

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3086

By: Humphrey

AS INTRODUCED

An Act relating to education governing boards; amending 26 O.S. 2021, Section 13A-106, which relates to school district and technology center school district boards of education; requiring candidate to be a citizen of the United States; amending 70 O.S. 2021, Section 3-101, as amended by Section 1, Chapter 182, O.S.L. 2023 (70 O.S. Supp. 2023, Section 3-101), which relates to the State Board of Education; restricting eligibility of Board members based on citizenship; amending 70 O.S. 2021, Section 3204, which relates to the Oklahoma State Regents for Higher Education; updating language; requiring State Regents to be citizens of the United States; amending 70 O.S. 2021, Section 3302, which relates to the Board of Regents of the University of Oklahoma; 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:

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

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

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

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

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

1 Senate at the next session of the Legislature. The appointment to
2 fill a vacancy shall be made for the unexpired term.

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

15 C. No person shall be eligible to be appointed to serve on the
16 Board unless the person is a citizen of the United States and has
17 been awarded a high school diploma or certificate of high school
18 equivalency. No person shall be appointed to serve on the Board if
19 the person serves on a board of education of a school district which
20 is supervised by the Board pursuant to Section 3-104 of this title.
21 Any member appointed to the Board shall complete the workshop
22 requirements of a new school board member pursuant to Section 5-110
23 of this title within thirteen (13) months following or preceding the
24 appointment of the member. Notwithstanding any provision of law to
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1 the contrary, the State Department of Education shall not charge any
2 member of the State Board of Education a fee for any workshop
3 provided by the Department for board members pursuant to Section 5-
4 110 of this title and shall not pay a fee to any organization or
5 institution of higher education on behalf of a member of the State
6 Board of Education, or reimburse any member of the Board for a fee
7 paid to any organization or institution of higher education, for
8 attendance at a workshop or courses to satisfy the requirements of
9 Section 5-110 of this title.

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

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

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

20 ~~(b)~~ B. The State Regents shall annually elect from its
21 membership a ~~chairman, vice-chairman,~~ chair, vice-chair, secretary,
22 and assistant secretary, each of whom shall serve for a term of one
23 (1) fiscal year. The ~~chairman~~ chair shall be the presiding officer
24 of the State Regents. ~~He~~ The chair shall, on behalf of the State

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

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

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

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

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

3 ~~(1)~~ 1. Position No. 1. The term of office of one member shall
4 expire on the 21st day of March, 1966, and each seven (7) years
5 thereafter.

6 ~~(2)~~ 2. Position No. 2. The term of office of one member shall
7 expire on the 21st day of March, 1967, and each seven (7) years
8 thereafter.

9 ~~(3)~~ 3. Position No. 3. The term of office of one member shall
10 expire on the 21st day of March, 1968, and each seven (7) years
11 thereafter.

12 ~~(4)~~ 4. Position No. 4. The term of office of one member shall
13 expire on the 21st day of March, 1969, and each seven (7) years
14 thereafter.

15 ~~(5)~~ 5. Position No. 5. The term of office of one member shall
16 expire on the 21st day of March, 1970, and each seven (7) years
17 thereafter.

18 ~~(6)~~ 6. Position No. 6. The term of office of one member shall
19 expire on the 21st day of March, 1971, and each seven (7) years
20 thereafter.

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

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

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

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

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

17 Section 3409. ~~(a)~~ A. The Board of Regents created by Section
18 31a, Article 6, Oklahoma Constitution, shall be known as the Board
19 of Regents for the Oklahoma Agricultural and Mechanical Colleges.
20 It shall consist of nine (9) members, one of whom shall be the
21 President of the State Board of Agriculture, the remaining eight
22 members to be appointed by the Governor, by and with the advice and
23 consent of the Senate. Provided, that persons now serving on such
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1 Board shall be members of and shall 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 the terms of members of the Board shall be, as follows:

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

10 ~~(2)~~ 2. Position No. 2. Effective April 5, 1991, the term of
11 office of one member shall expire on the 4th day of April, 1999, and
12 each eight (8) years thereafter, and the member shall be, and shall
13 have been for not less than five (5) years prior to appointment, a
14 resident and elector of the Second Congressional District.

15 ~~(3)~~ 3. Position No. 3. Effective April 5, 1992, the term of
16 office of one member shall expire on the 4th day of April, 2000, and
17 each eight (8) years thereafter, and the member shall be, and shall
18 have been for not less than five (5) years prior to appointment, a
19 resident and elector of this state.

20 ~~(4)~~ 4. Position No. 4. Effective April 5, 1993, the term of
21 office of one member shall expire on the 4th day of April, 2001, and
22 each eight (8) years thereafter, and the member shall be, and shall
23 have been for not less than five (5) years prior to appointment, a
24 resident and elector of the First Congressional District.

1 ~~(5)~~ 5. Position No. 5. Effective April 5, 1994, the term of
2 office of one member shall expire on the 4th day of April, 2002, and
3 each eight (8) years thereafter, and the member shall be, and shall
4 have been for not less than five (5) years prior to appointment, a
5 resident and elector of the Fifth Congressional District.

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

11 ~~(7)~~ 7. Position No. 7. Effective April 5, 1996, the term of
12 office of one member shall expire on the 4th day of April, 2004, and
13 each eight (8) years thereafter, and the member shall be, and shall
14 have been for not less than five (5) years prior to appointment, a
15 resident and elector of the Third Congressional District.

16 ~~(8)~~ 8. Position No. 8. Effective April 5, 1997, the term of
17 office of one member shall expire on the 4th day of April, 2005, and
18 each eight (8) years thereafter, and the member shall be, and shall
19 have been for not less than five (5) years prior to appointment, a
20 resident and elector of the Fourth Congressional District.

21 ~~(9)~~ 9. Position No. 9. This position shall be occupied by the
22 President of the State Board of Agriculture.

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

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

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

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

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

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

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

15 ~~(1)~~ 1. Position No. 1. The term of office of one member shall
16 expire on the 10th day of June, 1966, and each nine (9) years
17 thereafter, and he or she shall be a resident of one of the
18 following counties: Blaine, Kingfisher, Canadian, Caddo, Grady,
19 Comanche, Stephens, Jefferson or Cotton.

20 ~~(2)~~ 2. Position No. 2. The term of office of one member shall
21 expire on the 10th day of June, 1967, and each nine (9) years
22 thereafter, and he or she shall be a resident of one of the
23 following counties: Ottawa, Delaware, Craig, Mayes, Nowata, Rogers,
24 Washington, Tulsa, Pawnee or Osage.

1 ~~(3)~~ 3. Position No. 3. The term of office of one member shall
2 expire on the 10th day of June, 1968, and each nine (9) years
3 thereafter, and he or she shall be a resident of one of the
4 following counties: Ellis, Dewey, Roger Mills, Custer, Beckham,
5 Washita, Kiowa, Greer, Jackson, Harmon or Tillman.

6 ~~(4)~~ 4. Position No. 4. The term of office of one member shall
7 expire on the 10th day of June, 1970, and each nine (9) years
8 thereafter, and he or she shall be a resident of one of the
9 following counties: Adair, Sequoyah, Cherokee, Wagoner, Muskogee,
10 Haskell, McIntosh or Okmulgee.

11 ~~(5)~~ 5. Position No. 5. The term of office of one member shall
12 expire on the 10th day of June, 1971, and each nine (9) years
13 thereafter, and he or she shall be a resident of one of the
14 following counties: Creek, Lincoln, Okfuskee, Seminole,
15 Pottawatomie, Pontotoc, Hughes, Johnston or Coal.

16 ~~(6)~~ 6. Position No. 6. The term of office of one member shall
17 expire on the 10th day of June, 1972, and each nine (9) years
18 thereafter, and he or she shall be a resident of one of the
19 following counties: Cimarron, Texas, Beaver, Harper, Woodward,
20 Woods, Major, Alfalfa, Grant, Garfield, Kay or Noble.

21 ~~(7)~~ 7. Position No. 7. The term of office of one member shall
22 expire on the 10th day of June, 1973, and each nine (9) years
23 thereafter, and he or she shall be a resident of one of the
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1 following counties: LeFlore, Latimer, Pittsburg, Atoka, Pushmataha,
2 McCurtain, Choctaw, Bryan, Marshall, Carter or Love.

3 ~~(8)~~ 8. Position No. 8. The term of office of one member shall
4 expire on the 10th day of June, 1974, and each nine (9) years
5 thereafter, and he or she shall be a resident of one of the
6 following counties: Logan, Oklahoma, Cleveland, McClain, Garvin,
7 Murray or Payne.

8 ~~(9)~~ 9. Position No. 9. One member shall be the State
9 Superintendent of Public Instruction, who shall serve as such member
10 during his or her tenure as State Superintendent of Public
11 Instruction.

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

18 ~~(c)~~ C. No member of the Board shall be employed upon any work
19 to be performed in connection with institutions under its
20 jurisdiction, nor shall any member of said Board enter into any
21 contract or business transaction involving a financial consideration
22 with institutions under its jurisdiction. No person shall be
23 eligible to serve on the Board unless the person is a citizen of the
24 United States.

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

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

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