

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2218

By: Newell and Kern of the
House

and

Brown of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to educational television; stating
12 legislative intent to reduce appropriations to the
13 Oklahoma Educational Television Authority;
14 establishing certain reduction amounts for certain
15 fiscal years; directing the Legislature to make a
16 determination of the financial status of the
17 Authority; basing the percentage of reductions during
18 certain fiscal years on the availability of certain
19 funds; stating legislative intent regarding
20 appropriations to the Authority by a certain fiscal
21 year; directing the Authority to secure an amount of
22 funding from certain sources if possible; stating use
23 and purpose of funding; allowing the Authority to
24 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.

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

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

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

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

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

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

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

21 2. After the three (3) fiscal years of reductions as provided
22 for in this subsection, the Legislature shall reassess the financial
23 status of the Authority and determine if the Authority has been
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1 actively securing funds from other sources to supplant the reduction
2 in appropriations, including funds available to the Authority
3 through a foundation that is organized for the purpose of supporting
4 the Oklahoma Educational Television Authority and is exempt from
5 taxation pursuant to the provisions of the Internal Revenue Code, 26
6 U.S.C., Section 501(c)(3). The future reduction in appropriations
7 shall be based on the amount of funds available to the Authority on
8 January 31, 2018, through the foundation and other sources as
9 follows:

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

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

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

21 (3) for the fiscal year ending June 30, 2021, at
22 least twenty percent (20%) of the total amount
23
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1 appropriated to the Authority for the fiscal year
2 ending June 30, 2014, and

3 (4) for the fiscal year ending June 30, 2022, at
4 least thirty-five percent (35%) of the total
5 amount appropriated to the Authority for the
6 fiscal year ending June 30, 2014, which shall
7 result in no appropriations for the fiscal year
8 ending June 30, 2022, or

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

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

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

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

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1 (4) for the fiscal year ending June 30, 2022, at
2 least fifteen percent (15%) of the total amount
3 appropriated to the Authority for the fiscal year
4 ending June 30, 2014, which shall result in no
5 appropriations for the fiscal year ending June
6 30, 2022.

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

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

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

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

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

21 The Oklahoma Educational Television Authority shall consist of
22 thirteen (13) members, including the President of the University of
23 Oklahoma, the President of Oklahoma State University, the State
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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Superintendent of Public Instruction, the Chancellor of the Oklahoma
2 State Regents for Higher Education, the president of one of the
3 state-supported four-year colleges to be chosen by the presidents of
4 this group of institutions, the president of one of the state-
5 supported two-year colleges to be chosen by the presidents of this
6 group of institutions, and seven additional members to be appointed
7 by the Governor with the consent of the Senate, to serve seven-year
8 terms.

9 The appointed members shall have been residents of the state for
10 at least five (5) years preceding the date of their appointment.
11 The appointed members shall include one member from each of the
12 congressional districts and any remaining members shall be appointed
13 from the state at large. However, when congressional districts are
14 redrawn each member appointed prior to July 1 of the year in which
15 such modification becomes effective shall complete the current term
16 of office and appointments made after July 1 of the year in which
17 such modification becomes effective shall be based on the redrawn
18 districts. Appointments made after July 1 of the year in which such
19 modification becomes effective shall be from any redrawn districts
20 which are not represented by a board member until such time as each
21 of the modified congressional districts are represented by a board
22 member. A majority of the appointed members shall be actively
23 engaged in the profession of education. Each appointed member of

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1 the Authority, before entering upon the duties of the member, shall
2 take the oath provided for by Section 1 of Article XV of the
3 Constitution of the State of Oklahoma.

4 The seven original members appointed by the Governor shall
5 continue in office for terms expiring on June 30, 1954; June 30,
6 1955; June 30, 1956; June 30, 1957; June 30, 1958; June 30, 1959;
7 and June 30, 1960, respectively. The terms of each of the original
8 appointed members shall be designated by the Governor, and said
9 members shall serve for their appointed terms and until their
10 respective successors shall be appointed and qualified. The
11 successor of each appointed member shall be appointed for a term of
12 seven (7) years, except that any person appointed to fill a vacancy
13 shall be appointed to serve only for the unexpired term in said
14 vacancy.

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

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

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

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10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
11 02/25/2013 - DO PASS, As Amended and Coauthored.

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