

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 3, 2011

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 435

By: Bingman et al of the Senate and Steele et al of the House

Title: Education Board - modifying appointments to the Board.

Together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recedes from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES:

Bingman

Jolley

Ford

Eason McIntyre

Stanislawski

Sparks

HOUSE CONFEREES:

Conference Committee on Education

Senate Action_____ Date_____ House Action_____ Date_____

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
4 SENATE BILL NO. 435

5 By: Bingman, Ford, David,
Shortey and Holt of the
Senate

6 and

7 Steele, Nelson and Wright
8 of the House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the State Board of Education;
12 amending 70 O.S. 2001, Section 3-101, as last amended
13 by Section 3 of Enrolled House Bill No. 2139 of the
1st Session of the 53rd Oklahoma Legislature, which
14 relates to the membership of the State Board of
Education; modifying appointments to the State Board;
15 setting effective date of a term; providing for term
of membership; providing for appointments to fill
16 vacancies; providing for termination of the terms of
certain persons; providing for appointments to fill
certain vacancies; deleting certain appointment
17 requirements; and deleting provision for the
continuation of certain terms.

18
19
20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3-101, as
22 last amended by Section 3 of Enrolled House Bill No. 2139 of the 1st
23 Session of the 53rd Oklahoma Legislature, is amended to read as
24 follows:

1 Section 3-101. A. The State Board of Education shall consist
2 of seven (7) members. The State Superintendent of Public
3 Instruction shall be a member and the chairperson of ~~said~~ the Board.
4 The remaining six members shall be appointed by the Governor by and
5 with the advice and consent of the Senate. Except as otherwise
6 provided for in subsection B of this section, upon assuming office
7 each Governor shall appoint one member from each congressional
8 district and one member from the state at-large. Each appointment
9 shall be made to take effect on April 2. The terms of each
10 appointed member shall be four (4) years. Appointed members shall
11 serve until a successor is appointed. Appointed members shall serve
12 at the pleasure of the Governor. Upon the occurrence of a vacancy
13 the same shall be filled by the Governor, subject to confirmation by
14 the Senate at the next session of the Legislature. The appointment
15 to fill a vacancy shall be made for the unexpired term.

16 B. On the effective date of this act, all appointed positions
17 of the current State Board of Education shall be deemed vacant and
18 the terms of persons serving on the Board shall be deemed
19 terminated. The Governor shall make initial appointments pursuant
20 to the provisions of this subsection within thirty (30) days of the
21 effective date of this act, with one member appointed from each
22 congressional district and one member appointed from the state at-
23 large. The appointments shall be subject to confirmation by the
24 Senate at the next session of the Legislature. The terms for

1 members appointed pursuant to this subsection shall terminate on
2 April 2, 2015. Thereafter, members shall be appointed as provided
3 for in subsection A of this section.

4 C. No person shall be eligible to be appointed to serve on the
5 State Board unless ~~said~~ the person has been awarded a high school
6 diploma or certificate of high school equivalency. Any member
7 appointed to the State Board ~~after May 20, 1994,~~ shall complete the
8 workshop requirements of a new school board member pursuant to
9 Section 5-110 of this title within thirteen (13) months following or
10 preceding the appointment of the member. Notwithstanding any
11 provision of law to the contrary, the State Department of Education
12 shall not charge any member of the State Board of Education a fee
13 for any workshop provided by the Department for board members
14 pursuant to Section 5-110 of this title and shall not pay a fee to
15 any organization or institution of higher education on behalf of a
16 member of the State Board of Education, or reimburse any member of
17 the Board for a fee paid to any organization or institution of
18 higher education, for attendance at a workshop or courses to satisfy
19 the requirements of Section 5-110 of this title.

20 ~~The Governor shall appoint one member to serve for one (1) year;~~
21 ~~one member to serve for two (2) years; one member to serve for three~~
22 ~~(3) years; one member to serve for four (4) years; one member to~~
23 ~~serve for five (5) years; and one member to serve for six (6) years.~~
24 ~~Said members shall serve until their successors are duly appointed~~

1 and qualified. Their successors shall be appointed for a term of
2 six (6) years, and thereafter the term of each member of the Board
3 shall be six (6) years. An appointment shall be made to take effect
4 on April 2 of each year. Except for the State Superintendent of
5 Public Instruction, a member shall be appointed from each
6 congressional district, and any remaining members shall be appointed
7 from the state at large, not to exceed more than one member from any
8 one county, city or town. However, when congressional districts are
9 redrawn each member appointed prior to July 1 of the year in which
10 such modification becomes effective shall complete the current term
11 of office and appointments made after July 1 of the year in which
12 such modification becomes effective shall be based on the redrawn
13 districts. Appointments made after July 1 of the year in which such
14 modification becomes effective shall be from any redrawn districts
15 which are not represented by a board member until such time as each
16 of the modified congressional districts are represented by a board
17 member. No appointments may be made after July 1 of the year in
18 which such modification becomes effective if such appointment would
19 result in more than two members serving from the same modified
20 district. Upon the occurrence of a vacancy the same shall be filled
21 by the Governor, subject to confirmation by the Senate at the next
22 session of the Legislature, such appointments to be made for the
23 unexpired term.

24

1 ~~Terms of the members shall be staggered so that only one term~~
2 ~~expires each year.~~

3 D. Members of the Board shall receive necessary traveling
4 expenses while in the performance of their duties in accordance with
5 the State Travel Reimbursement Act.

6 ~~Provided, that persons serving as members of the State Board of~~
7 ~~Education on May 20, 1994, shall continue to serve as members of the~~
8 ~~State Board of Education for the terms for which they were~~
9 ~~appointed.~~

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