

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 573

BY: BROWN

AS INTRODUCED

AN ACT RELATING TO SCHOOLS, PUBLIC BUILDINGS AND PUBLIC WORKS, AND ELECTIONS; AMENDING 70 O.S. 1981, SECTION 5-118, AS AMENDED BY SECTION 1, CHAPTER 53, O.S.L. 1987 (70 O.S. SUPP. 1990, SECTION 5-118), 61 O.S. 1981, SECTIONS 126 AND 130, AS AMENDED BY SECTION 1, CHAPTER 151, O.S.L. 1982 (61 O.S. SUPP. 1990, SECTION 130), AND 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 RELATE TO THE OPERATION OF SCHOOL DISTRICTS; STATING CERTAIN COMMITTEE MEETINGS SHALL NOT BE SUBJECT TO CERTAIN REQUIREMENTS; STATING EXCEPTION; STATING MINUTES ARE NOT REQUIRED FOR EXECUTIVE SESSIONS; REQUIRING CERTAIN AGENDA ITEMS; MODIFYING AMOUNT OF CONTRACTS EXEMPTED FOR EMERGENCIES UNDER THE COMPETITIVE BIDDING ACT; AUTHORIZING CERTAIN PUBLIC SCHOOLS TO ACT AS CONTRACTORS ON FORCE ACCOUNT CONSTRUCTION PROJECTS; ALLOWING SCHOOLS TO SUB-CONTRACT FOR CERTAIN SPECIALIZED AREAS; DELETING PROVISION FOR CERTAIN RUN-OFF ELECTION FOR CANDIDATES IN SCHOOL BOARD ELECTIONS; PROVIDING PROCEDURE FOR NEW ELECTION AFTER FAILURE OF CERTAIN SCHOOL LEVIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 70 O.S. 1981, Section 5-118, as amended by Section 1, Chapter 53, O.S.L. 1987 (70 O.S. Supp. 1990, Section 5-118), is amended to read as follows:

Section 5-118. Regular meetings of the board of education of each school district shall be held upon the first Monday of each month, or upon such day as may be fixed by the board. Special meetings may be held from time to time as circumstances may demand.

Notwithstanding any other provisions of the Oklahoma Statutes to the contrary, meetings of committees appointed by the board shall not be subject to statutory notice, agenda and minute-keeping requirements unless the committee exercises decision making authority or a majority of the board members are present at said committee meeting.

All meetings of the boards of education shall be public meetings, and in all such meetings the vote of each member must be publicly cast and recorded. Executive sessions will be permitted only for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignations of any or all of the employees or volunteers of the school district, and for the purpose of discussing negotiations concerning employees and representatives of employee groups, and for the purpose of hearing evidence and discussing the expulsion or suspension of a student or students only when requested by the student involved or his parent, attorney, or legal guardian; provided, however, that any vote or action thereon must be taken in a public meeting with the vote of each member publicly cast and recorded. It is required that the board of education shall provide notice to the student, his or her parent, attorney or legal guardian that said student is entitled to an executive session regarding the discussion of expulsion or suspension of said student. Minutes shall not be required for

executive sessions, however, the agenda shall reflect items to be discussed.

Any action taken in violation of the provisions of this act shall be invalid.

Each member of the board of education of a school district with an average daily attendance exceeding fifteen thousand (15,000) or a school district where boundaries encompass a total population exceeding one hundred thousand (100,000) persons according to the last preceding Federal Decennial Census may be paid from the district's general fund a per diem of Twenty-five Dollars (\$25.00) for each regular, special or adjourned meeting of the board of education that he attends, but not for more than four meetings in any calendar month.

SECTION 2. AMENDATORY 61 O.S. 1981, Section 130, as amended by Section 1, Chapter 151, O.S.L. 1982 (61 O.S. Supp. 1990, Section 130), is amended to read as follows:

Section 130. A. The provisions of the Public Competitive Bidding Act with reference to notice and bids shall not apply whenever the governing body of a public agency declares by a two-thirds (2/3) vote of all of the members of the governing body that an emergency exists; provided, the Oklahoma Transportation Commission and the Oklahoma Tourism and Recreation Commission may, by majority vote of all the members of each Commission, declare that an emergency exists. The governing bodies of all public agencies are further authorized, upon approval of two-thirds (2/3) of all of the members of the governing body, to delegate to the chief administrative officer of a public agency the authority to declare an emergency situation, in which event the provisions of the Public Competitive Bidding Act with reference to notice and bids shall not apply, but such authority shall not extend to any contract exceeding ~~Twenty-five Thousand Dollars (\$25,000.00)~~ Fifty Thousand Dollars (\$50,000.00) in amount; provided, such authority of the Oklahoma

Department of Transportation shall not extend to any contract exceeding One Hundred Fifty Thousand Dollars (\$150,000.00) in amount. Whenever said chief administrative officer shall declare such an emergency he shall notify the governing body, the President Pro Tempore of the State Senate and Speaker of the House of Representatives of such action within ten (10) days. Such notification shall contain a statement of the reasons for his action, and shall be recorded in the official minutes of said governing body.

B. Emergency as used in this section shall be limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition and situation wherein the public health or safety is endangered.

C. The reasons for declaring an emergency and not complying with the provisions of the Public Competitive Bidding Act shall be entered into the official minutes of the governing body of the public agency. Copies of said minutes shall be submitted to the President Pro Tempore of the State Senate and Speaker of the House of Representatives.

SECTION 3. AMENDATORY 61 O.S. 1981, Section 126, is amended to read as follows:

Section 126. A. Nothing in this act shall be construed to prevent a public agency from doing public construction work on a force account basis.

B. After approval by its board of education, a public school or area school may act as its own contractor and hire laborers and supervisors, as necessary, for the duration of a force account construction project.

C. A public school or area school may sub-contract for specialized areas, including but not limited to electrical, mechanical and construction contractors.

SECTION 4. 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 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. If any such question shall fail, it may be resubmitted to a vote of the patrons of the school district on the third Tuesday in June of that year. The school district or vocational-technical school district shall notify, by resolution, the secretary of the county election board responsible for certifying such election thirty (30) days prior to said date.

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