

ENROLLED SENATE
BILL NO. 549

BY: LEFTWICH and COLE of the
SENATE

and

PAULK and WEBB of the HOUSE

AN ACT RELATING TO SCHOOLS; AMENDING SECTION 9B OF ARTICLE X OF THE OKLAHOMA CONSTITUTION, AS LAST AMENDED BY SECTION 148, CHAPTER 263, O.S.L. 1990 AND 70 O.S. 1981, SECTION 4411, WHICH RELATE TO AREA SCHOOL DISTRICTS; CLARIFYING LEVIES TO WHICH CERTAIN TERRITORIES ARE SUBJECT; DECLARING CERTAIN DISTRICTS INELIGIBLE FOR CERTAIN FUNDS; REQUIRING CERTAIN COMPLIANCE WITH STANDARDS AND RULES; DECLARING LEGISLATIVE INTENT REGARDING PREVIOUS LEGISLATIVE INTENT AND CERTAIN JUDICIAL ACTION; PROVIDING FOR CODIFICATION; PROVIDING FOR NONCODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 9B of Article X of the Oklahoma Constitution, as last amended by Section 148, Chapter 263, O.S.L. 1990, is amended to read as follows:

Section 9B. A. Area school districts for vocational and technical schools may be established and a levy of not to exceed five (5) mills on the dollar valuation of the taxable property in any area school district so established may be made annually, for the district, when the levy is approved by a majority of the electors of the area school district, voting on the question at an election called for that purpose. The levy shall be in addition to all other levies authorized by this Constitution, and when approved, shall be made each fiscal year thereafter until repealed by a majority of the electors of the area school district, voting on the question at an election called for that purpose. ~~One levy may be made pursuant to this section for each area school district that includes any given geographical area. Except as otherwise provided by law, one levy may be made pursuant to this section for each college area vocational-technical school district which is entirely included within an area vocational-technical school district.~~ Any area school district so established shall be considered as a school district for the purposes of Sections 10 and 26 of this Article. The administrative control and direction of the area school district shall be vested in a school board which shall be constituted and empowered as provided for by law for school boards of independent school districts. Provisions of other subsections of this section notwithstanding, in any case where a college area vocational-technical school district recognized pursuant to Section 4423 of Title 70 of the Oklahoma Statutes and established by vote of the people after December 31, 1968, overlaps and includes territory which is included within the district of an area vocational-technical school established as prescribed by the State Board of

Vocational and Technical Education pursuant to Section 14-108 of Title 70 of the Oklahoma Statutes, only the levies made by the college area vocational-technical school district shall be applied to said overlap territory, and revenues from the overlap area collected pursuant to any incentive levy so made shall be apportioned one-half to the college area vocational-technical school district making the levy and one-half to the overlapped area vocational-technical school district. In any case where a college area vocational-technical school district recognized pursuant to Section 4420.1 of Title 70 of the Oklahoma Statutes overlaps and includes territory which is included within the district of an area vocational-technical school established as prescribed by the State Board of Vocational and Technical Education pursuant to Section 14-108 of Title 70 of the Oklahoma Statutes, said overlap territory shall be subject to all levies of both kinds of districts that are approved by a majority of the electors.

B. In addition to any other levies authorized by this section, an area school district may make a local incentive levy for the benefit of the area school district in an amount not to exceed five (5) mills on the dollar valuation of the taxable property in the area school district when approved by a majority of those registered voters of the area school district voting on the question at an election called for that purpose. Any funds generated pursuant to the provisions of this subsection shall not be charged against state appropriated funds.

C. Upon the establishment of area school districts, such districts are authorized to become indebted separate and apart from the indebtedness of any school district included in the area school district up to five percent (5%) of the net valuation of taxable property within the area school district for capital improvements, including purchasing sites and constructing, purchasing, improving, and equipping real property and buildings when the indebtedness is approved by a majority of the electors of the area school district voting on the question in an election called for that purpose.

D. Until otherwise provided for by law, area school districts and the government thereof shall be established in accordance with criteria and procedures prescribed by the State Board of Vocational and Technical Education.

E. The Legislature may alter, amend, delete, or add to the provisions of this section by law.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4420.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

College area vocational-technical school districts authorized by Sections 4410, 4411, 4420, and 4420.1 of Title 70 of the Oklahoma Statutes shall not be eligible to receive any state funds appropriated by the Legislature to the State Board of Vocational and Technical Education. Nothing provided in this section shall be construed as prohibiting contracts and cooperative agreements between college area vocational-technical districts and area vocational-technical school districts or prohibiting contracts or agreements between or among area vocational-technical schools or the State Board of Vocational and Technical Education and institutions of The Oklahoma State System for Higher Education or their governing boards of regents or trustees or the Oklahoma State Regents for Higher Education.

SECTION 3. AMENDATORY 70 O.S. 1981, Section 4411, is amended to read as follows:

Section 4411. It is further provided that a two-year college which is a part of ~~the~~ The Oklahoma State System of Higher Education

may become an area school district for the purpose of providing postsecondary vocational and/or technical education programs and services within an area to be geographically defined by the Oklahoma State Regents for Higher Education. Two-year state colleges thus designated as area vocational-technical districts by resolution of the State Regents for Higher Education shall be ~~equally~~ eligible ~~with other area districts and shall participate equitably therewith in all to receive~~ federal and state funds for vocational-technical education. ~~This equal eligibility and equitable participation shall extend to both capital outlay and operating fund support where such is made available to area districts.~~ Exclusive management and control of ~~said~~ higher education institutions now vested by law in the governing boards and the State Regents for Higher Education shall remain unchanged by present provisions. ~~Taxing~~ The college area vocational-technical districts which receive federal vocational education funds from the State Board of Vocational and Technical Education shall comply with the standards and rules established by the State Board of Vocational and Technical Education that are applicable to programs federally funded. The funds derived from local taxing authority as granted heretofore to community college boards shall not be construed to accrue to said boards of regents for state two-year colleges.

SECTION 4. It is the intent of the Legislature that a court considering litigation relating to Section 9B of Article X of the Oklahoma Constitution at the time of enactment of this act disregard the provisions of this act other than to note that the Legislature previously intended to replace the sentence reading "One levy may be made pursuant to this section for each area school district that includes any given geographical area." with the sentence reading "Except as otherwise provided by law, one levy may be made pursuant to this section for each college area vocational-technical school district which is entirely included within an area vocational-technical school district." rather than to allow both sentences to stand.

SECTION 5. The provisions of Section 4 shall not be codified in the Oklahoma Statutes.

SECTION 6. 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 Senate the 8th day of May, 1991.

President of the Senate

Passed the House of Representatives the 13th day of May, 1991.

Speaker of the House of Representatives

