

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1017

By: Webb

AS INTRODUCED

An Act relating to boards of education; providing for modification of local board of education members' terms; providing for adoption of term limits; providing procedure for changes; establishing recall election procedures for board members; prohibiting certain transaction with former board members; amending 74 O.S. 1991, Section 4201.1, which relates to the Ethics Commission Act; modifying administration of a portion of the act; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107B of Title 70, unless there is created a duplication in numbering, reads as follows:

A. In accordance with the provisions of this section, a board of education may change the term length of the members of that board to three (3) years and limit the number of terms a member can serve to a maximum of three (3) terms.

B. The board of education shall issue an order calling for an election on the question of changing the term lengths and limit the terms of members if:

1. A petition signed by five percent (5%) of the active registered voters of the school district is filed with the board of education; or

2. The board of education, by resolution, so directs.

C. The signed petition or the resolution of the board of education shall be filed at least one hundred twenty (120) days before the filing date for the next district general election. The order calling for the election shall be issued by the board of education within ten (10) days after the petition is filed or within ten (10) days after the effective date of the resolution.

D. The question of changing the term length and limiting the terms of members shall be submitted to the registered voters of the district at the next district general election after the order is issued by the board of education. The election shall be conducted in compliance with the provisions for general elections set forth in Title 26 of the Oklahoma Statutes.

E. Any member who is serving a term in office or who has been elected or appointed to serve a term in office on the date the question is adopted shall be eligible to serve the current term length and to serve an additional three (3) terms thereafter.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107C of Title 70, unless there is created a duplication in numbering, reads as follows:

Any member of a board of education of a school district may be removed from office by the voters of the board district of the member as provided for in Sections 3, 4 and 5 of this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107D of Title 70, unless there is created a duplication in numbering, reads as follows:

A member of a board of education of a school district may be removed from office by means of a recall petition demanding the removal of a board member and the election of a successor to the member. The recall petition shall be signed by not less than fifty-one percent (51%) of the qualified electors of the board district based on the total number of votes cast at the last board district election. The recall petition shall be filed with the board of education of the school district. The petition shall contain a specific statement of the grounds on which removal is sought. The form for the recall petition shall be prescribed by the State Election Board. No signature on a petition is valid if signed more than six (6) months prior to the filing of the petitions.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107E of Title 70, unless there is created a duplication in numbering, reads as follows:

The board of education, upon presentation of a petition, shall within ten (10) days order and fix a date for holding the election. The board of education shall notify the secretary of the county election board in the manner specified by Section 13A-109 of Title 26 of the Oklahoma Statutes of the election. An election shall not be held prior to the one hundred eighty (180) days after the member has taken office or within one hundred eighty (180) days before the next board district election.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107F of Title 70, unless there is created a duplication in numbering, reads as follows:

Any member of a board of education sought to be removed may be a candidate to succeed himself. Candidates wishing to succeed the current member shall file declarations of candidacy in the same place and in the same manner as a general election for a member.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107G of Title 70, unless there is created a duplication in numbering, reads as follows:

If the incumbent member is elected, the member shall continue in office and not be obliged again to qualify.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107H of Title 70, unless there is created a duplication in numbering, reads as follows:

If some person other than the incumbent is elected, the incumbent shall be deemed removed from office upon or at the time the winner of the election is declared. The successor shall assume office within ten (10) days after receiving notification of election.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107I of Title 70, unless there is created a duplication in numbering, reads as follows:

The successor of any removed member of a board of education shall hold office during the unexpired term of the predecessor.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-113.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A school district board of education shall not employ, contract with or purchase goods or services from a former member of the board until two (2) years has passed since the term of office of the former member has expired.

SECTION 10. AMENDATORY 74 O.S. 1991, Section 4201.1, is amended to read as follows:

Section 4201.1 A. The provisions of the Ethics Commission Act, Section 4200 et seq. of Title 74 of the Oklahoma Statutes, shall be administered as follows:

1. The Ethics Commission created in Section 1 of Article XXIX of the Oklahoma Constitution shall administer the Ethics Commission

Act with respect to candidates or candidate committees for state or county office, campaigns for state initiatives and referenda and public officials and public employees elected or appointed to serve in state and county government;

2. The municipal clerk shall administer the Ethics Commission Act with respect to candidates or candidate committees for municipal office or committees supporting or opposing candidates for municipal office; and

3. ~~The clerk of the board of education~~ State Board of Education shall administer this act with respect to candidates or candidate committees for school district office or committees supporting or opposing candidates for school district office.

B. The municipal clerk and the clerk of the board of education shall not receive any complaints of violations of this act and shall be limited to the duties prescribed in paragraphs 1, 2, 3, 4 and 5 of subsection A of Section 4206 of this title.

SECTION 11. This act shall become effective July 1, 1993.

SECTION 12. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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