

ENROLLED HOUSE
BILL NO. 1361

By: Hager and Widener of the
House

and

Rozell of the Senate

An Act relating to schools; amending 70 O.S. 1991, Section 5-134, as amended by Section 24, Chapter 247, O.S.L. 1992 (70 O.S. Supp. 1992, Section 5-134), which relates to levy elections; deleting requirement for certain estimates and elections; amending authorization for special election for voting on levy; providing for petition process to vote on certain levies; stating requirements for petition; stating effectiveness of provision is dependent on certain legislation; requiring district boards of education to pay costs of certain election; requiring boards of education to reimburse county election board for costs; requiring Secretary of State Election Board to assess costs of certain election; providing for noncodification; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 5-134, as amended by Section 24, Chapter 247, O.S.L. 1992 (70 O.S. Supp. 1992, Section 5-134), is amended to read as follows:

Section 5-134. ~~No later than December 31 of each year the board of education of each school district of the state shall prepare, on a form prescribed by the State Board of Education, a preliminary estimate of the amount or amounts of money and tax rate or rates which it then believes will be required for the district for the ensuing fiscal year; and if such preliminary estimate shows an estimated need for a levy requiring the approval of the school district electors of the district under Section 9 or Section 10, Article X, of the Oklahoma Constitution, as amended on April 5, 1955, such preliminary estimate shall contain a call for an election to be held on the second Tuesday in February, or on such other date as may be provided for the election of the members of the board of education to vote on the question of making such levy or levies. In determining the eligibility of the school district to make an emergency levy under the provisions of Section 9(d) of Article X of the Oklahoma Constitution, as amended, the legal current expenses of the district shall be all the expenditures from the general fund of the district during the preceding year, except (1) expenditures for transportation of pupils; (2) capital outlay; (3) debt service; and (4) the amount appropriated from any previous emergency levy; and the Two Hundred Fifty Dollars (\$250.00) per capita cost fixed by said Section 9(d) of Article X, Oklahoma Constitution, for the~~

~~fiscal year ending June 30, 1956, is hereby increased to One Thousand Dollars (\$1,000.00) for the fiscal year ending June 30, 1963, and said sum of One Thousand Dollars (\$1,000.00) shall thereafter be increased or decreased by the State Board of Education in proportion to the increase or decrease in the per capita income of Oklahoma citizens. Such preliminary estimate shall be published in one issue of a newspaper having general circulation in the district at least ten (10) days before such election. Provided, that the county excise board or the~~ The board of education of any school district may call a special election for any date for the purpose of voting upon a levy authorized by Section 9(d), Section 9(d-1) or Section 10, of Article X of the Oklahoma Constitution, as amended. Notice of any election called under the provisions of this section shall be given by publication in one issue of a newspaper having general circulation in the school district at least ten (10) days before such election. A question for voting upon all or part of a levy or levies provided in Section 9(d), 9(d-1) or 10 of Article X of the Oklahoma Constitution shall be included in the annual school election for the members of the board of education without the concurrence of the local board of education of the school district upon the filing of a petition with the State Superintendent of Public Instruction that is signed by a majority of the number of the electors of the school district, voting in the last regular school election in the district 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 be filed with the clerk of the board of education. The provisions of this section shall not have the force and effect of law unless and until the voters of the State of Oklahoma approve the amendments to Sections 9 and 10 of Article X of the Oklahoma Constitution contained in House Joint Resolution No. 1007 of the 1st Session of the 44th Oklahoma Legislature.

SECTION 2. The boards of education for every school district within the state shall pay the costs of a statewide special election called for the purpose of placing the constitutional amendments proposed in House Joint Resolution 1007 of the 1st Session of the 44th Oklahoma Legislature for a vote by the people if the special election is held on the date of the annual school elections as provided in Section 13A-103 of Title 26 of the Oklahoma Statutes. Each board of education shall reimburse the county election board for its proportionate share of the costs. The Secretary of the State Election Board shall assess the costs.

SECTION 3. The provisions of Section 2 shall not be codified in the Oklahoma Statutes.

SECTION 4. This act shall become effective September 1, 1993.

Passed the House of Representatives the 28th day of April, 1993.

Speaker of the House of
Representatives

Passed the Senate the 13th day of April, 1993.

President of the Senate