

ENROLLED HOUSE
BILL NO. 1694

By: Boyd (Betty), Perry and
Davis of the House

and

Williams (Penny) and
Rubottom of the Senate

An Act relating to schools; amending Section 1, Chapter 167, O.S.L. 1994 (70 O.S. Supp. 1994, Section 1-118.1), which relates to building funds for area vocational-technical school districts; expanding use of building funds; amending 70 O.S. 1991, Section 5-113, as last amended by Section 8, Chapter 360, O.S.L. 1994 (70 O.S. Supp. 1994, Section 5-113), which relates to eligibility of school board of education candidates; providing an exception for candidates with certain relationship; amending 70 O.S. 1991, Section 15-106, which relates to school bonds; clarifying language; allowing certain equipment to be purchased by school bond issue proceeds; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 167, O.S.L. 1994 (70 O.S. Supp. 1994, Section 1-118.1), is amended to read as follows:

Section 1-118.1 The building fund of any area vocational-technical school district shall consist of all monies derived from the proceeds of a building fund levy of not to exceed five (5) mills in any year, voted by the people of a school district pursuant to the provisions of Article X, Section 10, of the Oklahoma Constitution, monies appropriated by the state for the purpose of capital expenditures or projects, and monies donated to a school district for the purpose of capital projects or improvements and may be used for erecting, remodeling, repairing or maintaining school buildings, and for purchasing furniture, equipment and software for instructional and noninstructional purposes, for purchasing energy and telecommunications utilities, for paying fire and casualty insurance premiums for school facilities, ~~and~~ for purchasing security systems, and for paying salaries of security personnel, or for one or more, or all, of such purposes. Proceeds of such levies shall not be required to be used during the year for which a levy is made but may accumulate from year to year until adequate for the purposes intended. The building fund hereinabove defined is hereby declared to be a current expense fund, but shall not be considered a part of the general operating fund. No monies derived from the proceeds of the school levies made pursuant to the provisions of Article X, Section 9B of the Oklahoma Constitution may be placed in the building fund provided by this section.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 5-113, as last amended by Section 8, Chapter 360, O.S.L. 1994 (70 O.S. Supp. 1994, Section 5-113), is amended to read as follows:

Section 5-113. No person shall be eligible to be a candidate for or serve on a board of education if he or she is currently employed by the school district governed by that board of education or is related within the second degree by affinity or consanguinity to any other member of the board of education or to any employee of the school district governed by the board of education, it being the purpose of this section both to prohibit persons who are related within the second degree by affinity or consanguinity from serving simultaneously on the same board of education of any school district of this state and to prohibit persons who are related within the second degree of consanguinity or affinity to an employee of a school district from serving on the board of education governing the school district while such relative is employed. These If the relationship is based on affinity, these prohibitions shall not apply to prevent members of boards of education who are serving on September 1, 1994 1995, from serving the term for which they were elected or from serving successive terms for which they may be elected, unless it is the member's spouse who is a member of the board of education or an employee of the school district, then such prohibitions shall apply.

Any member of a board of education who violates the provisions of this section shall be subject to the penalties prescribed by Sections 485 and 486 of Title 21 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 15-106, is amended to read as follows:

Section 15-106. Any school district that is authorized by law to provide transportation for pupils to and from school may become indebted for the purpose of purchasing transportation equipment and may issue its bonds, as ~~hereinbefore~~ provided for by law, in any amount not exceeding, with existing indebtedness, ten percent (10%) of the valuation of the taxable property within ~~said~~ the school district, as shown by the last preceding assessment for state and county purposes previous to the incurring of ~~such~~ indebtedness. ~~Provided, that said~~ The bonds shall be made to mature within a period not to exceed five (5) years from their date. It is hereby declared that the use of the word "equipment" in Section 26, Article X of the Oklahoma Constitution, ~~as amended on April 5, 1955,~~ was intended to include the "transportation equipment" referred to in this section.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 15-106.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

Any school district may become indebted for the purpose of purchasing equipment and may issue its bonds, as provided for by law, in any amount not exceeding, with existing indebtedness, ten percent (10%) of the valuation of the taxable property within the school district, as shown by the last incurring of indebtedness. The bonds shall be made to mature within a period not to exceed five (5) years from their date. It is hereby declared that the use of the word "equipment" in Section 26, Article X of the Oklahoma Constitution was intended to include: library books, textbooks, school-owned uniforms, computer software, district software licenses with a term of more than one (1) year but not more than five (5) years, the acquisition of telecommunications devices and components to be used to enhance classroom instruction and maintenance/service contracts which are included as a part of the equipment purchase price.

SECTION 5. 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 18th day of May, 1995.

Speaker of the House of
Representatives

Passed the Senate the 19th day of May, 1995.

President of the Senate