

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 3086

                  By: Humphrey of the House

5   and

6   **Bullard** of the Senate

7  
8   AS INTRODUCED

9           An Act relating to education governing boards;  
10          amending 26 O.S. 2021, Section 13A-106, which relates  
11          to school district and technology center school  
12          district boards of education; requiring candidate to  
13          be a citizen of the United States; amending 70 O.S.  
14          2021, Section 3-101, as amended by Section 1, Chapter  
15          182, O.S.L. 2023 (70 O.S. Supp. 2023, Section 3-101),  
16          which relates to the State Board of Education;  
17          restricting eligibility of Board members based on  
18          citizenship; amending 70 O.S. 2021, Section 3204,  
19          which relates to the Oklahoma State Regents for  
20          Higher Education; updating language; requiring State  
21          Regents to be citizens of the United States; amending  
22          70 O.S. 2021, Section 3302, which relates to the  
23          Board of Regents of the University of Oklahoma;  
24          restricting eligibility of Board members based on  
                citizenship; amending 70 O.S. 2021, Section 3409,  
                which relates to the Board of Regents for the  
                Oklahoma Agricultural and Mechanical Colleges;  
                requiring Board members to be citizens of the United  
                States; amending 70 O.S. 2021, Section 3507, which  
                relates to the Regional University System of  
                Oklahoma; updating language; restricting eligibility  
                of Board members based on citizenship; providing an  
                effective date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 26 O.S. 2021, Section 13A-106, is  
2 amended to read as follows:

3 Section 13A-106. A. To be eligible to be a candidate for  
4 member of the board of education of a school district or technology  
5 center school district, a person must be a citizen of the United  
6 States, have resided in the district or, if the board seat is in an  
7 independent district, have resided in that district for at least six  
8 (6) months preceding the first day of the filing period, and have  
9 been a registered voter registered with the county election board at  
10 an address located within the geographical boundaries of the  
11 district for six (6) months preceding the first day of the filing  
12 period. Beginning May 1, 1990, no person shall be eligible to be a  
13 candidate for or elected to be a member of the board of education of  
14 a school district or technology center school district unless the  
15 person has been awarded a high school diploma or certificate of high  
16 school equivalency. In school districts that are divided into  
17 election districts, a candidate must have resided in the district  
18 for at least six (6) months preceding the first day of the filing  
19 period and have been a registered voter registered with the county  
20 election board at an address located within the geographical  
21 boundaries of the election district for six (6) months preceding the  
22 first day of the filing period. Beginning May 1, 1990, no person  
23 shall be eligible to be a candidate for or elected to be a member of

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1 the board of education unless the person has been awarded a high  
2 school diploma or certificate of high school equivalency.

3 B. To be eligible to vote in a school district election or a  
4 technology center school district election, a person must be  
5 registered with the county election board at an address located  
6 within the geographical boundaries of the district. To be eligible  
7 to vote in an election district election within a school district, a  
8 person must be registered with the county election board at an  
9 address located within the geographical boundaries of the election  
10 district.

11 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3-101, as  
12 amended by Section 1, Chapter 182, O.S.L. 2023 (70 O.S. Supp. 2023,  
13 Section 3-101), is amended to read as follows:

14 Section 3-101. A. The State Board of Education shall consist  
15 of seven (7) members. The State Superintendent of Public  
16 Instruction shall be a member and the chairperson of the Board. The  
17 remaining six members shall be appointed by the Governor by and with  
18 the advice and consent of the Senate. Except as otherwise provided  
19 for in subsection B of this section, upon assuming office each  
20 Governor shall appoint one member from each congressional district  
21 and one member from the state at large. Each appointment shall be  
22 made to take effect on April 2. The term of each appointed member  
23 shall be four (4) years. Appointed members shall serve until a  
24 successor is appointed. Appointed members shall serve at the

1 pleasure of the Governor. Upon the occurrence of a vacancy, the  
2 same shall be filled by the Governor, subject to confirmation by the  
3 Senate at the next session of the Legislature. The appointment to  
4 fill a vacancy shall be made for the unexpired term.

5 B. On the effective date of this act, all appointed positions  
6 of the current State Board of Education shall be deemed vacant and  
7 the terms of persons serving on the Board shall be deemed  
8 terminated. The Governor shall make initial appointments pursuant  
9 to the provisions of this subsection within thirty (30) days of the  
10 effective date of this act, with one member appointed from each  
11 congressional district and one member appointed from the state at  
12 large. The appointments shall be subject to confirmation by the  
13 Senate at the next session of the Legislature. The terms for  
14 members appointed pursuant to this subsection shall terminate on  
15 April 2, 2015. Thereafter, members shall be appointed as provided  
16 for in subsection A of this section.

17 C. No person shall be eligible to be appointed to serve on the  
18 Board unless the person is a citizen of the United States and has  
19 been awarded a high school diploma or certificate of high school  
20 equivalency. No person shall be appointed to serve on the Board if  
21 the person serves on a board of education of a school district which  
22 is supervised by the Board pursuant to Section 3-104 of this title.  
23 Any member appointed to the Board shall complete the workshop  
24 requirements of a new school board member pursuant to Section 5-110

1 of this title within thirteen (13) months following or preceding the  
2 appointment of the member. Notwithstanding any provision of law to  
3 the contrary, the State Department of Education shall not charge any  
4 member of the State Board of Education a fee for any workshop  
5 provided by the Department for board members pursuant to Section 5-  
6 110 of this title and shall not pay a fee to any organization or  
7 institution of higher education on behalf of a member of the State  
8 Board of Education, or reimburse any member of the Board for a fee  
9 paid to any organization or institution of higher education, for  
10 attendance at a workshop or courses to satisfy the requirements of  
11 Section 5-110 of this title.

12 D. Members of the Board shall receive necessary traveling  
13 expenses while in the performance of their duties in accordance with  
14 the State Travel Reimbursement Act.

15 SECTION 3. AMENDATORY 70 O.S. 2021, Section 3204, is  
16 amended to read as follows:

17 Section 3204. ~~(a)~~ A. The State Regents shall be a body  
18 corporate, and shall adopt an official seal; and all contracts,  
19 official documents, awards, degrees or other papers or instruments  
20 issued by the State Regents and requiring the official signature of  
21 the State Regents shall have the impression of such seal.

22 ~~(b)~~ B. The State Regents shall annually elect from its  
23 membership a ~~chairman, vice-chairman,~~ chair, vice-chair, secretary,  
24 and assistant secretary, each of whom shall serve for a term of one

1 (1) fiscal year. The ~~chairman~~ chair shall be the presiding officer  
2 of the State Regents. ~~He~~ The chair shall, on behalf of the State  
3 Regents, subscribe the official name thereof, and the secretary  
4 shall affix the official seal to all contracts, official documents,  
5 awards, degrees or other papers or instruments issued by the State  
6 Regents and requiring the official signature of the State Regents.  
7 In the absence, disqualification or disability of the ~~chairman~~ chair  
8 or secretary to act, the ~~vice-chairman~~ vice-chair and assistant  
9 secretary shall perform the duties of such respective officers. The  
10 officers of the State Regents shall have such other powers and  
11 perform such other duties as may be prescribed by the State Regents,  
12 which shall also adopt such rules and regulations as it deems  
13 necessary to govern its proceedings and the conduct of its business.

14 C. No person shall be eligible to serve on the State Regents  
15 unless the person is a citizen of the United States.

16 SECTION 4. AMENDATORY 70 O.S. 2021, Section 3302, is  
17 amended to read as follows:

18 Section 3302. ~~(a)~~ A. The Board of Regents provided for by  
19 Section 8, Article XIII, Oklahoma Constitution, shall constitute a  
20 body corporate by the name of Regents of the University of Oklahoma  
21 and shall be the government of the University of Oklahoma, Cameron  
22 University, and Rogers State University. It shall consist of seven  
23 (7) members to be appointed by the Governor by and with the advice  
24 and consent of the Senate. Provided, that persons now serving on

1 such Board shall be members of and continue to serve on the Board  
2 for the terms for which they were appointed.

3 ~~(b)~~ B. Appointments shall be to numbered positions on the  
4 Board, and terms of members of the Board shall be, as follows:

5 ~~(1)~~ 1. Position No. 1. The term of office of one member shall  
6 expire on the 21st day of March, 1966, and each seven (7) years  
7 thereafter.

8 ~~(2)~~ 2. Position No. 2. The term of office of one member shall  
9 expire on the 21st day of March, 1967, and each seven (7) years  
10 thereafter.

11 ~~(3)~~ 3. Position No. 3. The term of office of one member shall  
12 expire on the 21st day of March, 1968, and each seven (7) years  
13 thereafter.

14 ~~(4)~~ 4. Position No. 4. The term of office of one member shall  
15 expire on the 21st day of March, 1969, and each seven (7) years  
16 thereafter.

17 ~~(5)~~ 5. Position No. 5. The term of office of one member shall  
18 expire on the 21st day of March, 1970, and each seven (7) years  
19 thereafter.

20 ~~(6)~~ 6. Position No. 6. The term of office of one member shall  
21 expire on the 21st day of March, 1971, and each seven (7) years  
22 thereafter.

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1       ~~(7)~~ 7. Position No. 7. The term of office of one member shall  
2 expire on the 21st day of March, 1972, and each seven (7) years  
3 thereafter.

4       ~~(e)~~ C. No member of the Board shall be employed upon any work  
5 to be performed in connection with the University of Oklahoma,  
6 Cameron University, or Rogers State University, nor shall any member  
7 of said Board enter into any contract or business transaction  
8 involving a financial consideration with the University of Oklahoma,  
9 Cameron University, or Rogers State University. No person shall be  
10 eligible to serve on the Board unless the person is a citizen of the  
11 United States.

12       ~~(d)~~ D. Members of the Board shall be subject to removal from  
13 office as provided by law for the removal of elective officers not  
14 liable to impeachment.

15       ~~(e)~~ E. Vacancies on the Board shall be filled by the Governor,  
16 for the unexpired term, by and with the advice and consent of the  
17 Senate.

18       SECTION 5.       AMENDATORY       70 O.S. 2021, Section 3409, is  
19 amended to read as follows:

20       Section 3409. ~~(a)~~ A. The Board of Regents created by Section  
21 31a, Article 6, Oklahoma Constitution, shall be known as the Board  
22 of Regents for the Oklahoma Agricultural and Mechanical Colleges.  
23 It shall consist of nine (9) members, one of whom shall be the  
24 President of the State Board of Agriculture, the remaining eight



1 members to be appointed by the Governor, by and with the advice and  
2 consent of the Senate. Provided, that persons now serving on such  
3 Board shall be members of and shall continue to serve on the Board  
4 for the terms for which they were appointed.

5 ~~(b)~~ B. Appointments shall be to numbered positions on the  
6 Board, and the terms of members of the Board shall be, as follows:

7 ~~(1)~~ 1. Position No. 1. Effective April 5, 1990, the term of  
8 office of one member shall expire on the 4th day of April, 1998, and  
9 each eight (8) years thereafter, and the member shall be, and shall  
10 have been for not less than five (5) years prior to appointment, a  
11 resident and elector of this state.

12 ~~(2)~~ 2. Position No. 2. Effective April 5, 1991, the term of  
13 office of one member shall expire on the 4th day of April, 1999, and  
14 each eight (8) years thereafter, and the member shall be, and shall  
15 have been for not less than five (5) years prior to appointment, a  
16 resident and elector of the Second Congressional District.

17 ~~(3)~~ 3. Position No. 3. Effective April 5, 1992, the term of  
18 office of one member shall expire on the 4th day of April, 2000, and  
19 each eight (8) years thereafter, and the member shall be, and shall  
20 have been for not less than five (5) years prior to appointment, a  
21 resident and elector of this state.

22 ~~(4)~~ 4. Position No. 4. Effective April 5, 1993, the term of  
23 office of one member shall expire on the 4th day of April, 2001, and  
24 each eight (8) years thereafter, and the member shall be, and shall

1 have been for not less than five (5) years prior to appointment, a  
2 resident and elector of the First Congressional District.

3 ~~(5)~~ 5. Position No. 5. Effective April 5, 1994, the term of  
4 office of one member shall expire on the 4th day of April, 2002, and  
5 each eight (8) years thereafter, and the member shall be, and shall  
6 have been for not less than five (5) years prior to appointment, a  
7 resident and elector of the Fifth Congressional District.

8 ~~(6)~~ 6. Position No. 6. Effective April 5, 1995, the term of  
9 office of one member shall expire on the 4th day of April, 2003, and  
10 each eight (8) years thereafter, and the member shall be, and shall  
11 have been for not less than five (5) years prior to appointment, a  
12 resident and elector of this state.

13 ~~(7)~~ 7. Position No. 7. Effective April 5, 1996, the term of  
14 office of one member shall expire on the 4th day of April, 2004, and  
15 each eight (8) years thereafter, and the member shall be, and shall  
16 have been for not less than five (5) years prior to appointment, a  
17 resident and elector of the Third Congressional District.

18 ~~(8)~~ 8. Position No. 8. Effective April 5, 1997, the term of  
19 office of one member shall expire on the 4th day of April, 2005, and  
20 each eight (8) years thereafter, and the member shall be, and shall  
21 have been for not less than five (5) years prior to appointment, a  
22 resident and elector of the Fourth Congressional District.

23 ~~(9)~~ 9. Position No. 9. This position shall be occupied by the  
24 President of the State Board of Agriculture.

1        However, when congressional districts are redrawn, each member  
2 appointed prior to July 1 of the year in which such modification  
3 becomes effective shall complete the current term of office and  
4 appointments made after July 1 of the year in which such  
5 modification becomes effective shall be based on the redrawn  
6 districts. Any member whose named congressional district has been  
7 removed due to redistricting shall be appointed from the state at  
8 large.

9        ~~(e)~~ C. A majority of the members appointed by the Governor  
10 shall be farmers, who are actually engaged in farming and/or  
11 livestock growing as their principal business or occupation in  
12 earning a livelihood; and no state, national or county officer shall  
13 be appointed as a member of the Board until two (2) years after  
14 tenure as such officer has ceased.

15        ~~(d)~~ D. No member of the Board of Regents shall be employed upon  
16 any work to be performed in connection with any of the Agricultural  
17 Colleges or Oklahoma State University of Agriculture and Applied  
18 Science, nor shall any member of said Board enter into any contract  
19 or business dealings with any of said Agricultural Colleges, in the  
20 way of buying, selling or exchanging livestock, or any other  
21 business transactions involving a financial consideration. No  
22 person shall be eligible to serve on the Board unless the person is  
23 a citizen of the United States.

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1       ~~(e)~~ E. Members of the Board shall be removable only for cause,  
2 as provided by law for this removal of officers not subject to  
3 impeachment.

4       ~~(f)~~ F. Vacancies on the Board shall be filled by the Governor,  
5 for the unexpired term, by and with the advice and consent of the  
6 Senate.

7       SECTION 6.       AMENDATORY       70 O.S. 2021, Section 3507, is  
8 amended to read as follows:

9       Section 3507. ~~(a)~~ A. The Board of Regents of Oklahoma Colleges  
10 created by Article XIII-B, Oklahoma Constitution, shall consist of  
11 nine (9) members appointed by the Governor by and with the consent  
12 of the Senate. Provided, that persons now serving on such Board  
13 shall be members of and shall continue to serve on the Board for the  
14 terms for which they were appointed. Not more than two members of  
15 the Board shall be from any one profession, vocation or occupation.  
16 Appointments shall be to numbered positions on the Board, and the  
17 terms of members of the Board shall be, as follows:

18       ~~(1)~~ 1. Position No. 1. The term of office of one member shall  
19 expire on the 10th day of June, 1966, and each nine (9) years  
20 thereafter, and he or she shall be a resident of one of the  
21 following counties: Blaine, Kingfisher, Canadian, Caddo, Grady,  
22 Comanche, Stephens, Jefferson or Cotton.

23       ~~(2)~~ 2. Position No. 2. The term of office of one member shall  
24 expire on the 10th day of June, 1967, and each nine (9) years

1 thereafter, and he or she shall be a resident of one of the  
2 following counties: Ottawa, Delaware, Craig, Mayes, Nowata, Rogers,  
3 Washington, Tulsa, Pawnee or Osage.

4 ~~(3)~~ 3. Position No. 3. The term of office of one member shall  
5 expire on the 10th day of June, 1968, and each nine (9) years  
6 thereafter, and he or she shall be a resident of one of the  
7 following counties: Ellis, Dewey, Roger Mills, Custer, Beckham,  
8 Washita, Kiowa, Greer, Jackson, Harmon or Tillman.

9 ~~(4)~~ 4. Position No. 4. The term of office of one member shall  
10 expire on the 10th day of June, 1970, and each nine (9) years  
11 thereafter, and he or she shall be a resident of one of the  
12 following counties: Adair, Sequoyah, Cherokee, Wagoner, Muskogee,  
13 Haskell, McIntosh or Okmulgee.

14 ~~(5)~~ 5. Position No. 5. The term of office of one member shall  
15 expire on the 10th day of June, 1971, and each nine (9) years  
16 thereafter, and he or she shall be a resident of one of the  
17 following counties: Creek, Lincoln, Okfuskee, Seminole,  
18 Pottawatomie, Pontotoc, Hughes, Johnston or Coal.

19 ~~(6)~~ 6. Position No. 6. The term of office of one member shall  
20 expire on the 10th day of June, 1972, and each nine (9) years  
21 thereafter, and he or she shall be a resident of one of the  
22 following counties: Cimarron, Texas, Beaver, Harper, Woodward,  
23 Woods, Major, Alfalfa, Grant, Garfield, Kay or Noble.

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1       ~~(7)~~ 7. Position No. 7. The term of office of one member shall  
2 expire on the 10th day of June, 1973, and each nine (9) years  
3 thereafter, and he or she shall be a resident of one of the  
4 following counties: LeFlore, Latimer, Pittsburg, Atoka, Pushmataha,  
5 McCurtain, Choctaw, Bryan, Marshall, Carter or Love.

6       ~~(8)~~ 8. Position No. 8. The term of office of one member shall  
7 expire on the 10th day of June, 1974, and each nine (9) years  
8 thereafter, and he or she shall be a resident of one of the  
9 following counties: Logan, Oklahoma, Cleveland, McClain, Garvin,  
10 Murray or Payne.

11       ~~(9)~~ 9. Position No. 9. One member shall be the State  
12 Superintendent of Public Instruction, who shall serve as such member  
13 during his or her tenure as State Superintendent of Public  
14 Instruction.

15       ~~(b)~~ B. The successor of a member of the Board shall be  
16 appointed within ninety (90) days after the term of such member  
17 expires; and any vacancy in an appointive position on the Board  
18 shall be filled by the Governor by and with the consent of the  
19 Senate for the unexpired term within ninety (90) days after the  
20 vacancy occurs.

21       ~~(c)~~ C. No member of the Board shall be employed upon any work  
22 to be performed in connection with institutions under its  
23 jurisdiction, nor shall any member of said Board enter into any  
24 contract or business transaction involving a financial consideration

1 with institutions under its jurisdiction. No person shall be  
2 eligible to serve on the Board unless the person is a citizen of the  
3 United States.

4 SECTION 7. This act shall become effective July 1, 2024.

5 SECTION 8. It being immediately necessary for the preservation  
6 of the public peace, health or safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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10 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/27/2024 - DO PASS,  
11 As Coauthored.

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