

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)
2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2596

By: McCorkell, Henshaw and
Satterfield of the House

and

Long (Ed) of the Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools and public libraries; amending 65 O.S. 1991, Sections 4-105, as amended by Section 11, Chapter 322, O.S.L. 1992, and 158, as amended by Section 3, Chapter 335, O.S.L. 1993, Section 4, Chapter 321, O.S.L. 1992 (65 O.S. Supp. 1993, Sections 2-109, 4-105 and 158), and 70 O.S. 1991, Sections 5-117, as last amended by Section 3, Chapter 361, O.S.L. 1993, and 5-130 (70 O.S. Supp. 1993, Section 5-117), which relate to multicounty library system boards of trustees, city-county library commissions, five-year plans for library development, powers and duties of district boards of education, and use of school buildings and property; authorizing certain agreements between multicounty library system boards of trustees, city-county library commissions, and district boards of education; allowing certain provision to be included in certain library development plans; prohibiting district boards of education from entering into agreements for provision of library services not on school site; allowing certain library services to increase district library services if accreditation requirements met; allowing use of school buildings for public library services under certain conditions; creating the Rural Library/Rural School Teamwork Task Force; providing for appointment of members, selection of chair and vice-chair, staffing assistance, and travel reimbursement for task force; stating duties of task force; requiring certain report; providing for abolition of task force; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 65 O.S. 1991, Section 4-105, as amended by Section 11, Chapter 322, O.S.L. 1992 (65 O.S. Supp. 1993, Section 4-105), is amended to read as follows:

Section 4-105. (a) Every system board created by this Code shall have all powers necessary or convenient for the accomplishment of the purpose and provisions hereof, including, in addition to others granted in this article, the following powers:

(1) To operate and maintain a library system and to adopt such rules and regulations for the operation thereof as may be deemed necessary or expedient.

(2) To purchase, lease, or otherwise acquire land or buildings or portions of buildings for library purposes.

(3) To erect, maintain, and operate public library buildings at one or more places.

(4) To accept transfer of any existing public library or libraries by lease or other conveyance.

(5) To acquire, by purchase or otherwise, books and other personal property customarily used in the operation of public libraries including necessary motor vehicles.

(6) To sell and dispose of personal property acquired by purchase or any other means when by proper resolution the board finds that said property is not needed for library purposes.

(7) To acquire, accept, hold, and convey legal title to interest in real property in the name of the system board. Deeds or other conveyances of said interests in real property shall be executed for and on behalf of the system board by the chairman and shall be attested by the secretary upon proper resolution of the Board.

(8) To accept or decline donations tendered to the library system.

(9) To administer the expenditure of any funds which may become available for library purposes.

(10) To establish a schedule of fees to cover various services rendered and also to contract with other persons, including legal counsel and independent certified public or certified municipal accounting service, within the limits of its appropriations, and to incur necessary expenses. This subsection shall not be construed to preclude the use of the appropriate

district attorney or assistant district attorney for legal counsel and the State Auditor and Inspector for auditing services.

(11) To apply, contract for, receive and take advantage of any or all allocations of funds which may be available to the system board for library or library related purposes and services under the laws and regulations of the United States, the State of Oklahoma, or any other state, or any organization, agency, instrumentality or subdivision of these entities or undertake or contract for joint activities or programs with the United States, the State of Oklahoma or any other state, and any organization, agency, instrumentality, or subdivision of these entities pertaining to library or library related purposes or services; and to prepare and submit plans, specifications, reports or applications, to execute any agreements, to employ, fix duties and compensation of personnel, and to administer and direct any programs, plans or projects in connection with any of the foregoing.

(12) To enter into agreements with school districts in any area served by the library upon such terms as may be mutually agreed. The agreement shall prescribe equitable charges for the cost to serve schools which include on-site costs of library collection and library automation and the cost of providing assigned staffing which meets the certification requirements for school library media programs.

(13) To borrow monies on the credit of the Board of Trustees for a term not to exceed one (1) year.

~~(13)~~ (14) To do all other things necessary or desirable to carry out the purposes and provisions of this Code.

(b) It shall be the duty of the system board to prepare an annual budget which shall be filed on or before June 1 with the boards of county commissioners and the county excise boards, the State Auditor and Inspector, the Oklahoma Department of Libraries, State Board of Equalization, and with cities and towns which participate in financial support of the system. The system board shall also submit an annual audit of its income and expenditures within ninety (90) days following the close of the fiscal year to
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the boards of county commissioners, the State Auditor and Inspector, the Oklahoma Department of Libraries and with cities and towns which participate in financial support of the system.

(c) In the case of withdrawal of a county or abolishing of a library system, disposal of the assets, including capital equipment and other property of the library district, shall be made in the most equitable manner possible as determined by the Oklahoma Department of Libraries Board, who shall give consideration to such items as the original source of the property, the amount of funds raised from each county of the system, and the ability of the counties to make further use of such property or equipment for library purposes.

(d) Funds levied and collected pursuant to Article 10, Section 10-A of the Oklahoma Constitution shall be controlled and administered under the direction of the system board.

(e) Other funds contributed from federal, state, county and city governments, and from any other source shall be deposited in the independent library account following such procedures as may be agreed upon by the contributing agency, the system board, and the Oklahoma Department of Libraries Board.

(f) Vouchers shall be drawn by such officers or employees as prescribed by the system board. Each designated officer or employee shall give a faithful performance bond approved by the system board in a sum determined by the board and sufficient in amount to equal the estimated largest sum of money which will be disbursed at any one time. Premiums for such bond may be paid from funds of the library system.

SECTION 2. AMENDATORY Section 4, Chapter 321, O.S.L. 1992 (65 O.S. Supp. 1993, Section 2-109), is amended to read as follows:

Section 2-109. A. The five-year plan for library development required pursuant to Section ~~3 of this act~~ 2-108 of this title may address proposals to:

1. Seek financing for additional levels or types of library services and/or contracting with existing Oklahoma Department of Libraries certified public libraries for:

- a. free access and service by all county residents,
- b. specific services such as bookmobile or book deposits/book centers,
- c. access to information services through telecommunications,
- d. surveys or studies of countywide library needs,
- e. leased or permanent facilities, and
- f. any other services as mandated by the Oklahoma Department of Libraries;

2. Hold an election seeking a countywide mill levy for support. Such plans shall be based on the needs, analysis and desires of the respective counties or existing library districts or library systems. If a plan includes a proposal to hold an election on a mill levy for library support, the plan may specify how the public library authority will serve as the coordinator for cooperation between publicly funded libraries of all types;

3. Include the utilization of technological equipment and telecommunications access consistent with Sections 55 and 56 of ~~Title 65 of the Oklahoma Statutes~~ this title; and

4. Provide for any other services as mandated by the Oklahoma Department of Libraries.

SECTION 3. AMENDATORY 65 O.S. 1991, Section 158, as amended by Section 3, Chapter 335, O.S.L. 1993 (65 O.S. Supp. 1993, Section 158), is amended to read as follows:

Section 158. Every city-county library commission created by this act shall have all the powers necessary or convenient for the accomplishment of the purpose and provisions hereof, including in addition to others herein granted, the following powers:

(a) To establish a city-county library system and to adopt such rules and regulations for the operation thereof as may be deemed necessary or expedient.

(b) To purchase, lease, or otherwise acquire land or buildings or portions of buildings for library purposes.

(c) To erect, maintain, and operate public library buildings at one or more places in the county.

(d) To accept transfer of any existing public library or libraries by lease or other conveyance.

(e) To acquire by purchase or otherwise books and other personal property customarily used in the operation of public libraries, including necessary motor vehicles.

(f) To sell and dispose of personal property acquired by purchase or other means when by proper resolution the commission finds that said property is not needed for library purposes.

(g) To accept, hold, and convey legal title to interests in real property in the name "City-County Library Commission of _____ County" which shall be its official name. Deeds or other conveyances of said interests in real property shall be executed for and on behalf of the commission by the chairman and shall be attested by the secretary, only after authorization by resolution of the governing body of the city and the board of county commissioners.

(h) To accept, or in its discretion to decline donations tendered to the city-county library system.

(i) To administer the expenditure of any funds which may become available for library purposes pursuant to the provisions of Section 10A, Article X of the Constitution of the State of Oklahoma.

(j) To enter into agreements with school districts in any area served by the library upon such terms as may be mutually agreed. The agreement shall prescribe equitable charges for the cost to serve schools which include on-site costs of library collection and library automation and the cost of providing assigned staffing which meets the certification requirements for school library media programs.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 5-117, as last amended by Section 3, Chapter 361, O.S.L. 1993 (70 O.S. Supp. 1993, Section 5-117), is amended to read as follows:

Section 5-117. A. The board of education of each school district shall have power to:

1. Elect its own officers;

2. Make rules, not inconsistent with the law or rules of the State Board of Education, governing the board and the school system of the district;

3. Maintain and operate a complete public school system of such character as the board of education shall deem best suited to the needs of the school district;

4. Designate the schools to be attended by the children of the district;

5. Provide and operate, when deemed advisable, cafeterias or other eating accommodations, thrift banks or other facilities for the teaching and practice of thrift and economy, bookstores, print shops, and vocational and other shops;

6. Provide informational material concerning school bond elections and millage elections, including but not limited to all pertinent financial information relative to the bond issue, a statement of revenue sources necessary to retire proposed bonds, a statement of current bonded indebtedness of the school district, and a statement of proposed use of funds to be generated by the proposed bond issue. The informational material shall not contain the words "vote yes" or "vote no" or any similar words or statement any place on such informational material;

7. Purchase, construct or rent, and operate and maintain, classrooms, libraries, auditoriums, gymnasiums, stadiums, recreation places and playgrounds, teacherages, school bus garages, laboratories, administration buildings, and other schoolhouses and school buildings, and acquire sites and equipment therefor;

8. Have school district property insured;

9. Acquire property by condemnation proceedings in the same manner as land is condemned for railroad purposes. School district funds may be used to erect buildings on leased land on which other buildings have been erected prior to April 3, 1969, or on land which is leased from a governmental entity;

10. Lease real or personal property to the state or any political subdivision thereof for nominal cash consideration for so long as the use of the property by the lessee substantially

benefits, in whole or in part, the same public served by the school district;

11. Dispose of personal or real property no longer needed by the district by sale, exchange, lease, lease-purchase, sale and partial lease back, or otherwise. Real property shall be conveyed pursuant to a public sale, public bid, or private sale, provided however, unless otherwise prohibited by law, the board of education of a consolidated or annexed school district may convey real property to a local political subdivision without consideration. Prior to the sale of any real property, the board of education shall have the real property appraised. The appraisal shall be confidential until the real property is sold. When the real property is sold the board of education shall make the appraisal available for public inspection. Prior to the conveyance of any real property by private sale, the board of education shall have offered the real property for sale by public sale or public bid. Any conveyance of real property by private sale to a nonprofit organization, association, or corporation to be used for public purposes, unless for exchange, shall contain a reversionary clause which returns the real property to the board of education upon the cessation of the use without profit or for public purposes by the purchaser or the assigns of the purchaser;

12. Purchase necessary property, equipment, furniture, and supplies necessary to maintain and operate an adequate school system;

13. Incur all expenses, within the limitations provided for by law, necessary to perform all powers granted by the provisions of this section;

14. Contract with and fix the duties and compensation of physicians, dentists, optometrists, nurses, attorneys, superintendents, principals, teachers, bus drivers, janitors, and other necessary employees of the district and pay their necessary itemized and documented travel expenses, and pay necessary itemized and documented travel expenses of members of the board of education;

15. Pay necessary itemized and documented travel expenses and other related expenses of prospective employees for sponsored visits to the school district;

16. Provide for employees' leaves of absence without pay;

17. Exercise sole control over all the schools and property of the district, subject to other provisions of the Oklahoma School Code; ~~and~~

18. Allow district-owned school buses to be used for transportation of students from other districts or educational institutions while within the district on educational tours. This shall not restrict the authority of the board to authorize any other use of such buses which may now be permitted by law or rule of the State Board of Education; and

19. Enter into contractual agreements with the board of trustees of a multicounty library system, as defined in Section 4-103 of Title 65 of the Oklahoma Statutes, or a city-county library commission, as defined in Section 152 of Title 65 of the Oklahoma Statutes, on such terms as may be mutually agreed, except no district board of education may enter into any agreement under which the library services for the school would be provided at any site other than the school site or which would result in library services that do not meet accreditation standards as required by law or rule.

B. The board of education of any school district may rent, on a monthly basis, equipment and furniture, if such items are necessary for the operation of the school, and pay the rental charges for said usage during any fiscal year, or portion thereof, out of appropriations made and approved for current expense purposes during said fiscal year. Any such rental contract extending beyond June 30 of such fiscal year shall be void unless it contains provisions for mutual ratification of renewal pursuant to the conditions provided for in this subsection. It is the intent of this subsection to authorize boards of education to enter into lease contracts but not to incur any obligation against the school district in excess of the income and revenue provided for such purposes for the fiscal year in which such lease contract

is operative. Any lease agreement entered into by any board of education shall state the purchase price of equipment or furniture so leased. The lease shall not be extended so as to cause payment of more than the original purchase price of said equipment or furniture, plus interest not to exceed the legal rate. When said purchase price plus interest has been paid, the property shall belong to the lessee and the lessor shall deliver a deed or bill of sale to said property to the lessee. When any equipment or furniture has been leased or rented during any fiscal year pursuant to the provisions of any contract which permits continuance of such rental for the remainder of such fiscal year, the renting or leasing thereof must be continued for the remainder of said fiscal year unless the board of education renting or leasing the same certifies by proper resolution entered in the minutes of said board of education that the continuance of such rental is unnecessary and contrary to the public interest.

C. The boards of education of two or more school districts may enter into cooperative agreements and maintain joint programs including but not limited to, courses of instruction for handicapped children, courses of instruction in music and other subjects, practical instruction for trades and vocations, practical instruction in driver training courses, and health programs including visual care by persons legally licensed for such purpose, without favoritism as to either profession. The revenues necessary to operate a joint program approved in cooperative agreements, whether from federal, state or local sources, including the individual contributions of participating school districts, shall be deposited into a fund separate from all other appropriated funds. The beginning fund balance each year, combined with all actual revenues, including collected and estimated revenues, must be appropriated before being expended. Purchase orders shall be issued against available appropriations and, once goods or services have been received, either payable or nonpayable warrants shall be issued in payment of all purchase orders. The fund shall be reported as a separate appropriated fund in all the financial reports of the school district which is

chosen by the other school districts to keep the accounting records of the joint program.

D. Any school district may operate or maintain a school or schools on any military reservation which is within the boundaries of the school district or which is adjacent to the school district, and provide the instruction in the school or schools to children of personnel on the military reservation and, in doing so, shall conform to all federal laws and requirements.

E. The board of education of each school district shall adopt and maintain on file in the office of the superintendent of schools appropriate personnel policy and sick leave guide. The guide shall be made available to the public.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 5-130, is amended to read as follows:

Section 5-130. A. The board of education of any school district may, under such regulations and conditions as it may prescribe:

1. Open any school building and permit the use of any property belonging to such district for religious, political, literary, community, cultural, scientific, mechanical, agricultural, or parental involvement purposes, and other purposes of general public interest including the provision of public library services pursuant to agreements with governing boards or commissions of public libraries or library systems;

2. Contract to provide transportation equipment as defined in Section 9-104 of this title for any purpose specified in paragraph 1 of this subsection; and

3. Make a reasonable charge to cover the cost of the use of such building, property or transportation equipment.

B. The State Board of Education shall encourage each board of education to inquire into and promote the use of its school buildings and property for the purposes provided in subsection A of this section for such activities both before and after regular school hours.

SECTION 6. There is hereby created a legislative task force to be known as the Rural Library/Rural School Teamwork Task Force.

A. The Task Force shall be composed of sixteen (16) members to be appointed as follows:

1. Two members of the Oklahoma State Senate to be appointed by the President Pro Tempore of the Senate;

2. Two members of the House of Representatives to be appointed by the Speaker of the House of Representatives;

3. One superintendent of a school district with an average daily membership of fewer than 2,500 students to be appointed by the Speaker of the House of Representatives;

4. One director of a multicounty library system to be appointed by the President Pro Tempore of the Senate;

5. One director of a public library serving a population of 25,000 or fewer to be appointed by the Speaker of the House of Representatives;

6. One president of a regional university within The Oklahoma State System of Higher Education or designee to be appointed by the President Pro Tempore of the Senate;

7. One library media specialist employed by a school district with an average daily membership between 1,000 and 2,500 students to be appointed by the Speaker of the House of Representatives;

8. One library media specialist employed by a school district with an average daily membership of fewer than 1,000 students to be appointed by the President Pro Tempore of the Senate;

9. One member of a district board of education for a school district with an average daily membership of fewer than 2,500 students to be appointed by the President Pro Tempore of the Senate;

10. One member of a public library board of commission serving a population of fewer than 25,000 to be appointed by the Speaker of the House of Representatives; and

11. One member representing a statewide organization of libraries and librarians to be appointed by the President Pro Tempore of the Senate;

B. The director of the Oklahoma Department of Libraries or designee shall be a member of the Task Force.

C. The State Superintendent of Public Instruction or designee shall be a member of the Task Force.

D. The Chancellor of Higher Education or designee shall be a member of the Task Force.

E. The President Pro Tempore of the Senate shall appoint the chair of the Task Force. The Speaker of the House of Representatives shall appoint the vice-chair of the Task Force. Meetings shall be held at the call of the chair as necessary to accomplish the purpose of the Task Force.

F. Staff assistance for the Task Force shall be provided by the Senate, the House of Representatives, the State Department of Education, and the State Department of Libraries.

G. Except as otherwise provided, members of the Task Force shall not be compensated for performance of their duties but shall be eligible for reimbursement by the appointing authority for all necessary and actual travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Any legislator appointed to the Task Force shall be eligible for reimbursement in accordance with Section 456 of Title 74 of the Oklahoma Statutes.

H. The Task Force shall be abolished upon filing its final report as required in this act.

I. The Task Force shall:

1. Study the library needs of rural communities and rural schools;

2. Recommend actions to reduce duplication of library services where appropriate and expand library services to rural communities and schools;

3. Identify ways public libraries and rural schools can work together to provide library services to the community and to the schools;

4. Identify ways rural schools and higher education institutions can cooperate to expand library services in rural areas;

5. Identify statutory and regulatory barriers to cooperation among public libraries, rural schools, and higher education institutions;

6. Recommend statutory and regulatory changes to encourage cooperation;

7. Identify barriers to the use of technology by public libraries and rural schools to meet accreditation requirements related to library services;

8. Identify opportunities for funding sources to form library cooperatives and to support further development of the Oklahoma Library Technology Network and other technological advances;

9. Survey the existence, cost, and availability of local and statewide licenses for technological services; and

10. Report to the Legislature, the State Board of Education, and the Oklahoma Department of Libraries Board by December 31, 1994, on recommendations for changes in policies and programs to expand library services in rural communities and rural schools through cooperation between public libraries, rural schools, and institutions of higher education.

SECTION 7. The provisions of Section 6 of this act shall not be codified in the Oklahoma Statutes.

SECTION 8. This act shall become effective July 1, 1994.

SECTION 9. 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.

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