

ENROLLED HOUSE
BILL NO. 1289

BY: HUDSON of the HOUSE

and

HOOPER, WILLIAMS (Don),
LONG (Ed), CAPPS and
ROBINSON of the SENATE

AN ACT RELATING TO EDUCATION; AMENDING 70 O.S. 1981, SECTION 5-107A, AS LAST AMENDED BY SECTION 4 OF ENROLLED HOUSE BILL NO. 1508 OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO SCHOOL BOARD ELECTIONS; MODIFYING ELECTION PROCEDURES RELATED TO CERTAIN SIZE SCHOOL DISTRICTS; MODIFYING REAPPORTIONMENT OF CERTAIN ELECTION DISTRICTS; CHANGING THE NAMES OF ELECTION DISTRICTS TO BOARD DISTRICTS; AUTHORIZING THE REDUCTION IN MEMBERSHIP OF CERTAIN BOARDS OF EDUCATION AND PROVIDING FOR PROCEDURES RELATED THERETO; PROVIDING FOR REDISTRICTING AND PROCEDURES RELATED THERETO; PROVIDING FOR VACANCIES; PROVIDING EXCEPTIONS; AUTHORIZING THE CONTINUED SERVICE OF TERMS UNDER CERTAIN CONDITIONS; PROVIDING FOR THE STAGGERING OF CERTAIN TERMS; PROVIDING FOR SERVICE OF CERTAIN TERMS AND DESIGNATION OF MEMBERS; AMENDING SECTION 2, CHAPTER 296, O.S.L. 1988 (26 O.S SUPP. 1990, SECTION 13A-101), WHICH RELATES TO SCHOOL DISTRICT ELECTIONS; AUTHORIZING THE CLOSING OF CERTAIN PRECINCTS; PROVIDING PROCEDURES RELATED THERETO; AMENDING SECTION 4, CHAPTER 296, O.S.L. 1988, AS AMENDED BY SECTION 1, CHAPTER 132, O.S.L. 1989 (26 O.S. SUPP. 1990, SECTION 13A-103), WHICH RELATES TO SCHOOL DISTRICT ELECTION DATES; CHANGING CERTAIN ELECTION DATE; AMENDING 62 O.S. 1981, SECTION 41.21, AS LAST AMENDED BY SECTION 1 OF ENROLLED HOUSE BILL NO. 1350 OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO PAYMENT OF CERTAIN CLAIMS OR PAYROLLS; REQUIRING THE OKLAHOMA STATE REGENTS FOR HIGHER EDUCATION AND THE DIRECTOR OF STATE FINANCE TO ESTABLISH A SYSTEM FOR CLAIM SETTLEMENT; PROVIDING PROCEDURES FOR PARTICIPATION; ADDING PROGRAMS ELIGIBLE FOR CERTAIN PROCEDURE; AUTHORIZING THE STATE REGENTS TO APPROVE OR DISAPPROVE PARTICIPATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 70 O.S. 1981, Section 5-107A, as last amended by Section 4 of Enrolled House Bill No. 1508 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 5-107A. The following provisions and the provisions of Sections 13A-101 ~~through 13A-111~~ et seq. of Title 26 of the Oklahoma Statutes shall govern the election of members of the board of education for a school district:

A. The number and term of each board of education shall be as follows:

District	Members	Term (Years)
Elementary	3	3
Independent		
1. districts having a five-member board on January 1, 1989	5	5
2. districts having a seven-member board on January 1, 1989, or forming a seven-member board pursuant to Sections 7-101 and 7-105 of this title	7	4
3. districts having a nine-member board on January 1, 1989 <u>unless an election is conducted pursuant to subsection C of this section</u>	9	3

B. In all school districts, the members of the board of education shall be elected as follows:

1. a. ~~Within six (6) months~~ Between August 1 and December 31 of the year following the publication of the submission by the United States Department of Commerce to the President of the United States of the official Federal Decennial Census by the United States Bureau of Census, it shall be the duty of the board of education to divide shall reapportion the territory of the school district into election board districts. ~~Such election~~ Beginning with the reapportionment following the 1990 Federal Decennial Census, all boundaries of board districts shall follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census and shall follow, as much as is possible, precinct boundaries. Board districts shall be compact, contiguous and shall be as equal in population as ~~may be practicable~~ practical with not more than a ten percent (10%) variance between the most populous and least populous election board districts. ~~In making such division the board may use population reports of the United States Bureau of Census, utility records, school membership records and any other current data which is competent to aid in determining the population of the school district and the location of such population, but shall not use voter registration records.~~

- b. School districts having fewer than one thousand (1,000) students in average daily membership during the preceding school year may choose not to establish election board districts and may nominate and elect all board members at large.
- c. Elementary school districts shall have board members elected at large.
- d. ~~If there is located in an independent school district~~ A city having located in an independent school district having four or more wards and an outlying area, and with such outlying area comprises comprising no more than twenty percent (20%) of the population of such independent school district, then such independent school district may adopt such wards and outlying area in lieu of the election board districts ~~hereinbefore mentioned~~ provided for in subparagraph a of this paragraph, and at least one member of the board of education of such independent school district shall be a member of each ward. ~~The board of education of a five-member board may choose to establish four (4) election districts as provided for in this paragraph and designate the fifth seat as an at large seat for which any member of the school district is eligible; and~~

2. One member of the board of education shall be elected by the electors of the school district to represent each such election board district. Provided, however, that in any school district ~~wherein where~~ the electors of each election board district, rather than the electors of the entire school district, ~~elected~~ elect board members to represent that election board district ~~prior to January 1, 1988~~, that district shall ~~continue to~~ elect board members in that manner.

If during the term of office to which ~~he were~~ a person was elected ~~a, that~~ member ~~shall cease~~ ceases to be a resident of ~~such~~ election the board district for which ~~he~~ the person was elected, ~~his~~ the office shall become vacant and such vacancy shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes; provided, if the member still resides within the school district to which board that person was elected, the office shall not become vacant and the member may serve the remainder of the term to which the person was elected; and

3. In school districts having more than ~~thirty thousand~~ (30,000) ten thousand (10,000) children in average daily membership, the following provision and the provisions of Sections 13A-101 ~~through 13A-111 et seq.~~ of Title 26 of the Oklahoma Statutes shall control as to election of the members of the school district's board of education:

- a. There shall be held a nomination election ~~wherein in~~ which the electors of each election board district in which a term is expiring or in which a vacancy exists shall select two (2) nominees from among the candidates for board member to represent ~~such the~~ board district,
- b. If, in the nominating election, one candidate has a majority of all votes cast, then a general election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving the greatest number of votes shall become the nominees for ~~such election the board~~ district in the general election, and

c. At the general election, all of the electors of ~~such election~~ the board district shall select one of the two nominees ~~for each such election district~~ as the member of the board of education representing ~~such election~~ the board district.

C. Until January 1, 1993, any nine-member board shall have the option of reducing its board to a seven- or five-member board after approval of a board resolution or a vote of the electors of the school district to take such action pursuant to Section 13A-109 of Title 26 of the Oklahoma Statutes. If the question is put before the voters of the district, such election shall be held along with and at the same time and place as the next school election if all requirements of Sections 13A-101 et seq. of Title 26 of the Oklahoma Statutes for such election are met.

After such resolution or election, the board shall reapportion the district, determining by resolution or by lot which board member offices shall be abolished at the end of the current board member's term and which shall become one of the offices of the new board.

Election of the resulting board members shall be carried out according to procedures stated in this section and Sections 13A-101 et seq. of Title 26 of the Oklahoma Statutes.

School board members currently serving in offices abolished pursuant to this subsection shall continue serving until the end of their current terms as at-large members.

~~C. D.~~ The offices of members of the board of education shall be designated by consecutive numbers and shall correspond with ~~election~~ board districts when applicable.

~~D. E.~~ The terms of office of the members of a five-member board of education shall commence on the first Monday in July of the year indicated:

Office No. 1	1991
Office No. 2	1992
Office No. 3	1993
Office No. 4	1994
Office No. 5	1995

The terms of office of the members of a seven-member board of education shall be staggered, with one member being elected in 1991, two members being elected in 1992, two members being elected in 1993 and two members being elected in 1994 and shall commence on the first regular meeting in July; provided, in districts needing to elect two members in 1991 to maintain a full complement of board members, two members shall be elected in 1991, one for a full term and one for a one-year term, as determined by the local board. If a seven-member board is formed upon consolidation pursuant to Section 7-105 of this title, the formation agreement shall specify initial short terms as necessary to extend until the beginning of the regular terms for seven-member boards established herein.

The terms of office of the members of a nine-member board of education shall be staggered, with three members being elected in 1991, three members being elected in 1992 and three members being elected in 1993, and shall commence on the first regular meeting in July. Upon reduction of a nine-member board pursuant to subsection C of this section, the terms of the five-member or seven-member board shall be staggered pursuant to this subsection.

One member of a three-member board of education shall be elected each year, and the terms of office shall commence on the first regular meeting in July.

~~E. F.~~ The term of office of each board member elected after May 31, 1990, ~~in any elementary or independent school district~~ shall commence on the first regular meeting in July following the election

of the member. Board members elected prior to June 1, 1990, may remain in office until their successor is elected and seated pursuant to Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of any member who completes the term for which the member was elected but not wishing to serve until the successor of the member takes office on the first regular meeting in July following the election of the successor, shall be filled by appointment by the remaining members of the board of education.

SECTION 2. AMENDATORY Section 2, Chapter 296, O.S.L. 1988 (26 O.S. Supp. 1990, Section 13A-101), is amended to read as follows:

Section 13A-101. A. Except as otherwise provided by law, the general election laws shall apply to all elections for school districts and vocational-technical school districts. When it is impossible or impractical to apply the general election laws for school districts and vocational-technical school districts, the Secretary of the State Election Board shall prescribe procedures consistent with the purposes of the general election laws.

B. The Secretary of the State Election Board may allow certain precincts to be closed during school district and vocational-technical school district elections upon request of the secretary of the county election board or upon request of the board of education of a school district.

SECTION 3. AMENDATORY Section 4, Chapter 296, O.S.L. 1988, as amended by Section 1, Chapter 132, O.S.L. 1989 (26 O.S. Supp. 1990, Section 13A-103), is amended to read as follows:

Section 13A-103. A. The election of members of the board of education of every school district and vocational-technical school district shall be conducted on the first Tuesday in May of each year.

If no candidate receives more than fifty percent (50%) of the votes cast in the election provided for in this subsection, an election between the two candidates with the highest number of votes shall be conducted on the third last Tuesday in June of that year.

B. Elections on the question of making a levy or levies for schools under Section 9, Section 9B or Section 10 of Article X of the Oklahoma Constitution shall be held on the first Tuesday in May of each year.

C. The board of education of every school district or vocational-technical school district may call a special election for the purpose of voting on any matter or question authorized by law.

SECTION 4. AMENDATORY 62 O.S. 1981, Section 41.21, as last amended by Section 1 of Enrolled House Bill No. 1350 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 41.21 A. ~~Procedures~~ Except as otherwise provided by subsections B and C of this section, procedures for effecting payment of claims or payrolls shall include the following:

1. All claims and payrolls which are to be used to authorize the payment of money from the State Treasury, shall be filed with the Director of State Finance for audit and settlement prior to being filed for payment with the State Treasurer. The Director of State Finance may, at his discretion, establish a procedure to permit consolidated payment to vendors for claims involving more than one agency of the state when audit and settlement of such claims, as hereinafter provided, can in all respects be accomplished.

2. The Division of Central Accounting and Reporting shall preaudit all claims against contracts, purchase orders and other

commitments before entering such claims against the appropriation allotment accounts.

3. After claims and/or payrolls have been properly audited and recorded against the respective appropriation allotment accounts, the Division of Central Accounting and Reporting shall certify such claims and/or payrolls to the State Treasurer for payment. It shall be the responsibility of the Division of Central Accounting and Reporting to determine:

- a. that all legal requirements concerning the expenditure of monies involved in each claim or payroll have been complied with,
- b. that funds have been properly and legally allotted for the payment of the claim or payroll and that a sufficient balance exists for the payment of same.

Sufficient space shall be provided on each claim and/or payroll for the Director of State Finance to indicate that the claim or payroll has been approved for payment by the Division of Central Accounting and Reporting. The Director of State Finance shall authorize bonded employees in the Division of Central Accounting and Reporting to execute the signed approval of each claim or payroll which shall be certified to the State Treasurer for payment.

B. Notwithstanding the provisions of subsection A of this section, the Department of Human Services is authorized to establish an encumbrance and preaudit system for settlement of claims relating to public assistance, social service benefits and medical benefits to or for persons eligible under applicable federal laws and regulations, Oklahoma Statutes, and policies established by the Oklahoma Commission for Human Services. The following programs shall be eligible for this procedure:

1. Aid to Families with Dependent Children;
2. Aid to Aged, Blind and Disabled;
3. Medical Assistance;
4. Vocational Rehabilitation;
5. Day Care;
6. Visual Services;
7. Refugee Resettlement;
8. Low Income Heating and Energy Assistance;
9. General Assistance;
10. Crippled Children;
11. Social Services under Title XX of the U.S. Social Security Act;
12. Adoption Subsidies;
13. Foster Care;
14. Medical Examination;
15. Area Agencies on Aging; and
16. Any contract for service for which the Office of Public Affairs has approved as qualifying for a fixed and uniform rate pursuant to Section 85.7 of Title 74 of the Oklahoma Statutes.

The Department of Human Services shall provide to the Director of State Finance, for approval prior to inclusion in this procedure, detailed listings of the type of payments to be made for each of these programs. The Department of Human Services shall provide the Director of State Finance a daily report of the dollar amount of claims settled and checks or warrants written, the dollar amount of checks or warrants canceled, and the dollar amount of checks or warrants canceled by statutes.

C. Provisions of subsection A of this section notwithstanding, the Oklahoma State Regents for Higher Education and the Director of State Finance shall jointly establish a system for the settlement of claims, excepting payroll, by entities of The Oklahoma State System

of Higher Education. The settlement system shall include policy, procedures, and performance criteria for participation. The State Regents are authorized to approve or disapprove the participation of any institution or other entity of the State System in the claims settlement system.

D. The State Treasurer shall write checks or warrants in payment of claims and payrolls certified to him for payment by the Division of Central Accounting and Reporting or the Department of Human Services. The State Treasurer, at his discretion and within such limitations as he may prescribe, may authorize the Director of State Finance or the Department of Human Services to write the checks or warrants for payment of claims and payrolls that have been certified by the respective agency. The Director of State Finance and the Department of Human Services shall provide the State Treasurer a register of each payment for each check or warrant written. Provided, in lieu of checks or warrants:

1. The Director of State Finance may, with the concurrence of the State Treasurer, establish a procedure to effect the settlement of interagency claims by transfer entry; and

2. At the discretion of the State Treasurer, payment of claims and payrolls may be made by the electronic transfer of funds.

Such optional settlement modes may be implemented when the authorized officer or officers of the state are satisfied such modes will substantially operate to the benefit of the state and without sacrifice to the security and integrity of the monies and records of the state.

~~D.~~ E. The Director of State Finance is authorized to use a numeric or alphanumeric designation to cross-reference claims or payrolls to check warrant numbers, transfer entry or optional settlement mode used in the payment thereof.

SECTION 5. This act shall become effective June 1, 1991.

Passed the House of Representatives the 29th day of May, 1991.

Speaker of the House of
Representatives

Passed the Senate the 30th day of May, 1991.

President of the Senate