

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2243

BY: GREENWOOD

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1991, SECTION 16-103, 16-105, 16-106, 16-107, 16-108, 16-110, 16-111, 16-111.1, 16-113, 16-116, 16-117, 16-118, 16-119, 16-121, 16-122, 16-123 AND 16-124, WHICH RELATE TO TEXTBOOKS; CHANGING DUTIES OF STATE TEXTBOOK COMMITTEE TO STATE BOARD OF EDUCATION; DELETING REFERENCES TO STATE TEXTBOOK COMMITTEE; DELETING REFERENCES TO STATE ADOPTED TEXTBOOKS; MODIFYING BID PROCEDURE; REQUIRING SCHOOL PRINCIPALS TO APPOINT LOCAL TEXTBOOK COMMITTEE; ESTABLISHING COMPOSITION OF COMMITTEE; REQUIRING NOTIFICATION BY PRINCIPAL; PROVIDING FOR TEXTBOOK REVIEW BY COMMITTEE; PROVIDING FOR ALTERNATIVE ADOPTION UNDER CERTAIN CIRCUMSTANCES; REQUIRING PUBLIC HEARINGS; PROVIDING OBJECTIVES FOR COMMITTEE; ALLOWING TRAVEL EXPENSES FOR COMMITTEE; MODIFYING REQUIREMENTS FOR SUPPLEMENTARY TEXTBOOKS; CHANGING AGENT LIST REQUIREMENT FROM STATE TEXTBOOK COMMITTEE TO STATE BOARD OF EDUCATION; REPEALING 70 O.S. 1991, SECTIONS 16-101, 16-102, 16-102.1, 16-104 AND 16-109, WHICH RELATE TO TEXTBOOKS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 16-103, is amended to read as follows:

Section 16-103. The State ~~Textbook Committee~~ Board of Education shall advertise for books in all basic subjects in such manner and for such time as it may deem best. Prior to June 1 of each year, the ~~Committee~~ State Board of Education shall advertise for sealed bids from publishers of textbooks for furnishing textbooks for the public schools of this state. Each bid shall state specifically and clearly the price at which each book will be furnished FOB the bidder's depository or delivered to any ordering school district in this state, and the price the books may be sold for through local retail book dealers, and shall be accompanied by a sample copy of each book offered in such bid, together with any teacher edition or teacher aids used with such book. ~~A copy~~ Copies of each textbook for which a bid has been ~~accepted by the Committee~~ submitted shall be displayed in at least ~~one library~~ two libraries or ~~institution~~ institutions of higher education within each Congressional District in this state. The textbooks shall be displayed by at least the first day of October. The State Board of Education shall determine how many copies of each book shall be displayed. The facility shall have free public access. The textbooks shall be displayed ~~from the time they are accepted by the Committee until their final selection or rejection~~ until all local textbook committees have made their final selection or rejection. A record of all the books delivered direct to any school district shall be immediately furnished by the shipper and the school district to the State Board of Education. It shall be required that each bidder deposit with the State Treasurer such sums of money as the ~~Committee~~ State Board of Education may require, which shall be not less than Five Hundred Dollars (\$500.00)

nor more than Two Thousand Five Hundred Dollars (\$2,500.00). Each bid shall be accompanied by a sworn statement specifically:

1. stating whether the publisher is the owner of any interest or share in any other textbook publishing houses and, if so, giving the names and addresses thereof;

2. showing whether any ~~member of the Committee~~ employee of the State Board of Education is in any manner interested, directly or indirectly, in such person, firm, or corporation submitting such bid; and

3. showing the name and address of every local committee, public official, or individual in this state who has been furnished, within the preceding twelve (12) months, any copy of the textbook or textbooks or any edition thereof included in the bid, together with the numbers and titles thereof furnished to each recipient.

If the fact shall be disclosed that any member of ~~the Committee,~~ ~~State Textbook Director~~ a local committee, or any employee of ~~that office~~ the Board is interested in the bidder, it shall work a disqualification of such member, and he shall not be permitted to serve on the ~~Committee~~ local committee, and the bidder shall be disqualified. If it shall be disclosed that such sworn statement does not accurately and completely give the information required, the State ~~Textbook Committee~~ Board of Education shall disregard the bid. Publishers may furnish advance or sample textbooks or any edition thereof to a member of a local textbook committee or any school official or individual for the purpose of obtaining local adoption of the textbook, but are prohibited from furnishing or offering to furnish any other thing of value to any member of the local textbook committee or any school official. If it is disclosed that the publisher has furnished or offered to furnish any other thing of value the bid shall be disqualified. Oklahoma authors of school textbooks shall be permitted to receive the customary royalty, regardless of employment. The words "textbook" or "book"

as used in this article shall include all printed materials intended for use in teaching, and may also include instructional computer software including, but not limited to, applications using computer-assisted instruction, interactive videodisc, other computer courseware, and magnetic media. ~~Only materials approved by the State Textbook Committee shall be purchased from State Textbook Funds.~~

SECTION 2. AMENDATORY 70 O.S. 1991, Section 16-105, is amended to read as follows:

Section 16-105. When any person, firm or corporation has been awarded a contract, and the contract and bond required have been filed with the ~~Committee~~ State Board of Education, it shall make an order on the Treasurer of the state reciting such fact, and thereupon the Treasurer shall return the deposit of such bidder; but if any successful bidder shall fail to make a contract and bond as herein provided, and within the time stated by the ~~Committee~~ Board in the advertisement for bids, the Treasurer shall place the deposit of such bidder in the General Revenue Fund of the state, and the ~~Committee~~ Board shall readvertise for other bids to supply such books. All unsuccessful bidders shall have their deposits returned to them ~~as soon as the Committee has decided not to accept their bids~~ if no local textbook committee adopts their books.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 16-106, is amended to read as follows:

Section 16-106. A. All contracts with publishers shall be signed by the ~~chairman and secretary of the State Textbook Committee~~ State Board of Education on behalf of the state. Each contract shall stipulate the price at which each textbook will be sold to the State of Oklahoma, and that all copies supplied to the State of Oklahoma will be equal to or better than the official copy filed with the ~~secretary of the Committee~~ State Board of Education. ~~The State Textbook Committee may approve the substitution of a later~~

~~edition in lieu of the textbook originally selected.~~ The publisher shall stipulate in the contract that the price for which the textbook is to be furnished will be the lowest at which the same textbook will be sold or offered for sale for the purpose of securing a state or local selection or adoption elsewhere in the United States during the six (6) months prior to the date of the execution of the contract; that he will reduce the contract price of the textbook, if the price of the same textbook is reduced below such contract price elsewhere in the United States, and that he will file with the ~~secretary of the Committee~~ State Board of Education a sworn statement of such reduction made elsewhere; that if he prepares any supplementary or abridged or special editions of any of the textbooks, and shall sell such editions elsewhere at a lower price than that stipulated in the contract, he will file copies of any and all such editions, together with the prices thereof, with the ~~secretary of the Committee~~ State Board of Education; that he has not entered into any understanding, agreement or combination to control the prices or restrict competition in the sale of textbooks; that he will furnish the textbooks to the State of Oklahoma during the term of the contract in such amounts as may be required, and that he will furnish for a like period in lieu of the corresponding textbooks under contract any other books listed in any annual statement subsequently filed by him during the term of the contract to any school district at the lowest new prices contained in such statement, and that he will maintain said prices uniformly through the state.

B. Textbooks ~~that have been selected by the State Textbook Committee~~ may be purchased at the prices for which contracts have been awarded, pending the effective dates of the contracts, if the State Board of Education determines that any school district or districts will be at an educational disadvantage by waiting until the effective dates of the contracts to get needed textbooks.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 16-107, is amended to read as follows:

Section 16-107. ~~A.~~ In the event that a publisher whose bid has been accepted shall publish at any time before the expiration of the adoption period a new or revised edition of the adopted textbook, the State ~~Textbook Committee~~ Board of Education may require such publisher to substitute such new or revised edition for the adopted edition at a price to be mutually agreed upon by the publisher and the State ~~Textbook Committee~~ Board of Education, but not in excess of the lowest price at which the same textbook will be sold or offered for sale for the purpose of securing a state or local selection or adoption elsewhere in the United States during the twelve (12) months preceding the date of submitting such new or revised edition. A contract shall be made for such new or revised edition as for any other selection. Each bidder shall expressly agree to this provision as a part of his bid and the contract awarded if successful.

~~B. In the event that a publisher shall publish a textbook for a subject during the period for which adoptions for that subject have not expired such publisher may submit a bid for such textbook at the time and in the manner other bids are submitted. If fewer than seven textbooks for such subject have been adopted, then the State Textbook Committee may adopt such book for the balance of the adoption period and thereafter local textbook committees may adopt such book.~~

SECTION 5. AMENDATORY 70 O.S. 1991, Section 16-108, is amended to read as follows:

Section 16-108. The bidder to whom any contract may be awarded shall make and execute a good and sufficient surety bond, payable to the State of Oklahoma, in a sum not less than Two Thousand Dollars (\$2,000.00), nor more than Ten Thousand Dollars (\$10,000.00), to be fixed by the ~~Committee~~ State Board of Education, conditioned that

the contractor shall perform all of the conditions of the contract. The contract and bond shall be prepared by the Attorney General and shall be in conformity with, and subject to, all of the provisions of this article, and shall be payable in Oklahoma County. The bond shall not be exhausted by a single recovery thereon but may be sued upon until the full amount thereof is recovered; and the ~~Committee~~ State Board of Education may, after twenty (20) days' notice, require a new bond to be given, and, in the event the contractor shall fail to furnish such new bond, such contract may at the option of the ~~Committee~~ State Board of Education be forfeited.

SECTION 6. AMENDATORY 70 O.S. 1991, Section 16-110, is amended to read as follows:

Section 16-110. ~~As soon as any contract shall have been entered into for the furnishing of textbooks for use in the public schools of the state, the secretary of the State Textbook Committee shall send a list of the textbooks selected by the State Textbook Committee to every county superintendent of schools, district superintendent of schools and~~ The State Board of Education shall send a list of all textbooks for which bids have been submitted to every local textbook committee in the state, which list shall show the respective prices of such textbooks and contain such other information as the ~~secretary~~ Board shall deem advisable, and ~~he~~ the Board shall annually publish and distribute a list of all available textbooks ~~that have been selected and that are then in force.~~

SECTION 7. AMENDATORY 70 O.S. 1991, Section 16-111, is amended to read as follows:

Section 16-111. A. The ~~superintendent of schools of each independent school district~~ principal of a school shall appoint a local textbook committee consisting of not fewer than ~~three~~ four nor more than ~~nine~~ eight members. Each committee shall have one ~~lay~~ member who has a child in the school, one member who is a small business owner in the community, and one member who is an

administrator of the school, with the remainder of the members being teachers who teach in the subject area of the textbook being considered and are employed in the public schools of the district, a majority of whom shall be classroom teachers school. The ~~superintendent of schools or a designee who shall be a principal or a curriculum specialist~~ designee shall serve as chairman of such local textbook committee. The principal shall send notice to all parents who have a child attending the school and all teachers in the school of the formation of the textbook committee and how they can apply to serve on the committee. The committee shall be appointed by the end of September of each year.

For purposes of this act a "small business" is defined as any business with less than one hundred (100) employees.

B. ~~The county superintendent of schools or acting county superintendent of schools of each county shall upon receipt of a request in writing from the school boards of a majority of the elementary school districts in the county appoint a local textbook committee to serve the elementary school districts in the county. Such local textbook committee shall consist of not fewer than three nor more than nine members. Each committee shall have one lay member, with the remainder of the members being teachers employed in the elementary school districts of the county, a majority of whom shall be classroom teachers. The county superintendent of schools shall serve as chairman of such local textbook committee.~~

Each local textbook committee shall be allowed to review each textbook on display as provided for in Section 16-103 of this title. If necessary, the committee of individual members may check the textbooks out for a limited period. The local committee shall meet as often as necessary to discharge its responsibilities. No later than January 1 of each year the local textbook committee shall select textbooks for subjects taught in the school, which selection shall be for not more than five (5) years for each textbook. The

State Board of Education shall determine which subject shall be considered for textbook adoption for each year. However, the committee may determine that unusual or extraordinary circumstances exist in a particular subject area during the period for which textbooks have been selected for that subject area. Unusual or extraordinary circumstances shall include but not be limited to significant new techniques of teaching in a particular subject area, significant new findings or discoveries, or significant need for the school. Upon a determination by the local committee that unusual or extraordinary circumstances exist in a particular subject area, the local committee may select one or more textbooks in that subject area for the remainder of the adoption period.

~~C. The publisher of a textbook selected by the State Textbook Committee shall deposit with the publisher's Oklahoma depository sufficient copies of each approved textbook so that each local textbook committee may examine any or all new adoptions. Upon receiving a written request therefor from a local textbook committee, the State Board of Education shall instruct the proper depository to furnish to the local textbook committee a reasonable number of examination copies of each textbook selected by the State Textbook Committee, in the subjects taught or to be taught in schools under their jurisdiction. The cost of each advanced copy shall be charged against the value of textbooks allowed any school district retaining or using the same; provided, that any such advance copy in new condition may be returned to the control of the publisher's Oklahoma depository, within five (5) months after receipt thereof, if there is no longer a need therefor, for credit of the value previously charged against said district. The publisher may, at his discretion, upon the written request of any duly appointed local textbook committee, furnish to such local textbook committee examination copies of such textbook, the teacher~~

~~edition of such textbook, if one is published, and any teaching aids used with such textbook, free of charge.~~

The local textbook committee shall conduct a public hearing each year sometime during the month of November for the purpose of gathering public testimony concerning the various textbooks being considered for adoption by the committee. The committee in its discretion may conduct more than one public hearing. Notice of the hearing shall be given at least two (2) weeks prior to the hearing.

D. On or before a date to be fixed by the State Board of Education, each local textbook committee shall adopt textbooks ~~from the multiple list selected by the State Textbook Committee in such manner as shall be prescribed by the State Board of Education.~~ The books shall be selected after consideration of all the books presented. The books selected for adoption shall be those which in the opinion of the local committee are best suited for their school. The committee shall give consideration to the testimony received at public hearings when making the selections. A list of books selected shall be compiled and submitted to the superintendent of schools for each school district or county superintendent of schools. Each local textbook committee shall serve without compensation ~~and,~~ except that each member shall receive necessary travel expenses while in the performance of the duties of the member pursuant to the State Travel Reimbursement Act. The committee shall cease to exist when local adoptions have been completed and shall be replaced by another local textbook committee appointed in the same manner as herein provided.

E. On or before a date to be fixed by the State Board of Education, the superintendent of schools of each independent school district and the county superintendent of schools of each county shall submit to the State Board of Education a requisition for all of the textbooks adopted by ~~the~~ each local textbook committee that will be needed for the ensuing year in the school ~~or schools~~ for

which such adoptions were made, and immediately upon receipt of such requisitions it shall be the duty of the State Board of Education to make requisitions on the proper depository or depositories for such textbooks. Provided, that the State Board of Education may, for good cause, permit supplemental requisitions to be submitted, and may fill such requisitions after the date specified. ~~Any local adopting unit may requisition any textbooks placed on the official multiple textbook list, if such requisition does not exceed the allocation for each school district as provided herein.~~

SECTION 8. AMENDATORY 70 O.S. 1991, Section 16-111.1, is amended to read as follows:

Section 16-111.1 Satisfactory proof that a school district has issued to every child in said school district a complete set of currently adopted basic textbooks for his grade and school, as established by the State Department of Education, for his personal use, shall constitute compliance with Section 16-121 of ~~Title 70, of the Oklahoma Statutes~~ this title. The State Board of Education may authorize a school district, for the purpose of instruction, to select and use and to purchase ~~not to exceed twenty percent (20%) of state textbook monies for~~ supplementary textbooks and other instructional materials ~~other than those selected and listed by the State Textbook Committee~~ not to exceed twenty percent (20%) of state textbook monies; provided, however, that such supplementary textbooks and other instructional materials shall be approved by the State Department of Education. ~~Textbooks which have previously been rejected for state adoption by the State Textbook Committee shall not be approved for purchase under this section unless subsequently approved by the State Textbook Committee.~~ For the purpose of purchasing such supplementary textbooks and other instructional materials, the State Superintendent of Public Instruction shall make available to each school district requesting to use a portion of their allocated textbook funds in this manner, the amount of money

approved for such purposes by the State Board of Education. These funds are to be deposited with the treasurer of such district and accounted for in the same manner as other public school monies. The State Superintendent of Public Instruction shall require each such school district to submit to him a complete accounting of all such supplemental textbooks and other instructional materials purchased with state textbook funds, together with the vendor and unit price of each item. Use of these funds for any purpose other than the purchase of supplemental textbooks and other instructional materials shall subject that school district to the withholding of future textbook allocations in an amount equal to the sum of the previously misused allocations.

SECTION 9. AMENDATORY 70 O.S. 1991, Section 16-113, is amended to read as follows:

Section 16-113. The cost of textbooks to be distributed to the several districts of the state shall be paid from funds appropriated for such purposes upon claims approved by the State Board of Education. The price to be paid shall be that stipulated in the contract with the publisher. Upon receipt of a proper requisition for textbooks, it shall be the duty of the State Board of Education to cause the textbooks requisitioned to be delivered to the school ~~district~~ entitled to the same. No textbooks shall be ordered delivered to a school ~~district~~ or purchased by the State Board of Education unless proper requisition therefor has been made from the local adopting unit. The State Board of Education shall require a bond, in an amount not to exceed Fifty Thousand Dollars (\$50,000.00), of the individual charged with the duty of honoring requisitions.

The State Board of Education shall provide sufficient office space, equipment, records and supplies necessary for a proper performance of the duties and functions vested in it ~~and the State Textbook Committee~~, and the State Board of Education shall appoint

and fix the compensation and duties of necessary personnel to assist the State Board of Education in performing its said duties and functions.

The State Board of Education may provide a repair service for textbooks distributed to school districts. Whenever textbooks, through usage or for other reasons, arrive at a state of deterioration where it is no longer advisable to continue them in use, such textbooks shall be sent to a bindery provided or designated by the State Board of Education, and freight costs shall be paid by the bindery. All such damaged textbooks shall undergo a process of reconditioning and rebinding, including the removal of pencil marks, dirty spots, smudges and ink spots, when same can be accomplished without destruction of the reading contents. All torn pages shall be mended or replaced, missing pages shall be replaced, edges retrimmed, each book shall be thoroughly resewed, flyleaves replaced, and new pages, covers and state labels shall be added, whenever necessary. The State Board of Education shall prescribe rules and regulations for the distribution of such repaired textbooks. Nothing herein shall require the State Board of Education to repair textbooks which in its judgment cannot be economically reconditioned.

SECTION 10. AMENDATORY 70 O.S. 1991, Section 16-116, is amended to read as follows:

Section 16-116. All meetings of ~~the State Textbook Committee~~ and of every local textbook committee shall be open to the public, but any salesman, agent or representative of a textbook publisher may be excluded therefrom. All votes of members of such committees shall be recorded, showing the name of the member casting the vote and how he voted. The records of all such committees shall be subject to inspection by the public on request.

SECTION 11. AMENDATORY 70 O.S. 1991, Section 16-117, is amended to read as follows:

Section 16-117. Each person, firm or corporation offering textbooks for sale in the State of Oklahoma shall list with the ~~secretary of the State Textbook Committee~~ State Board of Education the names and addresses of its agents or representatives, and the ~~secretary of said Committee~~ Board shall issue to each such agent and representative, without charge, a certificate which will authorize such agent or representative to represent such person, firm or corporation in the State of Oklahoma; provided, not more than four authorized agents or representatives may be listed at any one time for any person, firm or corporation. Provided, further, each such list shall be a matter of public record ~~in the office of the secretary of the State Textbook Committee.~~

SECTION 12. AMENDATORY 70 O.S. 1991, Section 16-118, is amended to read as follows:

Section 16-118. The State Board of Education shall adopt rules and regulations for the issuance of textbooks to school children and for the preservation of such textbooks, and all rules and regulations it deems necessary to carry out its duties and functions, and all such rules and regulations shall apply alike to all school districts. It shall prescribe the form of all reports and applications, and county superintendents of schools, district superintendents of schools, and boards of education shall be required to make such reports fully and completely at the time and in the manner prescribed by the State Board of Education. The State Board of Education shall keep an exact account of the cost of books distributed to each school district, together with the proper proportion of transportation and accounting charges.

~~The State Textbook Committee shall also have the power to adopt such rules and regulations as it deems necessary to enable it to perform its functions and duties.~~

SECTION 13. AMENDATORY 70 O.S. 1991, Section 16-119, is amended to read as follows:

Section 16-119. All advance or sample copies of textbooks or any edition thereof furnished to any member of ~~the State Textbook Committee~~ a local textbook committee, or to any individual for the purpose of obtaining a selection of the textbook by the ~~State Textbook Committee~~ local textbook committee, shall not be sold by the recipient thereof, but shall be disposed of as may be prescribed by the rules and regulations of the State Board of Education. Any advance or sample textbook or any edition thereof furnished to a member of a local textbook committee, or to any school official or individual for the purpose of obtaining a local adoption of the textbook, may be retained for the use of the school district involved, or returned for credit if the cost of such book was charged against the value of textbooks allowed such school district. All publishers having contracts to furnish textbooks to the State of Oklahoma shall be required to file with the State Board of Education, not later than the first day of January and the first day of July of each year following the dates of their respective contracts, a sworn statement showing the names and addresses of all persons to whom they have furnished, during the preceding six (6) months, any advance or sample copies of such textbooks, or any edition thereof, together with the numbers and titles of such textbooks furnished to each such recipient, and a failure to do so, or to give accurate and complete information concerning the same, shall authorize the State Board of Education to cancel the contract of such publisher.

SECTION 14. AMENDATORY 70 O.S. 1991, Section 16-121, is amended to read as follows:

Section 16-121. A. All textbooks adopted, purchased and distributed to school districts shall be furnished free of cost to the school children of such districts and shall be owned by such districts and each district shall mark each textbook with an appropriate number or other identification as deemed necessary to

maintain proper records thereof. Every child shall be issued a complete set of textbooks for his grade, for his personal use, and the State Board of Education shall maintain a replacement program so that each child shall have, at all times, textbooks that are in satisfactory condition, and so that worn-out textbooks or textbooks that are in an unsanitary condition will not be used. All such textbooks shall be requisitioned, and no money allocated for the purchase of such textbooks shall be sent directly to a school district. The State Board of Education shall issue purchase orders for books to the Oklahoma depository of the publisher of the books, immediately upon receipt of requisitions therefor which are not in excess of the allocations for the district for the current or ensuing fiscal year. Nothing herein shall prevent the purchase, from local school district funds, of any ~~adopted~~ textbook or any additional and supplementary textbooks if the board of education of any school district deems it necessary to make such purchases in order to establish and maintain the highest standards of excellence of its schools. Provided, that the ~~chairman and secretary of the State Textbook Committee~~ State Board of Education, on the advice and approval of the Attorney General, ~~are~~ is hereby authorized and directed, with the consent of any holders of state textbook contracts, to change said contracts to conform to the provisions of this article. ~~Provided, further, that all officially selected textbooks bearing the state stamp as previously required by law may be purchased by the State Board of Education even though the said stamp has not been removed.~~ Provided, further, that all ~~officially selected~~ textbooks which have been purchased by the State Board of Education are hereby made the property of the school district now in possession of said textbooks.

B. 1. Each school child who has been issued a set of textbooks pursuant to this section, and the parents or legal guardian of such child shall be responsible to the school district for the return of

or payment for such textbook issued to the child which is not returned to the school.

2. The State Board of Education is authorized to promulgate rules and regulations requiring the return of or payment for any textbook used by a school child which is not returned to the school. Such rules and regulations shall provide for certain exceptions to such policies. Local boards shall include considerations for the inability to pay for the textbook, and reasons for the nonreturn of the textbook. A local school board is authorized to withhold transcripts, or other records of the school relating to any school child who fails to return a textbook or make payment for the textbook if not returned. For the purpose of this subsection, the term "transcript" shall include any record of a grade or grades given to a student by a teacher.

3. The provisions of this subsection shall not authorize the State Board of Education to prevent any school child from actually receiving a grade he is otherwise entitled to for completion of a course of study, from graduating upon completion of the requirements, or from obtaining any records or information supplied to the school or otherwise owned by the child.

SECTION 15. AMENDATORY 70 O.S. 1991, Section 16-122, is amended to read as follows:

Section 16-122. Any person who directly or indirectly promises or offers to give, or causes to be promised, offered or given, any money, books, bribe, present or reward or any valuable thing whatsoever to any member of the State Board of Education, ~~the State Textbook Committee,~~ or a local textbook committee, or any member of a board of education, teacher or other person with the intent to influence his or her decision on any question, matter, cause or proceeding in the selection or adoption of any textbooks, or series of textbooks, shall be guilty of a felony and punishable as such. Any teacher in the public schools of Oklahoma, any county

superintendent of schools, any superintendent of schools of a school district or any employee of a school district who shall in any way be interested in the profits, proceeds or sale of any school textbook used in the public schools under his charge, or with which he is connected in any official capacity, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) and shall in addition thereto forfeit his office or position.

SECTION 16. AMENDATORY 70 O.S. 1991, Section 16-123, is amended to read as follows:

Section 16-123. Any member of the State Board of Education and any member of ~~the State Textbook Committee~~ a local textbook committee who directly or indirectly solicits, receives or agrees to receive any money, goods, bribe, present, reward or any valuable thing whatsoever with the intent, and which will have the effect, to influence his or her decision on any question, matter, cause or proceeding in the selection or adoption of any textbook or series of textbooks provided for in this article, shall be guilty of a felony and punishable as such.

Any county superintendent of schools, district superintendent of schools, and any member of a board of education, ~~and any member of a local textbook committee~~ who directly or indirectly solicits, receives or agrees to receive any money, goods, bribe, present, reward or any valuable thing whatsoever with the intent and which will have the effect to influence his or her decision on any question, matter, cause or proceeding in the selection or adoption of any textbook or series of textbooks shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term of not to exceed six (6) months or both such fine and imprisonment.

SECTION 17. AMENDATORY 70 O.S. 1991, Section 16-124, is amended to read as follows:

Section 16-124. Any person, firm or corporation that violates any of the provisions of this article, or any of the rules or regulations of the State Board of Education ~~or the State Textbook Committee~~ adopted pursuant to the provisions of this article, the penalty for violation thereof not otherwise being provided herein, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not less than ninety (90) days and not more than one (1) year or by both such fine and imprisonment. Any public official or public employee violating any of the provisions of this article or any of such rules and regulations shall be subject to the foregoing penalties and in addition thereto shall forfeit his position or office. Any officer or employee of the State Board of Education ~~or of the State Textbook Committee~~ who knowingly or willingly apportions or disburses any money appropriated to carry out the provisions hereof, contrary to the provisions hereof, shall be subject to the foregoing penalties and in addition thereto shall forfeit his office or position.

SECTION 18. REPEALER 70 O.S. 1991, Sections 16-101, 16-102, 16-102.1, 16-104, and 16-109, are hereby repealed.

SECTION 19. This act shall become effective January 1, 1993.

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