, 1970, and each seven (7) years thereafter.

5       Position No. 3. The term of office of one member shall expire  
6 on the 30th day of June, 1971, and each seven (7) years thereafter.

7       Position No. 4. The term of office of one member shall expire  
8 on the 30th day of June, 1972, and each seven (7) years thereafter.

9       Position No. 5. The term of office of one member shall expire  
10 on the 30th day of June, 1973, and each seven (7) years thereafter.

11       Position No. 6. The term of office of one member shall expire  
12 on the 30th day of June, 1974, and each seven (7) years thereafter.

13       Position No. 7. The term of office of one member shall expire  
14 on the 30th day of June, 1975, and each seven (7) years thereafter.

15       Vacancies in positions on the Board shall be filled by the  
16 Governor for the unexpired term, by and with the advice and consent  
17 of the Senate. No member of the Board shall be employed upon any  
18 work to be performed in connection with the Tulsa Community College,  
19 nor shall any member of ~~said~~ the Board enter into any contract or  
20 business transaction involving a financial consideration with the  
21 Tulsa Community College. Each member of the Board of Regents of the  
22 Tulsa Community College shall take and subscribe to the oaths  
23 required of state officials generally. Each member of the Board

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1 shall be allowed necessary travel expenses, as may be approved by  
2 the Board, pursuant to the State Travel Reimbursement Act.

3 C. The Board of Regents of the Tulsa Community College shall be  
4 a body corporate, and shall adopt and use an official seal. It  
5 shall annually elect a chairperson, a vice-chairperson, and a  
6 secretary, each of whom shall serve for a term of one (1) fiscal  
7 year and until his or her successor is elected and qualified, and  
8 who shall perform such duties as the Board directs; and each of whom  
9 shall furnish a corporate surety bond payable to the State of  
10 Oklahoma, in such amount as the Board may prescribe, conditioned  
11 upon the faithful performance of his or her duties. The Board shall  
12 adopt rules as it deems necessary for the governing of the Board and  
13 the discharge of its duties, and shall cause to be kept the minutes  
14 of all meetings and transactions considered at each meeting, in a  
15 suitable book to be obtained and kept for such purpose. The Board  
16 of Regents of the Tulsa Community College shall be the governing  
17 Board of the community college and shall have the supervision and  
18 management thereof and, except for the provisions of subsection F of  
19 this section, shall have the same powers and duties as governing  
20 boards of other institutions in The Oklahoma State System of Higher  
21 Education and may do all things necessary or convenient to make the  
22 community college effective for the functions and purposes for which  
23 it shall have been established. Following the establishment of the  
24 Tulsa Community College by the Oklahoma State Regents for Higher

1 Education, the Board of Regents of the college shall develop a  
2 comprehensive plan for implementing the functions, purposes and  
3 educational programs of the Tulsa Community College as prescribed by  
4 the State Regents in the establishment of the institution, which  
5 plan shall be submitted for review and approval of ~~said~~ the State  
6 Regents.

7 D. The name change from Tulsa Junior College to Tulsa Community  
8 College shall not affect in any manner whatsoever any legal  
9 relationships, bonds, contracts, supervisory authority by the Board  
10 of Regents, title to property, obligations, or any other phase or  
11 aspect of the legal status of the institution for any purpose,  
12 except that the institution shall be referred to as the "Tulsa  
13 Community College" in all future references to the institution and  
14 in all constitutional and statutory references currently in law.

15 E. It is the intent of the Legislature that supplies, including  
16 but not limited to letterheads, which on the effective date of this  
17 section carry or are labeled with the name "Tulsa Junior College"  
18 shall be utilized after the effective date of this section until  
19 such supplies are depleted. Any new supplies ordered for use after  
20 the effective date of this section shall bear the name "Tulsa  
21 Community College". For purposes of this section, "supplies" shall  
22 not mean signs designating the name of the college.

23 F. Beginning July 1, 2018, the Board of Regents of the Tulsa  
24 Community College shall not have the authority to establish and

1 maintain plans for tenure of employees hired July 1, 2018, and  
2 thereafter.

3 SECTION 6. AMENDATORY 70 O.S. 2011, Section 4418, is  
4 amended to read as follows:

5 Section 4418. A. The State Regents for Higher Education upon  
6 ~~said~~ the finding of need and feasibility as provided in Section 4417  
7 of this title are directed to negotiate with the Board of the now  
8 existing Altus Community College and make all appropriate  
9 arrangements for the conversion of this institution to a state  
10 junior college, including the continued use of existing facilities,  
11 faculty and other resources for the period of time necessary to  
12 achieve the conversion, and to maintain and operate the college  
13 during the transition period. After the conversion has been fully  
14 accomplished by the State Regents, a governing board composed of  
15 seven (7) members to serve seven-year overlapping terms and to be  
16 known as the Board of Regents of Western Oklahoma State College  
17 shall be created to be appointed by the Governor by and with the  
18 advice and consent of the Senate, which board shall have the same  
19 powers and duties as the Board of Regents of Tulsa Community  
20 College, set out in Section 4413 of this title. No more than four  
21 members of Advisory Board shall be residents of any one county  
22 involved.

23 B. Beginning July 1, 2018, the Board of Regents of Western  
24 Oklahoma State College shall not have the authority to establish and



1 maintain plans for tenure of employees hired July 1, 2018, and  
2 thereafter.

3 SECTION 7. AMENDATORY 70 O.S. 2011, Section 4423, is  
4 amended to read as follows:

5 Section 4423. A. The Oklahoma State Regents for Higher  
6 Education are hereby authorized and directed to maintain two-year  
7 colleges at El Reno, which shall be known as the Redlands Community  
8 College, at Poteau, which shall be known as the Carl Albert State  
9 College, at Seminole, which shall be known as the Seminole State  
10 College, at Midwest City, which shall be known as the Rose State  
11 College, and in South Oklahoma City, which shall be known as the  
12 Oklahoma City Community College; and, each of ~~said~~ the colleges  
13 shall be an integral and full-fledged part of The Oklahoma State  
14 System of Higher Education.

15 B. Each of the colleges which at the time it became a member of  
16 the State System was operating a technical area school district  
17 program to carry out the function of postsecondary technical  
18 education for the people of the district shall continue to do so as  
19 then operated and in accordance with Section 4410 of this title, and  
20 all property acquired by virtue of the technical area school  
21 district operation shall remain as property of the technical area  
22 school district and be maintained in the custody of the Board of  
23 Regents of the college acting as the governing board of the  
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1 technical area school district for use by the postsecondary area  
2 district program.

3 C. For each of the colleges above named and identified, there  
4 shall be created a separate Board of Regents, and ~~said~~ the Board of  
5 Regents shall consist of seven (7) members to serve seven-year  
6 overlapping terms, with members of ~~said~~ the Board to be appointed by  
7 the Governor by and with the advice and consent of the State Senate.  
8 Each Board shall have the same powers and duties as the Board of  
9 Regents of Tulsa Community College. Four members of the Board of  
10 Regents for the colleges located at El Reno, Poteau and Seminole  
11 shall be from the county in which ~~said~~ the college is located. Four  
12 members of the Board of Regents for Rose State College shall be  
13 residents of the original district of the college. Four members of  
14 the Board of Regents for Oklahoma City Community College shall be  
15 residents of South Oklahoma City. For purposes of this section,  
16 "South Oklahoma City" shall mean the original district of Oklahoma  
17 City Community College and the portion of Oklahoma City that lies in  
18 Cleveland County and is bounded on the west by County Line Road and  
19 on the east by Bryant Avenue.

20 With respect to Rose State College and Oklahoma City Community  
21 College, it is further provided that the college and its governing  
22 Board of Regents shall continue to operate the technical area school  
23 district program to carry out the function of postsecondary  
24 technical education for the people of the technical education school

1 district as now operated, and in accordance with Section 4410 of  
2 this title.

3 D. Beginning July 1, 2018, the Boards of Regents of Redlands  
4 Community College, Carl Albert State College, Seminole State  
5 College, Rose State College and Oklahoma City Community College  
6 shall not have the authority to establish and maintain plans for  
7 tenure of employees hired July 1, 2018, and thereafter.

8 SECTION 8. This act shall become effective July 1, 2018.

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

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