

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1737

By: Peters

6  
7 COMMITTEE SUBSTITUTE

8 ( Schools - Oklahoma School for the Visual and  
9 Performing Arts - Oklahoma School for the Visual  
10 and Performing Arts Revolving Fund - amending 51  
11 O.S. 2001, Section 6 - dual office holding -  
12 codification - effective date -  
13 emergency. )

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1210.451 of Title 70, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. A secondary school to be known as the Oklahoma School for  
21 the Visual and Performing Arts is hereby established. The school  
22 shall be governed by a board of trustees as created in this section.

23 B. 1. The board of trustees of the Oklahoma School for the  
24 Visual and Performing Arts shall consist of the following members:

1 a. four (4) ex officio nonvoting members as follows:

2 (1) the Chair of the Oklahoma State Regents for  
3 Higher Education, or designee,

4 (2) the Chancellor for Higher Education, or designee,

5 (3) the Superintendent of Public Instruction, or  
6 designee, and

7 (4) the Chair of the Oklahoma Arts Council, or  
8 designee,

9 b. eleven (11) members appointed by the Governor as  
10 follows:

11 (1) four persons knowledgeable in the arts or with  
12 expertise or profound interest in the arts,  
13 representing diverse geographical areas of the  
14 state,

15 (2) two persons to represent the business community,

16 (3) a writer,

17 (4) one president of an institution within The  
18 Oklahoma State System of Higher Education,

19 (5) one president of a private university in this  
20 state, or designee,

21 (6) one principal of a private secondary school in  
22 this state, and

23 (7) one superintendent of a public school district.  
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1 One of the members shall be designated as chair of the  
2 board of trustees by the Governor,

3 c. four (4) members appointed by the President Pro  
4 Tempore of the Senate as follows:

5 (1) a member of the Senate,

6 (2) a principal of a public secondary school,

7 (3) a visual artist, and

8 (4) a professional musician, and

9 d. four (4) members appointed by the Speaker of the House  
10 of Representatives as follows:

11 (1) a member of the House of Representatives,

12 (2) a classroom art teacher who teaches in a public  
13 school,

14 (3) a performing artist, and

15 (4) a person who holds a graduate degree and is  
16 currently employed in an occupation related to  
17 the visual, literary, or performing arts.

18 2. For purposes of this subsection:

19 a. "visual artist" means any person who has a college  
20 degree in one of the visual arts or is currently  
21 employed in an occupation related to one of the visual  
22 arts,

1           b. "professional musician" means any person who has a  
2           college degree in music or is currently employed in an  
3           occupation related to music,

4           c. "writer" means any person who has a college degree in  
5           English or journalism or is currently employed in an  
6           occupation related to one of the literary arts,

7           d. "visual arts" means art forms which are perceived by  
8           sight such as painting, photography, graphics, and  
9           sculpture, and

10          e. "performing arts" means art forms such as theatre,  
11          dance, choral and orchestral music, film, and video.

12          C. 1. The terms of office of the members appointed by the  
13          President Pro Tempore of the Senate and the Speaker of the House of  
14          Representatives shall coincide with the terms of the appointing  
15          authority.

16          2. The terms of office of the initial members appointed by the  
17          Governor shall be as follows:

18           a. four members shall serve initial terms of two (2)  
19           years,

20           b. four members shall serve initial terms of four (4)  
21           years, and

22           c. three members shall serve initial terms of six (6)  
23           years.  
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1           3. At the expiration of the terms of the initial members  
2 appointed by the Governor, their successors shall be appointed for  
3 terms of six (6) years.

4           D. Vacancies in the office of an appointed member shall be  
5 filled for the unexpired term by the authority making the original  
6 appointment.

7           E. Members of the board shall receive no compensation for their  
8 service, but shall receive travel reimbursement as follows:

9           1. Legislative members of the board shall be reimbursed in  
10 accordance with the provisions of Section 456 of Title 74 of the  
11 Oklahoma Statutes; and

12           2. Nonlegislative members of the board shall be reimbursed by  
13 their appointing authorities pursuant to the State Travel  
14 Reimbursement Act.

15           F. The board of trustees shall prepare a budget request for the  
16 Oklahoma School for the Visual and Performing Arts and shall submit  
17 the budget request to the Legislature and the Governor by October 1  
18 of each year. The board of trustees may accept gifts of real and  
19 personal property, money and other things, and use or dispose of the  
20 same in accordance with the directions of the donors or grantors  
21 thereof.

22           G. The board of trustees is authorized to purchase, own and  
23 acquire by lease or gift such motor vehicles as are reasonably  
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1 necessary for the implementation of the programs of the Oklahoma  
2 School for the Visual and Performing Arts.

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1210.452 of Title 70, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. There is hereby created in the State Treasury a revolving  
7 fund for the Oklahoma School for the Visual and Performing Arts, to  
8 be designated the "Oklahoma School for the Visual and Performing  
9 Arts Revolving Fund". The fund shall be a continuing fund, not  
10 subject to fiscal year limitations, and shall consist of all monies  
11 received by the board of trustees of the Oklahoma School for the  
12 Visual and Performing Arts, from all sources. All monies accruing  
13 to the credit of said fund are hereby appropriated and may be  
14 budgeted and expended by the board of trustees for the purpose of  
15 developing the Oklahoma School for the Visual and Performing Arts.  
16 Expenditures from the fund shall be made upon warrants issued by the  
17 State Treasurer against claims filed as prescribed by law with the  
18 Director of State Finance for approval and payment.

19 B. The Oklahoma School for the Visual and Performing Arts  
20 Revolving Fund shall not receive any state-appropriated dollars for  
21 the fiscal year ending June 30, 2010.

22 SECTION 3. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1210.453 of Title 70, unless  
24 there is created a duplication in numbering, reads as follows:

1       A. The board of trustees of the Oklahoma School for the Visual  
2 and Performing Arts shall have the authority to adopt rules  
3 necessary to comply with the provisions of this act and any other  
4 requirements placed upon the board of trustees by law.

5       B. It is the intent of the Oklahoma Legislature that the board  
6 of trustees of the Oklahoma School for the Visual and Performing  
7 Arts establish a hiring policy for the Oklahoma School for the  
8 Visual and Performing Arts which provides that applicants for  
9 employment positions with the school who are residents of this state  
10 shall be given priority for employment over applicants who are not  
11 residents of this state if all other qualifications are equal.

12       SECTION 4.       AMENDATORY       51 O.S. 2001, Section 6, as last  
13 amended by Section 1, Chapter 170, O.S.L. 2007 (51 O.S. Supp. 2008,  
14 Section 6), is amended to read as follows:

15       Section 6. A. Except as may be otherwise provided, no person  
16 holding an office under the laws of the state and no deputy of any  
17 officer so holding any office shall, during the person's term of  
18 office, hold any other office or be the deputy of any officer  
19 holding any office, under the laws of the state. The provisions of  
20 this section shall not apply to:

- 21       1. Notaries public;
- 22       2. Members of the State Textbook Committee;
- 23       3. County free fair board members;

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1       4. Municipal and county law enforcement officers serving in  
2 positions as law enforcement officers of both such governmental  
3 entities upon such terms and conditions as are mutually approved by  
4 resolutions adopted by the board of county commissioners and  
5 governing body of the municipality employing such officers;

6       5. Any person holding a county or municipal office or position,  
7 or membership on any public trust authority, who is a member of a  
8 board or commission that relates to federal, state, county or  
9 municipal government and is created by the United States Government,  
10 the State of Oklahoma or a political subdivision of the state,  
11 except where the duties of the offices or positions conflict;

12       6. Any elected municipal officers and school board members who  
13 are appointed to a state board, commission, or similar entity if  
14 there is no compensation for such services other than reimbursement  
15 for necessary travel expenses pursuant to the provisions of the  
16 State Travel Reimbursement Act;

17       7. Any trustee of a public trust, who is appointed as a trustee  
18 of a different public trust or any trustee of the Tulsa County  
19 Public Facilities Authority who may also be employed by the  
20 Department of Transportation;

21       8. Law enforcement officers employed by municipal or county law  
22 enforcement departments or agencies, other than those law  
23 enforcement officers elected or appointed as sheriff, chief of  
24 police or some similar position in which they are the head of a

1 county or municipal law enforcement agency, who are elected to local  
2 boards of education; provided, the provisions of this paragraph  
3 shall not prohibit any law enforcement officer employed by a  
4 municipality having a population of ten thousand (10,000) or fewer  
5 people from serving as a member of a local board of education;

6 9. Any member of the Oklahoma Highway Patrol Division of the  
7 Department of Public Safety who is elected to a local board of  
8 education;

9 10. Any District Supervisor, Assistant District Supervisor,  
10 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the  
11 Department of Corrections who is elected or appointed to a city  
12 council;

13 11. Any trustee or director of a rural electric cooperative, or  
14 port authority who is appointed or elected to a state, county or  
15 municipal board, commission or similar entity;

16 12. County employees who are elected as members of town or city  
17 councils;

18 13. Municipal, county, state or tribal law enforcement or peace  
19 officers operating under cross-deputization agreements with an  
20 Indian tribe or branch of the federal government;

21 14. Municipal or county law enforcement or peace officers  
22 serving in positions as campus police officers or campus public  
23 safety officers pursuant to the provisions of the Oklahoma Campus  
24 Security Act, upon such terms and conditions as are mutually

1 approved by resolution adopted by the governing body of the  
2 municipality or county and the governing board of the institution of  
3 higher education;

4 15. State law enforcement or peace officers serving in  
5 positions as campus police officers or campus public safety officers  
6 pursuant to the provisions of the Oklahoma Campus Security Act, upon  
7 such terms and conditions as are mutually approved by written  
8 agreement between the Commissioner of Public Safety and the  
9 governing board of the institution of higher education;

10 16. Municipal and county law enforcement officers serving in  
11 positions as part-time rangers under the Oklahoma Tourism and  
12 Recreation Department;

13 17. The Administrator of a Scenic Rivers Commission serving in  
14 the position of a park ranger under the Oklahoma Tourism and  
15 Recreation Department;

16 18. Members of the University Hospitals Authority;

17 19. Any person holding a state office or position who is a  
18 reserve force deputy sheriff or a reserve municipal police officer;

19 20. Any person holding a state office or position who serves as  
20 a special assistant district attorney without compensation;

21 21. Any elected or appointed member of a local school board who  
22 is a member of a municipal planning commission;

23 22. Any elected or appointed member of a local school board who  
24 is a member or an officer of a volunteer fire department;

1 23. Directors or officers of a rural water district and chiefs  
2 of municipal fire departments or rural fire districts who are  
3 appointed or elected to an unsalaried office in a state, county,  
4 municipal, school, or technology center school board, commission, or  
5 similar entity, except where the duties of the office would create a  
6 conflict of interest;

7 24. Any person who is a dispatcher or confinement officer at a  
8 municipal or county jail who is a noncompensated reserve municipal  
9 police officer or a reserve deputy sheriff;

10 25. Any person who is an assistant district attorney serving as  
11 a municipal judge or prosecutor;

12 26. Any park ranger under the Oklahoma Tourism and Recreation  
13 Department who is elected or appointed to a local board of education  
14 or to a municipal board, commission or similar entity; ~~and~~

15 27. Members of the Oklahoma State University Medical Center  
16 Authority or the Oklahoma State University Medical Trust; and

17 28. Any member of the state Legislature or any state officer  
18 who serves on the board of trustees of the Oklahoma School for the  
19 Visual and Performing Arts.

20 The provisions of this section shall not prohibit any person  
21 holding an office under the laws of the state or any deputy of any  
22 officer so holding any office from serving upon the board of  
23 Oklahoma Futures or upon the board of directors of the Oklahoma  
24 Center for the Advancement of Science and Technology. The

1 provisions of this section shall not prohibit a member of the board  
2 of directors of the Oklahoma Center for the Advancement of Science  
3 and Technology from serving upon the board of Oklahoma Futures.

4 B. Any salaries, emoluments or benefits that would otherwise be  
5 paid by the agency or political subdivision to a loaned employee or  
6 officer shall instead be paid to the regular employer of such  
7 employee. The loaned employee shall in turn be paid regular salary  
8 and benefits the same as if continuing regular employment with the  
9 permanent employer.

10 SECTION 5. This act shall become effective July 1, 2009.

11 SECTION 6. 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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16 52-1-7221 MAH 02/26/09

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