

ENROLLED HOUSE  
BILL NO. 1744

By: Hager of the House

and

Shedrick of the Senate

An Act relating to county superintendent of schools; amending 10 O.S. 1991, Sections 133 and 135, which relate to homes for children and truancy reports; amending 19 O.S. 1991, Sections 131, 136, 161, 165, 180.61, 180.62, as amended by Section 1 of Enrolled House Bill No. 1568 of the 1st Session of the 44th Oklahoma Legislature, 180.63, 180.64A, 180.65 and 180.67, which relate to county officers; amending 19 O.S. 1991, Sections 326 and 339, which relate to county commissioners; amending 19 O.S. 1991, Section 1404, which relates to the County Budget Act; amending 21 O.S. 1991, Section 345, which relates to refusal of duty by a county officer; amending 26 O.S. 1991, Section 13A-108, which relates to school district maps; amending 68 O.S. 1991, Section 1004, as amended by Section 5, Chapter 376, O.S.L. 1992 (68 O.S. Supp. 1992, Section 1004), which relates to gross production tax; amending 68 O.S. 1991, Section 2874, which relates to correction of tax rolls; amending 70 O.S. 1991, Section 1-116, which relates to positions in the school system; amending 70 O.S. 1991, Section 3-104, which relates to the State Board of Education; amending 70 O.S. 1991, Sections 4-101, 4-104 and Section 1, Chapter 253, O.S.L. 1992 (70 O.S. Supp. 1992, Section 4-201), which relate to the office of county superintendent of schools; amending 70 O.S. 1991, Sections 5-101, 5-105 and 5-128, which relate to school districts; amending 70 O.S. 1991, Sections 6-101, 6-101.10 and 6-110, which relate to teachers; amending 70 O.S. 1991, Sections 7-101, as amended by Section 4 of Enrolled House Bill No. 1313 of the 1st Session of the 44th Oklahoma Legislature, 7-104 and 7-108, which relate to annexation and consolidation of school districts; amending 70 O.S. 1991, Sections 8-102, 8-103, 8-104, 8-106, as amended by Section 13, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1992, Section 8-106) and 8-112, which relate to transfer of pupils; amending 70 O.S. 1991, Section 11-103, which relates to courses of instruction; amending 70 O.S. 1991, Sections 16-110, 16-111, 16-115, 16-122 and 16-123, which relate to textbook adoption; amending 70 O.S. 1991, Sections 17-101, as amended by Section 6, Chapter 376, O.S.L. 1992 (70 O.S. Supp. 1992, Section 17-101) and 17-108, which relate to the Teachers' Retirement System of Oklahoma; amending 70 O.S. 1991, Section 18-104, which relates to State Aid funding; amending 70

O.S. 1991, Sections 24-103 and 24-104, which relate to bribes in connection with school bonds and supplies; amending 70 O.S. 1991, Section 24-114, which relates to student records; amending 70 O.S. 1991, Section 1210.307, which relates to gifted and talented children; amending 70 O.S. 1991, Section 3422, which relates to the education of dependent youths and orphans; amending 74 O.S. 1991, Section 902, as last amended by Section 12, Chapter 376, O.S.L. 1992 (74 O.S. Supp. 1992, Section 902), which relates to the Oklahoma Public Employees Retirement System; amending 74 O.S. 1991, Section 1303, which relates to the State and Education Employees Group Insurance Act; deleting references to county superintendent of schools; transferring duties of county superintendent of schools; clarifying certain duties; modifying certain duties; deleting certain powers and duties; modifying certain school transfer procedure; deleting certain duplicate language; repealing 2 O.S. 1991, Sections 10-22 and 10-24, which relate to poultry shows; repealing 21 O.S. 1991, Section 1055, which relates to buying lottery tickets; repealing 70 O.S. 1991, Sections 4-104.1, 4-111, 4-112 and 4-200, which relate to the office of county superintendent of schools; repealing 70 O.S. 1991, Section 6-109, which relates to the unlawful approval of teacher contracts; repealing 70 O.S. 1991, Sections 8-105 and 8-110, which relate to emergency transfers; repealing 70 O.S. 1991, Section 10-102, which relates to attendance officers and assistants; repealing 70 O.S. 1991, Section 12-106, which relates to motion picture projectors and film library; repealing 70 O.S. 1991, Sections 18-120 and 18-121, which relate to office of county superintendent; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 133, is amended to read as follows:

Section 133. The judge of the juvenile court, or children's court, or ~~the county judge~~ a judge of the district court, if there be no judge of the juvenile court or children's court, and the chairman of the board of county commissioners and ~~the county superintendent of public instruction~~ a superintendent of a school district located in whole or in part in the county shall constitute a board of general supervision for such schools and homes. If there is more than one school district located in whole or in part in the county the superintendents of each school district shall rotate membership on the board on an annual basis in a manner to be determined by the judge of the district court. They shall appoint a superintendent, matrons, teachers and such other persons as may, in their judgment, be necessary for the management of such schools and homes, and for instruction therein, and shall fix the salaries of such appointees, which salaries shall be paid monthly out of the

funds derived from the tax levy provided for in this act. The said board shall also have power to remove any appointee at will.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 135, is amended to read as follows:

Section 135. It is hereby declared to be the duty of the ~~county~~ superintendent of ~~public instruction of said county~~ the school district in which the child resides, together with the truant and probation officers ~~thereof~~, to report to the district court the names of all children who are neglected or dependent and who are not attending school as provided by law, and upon the filing of such report, the judge of the district court shall cause the probation officer to serve notice upon the parents, guardian, or other person having such children in charge.

It shall be the duty of the probation officer under such notice, to investigate the condition of such children and to report the same to the judge of the district court. Upon such information, the judge of the district court may, if he deems it proper, cause such child or children to be placed in said schools and homes under the provisions of this act.

SECTION 3. AMENDATORY 19 O.S. 1991, Section 131, is amended to read as follows:

Section 131. ~~(A)~~ A. At the general election to be held in November, 1974, there shall be elected in each county of the state, a court clerk, a county sheriff, and a county clerk, ~~and in each county having the office, a county superintendent of schools~~ who shall hold office for a term of two (2) years, the terms of the court clerk, county sheriff and county clerk beginning on the first Monday in January following their election, and until their successors are elected and qualified, ~~and the term of the county superintendent of schools beginning on the first Monday in July following his election, and until his successor is elected and qualified.~~ At the general election to be held in November, 1976, and each four (4) years thereafter, there shall be elected in each county of the state, a court clerk, a county sheriff, and a county clerk, ~~and in each county having the office, a county superintendent of schools~~, who shall hold office for a term of four (4) years; the terms of the court clerk, the county sheriff and the county clerk, beginning on the first Monday in January following their election, and until their successors are elected and qualified, ~~and the term of the county superintendent of schools beginning on the first Monday in July following his election and until his successor is elected and qualified.~~

~~(B)~~ B. At the general election to be held in November, 1974, and each four (4) years thereafter, there shall be elected in each county of the state, a county assessor and a county treasurer, who shall hold office for a term of four (4) years. The term of the county assessor shall begin on the first Monday in January following his election, and shall terminate when his successor is elected and qualified. The term of the county treasurer shall begin on the first Monday in July following the election and shall terminate when the successor is duly elected and qualified.

~~(C)~~ C. At the general election to be held in November 1990, and each four (4) years thereafter, there shall be elected in each county of the state two county commissioners, one from the first county commissioner district and one from the third county commissioner district, who shall hold office for a term of four (4) years. At the general election to be held in November 1990, there shall be elected in each county of the state one county commissioner from the second county commissioner district who shall hold office for a term of six (6) years. At the general election to be held in

November 1996, and each four (4) years thereafter, there shall be elected in each county of the state, one county commissioner from the second county commissioner district, who shall hold office for a term of four (4) years. The terms of the county commissioners shall begin on the first Monday in January following their election, and shall terminate when their successors are elected and qualified.

~~(D)~~ D. A county officer shall not, unless he resigns from the office held by him, be eligible to become a candidate for another county office or state office. In order to file as a candidate for county commissioner in a county commissioner's district, the candidate must have been a qualified registered elector in that district for at least six (6) months immediately preceding the first day of the filing period prescribed by law.

SECTION 4. AMENDATORY 19 O.S. 1991, Section 136, is amended to read as follows:

Section 136. The county clerk ~~and the county superintendent of public instruction~~ in each county of this state, ~~where such county superintendent of public instruction has a deputy,~~ shall keep their ~~respective~~ offices open during the same hours as other county officers in such county; but, so that the public may know when their needs at such offices may be served, after the secular days and respective hours thereof have been determined upon or agreed, the said officers shall so notify the public by so noting in painting in the sign indicating the location of their respective offices, whether upon, over, or near the office door.

SECTION 5. AMENDATORY 19 O.S. 1991, Section 161, is amended to read as follows:

Section 161. As used in this act:

1. "County officer" means the county clerk, county commissioner, county assessor, ~~county superintendent of schools,~~ district court clerk, county treasurer and county sheriff;

2. "Deputy" means one or more regular employees appointed to assist a county officer in the performance of his official duties;

3. "Traveling expenses" means reimbursement for mileage, meals, lodging, toll road fees, parking fees, telephone and other ordinary expenses incurred, except meals and lodging incurred within the county; and

4. "Voluntary instruction" means one or more schools, courses, conferences, institutes and meetings which are available and are attended by a county officer or deputy as a discretionary training supplement to the duties of any office covered by this act.

SECTION 6. AMENDATORY 19 O.S. 1991, Section 165, is amended to read as follows:

Section 165. In lieu of reimbursement for traveling expenses within their county each county commissioner and sheriff may receive a monthly travel allowance of Three Hundred Fifty Dollars (\$350.00). In lieu of the reimbursement for traveling expenses authorized by law for each county officer, each county assessor may receive a monthly travel allowance of Two Hundred Fifty Dollars (\$250.00), and each ~~county superintendent,~~ county clerk, court clerk and county treasurer may receive a monthly travel allowance of One Hundred Fifty Dollars (\$150.00). Each such county officer may be subject to the penalty provided by Section 166 of this title for failure to attend the meetings specified in that section.

SECTION 7. AMENDATORY 19 O.S. 1991, Section 180.61, is amended to read as follows:

Section 180.61 For purposes of fixing salaries under this act, county officers shall be grouped in the following classifications:

A. 1. Enforcement officers or those charged with enforcing the laws relating to public peace and safety: the county sheriff, the

county treasurer, the county clerk, the court clerk, the county assessor, and the members of the board of county commissioners; and

~~B. The county superintendent of schools.~~

~~C. 2. Other elective county officers.~~

SECTION 8. AMENDATORY 19 O.S. 1991, Section 180.62, as amended by Section 1 of Enrolled House Bill No. 1568 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 180.62 A. The basic salaries of county officers upon which all salaries and future increases or decreases thereof shall be computed, shall be as follows:

1. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of Forty Million Dollars (\$40,000,000.00) or less, the basic salary of each of the county officers named in group "A" paragraph 1 of Section 180.61 of this title shall not exceed Nineteen Thousand Dollars (\$19,000.00) per annum, ~~and the basic salary of each of the county officers named in group "B" shall not exceed Sixteen Thousand Five Hundred Dollars (\$16,500.00) per annum;~~

2. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Forty Million Dollars (\$40,000,000.00) but not more than Eighty Million Dollars (\$80,000,000.00), the basic salary of each of the county officers named in group "A" paragraph 1 of Section 180.61 of this title shall not exceed Twenty-two Thousand Five Hundred Dollars (\$22,500.00) per annum, ~~and the basic salary of the county officers named in group "B" shall not exceed Nineteen Thousand Dollars (\$19,000.00) per annum;~~

3. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Eighty Million Dollars (\$80,000,000.00) but not more than Three Hundred Million Dollars (\$300,000,000.00), the basic salary of each of the county officers named in group "A" paragraph 1 of Section 180.61 of this title shall not exceed Twenty-four Thousand Five Hundred Dollars (\$24,500.00) per annum, ~~and the basic salary of each of the county officers named in group "B" shall not exceed Twenty Thousand Dollars (\$20,000.00) per annum;~~

4. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Three Hundred Million Dollars (\$300,000,000.00) but not more than Six Hundred Million Dollars (\$600,000,000.00), the basic salary of each of the county officers named in group "A" paragraph 1 of Section 180.61 of this title shall not exceed Twenty-two Thousand Five Hundred Dollars (\$22,500.00) per annum, ~~and the basic salary of each of the county officers named in group "B" shall not exceed Nineteen Thousand Dollars (\$19,000.00) per annum;~~ and

5. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Six Hundred Million Dollars (\$600,000,000.00), the basic salary of each of the county officers named in group "A" paragraph 1 of Section 180.61 of this title shall not exceed Nineteen Thousand Dollars (\$19,000.00) per annum, ~~and the basic salary of each of the county officers named in group "B" shall not exceed Seventeen Thousand Dollars (\$17,000.00) per annum.~~

B. In all counties of this state, the total annual salaries of each of the county officers named in group "C" paragraph 2 of Section 180.61 of this title shall be fixed by the board of county commissioners except where otherwise provided by law, and in each county the salary last fixed by the board of county commissioners

before the election or appointment of any such officer shall be the applicable salary for such county officer for the ensuing term.

C. The annual salaries fixed by this act shall be paid either monthly or twice a month, by order of the board of county commissioners, for each month or fraction thereof the incumbent lawfully occupies and holds title to such office.

SECTION 9. AMENDATORY 10 O.S. 1991, Section 180.63, is amended to read as follows:

Section 180.63 In every county in this state, the salary of all county officers named in ~~groups "A" and "B"~~ paragraph 1 of Section 180.61 of this title may be increased from the applicable basic salary named in Section 180.62 of this title, for net valuation or serviceability, according to the following scale:

A. To the basic salary:

1. Add the product of One Hundred Dollars (\$100.00) times each One Million Dollars (\$1,000,000.00) net valuation, or major fraction thereof until a net valuation of Seventy-five Million Dollars (\$75,000,000.00) is reached;
2. Thereafter add the product of One Hundred Dollars (\$100.00) times each additional Five Million Dollars (\$5,000,000.00) net valuation, or major fraction thereof until a net valuation of Five Hundred Million Dollars (\$500,000,000.00) is reached;
3. Thereafter add the product of One Hundred Twenty-five Dollars (\$125.00) times each additional Seven Million Dollars (\$7,000,000.00) net valuation, or major fraction thereof until a net valuation of Two Billion Dollars (\$2,000,000,000.00) is reached;
4. Thereafter as to all additional net valuation add the product of One Hundred Twenty-five Dollars (\$125.00) times each additional Twenty Million Dollars (\$20,000,000.00) net valuation, or major fraction thereof.

B. And also the salary of each county officer shall be additionally increased from the basic salary named in Section 180.62 of this title, and the additions thereto heretofore provided in this section, for population or service load according to the following scale:

1. The product of Twelve Dollars and fifty cents (\$12.50) times each one thousand (1,000) population, or major fraction thereof until a population of seventy-five thousand (75,000) is reached; thereafter
2. The product of Twelve Dollars and fifty cents (\$12.50) times each additional five thousand (5,000) population, or major fraction thereof until a population of one hundred fifty thousand (150,000) is reached; thereafter add
3. The product of Twelve Dollars and fifty cents (\$12.50) times each additional ten thousand (10,000) population, or major fraction thereof.

C. This section shall not reduce the present salary of any county officer in Oklahoma during their present term of office.

SECTION 10. AMENDATORY 19 O.S. 1991, Section 180.64A, is amended to read as follows:

Section 180.64A A. In every county having a net valuation of all tangible taxable property as defined in Sections 180.58 and 180.59 of this title, of Ten Million Dollars (\$10,000,000.00) or less, the minimum salary of the sheriff and for all other ~~group "A"~~ officers named in paragraph 1 of Section 180.61 of this title shall

be Eleven Thousand Three Hundred Forty-five Dollars (\$11,345.00) per annum, payable monthly. ~~The minimum salary of all group "B" officers shall be Seven Thousand Nine Hundred Eighty-five Dollars (\$7,985.00) per annum, payable either monthly or twice a month, by order of the board of county commissioners.~~

B. In every county having a net valuation of all tangible taxable property as defined in Sections 180.58 and 180.59 of this title, of more than Ten Million Dollars (\$10,000,000.00), the minimum salary for the sheriff and the minimum salary for all other ~~group "A" officers named in paragraph 1 of Section 180.61 of this title~~ shall be Twelve Thousand One Hundred Ninety Dollars (\$12,190.00) per annum, payable monthly. ~~The minimum salary for all group "B" officers shall be Nine Thousand Two Hundred Fifty Dollars (\$9,250.00) per annum, payable either monthly or twice a month, by order of the board of county commissioners.~~

SECTION 11. AMENDATORY 19 O.S. 1991, Section 180.65, is amended to read as follows:

Section 180.65 A. The officers named in ~~groups "A" and "B" paragraph 1 of Section 180.61 of this title~~ shall have such number of regular or technical deputies, assistants, investigators, evidence men, aides, stenographers or reporters, technicians, undersheriffs, jailers, matrons, handwriting and fingerprint experts, probation officers, and/or juvenile officers, bailiffs, or other help, whatever title the principal officer may ascribe to the duties or functions to be performed as authorized by law and clearly related to the proper accomplishment of lawful functions, whether on whole or part-time basis, at such rates of salary or pay, subject to the provisions of this section as hereinafter set forth, as the principal officer may propose and establish the need of and which the county excise board may approve, for the adequate accomplishment of the functions of the office and the performance of the duties imposed thereon by law, with due weight being given to employment on whole or part-time basis; provided, that no such employments shall exceed the amount of lawful funds appropriated for such purpose.

B. Each principal officer named in ~~groups "A" and "B" paragraph 1 of Section 180.61 of this title~~, except judges, shall designate of record in the office of the county clerk a first or chief deputy or assistant who shall be chargeable with all the duties of such principal officer, while subject to the direction of the same; and such first or chief deputy or assistant shall carry on the duties of the office during the absence of the principal officer or, in the event of the death, removal or resignation of said principal officer, until a successor shall have qualified. During periods of vacancy of the principal office, resulting from the death, removal or resignation of the principal officer, the chief deputy or assistant shall be bonded in the same manner and in the same sum as required for the principal officer.

C. The first or chief deputy or assistant to any officer, as authorized by subsection B of this section, shall receive a salary not to exceed ninety percent (90%) of the salary of the principal officer; and, if the principal officer has more than one deputy or assistant, that person or those persons whom the principal officer may designate as "second deputy" or "second assistant" shall receive a salary not to exceed eighty percent (80%) of the salary of the principal officer; and the aforesaid salaries within said limitations shall be such amounts as the principal officer may propose and establish the need for and which the county excise board may approve within salary and staffing requirements as may be prescribed by law. The numerical rank of any deputy or assistant to be effective must be by designation of the principal officer by his

signature and filed with the county clerk. The numerical rank of any deputy or assistant shall be within the sole discretion of the principal officer.

D. No other deputy, aide, assistant or other person named in subsection A of this section may be paid at a salary rate in excess of eighty percent (80%) of the salary of the principal officer; and, subject to said limitation, the salary or rate of pay of such subordinate shall be determined by the principal officer and the county excise board based upon responsibility, risks, skills, training, and experience required for such position and afforded by the subordinate; provided that the eighty percent (80%) limitation shall not apply to county officers employing only two deputies or technical help on a part-time contract or wage basis within the amount of lawful appropriations for said purposes, by and with the consent and approval of the county commissioners. Provided further, the criteria stated in this subsection shall not apply to reserve force deputy sheriffs.

E. The salary paid to such deputies, assistants, or other persons shall not exceed ninety percent (90%) or eighty percent (80%), respectively, of the total salary paid to such principal officers.

F. The board of county commissioners shall continue to have the authority to recommend the total amount of funds that can be used for the combined salaries in each of the county offices covered by this act; however, the approval of said funding for such offices shall continue to be the responsibility of the county excise board. County officers shall have no authority to make salary commitments beyond the amount of said funding so provided.

G. The county excise board shall meet with each of the principal officers of the county in budget planning conference or conferences, before July 1 of each year, to discuss personnel needs for each office for the succeeding fiscal year. The excise board shall provide the principal officers a tentative estimate of anticipated revenues for the next fiscal year prior to said budget planning conferences.

SECTION 12. AMENDATORY 19 O.S. 1991, Section 180.67, is amended to read as follows:

Section 180.67 ~~(a)~~ A. It is hereby declared to be the intent of the Legislature that this act shall be the comprehensive salary code for all counties of the state and no county officer in ~~groups "A" or "B"~~ paragraph 1 of Section 180.61 of this title, or their assistants, deputies, or other employees by whatever title designated, shall receive any salary or wages except as provided in this act, ~~except that the county superintendent of schools may receive extra compensation as provided by the Oklahoma School Code.~~

~~(b)~~ B. Notwithstanding any provisions of this act to the contrary, no county shall appropriate or expend more than seventy-five percent (75%) of its total available revenue for current general fund purposes in any fiscal year, computed as required by ~~the fourth proviso of Section 289(B), Title 68, O.S. 1951~~ paragraph (4) of Section 3007 of Title 68 of the Oklahoma Statutes, for salaries and wages of ~~the officers named in groups "A" and "B"~~, and their assistants, deputies and employees by whatever title designated, as classified in Section 4 180.61 of this ~~act~~ title. In the event that the total sum necessary to pay the salaries and wages of officers and their assistants, deputies and employees does exceed seventy-five percent (75%) of such total available revenue, then such total sum shall be reduced to an amount equal to seventy-five percent (75%) of such total available revenue, and the salary and wages of each officer, assistant, deputy and



employee shall be reduced by that percentage of the authorized amount thereof which said total reduction bears to the total authorized sum.

SECTION 13. AMENDATORY 19 O.S. 1991, Section 326, is amended to read as follows:

Section 326. In addition to the special sessions for equalizing assessments, and all other special sessions now provided by law, the county commissioners shall meet and hold sessions for the transaction of business in the county courthouse, at the county seat, on or before the first Monday of each month, and may remain in session as long as the public business may require, and the passing upon, allowing or rejecting of bills against the county shall be taken up and passed upon by the board in the order in which the claims have been filed, and in which order such claims must be entered upon the calendar, except salary, wage and compensation claims of officers and deputies and employees, ~~including teachers and other persons contracted with and employed by the county superintendent of public instruction to serve the dependent separate schools of such county,~~ which salary, wage and compensation claims may be considered and paid, on or after the termination of the service pay period; provided, that such claims by subordinate deputies and employees be first approved by the officer having charge of the office or department ~~(62 O.S. 1941, 314)~~. The board of county commissioners may recess or adjourn its meetings within the session, either from time to time or from day to day, or on call of the chairman; but, if such board ~~de~~ does not sooner adjourn its session for any month, such session shall terminate and be adjourned by operation of law on the last business day of such month. If the board shall have adjourned its session before the last business day of any month, the county clerk shall have power to call special sessions when the best interests of the county demand it, upon giving five (5) days' notice of the time and object of calling the commissioners together, by posting up notices in three (3) public places in the county, or by publication in some newspaper of general circulation in the county; Provided, that in the case of a vacancy in the office of county clerk, the chairman of the board shall have power to call a special session for the purpose of filling such vacancy.

SECTION 14. AMENDATORY 19 O.S. 1991, Section 339, is amended to read as follows:

Section 339. A. ~~They~~ The county commissioners shall have power:

1. To make all orders respecting the real property of the county, to sell the public grounds of the county and to purchase other grounds in lieu thereof; and for the purpose of carrying out the provisions of this section it shall be sufficient to convey all the interests of the county in such grounds when an order made for the sale and a deed is executed in the name of the county by the chairman of the board of county commissioners, reciting the order, and signed and acknowledged by him for and on behalf of the county.

2. To audit the accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated for its benefit.

3. To construct and repair bridges and to open, lay out and vacate highways: Provided, however, that when any state institution, school or department shall own, lease or otherwise control land on both sides of any established highway, the governing board or body of the same shall have the power to vacate, alter or relocate said highway adjoining said property in the following manner:

If it should appear that it would be to the best use and interest of such institution, school or department to vacate, alter or relocate such highway, the governing board or body shall notify the board of county commissioners, in writing, of their intention to hold a public hearing and determine whether to vacate, alter or relocate such highway, setting forth the location and terminals of said road, and all data concerning the proposed right-of-way if changed or relocated, and shall give fifteen (15) days' notice of such hearing by publication in some newspaper in the county or counties in which the road is located, and such hearing shall be held at the county seat of the county in which the road is located, and if a county line road, may be heard in either county. At such hearing testimony may be taken, and any protests or suggestions shall be received as to the proposed measure, and at the conclusion thereof if the governing board or body shall find that it would be to the best use and interest of such institution, school or department, and the public generally, they may make an appropriate order either vacating, altering or relocating said highway, which order shall be final; provided further, that such institution, school or department may by agreement share the cost of changing any such road; and provided further, that no property owner shall be denied access to a public highway by such order.

4. Until January 1, 1983, to furnish necessary blank books, plats, blanks and stationery for the clerk of the district court, county clerk, register of deeds, county treasurer and county judge, sheriff, ~~county superintendent of schools~~, county surveyor and county attorney, justices of the peace, and constables, to be paid for out of the county treasury; also a fireproof vault sufficient in which to keep all the books, records, vouchers and papers pertaining to the business of the county.

5. To set off, organize and change the boundaries of townships and to designate and give names therefor: Provided, that the boundaries of no township shall be changed within six (6) months next preceding a general election.

6. To lease tools, apparatus, machinery or equipment of the county to another political subdivision or a state agency. The Association of County Commissioners of Oklahoma, the Oklahoma State University Center for Local Government Technology and the Office of the State Auditor and Inspector, together, shall establish a system of uniform rates for the leasing of such tools, apparatus, machinery and equipment.

7. To jointly, with other counties, buy heavy equipment and to loan or lease such equipment across county lines.

8. To develop minimum personnel policies for the county with the approval of a majority of all county elected officers.

9. To purchase, rent, or lease-purchase uniforms, safety devices and equipment for the officers and employees of the county.

10. To provide for payment of notary commissions, filing fees, and the cost of notary seals and bonds.

11. To do and perform such other duties and acts that the board of county commissioners may be required by law to do and perform.

B. The county commissioners of a county or, in counties where there is a county budget board, the county budget board may designate money from general county funds for the designated purpose of drug enforcement and drug abuse prevention programs within the county.

C. When any lease or lease purchase is made on behalf of the county by the board pursuant to the provisions of this section, the county shall be allowed to have trade in values for transactions

involving the Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 15. AMENDATORY 19 O.S. 1991, Section 1404, is amended to read as follows:

Section 1404. As used in this act:

1. "Account" means a columnar record in which are entered the increases and decreases of related monetary transactions and the resulting balance thereof. Accounts are maintained within each fund, classified by categories appropriate thereto;

2. "Appropriation" means an authorization and allocation of money to be expended for a given function, activity or particular purpose;

3. "Board" means the county budget board created by this act;

4. "Budget" means a plan of financial operations for a fiscal year, including an estimate of proposed expenditures for given purposes and the proposed means for financing them. "Budget" may refer to the budget of a particular fund for which a budget is required by law or it may refer collectively to the budget for such funds;

5. "Budget summary" means a tabular listing of revenues by source and expenditures by fund and by department within each fund for the budget year;

6. "Budget year" means the fiscal year for which a budget is prepared or being prepared;

7. "County" means any county government and all its agencies, instrumentalities, departments, offices, boards or commissions, which by resolution of the governing body has elected to come under and comply with all of the provisions and requirements of this act;

8. "County officer" means the county clerk, county commissioner, county assessor, ~~county superintendent of schools,~~ district court clerk, county treasurer or county sheriff;

9. "Current year" means the year in which the budget is prepared and adopted, i.e., the fiscal year next preceding the budget year;

10. "Deficit" means the excess of the liabilities, reserves, including encumbrances, and contributions of a fund over its assets, as reflected by its book of account;

11. "Department" means a functional unit within a fund, such as a sheriff's department or a health department;

12. "Estimated revenue" means the amount of revenues estimated to be received during the budget year from each source in each fund for which a budget is being prepared. Estimated revenue includes any appropriated fund balance as a separate item in the budget of revenues for a particular fund for the budget year;

13. "Fiscal year" means the annual period for reporting fiscal operations, which begins and ends on dates as the Legislature provides;

14. "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts to record cash and other financial resources, together with all liabilities, which are segregated for the purpose of carrying on specific activities or attaining certain objectives, or as otherwise defined in current generally accepted accounting principles;

15. "Fund balance" means the excess of the assets of a fund over its liabilities, reserves, including encumbrances, and contributions, as reflected by its book of account;

16. "Governing body" means the board of county commissioners of the county;

17. "Immediate prior fiscal year" means the year next preceding the current year;

18. "Levy" means to impose ad valorem taxes or the total amount of ad valorem taxes imposed for a specific purpose or for a given entity; and

19. "Operating reserve" means that portion of the fund balance which has not been appropriated in a budget year. The "operating reserve" will be equivalent to the "unappropriated fund balance" in any fund for which a budget is prepared.

SECTION 16. AMENDATORY 21 O.S. 1991, Section 345, is amended to read as follows:

Section 345. Every register of deeds, judge of the district court, district attorney, county commissioner, sheriff, or coroner ~~or county superintendent of public schools~~, who willfully fails or refuses to perform the duties of his office according to law, is guilty of a misdemeanor.

SECTION 17. AMENDATORY 26 O.S. 1991, Section 13A-108, is amended to read as follows:

Section 13A-108. ~~The county superintendent of schools, or in counties with no county superintendent of schools, the State Department of Education,~~ shall provide the county election board with maps showing the boundary lines of school districts within the counties. If the county election board provides ~~the county superintendent of schools or~~ the State Department of Education with maps of precincts within the county, then the ~~county superintendent of schools or~~ State Department of Education shall designate school district boundaries on those maps. Maps shall be provided to the county election board no later than ten (10) days following delivery of the resolution calling for the election to the secretary of the county election board. If the secretary of the county election board already is in possession of accurate maps, the person responsible for providing the maps shall acknowledge that fact in writing, and it shall not be necessary to furnish additional maps.

SECTION 18. AMENDATORY 68 O.S. 1991, Section 1004, as amended by Section 5, Chapter 376, O.S.L. 1992 (68 O.S. Supp. 1992, Section 1004), is amended to read as follows:

Section 1004. The gross production tax provided for in this article is hereby levied and shall be collected and apportioned as follows, to wit:

1. Eighty percent (80%) of all monies collected hereunder from the tax levied on oil, asphalt or ores bearing uranium, lead, zinc, jack, gold, silver or copper shall be paid to the State Treasurer of the state to be placed in the General Revenue Fund of the state and used for the general expense of state government, to be paid out pursuant to direct appropriation by the Legislature;

2. Seventy-eight percent (78%) of all monies levied and collected under this article from the tax on natural gas and/or casinghead gas shall be paid to the State Treasurer of the state and by him distributed among the funds referred to in Section 17-108 of Title 70 of the Oklahoma Statutes, as directed by the Board of Trustees of the Oklahoma Teachers' Retirement System;

3. One-tenth (1/10~~th~~) of the sum collected from each county whence the oil or natural gas and/or casinghead gas or asphalt or ores bearing uranium, lead, zinc, jack, gold, silver or copper was produced shall be paid to the county treasurer of such county, to be credited by said county treasurer of such county to the County Highway Fund;

4. a. Except as provided in subparagraph b of this paragraph, one-tenth (1/10~~th~~) of the sum collected from each county whence the oil or natural gas and/or casinghead gas or asphalt or ores bearing uranium, lead, zinc, jack, gold, silver or copper or other

mineral or substance covered hereby was produced shall be apportioned, on an average daily attendance per capita distribution basis, as certified by the ~~county superintendent of schools~~ State Superintendent of Public Instruction to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction, and

- b. Beginning July 1, 1991, if the amendment to Section 12a of Article X of the Constitution of the State of Oklahoma contained in Enrolled House Joint Resolution No. 1005 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature is approved by the people, one-tenth (1/10~~th~~) of the sum collected from the gross production of oil or natural gas and/or casinghead gas or asphalt or ores bearing uranium, lead, zinc, jack, gold, silver or copper or other mineral or substance covered hereby shall be remitted to the State Treasurer to be deposited in the Common School Fund; and

5. Two percent (2%) of all monies collected from the tax upon natural gas and casinghead gas shall be placed to the credit of the General Revenue Fund of the State Treasury.

SECTION 19. AMENDATORY 68 O.S. 1991, Section 2874, is amended to read as follows:

Section 2874. Whether upon discovery by the county treasurer or county assessor or any of their deputies, or upon complaint of the taxpayer, ~~his~~ the agent or attorney or any person acting ~~in his~~ on behalf of the taxpayer, upon certificate of clerical error issued by the county assessor to the county treasurer, with a copy to the county clerk and a copy retained, the county treasurer shall be authorized to make correction upon ~~his~~ the tax rolls of either of the following specifically enumerated errors of strictly clerical import not involving valuations assessed and equalized and not involving any exemption allowed whether of homestead, service in the armed forces, charitable, educational, religious, or other authorized exemptions, and which clerical error certificates shall issue only under the conditions stated as to each, as follows:

1. Error in the name of the person assessed, upon affidavit verifying the name of the true owner as of January 1 of the taxable year involved;
2. Error in the address of the person, firm or corporation assessed, when furnished by such person or a representative of the firm or corporation;
3. Error in the legal description of real property, when verified by the county clerk, certifying to the description on his land records as of January 1 of the taxable year involved;
4. Error in land-list entry, such as section or part thereof, township, range or of lot or block or of designation of urban addition, when verified by the county clerk to ~~his~~ the land records or plats on file, as of January 1 of the taxable year involved;
5. Error in the school district designation as of the date when school district tax levies attached themselves to such property, when verified by the ~~county superintendent of schools~~ county assessor certifying to the date, if after January 1st of such taxable year, when the school district designation or location changed, or the school district designation prior to January 1st of such taxable year where no change of the boundaries of such district

was thereafter ordered during such taxable year. If a school district boundary change occurs after April 15 of such taxable year, the opinion of the district attorney as to the applicable school district designation to such property for purpose of levy of such taxable year shall be attached to the certification;

6. If the error of school district designation caused the application of levies not applicable thereto, then also the "extension of tax", when verified by the county clerk with proof of computation attached;

7. Error commonly called duplicate assessment, but only in instances where the two entries as delivered to the county treasurer are verified by the county treasurer or ~~his~~ deputy to be completely identical in every specific detail; and

8. Error in transcribing to the tax rolls from assessment rolls or assessment lists, conditioned on complete absence of all indication of erasures or other alteration of original entry when confirmed by endorsement to the certificate by the county clerk certifying to personal visual inspection and verifying absence of all indication of erasure or change in original entry.

SECTION 20. AMENDATORY 70 O.S. 1991, Section 1-116, is amended to read as follows:

Section 1-116. As used in this act:

1. Teacher: Any person who is employed to serve as district superintendent, ~~county superintendent~~, principal, supervisor, counselor, librarian, school nurse or classroom teacher, or in any other instructional, supervisory, or administrative capacity, is defined as a teacher. Such person shall not be deemed qualified unless he or she holds a valid certificate or license, issued by and in accordance with the rules and regulations of the State Board of Education, to perform the particular services for which he or she is employed.

2. Superintendent: A ~~district~~ superintendent of schools shall be the executive officer of the board of education and the administrative head of the school system of a district maintaining an accredited ~~high~~ school, provided he or she holds an administrator's certificate recognized by the State Board of Education.

3. Principal: A principal shall be any person other than a district superintendent of schools having supervisory or administrative authority over any school or school building having two or more teachers. A teaching principal shall be a principal who devotes at least one-half the time school is in session to classroom teaching. Until July 1, 1993, teaching principals shall not be required to hold administrative certificates. Beginning July 1, 1993, teaching principals shall be required to hold administrative certificates.

4. For purposes of complying with the State Aid Law and other statutes which apportion money on the basis of teaching units or the number of teachers employed or qualified, all persons holding proper certificates or licenses and connected in any capacity with the instruction of pupils shall be designated as "teachers".

5. Entry-year Teacher: An entry-year teacher is any licensed teacher who is employed in a local school to serve as a classroom teacher under the guidance and assistance of a teacher consultant and an entry-year assistance committee. Any such person shall have completed the program of the college or school of education of the accredited institution of higher learning from which the person has been graduated.

6. Student Teacher: A student teacher is any student who is enrolled in an institution of higher learning approved by the State

Board of Education for teacher training and who is jointly assigned by such institution of higher learning and a school district's board of education to perform practice teaching under the direction of a regularly employed and certified teacher. A student teacher, while serving a nonsalaried internship under the supervision of a certified teacher, shall be accorded the same protection of the laws as that accorded the certified teacher.

7. A school nurse employed full time by a board of education shall be a registered nurse licensed by the Oklahoma State Board of Nurse Registration and Nursing Education, and certified the same as a teacher by the State Department of Education. Provided that any person who is employed as a full-time nurse in any school district in Oklahoma, but who is not registered on the effective date of this act, may continue to serve in the same capacity, however such person shall, under rules and regulations adopted by the State Board of Education, attend classes in nursing and prepare to become registered.

A school nurse employed by a board of education shall be accorded the same protection of laws and all other benefits accorded a certified teacher.

SECTION 21. AMENDATORY 70 O.S. 1991, Section 3-104, is amended to read as follows:

Section 3-104. The control of the State Department of Education and the supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Establish and prescribe the duties of an executive officer who shall be the State Superintendent of Public Instruction and whose duties shall include the responsibility to give advice and make recommendations to the Board on all matters pertaining to the policies and administration of the State Department of Education and the public school system;

2. Adopt policies and make rules and regulations for the operation of the State Department of Education and the public school system of the state;

3. Organize and have control of the administrative and supervisory agencies, divisions, personnel and their appointment and salaries and other operations necessary to carry out the powers, duties and functions of the Board and its executive officer;

4. Have authority to require the coordination of all divisions of the State Department of Education through its executive officer, delegate general supervision of all employees to its executive officer, require all recommendations to be presented through its executive officer, require its executive officer to be responsible for interpretation of the Board's policy, require any employee of the Board to present any specific matter directly to the Board;

5. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the proper performance of the functions of the State Board of Education. The secretary shall not be a member of the Board;

6. Submit to the Governor a departmental budget based upon major functions of the Department supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:

- a. State Aid to schools,
- b. the supervision of all other functions of general and special education including general control, free

- textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and
- c. the Board shall determine the details by which the budget and the appropriations are administered. Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;

7. On the first day of December preceding each regular session of the Legislature, prepare and deliver to the Governor and the Legislature a report for the year ending June 30 immediately preceding said regular session of the Legislature. Said report shall contain:

- a. detailed statistical and other information concerning enrollment, attendance, expenditures including State Aid, and other pertinent data for all public schools in this state,
- b. reports from each and every division, department, institution or other agency under the supervision of the Board,
- c. recommendations for the improvement of the public school system of the state,
- d. a statement of the receipts and expenditures of the State Board of Education for the past year, and
- e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

8. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;

9. Have full and exclusive authority in all matters pertaining to standards of qualifications and the certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state, and shall formulate rules ~~and regulations~~ governing the issuance and revocation of certificates for ~~county superintendents of schools, district~~ superintendents of schools, principals, supervisors, librarians, clerical employees, school nurses, school bus drivers, visiting teachers, classroom teachers and for other personnel performing instructional, administrative and supervisory services, but not including members of boards of education and other employees who do not work directly with pupils, and may charge and collect reasonable fees for the issuance of such certificates. All funds collected by the State Department of Education for the issuance of certificates to instructional, supervisory and administrative personnel in the public schools of the state shall be deposited in the "Teachers' Certificate Fund" in the State Treasury and may be expended by the State Board of Education to reimburse the activities of the Professional Standards Board for actual and necessary travel expenses as provided in the State Travel Reimbursement Act in attending meetings of the Board, its committees and subcommittees, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act incurred by persons performing research work, and other expenses found necessary by the State Board of Education for the improvement



of the preparation and certification of teachers in Oklahoma; provided, however, that any unobligated balance in said fund in excess of Ten Thousand Dollars (\$10,000.00) on June 30 of any fiscal year shall be transferred to the General Revenue Fund of the State of Oklahoma. Provided, further, that the requirements for a certificate for ~~county superintendent of schools, district~~ superintendent of schools and principal shall include not less than a standard master's degree, such other professional education and requirements as may be fixed by the State Board of Education and a minimum of two (2) years' successful teaching, supervisory or administrative experience in public schools. Provided, further, that certificates may be revoked by the State Board of Education for willful violation of any rule or regulation of the State Board of Education or of any federal or state law or other proper cause but only after sufficient hearing has been given before the State Board of Education, provided that teaching in a Head Start program or programs shall be used for renewal of a standard teaching certificate;

10. Promulgate rules and regulations governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance.

Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive probationary accreditation from the State Board of Education for a period of two (2) consecutive years to attain the minimum average daily attendance. The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting regulations of the State Board of Education. Neither will the State Board of Education make rules or regulations affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction.

Private and parochial schools may be accredited and classified in like manner as public schools, if application is made to the State Board of Education for such accrediting. No private, parochial or other nonpublic school may be accredited unless the members of the faculty hold state certificates as required of teachers in public schools and unless the standards of said schools comply in every respect with those prescribed for public schools;

11. Be the legal agent of the State of Oklahoma to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of public education in Oklahoma. It shall prescribe such regulations as it

finds necessary to provide for the proper distribution of such funds in accordance with the state and federal laws;

12. Be and is specifically hereby designated as the agency of this state to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any state board having charge of the administration of public schools unless otherwise provided by law;

13. Be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that said act may be cited as the "National School Lunch Act", and said State Board of Education is hereby authorized and directed to accept the terms and provisions of said act and to enter into such agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for the State of Oklahoma the benefits of the school lunch program established and referred to in said act;

14. Have authority to secure and administer the benefits of the National School Lunch Act, Public Law 396 of the 79th Congress of the United States, in the State of Oklahoma and is hereby authorized to employ or appoint and fix the compensation of such additional officers or employees and to incur such expenses as may be necessary for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;

15. Accept and provide for the administration of any land, money, buildings, gifts, donation or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board;

16. Have authority to require persons having administrative control of all school districts in Oklahoma to make such regular and special reports regarding the activities of the schools in said districts as the Board may deem needful for the proper exercise of its duties and functions. Such authority shall include the right of the State Board of Education to withhold all state funds under its control, to withhold official recognition, including accrediting, until such required reports have been filed and accepted in the office of said Board and to revoke the certificates of persons failing or refusing to make such reports;

17. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall consist of all fees derived from or on behalf of any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with the Revolving Fund Procedures Act;

18. Prescribe all forms for school district and county officers to report to the State Board of Education where required. The State Board of Education shall also prescribe a list of appropriation accounts by which the funds of school districts shall be budgeted, accounted for and expended; and it shall be the duty of the State

Auditor and Inspector in prescribing all budgeting, accounting and reporting forms for school funds to conform to such lists;

19. Provide for the establishment of a uniform system of pupil and personnel accounting, records and reports;

20. Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;

21. Provide for the supervision of the transportation of pupils;

22. Have authority, upon request of the local school board, to act in behalf of the public schools of the state in the purchase of transportation equipment;

23. Have authority and is hereby required to perform all duties necessary to the administration of the public school system in Oklahoma as specified in the Oklahoma School Code; and, in addition thereto, those duties not specifically mentioned herein if not delegated by law to any other agency or official;

24. Administer the State Public Common School Building Equalization Fund established by Section 32 of Article X of the Oklahoma Constitution. Any royalties, bonuses, rentals or other monies derived from oil and gas and all other mineral leases on lands that have been or may be granted by the United States to the state for the use and benefit of the common schools, or lands that are or may be held by the Commissioners of the Land Office for the use and benefit of the common schools, the proceeds of the sale of easements, improvements and sand and gravel on any such lands, the proceeds of all property that shall fall to the state by escheat, penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school funds, shall be deposited in such State Public Common School Building Equalization Fund, which shall be used to aid school districts in acquiring buildings under regulations prescribed by the State Board of Education, as the administering agency, subject to the limitations fixed by Section 32 of Article X of the Oklahoma Constitution. The State Board of Education shall prescribe regulations for making grants of aid from, and for otherwise administering, such fund, and may employ and fix the duties and compensation of technicians, aides, clerks, stenographers, attorneys and other personnel deemed necessary to perform its duties; and the cost of administering such fund shall be paid from funds currently available for the operation of the State Department of Education. It shall be the duty of the State Board of Education, the Commissioners of the Land Office and all other public agencies, officers and employees to observe and comply with the provisions of this paragraph, in all respects; and they shall not be held liable for any amount, penalty or punishment for having done so, unless and until they are directed to do otherwise by a court of competent jurisdiction;

25. Recognize that the Director of the Oklahoma Department of Corrections shall be the administrative authority for the schools which are maintained in the state reformatories and shall appoint the principals and teachers in such schools. Provided, that rules and regulations of the State Board of Education for the classification, inspection and accreditation of public schools shall be applicable to such schools; and such schools shall comply with standards set by the State Board of Education;

26. Have authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the Statistical Services Revolving Fund. The fund shall consist of all monies received from the various school districts of the state, the United States Government, and other sources for the purpose of

furnishing or financing statistical services. The State Board of Education is hereby authorized to enter into agreements with school districts, municipalities, the United States Government, foundations and other agencies or individuals for services, programs or research projects. The Statistical Services Revolving Fund shall be administered in accordance with the Revolving Fund Procedures Act, Section 155 et seq. of Title 62 of the Oklahoma Statutes; and

27. Have authority to review preliminary plans for new construction and major alteration of public school buildings where structural changes are proposed. No bids shall be let for the construction or major alteration of any public school building until preliminary plans and specifications for such construction or alteration have been submitted to and reviewed by the State Department of Education. The period of time during which such review is conducted by the State Department of Education shall not exceed thirty (30) days. The State Department of Education shall advise each local school district regarding said review of preliminary plans and specifications. Provided, nothing in this subsection shall be construed as repealing any ordinance or building code of any city, town or county.

SECTION 22. AMENDATORY 70 O.S. 1991, Section 4-101, is amended to read as follows:

~~Section 4-101. A. There is hereby created the office of county superintendent of schools for each county in Oklahoma, which office shall be filled at the same time and in the same manner as other county offices. The term of any person elected to such office shall be four (4) years and until his successor is elected and qualified and shall begin on the first Monday in July after his election. No person shall be eligible to nomination, appointment or election to the office of county superintendent of schools unless~~

~~1. he is a qualified elector of the county; and~~

~~2. has a standard master's degree from a college recognized by the State Board of Education or an administrator's certificate, except a standard superintendent's certificate is required in counties having a population greater than three hundred thousand (300,000).~~

~~No person shall be allowed to file as a candidate for nomination or election to the office of county superintendent of schools nor shall the name of any person appear on any election ballot as a candidate for such office unless he then has the qualifications herein prescribed.~~

~~B. The As of July 1, 1993, the office of county superintendent of schools in and for each county in Oklahoma having no dependent school districts in the county is hereby abolished ~~except in~~ counties having a population greater than three hundred thousand (300,000); provided, those persons presently serving as county superintendents of schools shall continue to serve as such until the expiration of their terms of office to which they were elected.~~

~~C. The clerical and purely administrative functions and duties of the office of county superintendent of schools in such counties having no dependent school districts are hereby transferred to and shall be performed by a clerk to be known as the county school district clerk, to be appointed by the county commissioners of the county. Said clerk shall be paid from county funds a salary equal to the salary paid to the first deputy county clerk of the county. All records of the former county superintendent of schools shall be maintained and preserved by said clerk in office space which shall be made available for his use by the county commissioners. Provided, when an office of county superintendent of schools has been vacated for a period of one (1) year, said office shall be~~

~~abolished and the county school district clerk shall assume the duties of said office.~~

SECTION 23. AMENDATORY 70 O.S. 1991, Section 4-104, is amended to read as follows:

~~Section 4-104. In counties which have a county superintendent of schools presently serving, the county superintendent of schools shall have general administrative direction and supervision of the schools of all elementary school districts in the county, and shall cooperate with the superintendent of schools of the independent district and shall assist with Federal Administration Programs when requested to do so. Provided, if an elementary school district lies in more than one county, the county superintendent of schools of that county represented in such district having the largest amount of territory embraced within the boundaries of such district shall have the general administrative direction and supervision of the schools of such district. In addition to the foregoing powers and duties, the county superintendent of schools shall:~~

~~1. Approve all contracts of teachers and other personnel under his supervision and keep on file in his office a copy of each such contract for the entire term the contract is in force; provided he shall not approve the contract of any person unless and until such person has a proper certificate issued by the State Board of Education valid for the term of such contract to perform the services he has contracted to perform;~~

~~2. Have and keep a permanent file in which he shall record all pertinent information relative to teachers' certificates and other certificates issued by the State Board of Education to personnel under his supervision;~~

~~3. Visit, or his deputies shall visit, all the schools under his supervision as often as is necessary but not less than twice during each school term and shall advise with the teachers thereof relative to the classification of pupils, methods of instruction, the condition and upkeep of the school building or buildings, equipment, and grounds. He shall at least once each year make a written report to the State Board of Education on the condition of the schools in his county and list his recommendations for improvement. He, and such of his deputies and supervisors as he may direct to do so, may also visit schools in independent school districts of the county, and confer with teachers, officials and other personnel of such independent school districts, with the view of coordinating the systems, programs, curricula and activities of all of the schools and school districts of the county, and they shall be paid their necessary travel expenses in so doing. He shall be authorized to furnish and provide the teachers and clerks of boards of education of the elementary school districts of his county with sufficient teachers' registers, teachers' class registers, teachers' report forms, pupils' report cards, grade cards, diplomas, awards, clerks' registers, school warrant books, minute books, claim blanks, report forms, and other stationery for the needs of the district, and the county superintendent of schools shall have power and authority to purchase such supplies in the open market and pay for the same from county funds appropriated for the operation of the office of county superintendent of schools, and to require the use of such forms in all elementary school districts of his county, which forms shall be those approved by the State Board of Education. Provided, that nothing in this paragraph shall prohibit the board of education of an independent school district from authorizing the county superintendent of schools to purchase supplies for such independent school district, if such supplies are paid for by the district;~~

~~4. Keep a complete record of his official acts and the registers of all teachers and principals employed under his supervision;~~

~~5. Require of all teachers and principals under his supervision the filing of complete and accurate reports at the end of each attendance period and at the end of each school year. These reports shall be kept on file in the office of the county superintendent of schools and shall be the basis of all statistical reports required by the State Board of Education;~~

~~6. Make an annual statistical and financial report of all schools under his supervision and file such report with the State Board of Education at the time requested and on blank forms prescribed by the State Board of Education. A copy of each such report shall be kept in a bound book and shall constitute permanent records in the office of the county superintendent of schools;~~

~~7. Make apportionments of public funds to which the school districts of his county are entitled when not otherwise provided by law;~~

~~8. On or before the first day of January of each year, furnish the county clerk and or a designee of the county clerk shall obtain from the State Department of Education and furnish to the county assessor of his the county a current description of the boundary of each and every school district or part of a district in the county;~~

~~9. Notify and also notify the Oklahoma Tax Commission and, the county assessor, ~~county clerk~~ and county treasurer of his the county of any and all changes in the boundaries of a school district lying wholly or in part in his the county; ~~and~~~~

~~10. Perform all other duties which are not or may hereafter be prescribed by law or by regulations of the State Board of Education.~~

SECTION 24. AMENDATORY Section 1, Chapter 253, O.S.L. 1992 (70 O.S. Supp. 1992, Section 4-201), is amended to read as follows:

Section 4-201. All records of a former county superintendent of schools shall be transferred to and are to be maintained and preserved by the ~~county school district clerk or to a county office designated by the county commissioners of the county in office space made available by the commissioners for such purpose~~ county clerk of the county, who shall designate a deputy, aide, assistant or other employee of the county clerk's office to perform such duties. The County Commissioners shall make space available in which the records can be maintained, preserved and made secure. Except for those records specifically required by state or federal statutes to be kept confidential, public access shall be made available to all of the records.

~~Records of a county superintendent of schools presently serving shall be transferred to the county school district clerk or to a county office designated by the county commissioners of the county upon termination of the office.~~

~~If~~ After the records of a former county superintendent of schools are transferred to and the responsibility of maintaining the records are assigned to a deputy, aide, assistant or other employee of a county office, ~~other than the county school district clerk~~ the county clerk's office, the county ~~officer~~ clerk and county commissioners of the county ~~may~~ shall recommend to the county excise board that additional salary be considered for the employee based upon the additional responsibilities if funds are available and approved. Any additional salary of such employee shall be subject to the limitations set forth in Section 180.65 of Title 19 of the Oklahoma Statutes.

SECTION 25. AMENDATORY 70 O.S. 1991, Section 5-101, is amended to read as follows:

Section 5-101. All school districts in Oklahoma, now in existence or which may hereafter be created, shall be designated only as independent, elementary or area vocational-technical school districts. Independent school districts, elementary school districts and area vocational-technical school districts shall be under the supervision and the administration of the respective boards of education thereof. ~~Elementary school districts shall be under the supervision of the county superintendent of schools in counties which have county superintendents and shall be under the supervision of an elementary superintendent in counties which no longer have a county superintendent and under the administration of the respective district boards of education.~~

SECTION 26. AMENDATORY 70 O.S. 1991, Section 5-105, is amended to read as follows:

Section 5-105. Every school district shall be a body corporate and shall possess the usual powers of a corporation for public purposes by the name and style of "Independent (or Elementary, if it is an elementary school district) School District Number \_\_\_\_\_ (such a number as may be designated by the ~~county superintendent of schools~~ State Board of Education) of \_\_\_\_\_ (the name of the county in which the district is located, or if lying in more than one county the name of the county ~~whose county superintendent of schools has jurisdiction where supervision is located~~) County, Oklahoma," and in that name may sue and be sued and be capable of contracting and being contracted with and holding such real and personal estate as it may come into possession of or by will or otherwise and as authorized by law. ~~The supervision of a school district lying in more than one county shall remain with the county that had such supervision as of July 1, 1958, except that upon a majority vote of the school district electors voting at the annual school district election or at a special school district election called for such purpose, the supervision of the school district lying in more than one county may be changed to the county superintendent of schools of any one of the counties represented in said district. Said change shall be effective upon the first day of July next succeeding the date of such meeting. It shall be the duty of the clerk of the board of education of said school district to notify the State Superintendent of Public Instruction, and the county superintendent of schools of each of the counties represented in said school district, that such change has been made, within ten (10) days after said meeting; but failure to make such notification shall not prevent such change from going into effect at the time hereinabove provided.~~

SECTION 27. AMENDATORY 70 O.S. 1991, Section 5-128, is amended to read as follows:

Section 5-128. Boards of education of all school districts are hereby required to make annual statistical and financial reports to the State Board of Education. The statistical report shall be made as of June 30. Each of such reports shall be filed with the State Board of Education as soon as information is available following the effective date of such reports. ~~Provided, a copy of each such report shall be filed in the office of the county superintendent of schools.~~

SECTION 28. AMENDATORY 70 O.S. 1991, Section 6-101, is amended to read as follows:

Section 6-101. A. Except as provided in subsection E of this section, no person shall be permitted to teach in any school district of the state without a written contract, except as provided

herein for substitute teachers and except teachers of classes in adult education. The board of education of each school district, wherein school is expected to be conducted for the ensuing year, shall employ and contract in writing with qualified teachers for and in the name of the district. One copy of the contract shall be filed with the clerk of the board of education and one copy shall be retained by the teacher, ~~and if the contract is with an elementary school district one copy shall be filed with the county superintendent of schools.~~

B. Except as otherwise provided by law, no board of education shall have authority to enter into any written contract with a teacher who does not hold a valid certificate issued or recognized by the State Board of Education authorizing said teacher to teach the grades or subject matter for which the teacher is employed. Any board of education paying or authorizing the payment of the salary of any teacher not holding a certificate, as required herein, shall be adjudged to be guilty of a fraudulent expenditure of public funds and members voting for such payment shall be held jointly responsible for the return of the amount of any public monies thus expended, upon suit brought by the district attorney or by any interested citizen in the district where such funds have been expended.

C. It shall be the duty of the ~~county superintendent of schools and the district~~ superintendent of schools under whose supervision teachers have been contracted to teach to certify to the treasurer of the contracting district the names of the teachers holding valid certificates with whom contracts have been made and the names of substitute teachers employed in accordance with law. Said treasurer shall not register any warrant issued in payment of salary to any teacher whose name is not included in such list and shall be liable on his official bond for the amount of any warrant registered in violation of the provisions of this section.

D. Whenever any person shall enter into a contract with any school district in Oklahoma to teach in such school district the contract shall be binding on the teacher and on the board of education until the teacher legally has been discharged from his teaching position or released by the board of education from his contract. Until such teacher has been thus discharged or released, the teacher shall not have authority to enter into a contract with any other board of education in Oklahoma for the same time covered by his original contract. If upon written complaint by the board of education in a district any teacher is reported to have failed to obey the terms of the contract previously made and to have entered into a contract with another board of education without having been released from the former contract, the teacher, upon being found guilty of said charge at a hearing held before the State Board of Education, shall have such teacher's certificate suspended for the remainder of the term for which said contract was made.

E. A board of education shall have authority to enter into written contracts with teachers for the ensuing fiscal year prior to the beginning of such year. If, prior to April 10, a board of education has not entered into a written contract with a regularly employed teacher or notified the teacher in writing by registered or certified mail that a recommendation has been made not to reemploy the teacher for the ensuing fiscal year, and if, by April 25, such teacher has not notified the board of education in writing by registered or certified mail that such teacher does not desire to be reemployed in such school district for the ensuing year, such teacher shall be considered as employed on a continuing contract basis and on the same salary schedule used for other teachers in the



school district for the ensuing fiscal year, and such employment and continuing contract shall be binding on the teacher and on the school district.

F. No school district or any member of the board of education of a district shall be liable for the payment of compensation to a teacher or administrator under the provisions of any contract for the ensuing year, if it becomes necessary to close the school because of insufficient attendance, disorganization, annexation, consolidation, or by dispensing with the school according to law, provided, such cause is known or action is taken prior to July 1 of such ensuing year.

G. No school district or any member of a board of education shall be liable for the payment of compensation to any teacher or administrator for the unexpired term of any contract if the school building to which the teacher or administrator has been assigned is destroyed by accident, storm, fire, or otherwise and it becomes necessary to close the school because of inability to secure a suitable building or buildings for continuation of school. Teachers and administrators shall be entitled to pay for any time lost when school is closed on account of epidemics or otherwise when an order for such closing has been issued by a health officer authorized by law to issue the order.

SECTION 29. AMENDATORY 70 O.S. 1991, Section 6-101.10, is amended to read as follows:

Section 6-101.10 Each board of education shall maintain and annually review, following consultation with or involvement of representatives selected by local teachers, a written policy of evaluation for all teachers and administrators. In those school districts in which there exists a professional negotiations agreement made in accordance with Sections 509.1 et seq. of this title, the procedure for evaluating members of the negotiations unit and any standards of performance and conduct proposed for adoption beyond those established by the State Board of Education shall be negotiable items. Nothing in this act shall be construed to annul, modify or to preclude the renewal or continuing of any existing agreement heretofore entered into between any school district and any organizational representative of its employees. Every policy so adopted shall:

1. Be based upon a set of minimum criteria developed by the State Board of Education;

2. Be prescribed in writing at the time of adoption and at all times when amendments thereto are adopted. The original policy and all amendments to the policy shall be promptly made available to all persons subject to the policy;

3. Provide that all evaluations be made in writing and that evaluation documents and responses thereto be maintained in a personnel file for each evaluated person;

4. Provide that every probationary teacher be evaluated at least two times per school year, once prior to November 15 and once prior to February 10 of each year;

5. Provide that every teacher be evaluated once every year, except as otherwise provided by law; and

6. Provide that, except for superintendents of independent and elementary school districts and superintendents of area school districts, who shall be evaluated by the local school board, ~~and except for both principals and teaching principals of elementary school districts, who shall be evaluated by the local board of education with the assistance of the county superintendent,~~ all certified personnel, including administrators, shall be evaluated by

certified administrative personnel designated by the local school board.

All ~~county superintendents and all~~ personnel designated by the local board to conduct the personnel evaluations shall be required to participate in training conducted by the State Department of Education prior to conducting such evaluations.

The State Department of Education shall develop and conduct workshops pursuant to statewide criteria which train such administrative personnel in conducting evaluations.

The State Board of Education shall monitor compliance with the provisions of this section by local school districts.

Refusal by a local school district to comply with the provisions of this section shall be grounds for withholding State Aid funds until such compliance occurs.

SECTION 30. AMENDATORY 70 O.S. 1991, Section 6-110, is amended to read as follows:

Section 6-110. It shall be unlawful and a misdemeanor for any officer or employee of the State Board of Education, a member of a board of education, ~~county superintendent of schools,~~ or other person acting as an agent of the State Board of Education or any board of education, ~~or county superintendent of schools,~~ or of any school teacher, or of any person or organization, to pay or accept any fee, commission or remuneration of any kind or character in payment for services rendered in securing positions for teachers in any of the public schools of this state.

SECTION 31. AMENDATORY 70 O.S. 1991, Section 7-101, as amended by Section 4 of Enrolled House Bill No. 1313 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 7-101. A. The territory comprising all or part of a school district may be annexed to another school district or to two or more districts, when approved at an annexation election called by the ~~county superintendent of schools~~ State Superintendent of Public Instruction, but except as provided in subsection B of this section, an annexation election may not be held unless the boards of education of the affected districts concur therein. Provided, that such concurrence of the boards of education affected shall not be required in cases of mandatory annexation by the State Board of Education:

1. In pursuance of a petition for annexation signed by a majority of the school district electors in the territory proposed to be annexed, hereinafter referred to as the area affected, said majority being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition as provided in this section; or

2. In pursuance of a resolution adopted by the board of education of the district in which the area affected is situated.

B. An annexation election shall be called by the ~~county or state superintendent of schools~~ State Superintendent of Public Instruction without the concurrence of the board of education of the school district which is proposed to be annexed, upon the filing of a petition with the ~~county or state superintendent of schools~~ State Superintendent of Public Instruction for annexation that is signed by a majority of the school district electors in the school district proposed to be annexed, said majority being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the

adequacy of the number of signatures on the petition. The petition shall contain such information as the State Superintendent of ~~schools~~ Public Instruction may require.

C. Annexation elections held pursuant to this section shall be conducted pursuant to the following procedures:

1. Such election shall be held within ~~sixty (60)~~ ninety (90) days after the ~~county superintendent of schools~~ State Superintendent of Public Instruction receives such petition, at some public place in the school district in which the area affected is situated, between the hours of 7 a.m. and 7 p.m., and notice thereof shall be given by the ~~county superintendent of schools~~ State Superintendent of Public Instruction in the same manner as notice of special elections of the school district electors of school districts is given, provided, that the ~~county superintendent of schools~~ State Superintendent of Public Instruction shall not be required to call an election for the purpose of annexing a part of a school district more than once during any twelve-month period. Such elections shall be conducted by the county election board-;

2. The annexation shall be approved by a majority of the school district electors voting at such election:

- a. of an entire school district-;
- b. if a majority of the members of a board of education of a school district losing the territory concur with the petitioners, or resolution, only the legal voters of the area so affected shall be eligible to vote at such election.

Provided that, if the area proposed to be annexed constitutes less than two percent (2%) of the total area of the school district in which such area is located, and there are no qualified electors residing in such area, no election shall be held. In such instance the board of education of the school district wherein the area proposed to be annexed is located and the board of education of the school district to which such area is proposed to be annexed shall each adopt a resolution approving such annexation and shall transmit certified copies of both resolutions to the ~~county superintendent of schools~~ State Superintendent of Public Instruction who shall, within five (5) days after receiving copies of such resolutions, make an order declaring the annexation as approved in the resolutions. Copies of the annexation order shall be transmitted to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer, county assessor and to the boards of education of the school districts involved-;

3. The annexation shall be approved by a majority of the school district electors of the area affected, voting at such election, if the area affected is an area within a school district in which, as a result of condemnation proceedings by the federal government, a majority of the pupils of said area have attended school, for at least one school term, in the district to which the petition requests annexation-;

4. If the annexation of an entire district is approved, as hereinbefore provided, the ~~county superintendent of schools~~ State Superintendent of Public Instruction shall, within five (5) days after such election, issue an order declaring the annexation as requested in the petition or resolution for annexation to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer and county assessor in each county in which any of the territory of the disorganized district lies, but the annexation shall not become effective until the time for filing an appeal, as hereinafter provided, has expired. In the event a majority of the electors voting at such election do not vote for the annexation, the

~~county superintendent of schools~~ State Superintendent of Public Instruction shall, within five (5) days after such election, issue an order denying the annexation to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer and county assessor in each county in which any of the territory of the disorganized district lies. Within ten (10) days after the order of the ~~county superintendent of schools~~ State Superintendent of Public Instruction is issued, twenty-five percent (25%) of the school district electors who were eligible to vote at the annexation election may appeal to the district court of the county in which the territory proposed to be annexed, or the largest part thereof if such territory lies in more than one county, is situated, and thereafter all proceedings shall be stayed until the district court has rendered judgment. The proceedings shall be given precedence over all other civil matters. In the event the court issues a final order upholding a partial annexation, the effective date of said partial annexation shall be July 1 following the final order. All pending annexation proceedings are hereby exempted from this act. The State Board of Education shall be required to change the boundary lines as described in the declaration after all litigation has expired-;

5. Upon the effective date of the annexation of an entire school district to one or more school districts, the board of education of the school district whose territory was annexed shall be declared abolished by the ~~county superintendent of schools~~ State Superintendent of Public Instruction. If a school district to which the territory was annexed currently has a five-member board of education, that school district board of education shall have the option of forming a seven-member board of education pursuant to the provisions of Section 5-107A of this title upon the effective date of the annexation and shall have the option of temporarily increasing the number of board positions by two positions upon the effective date of the annexation. The temporary positions shall be filled by appointment by the board of the district to which the territory was annexed. The temporary positions shall be abolished two (2) years from the effective date of annexation-; and

6. If an independent district annexes to an elementary district not maintaining a high school, both boards of education are abolished. The Governor shall appoint three members of the newly formed district to the board of education and these members shall appoint the remaining two members.

~~7. If the territory proposed to be annexed is situated in more than one county, the petition or resolution shall be filed with the county superintendent of schools of the county in which the largest part of such territory lies, and he shall call the annexation election and perform the other duties required herein of the county superintendent of schools.~~

SECTION 32. AMENDATORY 70 O.S. 1991, Section 7-104, is amended to read as follows:

Section 7-104. A. In case the area affected comprises an entire school district, and all of such area is annexed to only one other district, the district to which it is annexed shall become the owner of all the property and other assets of the disorganized district and shall be liable for the current debts and other obligations of such disorganized district, and said district shall also acquire title to and provide for permanent custody of all individual scholastic and other permanent records relating to each pupil who was previously enrolled in the annexed district.

B. In case the area affected comprises an entire school district, and is annexed to two or more districts, then the current

debts or obligations and property and other assets of the disorganized district shall be divided by agreement between the boards of education of the annexing districts, and the board of education of either of the annexing districts may purchase any such property or assets to effect a just division. If the boards of education are unable to agree, the matter shall be decided by the State Board of Education, and its decision shall be final.

C. In case the area affected is not an entire school district, the district to which the annexation is made shall not acquire any of the property or assets of the district from which the area affected is detached, except that any school building or buildings located in the affected area shall become the property of the district to which the affected area is annexed and all obligations pertaining thereto shall become the responsibility of the annexing district.

D. If any mandatory or voluntary annexation made under the provisions of this article shall occur after the election on school district levies for the ensuing fiscal year and before the tax levies of the ensuing year have been made and certified, the operating and building levies authorized for the annexing district shall be the levies for all the said district after such annexation. All mandatory or voluntary annexations made and ordered subsequent to the certification of the budgets and levies to the State Auditor and Inspector shall be forthwith effective regardless of any variation in such levies; and the budgetary assets of the annexed district or districts theretofore so certified as unexpended and unencumbered shall be merged by supplementary procedure with the budgetary assets of the annexing district.

E. In case the area affected is annexed to two or more districts or the area affected is not an entire school district, the individual scholastic and other permanent records relating to each pupil enrolled at the time of annexation shall be transferred to the respective districts where said pupils are transferred. All other individual scholastic and other permanent records relating to pupils in said areas or entire districts affected shall be filed with the county superintendent of public instruction clerk of the county where supervision of the annexed school district is located.

SECTION 33. AMENDATORY 70 O.S. 1991, Section 7-108, is amended to read as follows:

Section 7-108. Any federally owned reservation, or any portion thereof, within the State of Oklahoma shall with the consent of the United States, given by and through the commanding officer, superintendent, or other officer having charge of such reservation, be attached to an independent school district within the same transportation area for school purposes ~~by the county superintendent of schools of the county~~ in which such reservation and independent school district are situated, upon the petition of the commanding officer, superintendent, or other officer having charge of such reservation, and with the consent of the board of education of such independent school district. The petition of such commanding officer, superintendent, or other officer in charge of any such federally owned reservation and the consent of such board of education shall be filed with the ~~county superintendent of the county in which such reservation and independent school district are located, and said county superintendent~~ State Superintendent of Public Instruction and said Superintendent shall thereupon order such reservation to be attached to such independent school district.

SECTION 34. AMENDATORY 70 O.S. 1991, Section 8-102, is amended to read as follows:

Section 8-102. A. ~~The county superintendent of schools~~ superintendent of the receiving school district shall grant an application for transfer of a child from the district in which the child resides ~~to another school district furnishing instruction in the grade the child is entitled to pursue~~ if such transfer has ~~the approval of~~ been approved by the boards of education of both the ~~sending~~ resident and receiving districts as provided for in Section 8-103 of this title. A student granted a transfer may continue to attend the school to which he transferred ~~with the approval of the~~ unless the receiving district only, and any subsequently disapproves the transfer. Notice of such disapproval shall be given on or before April 10th, provided the student shall be entitled to continue attending the school until the end of the school year. Any brother or sister of such student may attend such school with the approval of the receiving district only, provided that this provision shall not apply to:

1. Emergency transfers;
2. Students transferred for the purpose of attending classes in special education;
3. Graduating seniors in counties having a population of four hundred fifty thousand (450,000) or above who were previously legally enrolled in the school district to which such student wishes to transfer;
4. Students who have transferred to the district for an early childhood education program; or
5. Students with catastrophic medical problems.

Provided, however, if the grade such child is entitled to pursue is not offered in the district where such child resides, the transfer must be approved.

B. A child may be transferred by the State Board of Education to a school district in another state, if the board of education of the school district in which the child resides determines that the best interests of the child will be best served by such transfer and if applicable, such a determination shall also be made by the board of education of the independent school district in whose transportation area the child resides for transfers from an elementary school district where the grade such child is entitled to pursue is not offered.

C. No child shall be transferred under the provisions of this section to a school district other than the one designated in the application for transfer of such child.

D. When a child has been transferred and later changes residence to another school district in the State of Oklahoma, the child shall be entitled to attend school in the district to which he shall have previously been transferred during the school year for which the transfer was made; and if such change of residence is to the district to which the child was transferred, upon affidavit of the parent, custodial parent, or guardian of the child, or of the school board of the transferring district, disclosing removal of residence from the transferring district, a transfer previously made may be canceled, and the appropriation made therefor relieved of such encumbrance to the extent not earned. Provided, that if any child changes residence from a district offering the grade which such child is entitled to pursue, to another district during the school year for which he was transferred, he shall be entitled to attend school in either the receiving district or the district of prior residence for the remainder of the current year. Provided, further, that when the transfer of a child has been finally approved or becomes final under the provisions of Section 8-103 of this title, such child shall not be entitled to attend school in the

district from which he was transferred, even though he continues to live therein during the school year for which the transfer was made, except in case of a cancellation of the transfer.

SECTION 35. AMENDATORY 70 O.S. 1991, Section 8-103, is amended to read as follows:

Section 8-103. A. In order that any child may be transferred, ~~an application for transfer shall be approved by the board of education of both the resident and receiving school district as provided for in this section.~~ An application form specified by the State Board of Education must be completed by the parents, custodial parent or guardian of the child. The application shall be obtained from and filed with the ~~county superintendent of schools or acting county superintendent of schools~~ of the receiving and resident school district for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state. Applications shall be filed no later than ~~May 15~~ February 1 of the school year preceding the school year for which the transfer is desired. The ~~county board of education of the receiving school district shall approve or deny the application for transfer, and if approved, the superintendent of schools the receiving school district shall notify, in writing, not later than May 25~~ March 1, the clerk of the board of education of the resident school district from which the transfer is sought and the clerk of the board of education of the district to which the transfer is sought of the board's decision on the application for transfer. The ~~notices of the application for transfer shall provide that on or before June 5, the board of education of either district affected by the proposed transfer shall have an opportunity to show cause, if any, why the transfer should or should not be granted. On or before April 10, the board of education of the resident school district shall approve or deny the application for transfer and shall notify, in writing, the superintendent of the receiving district whether the transfer application was approved or denied. If the resident school district denies the transfer application it shall send written notice of the denial to the receiving school district by certified mail. If the resident school district fails to notify the receiving school district by the due date, the application shall be deemed approved by the receiving school district.~~ The ~~county superintendent of schools~~ the receiving school district shall, not later than ~~June 15, notify in writing May 1,~~ send written notice to the clerk of each the board of education affected, of the resident school district and the parents or guardian of the child and the State Board of Education as to confirming whether or not the transfer has been granted for each application submitted.

B. ~~The board of education of either school district or the parents or guardian of the child may appeal the decision of the county superintendent of schools or acting county superintendent by submitting, within thirty (30) days of receipt of notice of the decision of the county superintendent or acting county superintendent, a written request to the State Board of Education for a hearing. Such hearing shall be held within ten (10) days of the receipt by the Board of the request, wherein the Board shall determine whether the transfer shall be approved or denied; provided, the State Board of Education shall have no authority to approve or deny a transfer or modify a transfer decision for any reason other than to correct an action taken in violation of or noncompliance with the provisions of Section 8-101 et seq. of this title. Such decision shall be final and shall supercede the decision of the county superintendent of schools~~ On or before August

1, it shall be the duty of the superintendent of the receiving school district to file with the State Board of Education a statement showing the names of the students granted transfers to the school district, the resident school district of the transferred students and their respective grade level.

~~C. The board of education of either district or the parent or guardian of the a child making application for transfer may appeal in writing, the decision of the State Board of Education board of education of either the resident or receiving school district regarding the transfer of the child to any the district court of competent jurisdiction of the county where the child resides.~~

SECTION 36. AMENDATORY 70 O.S. 1991, Section 8-104, is amended to read as follows:

Section 8-104. A. A written application for an emergency transfer designating the district to which the transfer is desired shall be made by either the parent or guardian, ~~and on~~ and filed with the superintendent of the receiving school district. On an adequate showing of emergency the ~~county superintendent~~ superintendent of the receiving school district may make and order a transfer, subject to approval by the State Board of Education. ~~Such an~~ An emergency shall include only ~~the:~~

1. The destruction or partial destruction of a school building, ~~the;~~

2. The inability to furnish the grade of study the pupil is entitled to pursue, ~~the;~~

3. The inability to offer the subject a pupil desires to pursue, ~~or the nonavailability of science, mathematics or foreign language courses a pupil desires to pursue,;~~

4. A catastrophic medical problem of a student, which for purposes of this section shall mean an acute or chronic serious illness, disease, disorder or injury which has a permanently detrimental effect on the body's system or renders the risk unusually hazardous; and ~~the~~

5. The total failure of transportation facilities previously had or contemplated; ~~provided.~~

Provided that a transfer shall also be approved when such transfer has the approval of the boards of education of the sending and receiving districts. Similarly, a transfer previously made may be canceled, with the concurrence of the board of the receiving district, ~~and a retransfer granted. Also, on~~ and the parent or guardian of the child.

B. On affidavit of parent or guardian, or of the school board of the transferring district, disclosing removal of residence from the transferring district, a transfer previously made may be canceled, and the appropriation made therefor relieved of such encumbrance to the extent not earned; and, with concurrence of the boards of education of both the transferring and transferee districts, a parent or guardian may show by affidavit that, by discontinuance of transportation facilities previously afforded or contemplated, the pupil or pupils are unable to attend the school of the transferee district, whereupon the transfer so made may be canceled and the appropriation therefor relieved of any encumbrance to the extent not earned.

SECTION 37. AMENDATORY 70 O.S. 1991, Section 8-106, as amended by Section 13, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1992, Section 8-106), is amended to read as follows:

Section 8-106. A. Upon a majority vote of the electors in a school district voting at the annual school district election or at a special school district election called for such purpose and held not later than June 30, either a high school or a grade school, or



both, shall be dispensed with for the ensuing year. An election for such purpose shall also be held upon petition for an election, signed by forty percent (40%) of the school district electors. To calculate the sufficiency of the number of signatures on a petition, the forty percent (40%) figure shall be applied to the highest number of voters voting in a regular school election in the school district in the preceding five (5) years as determined by the secretary of the county election board. The secretary of the county election board shall certify the sufficiency of the number of signatures on the petition. The election shall be conducted by the county election board in accordance with Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The secretary of the county election board shall notify the State Board of Education of the results of every election held to dispense with school.

B. All of the pupils who would be entitled to attend school in the grades dispensed with shall be transferred to another school district or districts maintaining courses of instruction which such pupils are entitled to pursue. The parent or guardian of each child ~~desiring to be transferred from any school district dispensing with school~~ shall be required to file an application for the transfer of the child or children ~~of the parent or guardian with the county superintendent of schools~~ State Department of Education, within ten (10) days after the results of the election are declared. The procedures for such transfers shall be ~~the same as those for individual transfers determined by the State Board of Education.~~

C. Any school district which dispenses with its entire school district for the ensuing year, as provided herein, shall be mandatorily annexed on July 1 by the State Board of Education to another school district or other districts to which pupils of such dispensed school district have been transferred. Provided, if a school district does not officially dispense with its school and fails to open or maintain a school for such ensuing year, the State Board of Education, except in cases where reasons over which the district had no control causes a normal delay in the opening or maintenance of such school, shall at its next regular meeting, annex such school district to another school district or other districts to which pupils have been transferred. Provided further that if a school district does not have an average daily attendance that meets the State Board of Education regulations for accrediting purposes and does not dispense with its school by June 30, the State Board of Education shall annex such district to the high school transportation area in which the district is situated at the first regular or special meeting in July.

SECTION 38. AMENDATORY 70 O.S. 1991, Section 8-112, is amended to read as follows:

Section 8-112. A. Except as provided in subsection B of this section, on and after July 1, 1990, no school district shall be required to pay and no school district shall charge any other school district a fee for the transfer of a student. Specifically, transfer fees shall not be permitted for transfers between elementary school districts, for transfers between independent school districts or for transfers between independent school districts and elementary school districts.

B. Nothing herein shall prevent the payment or charging of any other fee for the transfer of a student as required by law. School districts shall not be permitted to contract to waive transfer fees with regard to special education pupil transfers.

C. The State Board of Education shall establish the necessary and appropriate application forms sufficient to enable school districts to accomplish transfers and to comply with the provisions

of Sections 8-101 through ~~8-110~~ 8-106 of this title. Upon establishment of such forms, the State Board of Education shall notify each school district ~~and each county superintendent or acting county superintendent of schools~~ of the content thereof.

SECTION 39. AMENDATORY 70 O.S. 1991, Section 11-103, is amended to read as follows:

Section 11-103. A. Courses of instruction approved by the State Board of Education for use in school years prior to 1993-94 shall be those courses that are necessary to ensure:

1. The teaching of the necessary basic skills of learning and communication, including reading, English, writing, the use of numbers and science; and

2. The teaching of citizenship in the United States, in the State of Oklahoma, and in other countries, through the study of the United States Constitution, the amendments thereto, and the ideals, history, and government of the United States, other countries of the world, and the State of Oklahoma and through the study of the principles of democracy as they apply in the lives of citizens. In study of the United States Constitution, a written copy of the document itself shall be utilized.

The public school districts of this state shall ensure that each child enrolled therein is provided with adequate instruction in the basic skills as set out in paragraphs 1 and 2 of this subsection. Each local board of education shall annually evaluate the district's curriculum in order to determine whether each child in the district is receiving adequate basic skill instruction as set out in paragraphs 1 and 2 of this subsection. The evaluation process shall provide for parental involvement. Effective July 1, 1990, each district shall submit its annual evaluation of the district's curriculum to the State Board of Education. The State Board shall make this information available to the Oklahoma Curriculum Committee and, beginning with the 1996-97 school year, shall utilize such information in its periodic evaluation of curriculum.

B. Courses approved by the State Board of Education for instruction of pupils in the public schools of the state for use in school years prior to 1993-94 may include courses that are approved by a local board of education and are necessary to ensure:

1. The teaching of health through the study of proper diet, the effects of alcoholic beverages, narcotics and other substances on the human system and through the study of such other subjects as will promote healthful living and help to establish proper health habits in the lives of school children;

2. The teaching of safety through training in the driving and operation of motor vehicles and such other devices of transportation as may be desirable and other aspects of safety which will promote the reduction of accidents and encourage habits of safe living among school children;

3. The teaching of physical education to all physically able students during the entire school year from first through sixth grade, through physical education, a weekly minimum of seventy-five (75) minutes per student, exclusive of recess activity, supervised play, intramurals, interschool athletics or other extracurricular activities; provided, any student participating as a member of any school athletic team shall be excused from physical education classes; provided further, that certified physical education instructors shall not be required to administer the programs required for grades one through six. An elective program of instructional physical education designed to provide a minimum of one hundred fifty (150) minutes per week per student shall be provided for all students in the seventh grade through the twelfth

grade. The State Board of Education shall prescribe qualifications for physical education instructors. Provided, however, that the State Department of Education shall be empowered to exempt all or a portion of this requirement if an undue hardship would result to the school district. Provided, further, that any student who has exceptional talent in music may, with the approval of the superintendent of schools in independent districts or ~~with the approval of the county superintendent~~ in elementary districts, substitute a course in music for the above-required physical education course;

4. The teaching of the conservation of natural resources of the state and the nation that are necessary and desirable to sustain life and contribute to the comfort and welfare of the people now living and those who will live here in the future, such as soil, water, forests, minerals, oils, gas, all forms of wildlife, both plant and animal, and such other natural resources as may be considered desirable to study;

5. The teaching of vocational education, by the study of the various aspects of agriculture, through courses and farm youth organizations, such as FFA and 4-H clubs, homemaking and home economics, trades and industries, distributive education, mechanical and industrial arts and such other aspects of vocational education as will promote occupational competence among school children and adults as potential and actual citizens of the state and nation; and

6. The teaching of such other aspects of human living and citizenship as will achieve the legitimate objectives and purposes of public education.

SECTION 40. 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 local textbook committee in the state,~~ which list shall show the respective prices of such textbooks and contain such other information as the secretary shall deem advisable, and ~~he~~ the secretary shall annually publish and distribute a list of all textbooks that have been selected and that are then in force.

SECTION 41. 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 shall appoint a local textbook committee consisting 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 public schools of the district, a majority of whom shall be classroom teachers. The superintendent of schools or a designee who shall be a principal or a curriculum specialist shall serve as chairman of such local textbook committee.

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.~~

~~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.

~~D. C.~~ 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. Each local textbook committee shall serve without compensation and 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. D.~~ 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 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 42. AMENDATORY 70 O.S. 1991, Section 16-115, is amended to read as follows:

Section 16-115. All contractors shall establish and maintain a suitable and convenient depository or depositories in the State of Oklahoma where a stock of their books to supply all immediate demands shall be kept. Said depository or depositories may be operated jointly with other contractors. Each contractor shall maintain at his depository a sufficient supply of textbooks for individuals or boards of education desiring to purchase the same and shall be required to sell such books to any individual or board of education at the same price at which the textbook is sold to the State of Oklahoma plus cost of transportation to the individual or board of education purchasing the textbook. Upon the failure of any contractor to carry a sufficient stock of books at his depository to

take care of all immediate demands of the State of Oklahoma and others requesting the same, or to furnish the textbooks as required by his contract, the ~~county~~ superintendent of schools ~~of the county~~ wherein such books have not been furnished shall report the facts to the Attorney General, who shall bring suit on account of such failure in the name of the State of Oklahoma in the district court of Oklahoma County, and shall recover on the bond given by such contractor for the full value of the books not furnished as required, and in addition thereto the sum of One Hundred Dollars (\$100.00), and each day of failure to furnish the books shall constitute a separate offense, and the amount so recovered shall be placed to the credit of the General Revenue Fund of the state, and in addition thereto the State Board of Education shall have power to terminate said contract.

SECTION 43. 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 44. 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 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, 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 45. AMENDATORY 70 O.S. 1991, Section 17-101, as amended by Section 6, Chapter 376, O.S.L. 1992 (70 O.S. Supp. 1992, Section 17-101), is amended to read as follows:

Section 17-101. The following words and phrases as used in this act, unless a different meaning is clearly required by the context, shall have the following meanings:

(1) "Retirement system" shall mean the Teachers' Retirement System of Oklahoma, as defined in Section 17-102 of this title.

(2) "Public school" shall mean a school district, a state college or university, the State Board of Education, the State Board of Vocational Education and any other state educational entity conducted within the state supported wholly or partly by public funds and operating under the authority and supervision of a legally constituted board or agency having authority and responsibility for any function of public education.

(3) "Classified personnel" shall mean any teacher, principal, superintendent, ~~county superintendent~~, supervisor, administrator, librarian, certified or registered nurse, college professor, or college president whose salary is paid wholly or in part from public funds. An employee of any state department, board, board of regents or board of trustees, who is in a supervisory or an administrative position, the function of which is primarily devoted to public education, shall be considered classified personnel under the meaning of this act, at the discretion of the Board of Trustees of the Teachers' Retirement System. The term "teacher" shall also include instructors and counselors employed by the Department of Corrections and holding valid teaching certificates issued by the State Department of Education. Provided, that a person employed by the Department of Corrections as an instructor or counselor shall have been actively engaged in the teaching profession for a period of not less than three (3) years prior to employment to be eligible to participate in the Oklahoma Teachers' Retirement System. The Department of Corrections shall contribute the employer's share to the Oklahoma Teachers' Retirement System.

(4) "Nonclassified optional personnel" shall include cooks, janitors, maintenance personnel not in a supervisory capacity, bus drivers, noncertified or nonregistered nurses, noncertified librarians, and clerical employees of the public schools, state colleges, universities or any state department, board, board of regents or board of trustees, the functions of which are primarily devoted to public education and whose salaries are paid wholly or in part from public funds.

(5) "Employer" shall mean the state and any of its designated agents or agencies with responsibility and authority for public education, such as boards of education of elementary and independent school districts, boards of regents, boards of control or any other agency of and within the state by which a person may be employed for service in public education.

(6) "Member" shall mean any teacher or other employee included in the membership of the system as provided in Section 17-103 of this title.

(7) "Board of Trustees" shall mean the board provided for in Section 17-106 of this title to administer the retirement system.

(8) "Service" shall mean service as a classified or nonclassified optional employee in the public school system, or any other service devoted primarily to public education in the state.

(9) "Prior service" shall mean service rendered prior to July 1, 1943.

(10) "Membership service" shall mean service as a member of the classified or nonclassified personnel as defined in paragraphs (3) and (4) of this section.

(11) "Creditable service" shall mean membership service plus any prior service authorized under this title.

(12) "Annuitant" shall mean any person in receipt of a retirement allowance as provided in this title.

(13) "Accumulated contributions" shall mean the sum of all amounts deducted from the compensation of a member and credited to his individual account in the Teacher Savings Fund, together with interest as of June 30, 1968.

(14) "Earnable compensation" shall mean the full rate of the compensation that would be payable to a member if he worked the full normal working time.

(15) "Average salary":

(a) for those members who joined the System prior to July 1, 1992, shall mean the average of the salaries for the three (3) years on which the highest contributions to the Teachers' Retirement System was paid not to exceed the maximum contribution level specified in Section 17-116.2 of this title. Provided, no member shall retire with an average salary in excess of Twenty-five Thousand Dollars (\$25,000.00) unless the member has made the required election and paid the required contributions on such salary in excess of Twenty-five Thousand Dollars (\$25,000.00), and

(b) for those members who join the System after June 30, 1992, shall mean the average of the salaries for five (5) consecutive years on which the highest contribution to the Teachers' Retirement System was paid. Only salary on which required contributions have been made may be used in computing average salary.

(16) "Annuity" shall mean payments for life derived from the "accumulated contributions" of a member. All annuities shall be payable in equal monthly installments.

(17) "Pension" shall mean payments for life derived from money provided by the employer. All pensions shall be payable in equal monthly installments.

(18) "Monthly retirement allowance" is one-twelfth (1/12) of the annual retirement allowance which shall be payable monthly.

(19) "Retirement Benefit Fund" shall mean the fund from which all retirement benefits shall be paid based on such mortality tables as shall be adopted by the Board of Trustees.

(20) "Actuary" shall mean a person especially skilled through training and experience in financial calculation respecting the expectancy and duration of life.

(21) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality and other tables as shall be adopted by the Board of Trustees.

(22) The masculine pronoun, whenever used, shall include the feminine.

(23) "Actuarially determined cost" shall mean the single sum which is actuarially equivalent in value to a specified pension amount as determined on the basis of mortality and interest assumptions adopted by the Board of Trustees.

(24) "Normal retirement age" means age sixty-two (62) or the age at which the sum of a member's age and number of years of creditable service total eighty (80), whichever occurs first.

(25) "Regular annual compensation" means salary plus fringe benefits. For purposes of this definition, regular annual compensation shall include all normal periodic payments as provided in subsection D of Section 17-116.2 of this title.

(26) "Teacher" means classified personnel and nonclassified optional personnel.

(27) "Active classroom teacher" means a person employed by a school district to teach students specifically identified classes for specifically identified subjects during the course of a semester, and who holds a valid certificate or license issued by and in accordance with the rules and regulations of the State Board of Education.

SECTION 46. AMENDATORY 70 O.S. 1991, Section 17-108, is amended to read as follows:

Section 17-108. Each local school district, or state college or university, or State Board of Education or State Board of Vocational Education, or other state agencies whose employees are members of the Teachers' Retirement System shall match the contributions of members whose salaries are paid by federal funds. These funds shall be remitted at the same time as the regular contributions of members are remitted to the Teachers' Retirement System of Oklahoma and deposited in the Retirement Benefit Fund.

All the assets of the retirement system shall be credited according to the purpose for which they are held to one of nine funds, namely: The Teachers' Savings Fund, the Retirement Benefit Fund, the Interest Fund, the Permanent Retirement Fund, the Expense Fund, the Suspense Fund, the Reserve for Investment Fluctuations Fund, the Teachers' Deposit Fund, and the Membership Annuity Reserve Fund.

(1) The Teachers' Savings Fund shall be a fund in which shall be accumulated the regular contributions from the compensation of members, including interest earnings prior to July 1, 1968. Contributions to and payments from the Teachers' Savings Fund shall be made as specifically provided in each plan available within the retirement system.

(2) The deductions provided for in the plans within the retirement system shall be made notwithstanding that the minimum compensation provided for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and payment of salary or compensation, less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this act. The employer shall certify to the Board of Trustees on each and every payroll, or in such other manner as said Board may prescribe, the amounts to be deducted, and each of said amounts shall be deducted, and when deducted shall be paid into said Teachers' Savings Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

(3) Following the termination of membership in the retirement system for any member who has been absent from service for five (5) years in any period of six (6) consecutive years, the Teachers' Savings Fund Account of such member shall be closed and the amount due the member as provided in Section 17-105 of this title shall be paid upon the filing of formal application. At the time such membership is terminated the amount due the member as provided in said Section 17-105 shall be transferred to the Suspense Fund.

(4) Upon the retirement of a member an amount sufficient to pay his annuity benefit for a two-year period shall be transferred from



the Teachers' Savings Fund to the Retirement Benefit Fund; an amount sufficient to pay his annuity benefit for one (1) year shall be transferred each succeeding year thereafter. Should a member who has retired under Option 1 die, the balance of money he had in Teachers' Savings Fund shall be transferred to the Retirement Benefit Fund for payment to his beneficiary or estate.

(5) Retirement Benefit Fund.

(a) After August 2, 1969, there shall be transferred from the Teachers' Savings Fund and the Membership Annuity Reserve Fund for those members drawing retirement benefits from the Teachers' Retirement System of Oklahoma an amount necessary to provide the monthly annuity payments and pension payments. In addition the fund shall consist of monies received from any state dedicated revenue, monies received from state appropriations, monies received from federal matching funds, and the residue of the interest on investments after the requirements of Section 17-107 of this title have been fully met. The Retirement Benefit Fund shall consist of an amount of money necessary for the making of retirement payments to retirees.

Should a member have deposits in the Teachers' Deposit Fund or the Tax-Sheltered Annuity Fund and wish to receive monthly retirement benefits on such deposits, the actuarial equivalent of a two-year period and each succeeding fiscal year thereafter shall be transferred to the Retirement Benefit Fund. The member may choose any of the plans available in the Teachers' Retirement Act as a method of receiving monthly retirement benefits on the money he has on deposit in the Teachers' Deposit Fund or the Tax-Sheltered Annuity Fund. The monthly retirement benefits paid from the Teachers' Deposit Fund or the Tax-Sheltered Annuity Fund shall be in addition to the regular retirement benefits and the money transferred from the Teachers' Deposit Fund or Tax-Sheltered Annuity Fund shall not be matched by the State of Oklahoma.

(b) From the Retirement Benefit Fund shall be paid all monthly retirement benefits.

(c) At the death of a retired member who has retired under the Maximum Plan of Retirement, Option 1 or Option 4, the balance of money the member has in the Teachers' Savings Fund shall be transferred to the Retirement Benefit Fund and the amount due the beneficiary or his estate under Option 1 or Option 4 shall be paid from the Retirement Benefit Fund.

(d) At the death of both a retired member and the retired member's spouse, who had retired under Option 2 or 3, any balance in the Teachers' Savings Fund shall be transferred from the Teachers' Savings Fund to the Retirement Benefit Fund.

(e) At the death of a retired member who had retired under Option 5, the balance of any monies the member had in the Teachers' Savings Fund shall be transferred to the Retirement Benefit Fund for the purpose of making a lump-sum settlement to the beneficiary or his estate. Providing that if the surviving spouse elects to receive the balance under the Maximum Plan of Retirement or Option 1 the member's money, if any, on a monthly basis, constituting actuarial equivalent of two (2) years' payments, and each year thereafter the annual actuarial equivalent, shall be transferred from the Teachers' Savings Fund for the purpose of paying monthly retirement benefits to the spouse under this option.

(6) The Interest Fund is hereby created to facilitate the crediting of interest to the various other funds to which interest is to be credited. All income, interest and dividends derived from the deposits and investments authorized by this act shall be paid

into the Interest Fund. On June 30, each year, interest shall be transferred to the other funds as herein provided.

(7) The Permanent Retirement Fund shall consist of the accumulated gifts, awards, and bequests made to the retirement system, and transfers from the Suspense Fund, the principal of which is hereby held and dedicated as a perpetual endowment of the retirement system and shall not be diverted or appropriated to any other cause or purpose unless specifically provided for in such gifts, awards or bequests.

(8) The Expense Fund shall be the fund from which the expense of administration and maintenance of the retirement system shall be paid. The Board of Trustees shall cause to be prepared and adopt annually an itemized budget showing the amount required to defray the expenses for the ensuing fiscal year.

(a) Transfers to and payments from this fund shall be made as follows:

1. From the Interest Fund.
2. From any dedicated revenue.
3. From appropriation by the Oklahoma Legislature.

4. All monies for the operation of the Teachers' Retirement System of Oklahoma shall be paid from the Expense Fund upon the approval by the Board of Trustees and the checks signed by two people designated to sign such checks by the Board of Trustees of the Teachers' Retirement System of Oklahoma.

(9) The Suspense Fund shall be comprised of amounts transferred to the fund as provided in this section and Section 17-105 of this title and obligations of the retirement system to any member or person which cannot be legally discharged.

(10) The Reserve for Investment Fluctuations Fund shall be the fund in which eight percent (8%) of the investment earnings and the realized profits from the sale or exchange of securities shall be deposited each year until an amount equal to two percent (2%) of the total investments shall be accumulated, and such fund shall thereafter be maintained at such level. Upon proper resolution by the Board of Trustees transfers may be made from this fund to reimburse the investment account of other funds wherein a deficit shall have accrued.

(11) Teachers' Deposit Fund.

(a) Any member may make additional direct deposits or request prior to the first pay period of the current school year that his employer make additional deposits for him, for tax-sheltered annuity purposes. Provided, the amount deposited does not exceed the employees "Exclusion Allowance" the employee is permitted by the Federal Internal Revenue Code, which shall be credited to the member's account in the Teachers' Deposit Fund for the purchase of a tax-sheltered annuity. The amount thus accumulated, or any portion thereof, with interest at a rate fixed by the Board of Trustees, not to exceed the rate of interest earned, may be used:

1. As a deposit in the Retirement Benefit Fund for the purpose of providing an annuity in addition to his regular service retirement allowance at the time of retirement; or
2. A member may withdraw any part or all of the money he has in the Teachers' Deposit Fund with all or any part of the interest at the last interest paying date.

Providing that any teacher who has been a member of a retirement system of another state, upon becoming a member of the Teachers' Retirement System of Oklahoma, may deposit in this fund all or part of the accumulated contributions received by him upon his withdrawal from the said retirement system.

(b) The additional annuity provided from said deposits shall not be matched by the employer. Such deposits, together with interest, may be refunded to the member at retirement or to his beneficiary or estate in the event of death of the member prior to retirement. Such deposits shall also be refunded in the event of the withdrawal of the accumulated contributions of the member prior to retirement.

(12) The Membership Annuity Reserve Fund is composed of teachers' contributions and state matching funds for those members who retired before August 2, 1968. From this fund there shall be transferred the actuarial equivalent necessary to pay retirement benefits for a period of two (2) years and thereafter the actuarial equivalent necessary to pay retirement benefits for one (1) succeeding year.

(13) Collection of Contributions.

(a) The collection of members' contributions shall be as follows:

1. Each employer shall cause to be deducted on each and every payroll or claim of a member for each and every payroll claim period subsequent to the date of establishment of the retirement system the contribution payable by such member as provided in this act. With each and every payroll or claim the employer shall deliver to the treasurer of said employer warrants issued to the employees as shown to be due by said payroll or claim, together with a warrant or warrants in favor of the Teachers' Retirement System as shown by said payroll or claim.

2. The treasurer or disbursing officer upon delivery of the warrants and a true copy of the payroll or claims as provided above shall register said warrants as provided for the registration of other school warrants, and shall deliver to the employer warrants issued in favor of the employees, and shall deliver warrants issued in favor of the Teachers' Retirement System and the copy of the payroll or claims to the ~~county or city~~ school district superintendent as designated by the Board of Trustees. For the purpose of collecting contributions of teachers in the public schools, the ~~county superintendent or~~ superintendent of an ~~independent~~ a school district is hereby designated to receive the Teachers' Retirement warrants from the treasurer or proper disbursing officer of the several school districts for the purpose of transmitting such warrants and payroll or claims to the Executive Secretary of the Teachers' Retirement System of the State of Oklahoma. Any college or university or other educational institution or agency operated in whole or in part by the state shall have the amount retained or deducted from the funds regularly appropriated by the state for the current maintenance for such educational departments and institutions.

3. For the purpose of enabling the collection of the contributions of the members of the retirement system to be made as simple as possible, the Board of Trustees shall require the secretary or other officer of each employer-board or agency, within thirty (30) days after the beginning of each school year, to make a list of all teachers in its employ who are members of the retirement system, certify to the correctness of this list, and file the same with the Executive Secretary of the Board of Trustees of the Teachers' Retirement System. If additions to or deductions from this list should be made during the year such additions or deductions shall likewise be certified to the Board of Trustees of the Teachers' Retirement System.

4. The State Treasurer shall furnish annually to the Board of Trustees a sworn statement of the amount of the funds in his custody

belonging to the retirement system. The records of the Board of Trustees shall be open to public inspection and any member of the retirement system shall be furnished with a statement of the amount of the credit to his individual account upon written request by such member, provided the Board of Trustees shall not be required to answer more than one such request of a member in any one (1) year.

5. Failure of any superintendent, officer, or other person to discharge the duties imposed upon him by this act shall render him or his bondsman liable for any loss occasioned thereby to the Teachers' Retirement System or the employees of the school district, or both.

6. On a showing by the Teachers' Retirement System that a warrant, voucher or check issued to it has, for any reason, been lost or never received, after ninety (90) days from the date of issue or from transmittal for payment, it shall be the duty of the issuing authority forthwith, without any indemnifying bond or other requirements, to issue a duplicate thereof in lieu of that which was lost, to the Teachers' Retirement System; and the Teachers' Retirement System shall save harmless any school district or agency of state government making payment under the provisions hereof to the State Teachers' Retirement System if the original warrant, voucher or check is later presented for payment and same is paid after a duplicate warrant, voucher or check has been issued and paid to the Teachers' Retirement System, and any loss sustained therefrom shall be charged to the Interest Fund.

SECTION 47. AMENDATORY 70 O.S. 1991, Section 18-104, is amended to read as follows:

Section 18-104. A. The funds apportioned and disbursed to the several school districts of the state shall be for the purpose of aiding each school district receiving the same to finance its school budget for each fiscal year. The State Board of Education shall notify the county clerk, ~~county superintendent of schools~~, the board of education, superintendent of each school district and the school district treasurer of the tentative amount said district is to receive from the funds apportioned under the provisions of this article and disbursed according to the provisions hereof. After such allocation of State Aid has been made by the State Board of Education and certified to the county clerk, treasurer of the school district, ~~county superintendent of schools~~ and district superintendent of schools, such aid may be included as probable income by the board of education in its Estimate of Needs and Financial Statement as submitted to the county excise board, and said excise board shall include such amount in the approved appropriations, and in addition thereto any federal aid certified or allocated by the State Board of Education shall be included in the appropriation made by the excise board if requested by the board of education; provided, no such federal aid estimate shall be used in any way to reduce the State Foundation Aid or Incentive Aid for such school district or sustain a protest for the reduction of a tax levy. If such allocation of aid is not included in the board of education's estimate of needs, it shall be added by the county clerk to the items of appropriation designated by the board of education of the school district. Funds received under the provisions of this article shall be deposited in the general fund of such school district. Provided, funds received from the federal government for current expense purposes shall likewise be added to the appropriation of the general fund if so designated by the board of education of such school district. Provided, further, that the board of education of a school district may enter into agreements with federal agencies for educational projects and programs to be

maintained in such districts; and federal funds received by the district in pursuance thereof shall, consistent with the agreement and requirements of the federal agency, be kept, administered and disbursed in such manner as may be prescribed by rules and regulations of the board of education.

B. If the State Board of Education should ascertain that any of the factors on which the apportionment or allocation of State Aid to any school district has so changed as to disqualify such district or to reduce its State Aid, then the State Board of Education shall forthwith notify ~~the county superintendent of schools,~~ the district superintendent, the clerk of the board of education, and the treasurer thereof, as to the amount of reduction in the allocation of State Aid, and the board of education of such district shall immediately request the county clerk to adjust the items of appropriation in accordance with such reduction as to effect a total reduction in the appropriation by the amount which the State Aid allocation was reduced; and if there has been an overpayment the same shall be returned to the State Treasurer and credited to a refund account which shall be available for further payment of State Aid. Whenever it becomes necessary for a school district to refund any overpayment of monies previously received, the school district shall issue such warrant against a properly approved encumbrance in the manner provided by law. Such claim or encumbrance shall be coded as a refund of prior revenue and paid from the current expense appropriation of the general fund or such other fund or account from which such refund may properly be paid by the school district.

SECTION 48. AMENDATORY 70 O.S. 1991, Section 24-103, is amended to read as follows:

Section 24-103. It is hereby declared to be unlawful for any officer or employee of the State Board of Education, ~~county superintendent of schools,~~ member of a board of education or employee thereof, to solicit, take, retain, or receive any money, property or thing of value in the nature of commissions or otherwise for the purchase or sale of school bonds, or for the purchase of any furniture or supplies, and the soliciting, taking, retaining or receiving of any such money or other thing of value is hereby declared to be a misdemeanor.

SECTION 49. AMENDATORY 70 O.S. 1991, Section 24-104, is amended to read as follows:

Section 24-104. It is hereby declared to be unlawful and a misdemeanor for any person, corporation or individual to offer, tender to pay or deliver to any such officer or employee of the State Board of Education, ~~county superintendent of schools,~~ member of a board of education or employee thereof, any such property, money or other thing of value in any way connected with the issuing of school bonds or the purchase of furniture or supplies, whether the same be denominated commission or otherwise.

SECTION 50. AMENDATORY 70 O.S. 1991, Section 24-114, is amended to read as follows:

Section 24-114. The governing board of each school district in Oklahoma shall require every public school within its jurisdiction to prepare duplicate copies of individual scholastic and other permanent records relating to each pupil enrolled. ~~In the case of dependent school districts the duplicate copy of said records shall be filed with the county superintendent of public instruction. In the case of independent school districts the~~ The duplicate of said records shall be filed in a building separate and apart from the building where the original copy is filed or shall be filed in a fireproof vault designed for the purpose of protecting permanent

records. The original copy of said records shall be filed and permanently retained by the respective public schools of this state.

SECTION 51. AMENDATORY 70 O.S. 1991, Section 1210.307, is amended to read as follows:

Section 1210.307 A. It shall be the duty of each school district to provide gifted child educational programs for all identified gifted children, as defined in Section 1210.301 of this title, who reside in that school district. This duty may be satisfied by:

1. The district directly providing gifted child educational programs for such children;

2. The district joining in a cooperative program with another district or districts to provide gifted child educational programs for such children;

3. The district joining in a cooperative program with a private or public institution within such district; or

4. The district transferring identified gifted and talented children to other school districts which provide the appropriate gifted child educational programs, provided, no transfer shall be made without the consent of the board of education of the receiving school district. The district in which the child resides shall provide transportation for the transferred student and pay an amount of tuition equal to the proportion of the operating costs of the program to the receiving district. Transfers authorized by this section shall be made under such rules and regulations as the State Board of Education may prescribe; ~~or~~

~~5. The district located wholly or in part in a county participating in any program established by that county superintendent of schools. The county superintendent of schools of any county may establish and maintain a gifted child educational program with the approval of the Board and county funds may be expended for that purpose. A district shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in the program.~~

B. Each district shall, regardless of the method used for accomplishing the duty set forth in subsection A of this section, notify in writing the parents of each child identified as gifted of the fact that the child has been so identified. The district shall also provide each such parent a summary of the program to be offered such child.

C. Each board of education shall adopt a written policy statement which specifies criteria for placement of children in gifted and talented programs that is consistent for grades one through twelve.

D. The State Department of Education shall, after each school year, report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning the number of children identified for the programs, number of children served by the programs, type of programs provided, type of screening procedures utilized, cost analysis of the programs and the estimated number of gifted and talented children unserved by the programs.

SECTION 52. AMENDATORY 70 O.S. 1991, Section 3422, is amended to read as follows:

Section 3422. A. In addition to the purposes prescribed by existing law, the Eastern Oklahoma State College located at Wilburton, Oklahoma, shall be also maintained as an institution for the care, training and education of dependent youth and orphans of this state who have attained the equivalent of a public school educational standing and who by reason of being dependent, neglected or orphaned may be unable to be cared for, trained or educated

otherwise, and said institution shall provide necessary or proper care, control, training and education of all who are granted admission or enrollment therein as students or wards.

B. In each county of the state, the associate district judge as chairman, ~~the county superintendent of schools,~~ the county superintendent of health, or the medical director of the county shall constitute a board to determine under such rules and regulations as may be adopted and prescribed by the Board of Regents of the said Eastern Oklahoma State College who shall be eligible to be admitted as students or wards and said board shall cause proper certificate of eligibility and admission to be prepared, executed and forwarded to the President of said institution, and under such rules, regulations and conditions as the said Board of Regents shall adopt, the said President, as soon thereafter as provisions can be made and facilities are available for the acceptance and enrollment of said ward, shall notify the chairman of said board, whereupon it shall be the duty of the said associate district judge to cause the said ward to be transported to said institution and upon arrival said ward shall be received and entered therein as an educational ward of the state, and the President of said College, under direction of the Board of Regents, shall be and remain in control of said ward and shall stand and be in similar relation and control as a parent. The said ward may, for breach of rules, be expelled, suspended or transferred to one of the State Training Schools upon order of the President with the approval of two members of the Board of Regents.

Any child a ward of the state in any of its institutions may be transferred to said institution for care, training or education, when the Governor of the state shall so order, provided said child is physically, mentally or morally eligible.

No child, student or ward shall ever be admitted as a student or ward in said Eastern Oklahoma State College unless and until it is definitely determined that said student or ward is free from contagious or other disease that may be communicable in nature, and a certificate so showing shall be required before entry. Proper precautions shall at all times be observed to protect and safeguard the health of all students or wards and for said purpose the President of said institution shall, with the approval of the Board of Regents, arrange for medical examination, care and treatment of wards. No ward shall be admitted to said institution who is incorrigible or who stands convicted of violating any law of this state unless and until it has been determined by the Board of Regents of said institution that said ward has earned or merited classification as a morally upright and deserving ward whose presence in said institution as a ward will not tend to corrupt or improperly influence the moral tendencies of other students or wards therein.

For these purposes the Board of Regents of said college shall, with the approval of the Governor of the state, adopt such rules and regulations as it may deem proper and necessary for the regulation and control of the admission of students or wards and for their care and control after admission.

C. In addition to such courses of instruction as have heretofore or may now be given, the said college may furnish academic courses in education together with vocational training of such character as the Board of Regents may determine to be advisable and necessary for the proper practical education and training of the students and wards in said college.

SECTION 53. AMENDATORY 74 O.S. 1991, Section 902, as last amended by Section 12, Chapter 376, O.S.L. 1992 (74 O.S. Supp. 1992, Section 902), is amended to read as follows:

Section 902. As used in this act:

(1) "System" means the Oklahoma Public Employees Retirement System as established by this act and as it may hereafter be amended;

(2) "Accumulated contributions" means the sum of all contributions by a member to the System which shall be credited to the member's account;

(3) "Act" means Sections 901 to 932, inclusive, of this title;

(4) "Actuarial equivalent" means a deferred income benefit of equal value to the accumulated deposits or benefits when computed upon the basis of the actuarial tables in use by the System;

(5) "Actuarial tables" means the actuarial tables approved and in use by the Board at any given time;

(6) "Actuary" means the actuary or firm of actuaries employed by the Board at any given time;

(7) "Agent" means the individual designated by each participating employer through whom System transactions and communication shall be directed;

(8) "Beneficiary" means any person named by a member to receive any benefits as provided for by this act. If there is no beneficiary living at time of member employee's death, his estate shall be the beneficiary;

(9) "Board" means the Oklahoma Public Employees Retirement System Board of Trustees;

(10) "Compensation" means all salary and wages, including amounts deferred under deferred compensation agreements entered into between a member and a participating employer, but exclusive of payment for overtime, payable to a member of the System for personal services performed for a participating employer, including maintenance, or any allowance in lieu thereof provided a member as a part of compensation but shall not include compensation or reimbursement for traveling, or moving expenses, or except as otherwise provided in this paragraph, any compensation in excess of Twenty-five Thousand Dollars (\$25,000.00) per annum which shall be the maximum compensation level. An active member of the System may elect to have a maximum compensation level of Forty Thousand Dollars (\$40,000.00) per annum. Such an election shall be made in writing and filed with the System. Any member, who at the time the member was eligible to make an election to increase the member's maximum compensation level failed to make an election or chose not to increase the maximum compensation level of the member to Forty Thousand Dollars (\$40,000.00), may elect to increase the member's maximum compensation level if the election is made within three (3) years of the member's initial opportunity to make the election. Any such member making the election shall pay to the System the amount of contribution the member would have paid had the member made the election on January 1, 1988. Any member, who at the time the member was eligible to make an election to increase the member's maximum compensation level chose to increase the compensation level of the member to Forty Thousand Dollars (\$40,000.00), may elect to decrease the member's maximum compensation level to Twenty-five Thousand Dollars (\$25,000.00) if the election is made within three (3) years of the initial election to increase the maximum compensation level. Upon the receipt of the election to reduce the maximum compensation level, the Board shall pay to the member the contribution made by the member in excess of the contribution required on a maximum compensation level of Twenty-five Thousand Dollars (\$25,000.00)



within sixty (60) days of said election. Members whose salaries exceed Twenty-five Thousand Dollars (\$25,000.00) after the effective date of this act shall file the election when the salary exceeds Twenty-five Thousand Dollars (\$25,000.00). Any such election by a member shall be irrevocable. Salary shall include any amount of elective salary reduction under Section 457 of the Internal Revenue Code of 1986 and any amount of non-elective salary reduction under Section 414(h) of the Internal Revenue Code of 1986;

(11) "Credited service" means the sum of participating service, prior service and elected service;

(12) "Dependent" means a parent, child, or spouse of a member who is dependent upon the member for at least one-half (1/2) of his support;

(13) "Effective date" means the date upon which the System becomes effective by operation of law;

(14) "Eligible employer" means the state and any county, county hospital, city or town, conservation districts, and any public or private trust in which a county, city or town participates and is the primary beneficiary is to be an eligible employer for the purpose of this act only, whose employees are covered by Social Security and are not covered by or eligible for another retirement plan authorized under the laws of this state which is in operation on the initial entry date. Emergency medical service districts may join the System upon proper application to the Board. Provided affiliation by a county hospital shall be in the form of a resolution adopted by the board of control.

(a) If a class or several classes of employees of any above-defined employers are covered by Social Security and are not covered by or eligible for and will not become eligible for another retirement plan authorized under the laws of this state, which is in operation on the effective date, such employer shall be deemed an eligible employer, but only with respect to that class or those classes of employees as defined in this section.

(b) A class or several classes of employees who are covered by Social Security and are not covered by or eligible for and will not become eligible for another retirement plan authorized under the laws of this state, which is in operation on the effective date, and when the qualifications for employment in such class or classes are set by state law; and when such class or classes of employees are employed by county or municipal government pursuant to such qualifications; and when the services provided by such employees are of such nature that they qualify for matching by or contributions from state or federal funds administered by an agency of state government which qualifies as a participating employer, then the agency of state government administering the state or federal funds shall be deemed an eligible employer, but only with respect to that class or those classes of employees as defined in this subsection; provided, that the required contributions to the retirement plan may be withheld from the contributions of state or federal funds administered by the state agency and transmitted to the System on the same basis as the employee and employer contributions are transmitted for the direct employees of the state agency. The retirement or eligibility for retirement under the

provisions of law providing pensions for service as a volunteer fire fighter shall not render any person ineligible for participation in the benefits provided for in this act. An employee of any public or private trust in which a county, city or town participates and is the primary beneficiary shall be deemed to be an eligible employee for the purpose of this act only;

(15) "Employee" means any officer or employee of a participating employer, whose employment is not seasonal or temporary and whose employment requires at least one thousand (1,000) hours of work per year and whose salary or wage is equal to the hourly rate of the monthly minimum wage for state employees as provided in Section 284 of this title. For those eligible employers outlined in Section 910 of this title, the rate shall be equal to the hourly rate of the monthly minimum wage for that employer. Each employer, whose minimum wage is less than the state's minimum wage, shall inform the System of the minimum wage for that employer. This notification shall be by resolution of the governing body.

- (a) Any employee of ~~the county superintendent or~~ the county extension agents who is not currently participating in the Teachers' Retirement System shall be a member of this System.
- (b) Eligibility shall not include any employee who is a contributing member of the United States Civil Service Retirement System.
- (c) It shall be mandatory for an officer, appointee or employee of the office of district attorney to become a member of this System if he is not currently participating in a county retirement system. Provided further, that if an officer, appointee or employee of the office of district attorney is currently participating in such county retirement system, he is ineligible for this System as long as he is eligible for such county retirement system. Any eligible officer, appointee or employee of the office of district attorney shall be given credit for prior service as defined in this section. The provisions outlined in Section 917 of this title shall apply to those employees who have previously withdrawn their contributions.
- (d) Eligibility shall also not include any officer or employee of the Oklahoma Employment Security Commission, except for those officers and employees of the Commission electing to transfer to this System pursuant to the provisions of Section 910.1 of this title or any other class of officers or employees specifically exempted by the laws of this state, unless there be a consolidation as provided by Section 912 of this title. Employees of the Oklahoma Employment Security Commission who are ineligible for enrollment in the Employment Security Commission Retirement Plan, that was in effect on January 1, 1964, shall become members of this System.
- (e) Any employee employed by the Legislative Service Bureau, State Senate or House of Representatives for the full duration of a regular legislative session shall be eligible for membership in the System regardless of classification as a temporary employee and may participate in the System during the regular legislative session at the option of the employee.

For purposes of this subsection, the determination of whether an employee is employed for the full duration of a regular legislative session shall be made by the Legislative Service Bureau if such employee is employed by the Legislative Service Bureau, the State Senate if such employee is employed by the State Senate, or by the House of Representatives if such employee is employed by the House of Representatives. Once such an employee makes a choice to participate or not, the choice shall be binding for all future legislative sessions during which the employee is employed. Notwithstanding the previous sentence, any employee, who is eligible for membership in the System because of the provisions of this subsection and who was employed by the State Senate or House of Representatives after January 1, 1989, may file an election, in a manner specified by the Board, to participate as a member of the System prior to September 1, 1989. Each regular legislative session during which a legislative employee or an employee of the Legislative Service Bureau participates full time shall be counted as six (6) months of full-time participating service. Notwithstanding the provisions of this paragraph, a temporary legislative session employee who elected to become a member of the System may withdraw from the System effective the day said employee elected to participate in the System upon written request to the Board. Any such request must be received by the Board prior to October 1, 1990. All employee contributions made by the temporary legislative session employee shall be returned to the employee without interest within four (4) months of receipt of the written request;

(16) "Entry date" means the date as of which an eligible employer joins the System. The first entry date pursuant to this act shall be January 1, 1964;

(17) "Executive Director" means the managing officer of the System employed by the Board under this act;

(18) "Final average compensation" means the average annual salary, including amounts deferred under deferred compensation agreements entered into between a member and a participating employer, up to, but not exceeding the allowable amounts defined in subsection (10) of this section received during any three (3) of the last five (5) years of participating service immediately preceding retirement or termination of employment, or, if participating service is less than three (3) years, the average annual compensation up to but not exceeding the allowable amounts defined in subsection (10) of this section paid to the member during the full period of participating service. Provided, no member shall retire with a final average salary in excess of Twenty-five Thousand Dollars (\$25,000.00) unless the member has made the required election and has paid the required contributions on such salary in excess of Twenty-five Thousand Dollars (\$25,000.00);

(19) "Fiscal year" means the period commencing July 1 of any year and ending June 30 of the next year;

(20) "Fund" means the Oklahoma Public Employees Retirement Fund as created by this act;

(21) "Leave of absence" means a period of absence from employment without pay, authorized and approved by the employer and

acknowledged to the Board, and which after the effective date does not exceed two (2) years;

(22) "Member" means an eligible employee or elected official who is in the System and is making the required employee or elected official contributions, or any former employee or elected official who shall have made the required contributions to the System and shall have not received a refund or withdrawal;

(23) "Military service" means service in the Armed Forces of the United States in time of war or national emergency, as defined in Section 67.13a of Title 72, from which the member was honorably discharged;

(24) "Normal retirement date" means the date on which a member may retire with full retirement benefits as provided in this act, such date being whichever occurs first:

- (a) the first day of the month coinciding with or following a member's sixty-second birthday;
- (b) for any person who became a member prior to July 1, 1992, the first day of the month coinciding with or following the date at which the sum of a member's age and number of years of credited service total eighty (80);
- (c) for any person who became a member after June 30, 1992, the first day of the month coinciding with or following the date at which the sum of a member's age and number of years of credited service total ninety (90); or
- (d) in addition to subparagraphs (a), (b) and (c) of this paragraph, the first day of the month coinciding with or following a member's fiftieth birthday if the member has at least twenty (20) years of full-time-equivalent employment as a correctional or probation and parole officer with the Department of Corrections and at the time of retirement, the member was a correctional or probation and parole officer with the Department of Corrections;

(25) "Participating employer" means an eligible employer who has agreed to make contributions to the System on behalf of its employees;

(26) "Participating service" means the period of employment after the entry date for which credit is granted a member;

(27) "Prior service" means the period of employment of a member by an eligible employer prior to his entry date for which credit is granted a member under this act;

(28) "Retirant" means a member who has retired under the System;

(29) "Retirement benefit" means a monthly income with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs or the actuarial equivalent thereof paid in such manner as specified by the member pursuant to this act or as otherwise allowed to be paid at the discretion of the Board;

(30) "Social Security" means the old-age survivors and disability section of the Federal Social Security Act;

(31) "Total disability" means a physical or mental disability accepted for disability benefits by the Federal Social Security System;

(32) "Service-connected disability benefits" means military service benefits which are for a service-connected disability rated at twenty percent (20%) or more by the Veterans Administration or the Armed Forces of the United States;

(33) "Elected official" means a person elected to a state office in the legislative or executive branch of state government or, ~~except for the county superintendent of schools,~~ a person elected to a county office for a definite number of years and shall include an individual who is appointed to fill the unexpired term of an elected state official;

(34) "Elected service" means the period of service as an elected official; and

(35) "Limitation year" means the year used in applying the limitations of Section 415 of the Internal Revenue Code of 1986, which year shall be the calendar year.

SECTION 54. AMENDATORY 74 O.S. 1991, Section 1303, is amended to read as follows:

Section 1303. For the purposes of and as used in this act:

(a) "Board" means the State and Education Employees Group Insurance Board as created by this act;

(b) "Employee" means those state employees, education employees and other eligible employees participating in the State and Education Employees Group Insurance Act;

(c) "Education Employee" means those employees other than adjunct professors employed by a state institution of higher education, in the service of an education entity who are members or are or will be eligible to become members of the Teachers' Retirement System of Oklahoma and who receive compensation for such service after the education entity begins to participate in the State and Education Employees Group Insurance Act and visiting faculty who are not eligible for membership in the Teachers' Retirement System of Oklahoma;

(d) "Adjunct Professor" means a person employed by an institution of higher education who is attached in a subordinate or temporary capacity to the faculty or staff, and who is contracted to instruct in a given specific discipline;

(e) "Visiting Faculty" means a person employed by an institution of higher education who is not eligible for academic rank or tenure, other than an adjunct professor, and who is contracted to instruct in a given specific discipline generally not to exceed one (1) academic year;

(f) "Education Entity" means a school district, an area vocational-technical school district, or an institution comprising The Oklahoma State System of Higher Education ~~or the office of the county superintendent of schools;~~

(g) "State Employee" means and includes each officer or employee in the service of the State of Oklahoma who, after January 1, 1966, received his compensation for service rendered to the State of Oklahoma on a warrant issued pursuant to a payroll certified by a department or by an elected or duly appointed officer of the state or who receives payment for the performance of personal services on a warrant issued pursuant to a payroll certified by a department and drawn by the State Treasurer against appropriations made by the Legislature from any state fund or against trust funds held by the State Treasurer, who is employed in a position normally requiring actual performance of duty during not less than one thousand (1,000) hours per year, and whose employment is not seasonal or temporary, except that a person elected by popular vote will be considered an employee during his tenure in office. Provided however, that employees who are otherwise eligible who are on approved leave without pay shall be eligible to continue coverage during such leave not to exceed twenty-four (24) months, as provided in the Merit Rules for Employment published by the Office of Personnel Management, from the date the employee goes on such leave provided

the employee pays the full premiums due or persons who are drawing disability benefits under Section 1331 et seq. of this title or meet each and every requirement of the State Employees Disability Program shall be eligible to continue coverage provided the person pays the full premiums due;

(h) "Carrier" means the State of Oklahoma or a state designated Health Maintenance Organization (HMO). Such HMO shall be a federally qualified Health Maintenance Organization under 42 U.S.C., Section 300e et seq.;

(i) "Health Insurance Plan" means a self-insured plan by the State of Oklahoma for the purpose of paying the cost of hospital and medical care up to the maximum coverage provided by said plan or prepaid medical plan(s) offered to employees as an alternative to the state-administered plan by federally qualified HMOs which have contracted with the state;

(j) "Life Insurance Plan" means a self-insured plan for the purpose of paying death and dismemberment benefits up to the maximum coverage provided by said plan;

(k) "Dental Insurance Plan" means a self-insured plan by the State of Oklahoma for the purpose of paying the cost of dental care up to the maximum coverage provided by said plan;

(l) "Other insurance" means any type of coverage other than basic hospital and medical benefits, major medical benefits, comprehensive benefits, life insurance benefits or dental insurance benefits, which the Board may be directed to offer;

(m) "Dependent" means an employee's spouse and any unmarried child (1) under the age of nineteen (19) years, regardless of residence, providing that the employee is primarily responsible for their support, including (a) an adopted child and (b) a stepchild or child who lives with the employee in a regular parent-child relationship, or (2) under the age of twenty-three (23) and who is dependent upon the employee for support who is enrolled as a full-time student at an accredited secondary school, college, university or institution of higher learning accredited by the State Department of Education, State Board of Vocational and Technical Education, State Regents for Higher Education or the Oklahoma Board of Private Schools, and (3) regardless of age who is incapable of self-support because of mental or physical incapacity that existed prior to his reaching the age of nineteen (19) years;

(n) "Comprehensive benefits" means benefits which reimburse the expense of hospital room and board, other hospital services, certain out-patient expenses, maternity benefits, surgical expense, including obstetrical care, in-hospital medical care expense, diagnostic radiological and laboratory benefits, physicians' services provided by house and office calls, treatments administered in physicians' office, prescription drugs, psychiatric services, Christian Science practitioners' services, Christian Science nurses' services, optometric medical services for injury or illness of the eye, home health care, home nursing service, hospice care and such other benefits as may be determined by the Board. Such benefits shall be provided on a copayment or coinsurance basis, the insured to pay a proportion of the cost of such benefits, and may be subject to a deductible that applies to all or part of the benefits as determined by the Board; and

(o) "Life insurance coverage" shall include a maximum amount of basic life insurance or benefit with or without a double indemnity provision and an amount of accidental death and dismemberment insurance or benefit per employee other than education employees to be provided by the State of Oklahoma, and the employee other than an education employee shall have the option to purchase additional life

insurance or benefits on his life up to the amount provided by the plan. Such basic life insurance benefits, with or without double indemnity, and accidental death and dismemberment benefits shall not exclude coverage for death or dismemberment resulting from war, insurrection or riot. The Board may also extend dependent life insurance in an amount to be determined by the Board to each insured employee other than an education employee who elects to insure his eligible dependents. Premiums for the dependent life insurance shall be paid wholly by the employee other than an education employee.

SECTION 55. REPEALER 2 O.S. 1991, Sections 10-22 and 10-24, 21 O.S. 1991, Section 1055, and 70 O.S. 1991, Sections 4-104.1, 4-111, 4-112, 4-200, 6-109, 8-105, 8-110, 10-102, 12-106, 18-120 and 18-121, are hereby repealed.

SECTION 56. This act shall become effective July 1, 1993.

SECTION 57. 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.

Passed the House of Representatives the 20th day of May, 1993.

Speaker of the House of  
Representatives

Passed the Senate the 20th day of May, 1993.

President of the Senate