

THE HOUSE OF REPRESENTATIVES
Monday, March 2, 2009

Committee Substitute for
House Bill No. 1737

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1737 - By: PETERS, DENNEY
AND MCDANIEL (JEANNIE) of the House.

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

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

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

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

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

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

10 (1) the Chair of the Oklahoma State Regents for Higher Education,
11 or designee,

- 1 (2) the Chancellor for Higher Education, or designee,
2 (3) the Superintendent of Public Instruction, or designee, and
3 (4) the Chair of the Oklahoma Arts Council, or designee,
4 b. eleven (11) members appointed by the Governor as follows:
5 (1) four persons knowledgeable in the arts or with expertise or
6 profound interest in the arts, representing diverse geographical
7 areas of the state,
8 (2) two persons to represent the business community,
9 (3) a writer,
10 (4) one president of an institution within The Oklahoma State
11 System of Higher Education,
12 (5) one president of a private university in this state, or designee,
13 (6) one principal of a private secondary school in this state, and
14 (7) one superintendent of a public school district.
15 One of the members shall be designated as chair of the board of
16 trustees by the Governor,
17 c. four (4) members appointed by the President Pro Tempore of the
18 Senate as follows:
19 (1) a member of the Senate,
20 (2) a principal of a public secondary school,
21 (3) a visual artist, and
22 (4) a professional musician, and

- 1 d. four (4) members appointed by the Speaker of the House of
2 Representatives as follows:
- 3 (1) a member of the House of Representatives,
4 (2) a classroom art teacher who teaches in a public school,
5 (3) a performing artist, and
6 (4) a person who holds a graduate degree and is currently employed
7 in an occupation related to the visual, literary, or performing
8 arts.
- 9 2. For purposes of this subsection:
- 10 a. "visual artist" means any person who has a college degree in one of the
11 visual arts or is currently employed in an occupation related to one of
12 the visual arts,
13 b. "professional musician" means any person who has a college degree in
14 music or is currently employed in an occupation related to music,
15 c. "writer" means any person who has a college degree in English or
16 journalism or is currently employed in an occupation related to one of
17 the literary arts,
18 d. "visual arts" means art forms which are perceived by sight such as
19 painting, photography, graphics, and sculpture, and
20 e. "performing arts" means art forms such as theatre, dance, choral and
21 orchestral music, film, and video.

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

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

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

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

8 c. three members shall serve initial terms of six (6) years.

9 3. At the expiration of the terms of the initial members appointed by the Governor,
10 their successors shall be appointed for terms of six (6) years.

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

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

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

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

19 F. The board of trustees shall prepare a budget request for the Oklahoma School
20 for the Visual and Performing Arts and shall submit the budget request to the
21 Legislature and the Governor by October 1 of each year. The board of trustees may

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 8. Law enforcement officers employed by municipal or county law enforcement
18 departments or agencies, other than those law enforcement officers elected or appointed
19 as sheriff, chief of police or some similar position in which they are the head of a county
20 or municipal law enforcement agency, who are elected to local boards of education;
21 provided, the provisions of this paragraph shall not prohibit any law enforcement officer

1 employed by a municipality having a population of ten thousand (10,000) or fewer people
2 from serving as a member of a local board of education;

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

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

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

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

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

14 14. Municipal or county law enforcement or peace officers serving in positions as
15 campus police officers or campus public safety officers pursuant to the provisions of the
16 Oklahoma Campus Security Act, upon such terms and conditions as are mutually
17 approved by resolution adopted by the governing body of the municipality or county and
18 the governing board of the institution of higher education;

19 15. State law enforcement or peace officers serving in positions as campus police
20 officers or campus public safety officers pursuant to the provisions of the Oklahoma
21 Campus Security Act, upon such terms and conditions as are mutually approved by

1 written agreement between the Commissioner of Public Safety and the governing board
2 of the institution of higher education;

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

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

7 18. Members of the University Hospitals Authority;

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

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

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

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

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

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

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

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

6 27. Members of the Oklahoma State University Medical Center Authority or the
7 Oklahoma State University Medical Trust; and

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

10 The provisions of this section shall not prohibit any person holding an office under
11 the laws of the state or any deputy of any officer so holding any office from serving upon
12 the board of Oklahoma Futures or upon the board of directors of the Oklahoma Center
13 for the Advancement of Science and Technology. The provisions of this section shall not
14 prohibit a member of the board of directors of the Oklahoma Center for the Advancement
15 of Science and Technology from serving upon the board of Oklahoma Futures.

16 B. Any salaries, emoluments or benefits that would otherwise be paid by the
17 agency or political subdivision to a loaned employee or officer shall instead be paid to the
18 regular employer of such employee. The loaned employee shall in turn be paid regular
19 salary and benefits the same as if continuing regular employment with the permanent
20 employer.

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

1 SECTION 6. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
5 dated 02-26-09 - DO PASS, As Amended and Coauthored.