

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1201

BY: PAULK

AS INTRODUCED

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, WHICH RELATES TO TAX LEVIES FOR AREA SCHOOL DISTRICTS FOR VOCATIONAL AND TECHNICAL SCHOOLS; ESTABLISHING TAXATION AND INDEBTEDNESS LIMITS FOR AREAS SERVED BY TWO AREA SCHOOL DISTRICTS FOR VOCATIONAL AND TECHNICAL EDUCATION; AMENDING SECTION 2, CHAPTER 41, O.S.L. 1989 (70 O.S. SUPP. 1990, SECTION 4420.1), WHICH RELATES TO CREATION OF COLLEGE AREA VOCATIONAL-TECHNICAL SCHOOL DISTRICTS; PROVIDING THAT CERTAIN MILLAGE LIMITATIONS SHALL NOT APPLY TO CERTAIN OTHER MILLAGE LEVIES; 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to all other levies authorized by this Constitution, and when approved, shall be made each fiscal year thereafter until repealed by a majority of the electors of the area school district, voting on the question at an election called for that purpose.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~~ Except as otherwise provided by law, in any case where the territory comprising a college area vocational-technical school district overlaps and includes territory which is included within another area vocational-technical school district, a maximum of five (5) mills on the dollar valuation may be levied pursuant to this subsection on the taxable property in the overlap area of the two area school districts. 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.

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. Except as otherwise provided by

law, in any case where the territory comprising a college area vocational-technical school district overlaps and includes territory which is included within another area vocational-technical school district, a maximum of five (5) mills on the dollar valuation may be levied pursuant to this subsection on the taxable property in the overlap area of the two area school districts. 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. Except as otherwise provided by law, in any case where the territory comprising a college area vocational-technical school district overlaps and includes territory which is included within another area vocational-technical school district, those area school districts shall not become indebted in an amount exceeding a total of five percent (5%) of the net valuation of the taxable property within the overlap area of the two area school districts.

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. AMENDATORY Section 2, Chapter 41, O.S.L. 1989 (70 O.S. Supp. 1990, Section 4420.1), is amended to read as follows:

Section 4420.1 A. Any county contiguous with a county that is entirely included in a college area vocational-technical school district, upon adoption of a resolution by the board of regents of any institution of The Oklahoma State System of Higher Education whose main campus is located within such contiguous county, shall become a college area vocational-technical school district and be governed by the members of said board of regents, sitting as a board of education. The laws applicable to area vocational-technical school districts, ~~including laws authorizing submission of tax levies pursuant to Section 9B of Article X of the Oklahoma Constitution which may be in addition to established levies of districts overlapping with said district,~~ and the laws pertaining to expenditure of funds and eligibility for participation in federal funds, shall be applicable to such district. However, the millage limitations prescribed in Section 9B of Article X of the Oklahoma Constitution which pertain to taxation on property lying within two overlapping area school districts, shall not apply to a county college area vocational-technical school district which is created pursuant to this section. Not more than five (5) mills on the dollar valuation of the taxable property in the college area vocational-technical school district may be voted on and thereafter be levied by the college area vocational-technical school district pursuant to subsection A of Section 9B of Article X of the Oklahoma Constitution. Not more than five (5) mills on the dollar valuation of the taxable property in the college area vocational-technical school district may be voted on and thereafter be levied by the college area vocational-technical school district pursuant to subsection B of Section 9B of Article X of the Oklahoma Constitution. The millage limitations established by this section for college area vocational and technical school districts shall be in addition to any tax levies levied pursuant to Section 9B of Article X of the Oklahoma Constitution by other area school

districts on taxable property lying within both area school districts. Funds received pursuant to ad valorem levies shall not be used for state purposes but shall be used for postsecondary vocational and/or technical and adult education purposes in the district.

B. The Oklahoma State Regents for Higher Education shall not take the ad valorem tax revenue of the district into consideration when allocating state-appropriated funds to the institution.

SECTION 3. 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.

43-1-5059

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