STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2218 By: Newell

COMMITTEE SUBSTITUTE

An Act relating to educational television; stating legislative intent to reduce appropriations to the Oklahoma Educational Television Authority; establishing certain reduction amounts for certain fiscal years; directing the Legislature to make a determination of the financial status of the Authority; basing the percentage of reductions during certain fiscal years on the availability of certain funds; stating legislative intent regarding appropriations to the Authority by a certain fiscal year; directing the Authority to secure an amount of funding from certain sources if possible; stating use and purpose of funding; allowing the Authority to receive appropriated funds from certain sources; amending 70 O.S. 2011, Section 23-105, as amended by Section 1, Chapter 231, O.S.L. 2012 (70 O.S. Supp. 2012, Section 23.105), which relates to the creation of the Oklahoma Educational Television Authority; extending termination date for the Authority; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 23-127 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. It is the intent of the Legislature to reduce the amount appropriated to the Oklahoma Educational Television Authority each fiscal year by an amount of funds that is equal to or exceeds the following percentages of funding as follows:

1. For the following three (3) consecutive fiscal years:

a. the fiscal year ending June 30, 2016, at least five percent (5%) of the total amount appropriated to the Authority for the fiscal year ending June 30, 2014,

b. the fiscal year ending June 30, 2017, at least ten percent (10%) of the total amount appropriated to the Authority for the fiscal year ending June 30, 2014, and

c. the fiscal year ending June 30, 2018, at least ten percent (10%) of the total amount appropriated to the Authority for the fiscal year ending June 30, 2014; and

2. After the three (3) fiscal years of reductions as provided for in this subsection, the Legislature shall reassess the financial status of the Authority and determine if the Authority has been actively securing funds from other sources to supplant the reduction in appropriations, including funds available to the Authority through a foundation that is organized for the purpose of supporting the Oklahoma Educational Television Authority and is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26

U.S.C., Section 501(c)(3). The future reduction in appropriations shall be based on the amount of funds available to the Authority on January 31, 2018, through the foundation and other sources as follows:

a. if the Legislature determines that the Authority has succeeded in securing funds through a foundation and other sources:

(1) for the fiscal year ending June 30, 2019, at least ten percent (10%) of the total amount appropriated to the Authority for the fiscal year ending June 30, 2014,

(2) for the fiscal year ending June 30, 2020, at least ten percent (10%) of the total amount appropriated to the Authority for the fiscal year ending June 30, 2014,

(3) for the fiscal year ending June 30, 2021, at least twenty percent (20%) of the total amount appropriated to the Authority for the fiscal year ending June 30, 2014, and

(4) for the fiscal year ending June 30, 2022, at least thirty-five percent (35%) of the total amount appropriated to the Authority for the fiscal year ending June 30, 2014, which shall

result in no appropriations for the fiscal year ending June 30, 2022, or

b. if the Legislature determines that the Authority has not succeeded in securing funds through a foundation and other sources:

(1) for the fiscal year ending June 30, 2019, at least twenty percent (20%) of the total amount appropriated to the Authority for the fiscal year ending June 30, 2014,

(2) for the fiscal year ending June 30, 2020, at least twenty percent (20%) of the total amount appropriated to the Authority for the fiscal year ending June 30, 2014,

(3) for the fiscal year ending June 30, 2021, at least twenty percent (20%) of the total amount appropriated to the Authority for the fiscal year ending June 30, 2014, and

(4) for the fiscal year ending June 30, 2022, at least fifteen percent (15%) of the total amount appropriated to the Authority for the fiscal year ending June 30, 2014, which shall result in no appropriations for the fiscal year ending June 30, 2022.

B. It is the intent of the Legislature that by no later than the fiscal year ending June 30, 2022, the Authority shall not receive appropriations from the Legislature.

C. In order to supplant the reduction in appropriations as provided for in subsection A of this section, the Authority, to the extent possible, shall secure from proceeds from the sale of any materials and items, payments received pursuant to a lease or gifts, grants, contributions, or donations from any person, firm, corporation, group of persons, governmental source or a municipality or other political subdivision of this state an amount of funds that is equal to or exceeds the amount that appropriations are reduced each fiscal year. The funds from sources as described in this subsection shall be used for the purpose of supplanting the amount appropriated to the Authority by the Legislature for the purpose of making educational television services available to citizens of the state.

D. Nothing in this section shall prohibit the Authority from receiving appropriated funds paid to the Authority pursuant to a contract with a state agency or entity or political subdivision of the state or as a result of a grant, contribution or other type of award made by a state agency or entity or political subdivision of the state.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 23-105, as amended by Section 1, Chapter 231, O.S.L. 2012 (70 O.S. Supp. 2012, Section 23-105), is amended to read as follows:

Section 23-105. There is hereby re-created, to continue until July 1, ~~2014~~ 2022, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, a body corporate and politic to be known as the "Oklahoma Educational Television Authority", and by that name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an instrumentality of the state, and the exercise by the Authority of the powers conferred by this article for the planning, construction, operation, and maintenance of educational television facilities shall be deemed and held to be an essential function of the state.

The Oklahoma Educational Television Authority shall consist of thirteen (13) members, including the President of the University of Oklahoma, the President of Oklahoma State University, the State Superintendent of Public Instruction, the Chancellor of the Oklahoma State Regents for Higher Education, the president of one of the state-supported four-year colleges to be chosen by the presidents of this group of institutions, the president of one of the state-supported two-year colleges to be chosen by the presidents of this group of institutions, and seven additional members to be appointed

by the Governor with the consent of the Senate, to serve seven-year terms.

The appointed members shall have been residents of the state for at least five (5) years preceding the date of their appointment. The appointed members shall include one member from each of the congressional districts and any remaining members shall be appointed from the state at large. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. A majority of the appointed members shall be actively engaged in the profession of education. Each appointed member of the Authority, before entering upon the duties of the member, shall take the oath provided for by Section 1 of Article XV of the Constitution of the State of Oklahoma.

The seven original members appointed by the Governor shall continue in office for terms expiring on June 30, 1954; June 30, 1955; June 30, 1956; June 30, 1957; June 30, 1958; June 30, 1959; and June 30, 1960, respectively. The terms of each of the original

appointed members shall be designated by the Governor, and said members shall serve for their appointed terms and until their respective successors shall be appointed and qualified. The successor of each appointed member shall be appointed for a term of seven (7) years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term in said vacancy.

The Authority shall elect from the membership of the Authority a chairman, a vice-chairman, and a secretary-treasurer. Any such officers elected by the Authority on or after July 1, 1984, shall be appointed to serve a term of one (1) year. Seven members of the Authority shall constitute a quorum, and the vote of seven members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. The Authority shall meet at least quarterly.

The members of the Authority shall not be entitled to compensation for their services, but each member shall be reimbursed for travel expenses incurred in performing official duties in accordance with the provisions of the State Travel Reimbursement Act. No liability or obligation shall be incurred by the Authority beyond the extent to which monies shall have been provided pursuant to the authority of this article.

SECTION 3. This act shall become effective November 1, 2013.

54-1-7228 CJB 02/21/13