

ENROLLED HOUSE
BILL NO. 1118

By: Turner, Covey and Sellers
of the House

and

Rozell and Shurden of the
Senate

An Act relating to schools; amending 70 O.S. 1991, Section 14-108, which relates to area vocational-technical school districts; allowing an area school district to transfer personal property to certain school districts or public schools; authorizing school districts to transfer surplus personal property to another school district effected by the storm of May 3, 1999; providing for certain exemption; amending 70 O.S. 1991, Section 2115, which relates to insurance for higher education institution vehicles; providing liability limits for insurance on donated vehicles; declaring certain use of motor vehicle a public government function; authorizing the board of regents of a higher education institution to enter into agreement for donation of motor vehicles; stating use of motor vehicle; providing for execution of agreement; stating content of agreement; allowing special license plate for donated motor vehicles; stating fee for special license plate; limiting use of motor vehicle; making it unlawful to operate motor vehicle for certain uses; providing penalty; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 14-108, is amended to read as follows:

Section 14-108. A. The State Board of Vocational and Technical Education shall prescribe criteria and procedures for establishing area vocational-technical school districts and the government thereof, as provided by Section 9B, Article X, Oklahoma Constitution, and such districts so established shall be operated in accordance with rules and regulations of the State Board of Vocational and Technical Education, except as otherwise provided in this title.

B. An area vocational-technical school district shall be a body corporate and shall possess the usual powers of a corporation for public purposes. Its official name shall be designated by the State Board of Vocational and Technical Education, in which name it may sue and be sued, and be capable of contracting and being contracted

with, and holding real and personal estate. Its governing board shall be a board of education consisting of not less than five (5) nor more than seven (7) members elected in a manner prescribed by the State Board of Vocational and Technical Education. Such board of education shall have the same powers and duties that boards of education of independent school districts have. It may require nonresident students to pay reasonable tuition fees, which may be paid for a student by the independent or elementary school district in which the student resides.

C. An election to vote on the question of making a levy of not to exceed five (5) mills on the dollar valuation of the taxable property in an area school district under the provisions of subsection A, Section 9B, Article X, Oklahoma Constitution, shall be called by the board of education and conducted by the county election board of such district in the same manner that elections for emergency levies in school districts under the provisions of Section 9(d), Article X, Oklahoma Constitution, are called and conducted. When such levy is approved by a majority of the electors of the area school district voting on the question at such election, the levy shall be made each fiscal year thereafter until repealed by a majority of the electors of the district voting on the question at an election called for such purpose. An election to vote on the question of making a local incentive levy of not to exceed five (5) mills on the dollar valuation of the taxable property in an area school district under the provisions of subsection B of Section 9B of Article X of the Oklahoma Constitution, may be called by the board of education; and elections on a levy for a building fund for an area school district under the provisions of Section 10, Article X, Oklahoma Constitution, shall be called by the board of education of such district and conducted by the county election board in the same manner that elections for similar levies are called and conducted in independent school districts.

D. Annual estimates of needs of area school districts shall be made and approved in the same manner that those of independent school districts are made and approved. Provided, that the State Board of Vocational and Technical Education shall prescribe a list of appropriation accounts by which the funds of area school districts shall be budgeted, accounted for and expended. Any such estimate of needs may include an estimate of federal funds as probable income from sources other than ad valorem tax of the district and other than any excise or other tax assessed by legislative enactment and distributed in lieu of ad valorem taxes. If an area school district lies in more than one county, the district's estimate of needs shall be filed with and approved by the county excise board of the county designated by the school district board of education.

E. Territory may be annexed to or detached from an area school district, in accordance with rules and regulations prescribed by the State Board of Vocational and Technical Education. If the State Board of Vocational and Technical Education requires the submission of a petition in order for an election to be called for the purpose of annexation or deannexation of territory to an area school district, such petition shall not be required to bear a number of school district electors' signatures which exceed fifty percent (50%) of the number of school district electors who voted in the last school board election in the territory proposed to be annexed or deannexed. Provided, the period of time from which the petition

is initiated to its time of filing with the State Board shall not exceed ninety (90) days.

F. Schools of area school districts shall be subject to classification, inspection and accreditation by the State Board of Education.

G. The area vocational and technical school board of education may designate a county treasurer to serve as treasurer of the school district or may appoint an independent treasurer.

H. Within four (4) years after the creation of an area school district, such area school district may, at its discretion, permit a teacher to transfer any or all accrued benefits upon employment including credit for years of service in the previous school district by the area school district, if the teacher at the time of hiring is employed as a teacher by an independent or elementary school district which is all or partly within the boundaries of the area school district or is employed as a teacher in a skills center within the boundaries of the area school district.

I. For the 1991-92 school year the formula used to distribute state equalization funds to area vocational-technical schools shall be the same formula that was used to distribute equalization funds in the 1989-90 school year. Provided, for the 1991-92 school year any area vocational-technical school given special designation by the State Board of Vocational and Technical Education prior to January 1, 1990, for funding purposes due to location, partially or entirely, within the boundary of a college area vocational-technical district shall receive state vocational-technical program formula and equalization formula funding. Provided, such designated district's participation in equalization formula funding shall be limited to funds used in the state equalization formula program for the 1991-92 school year above the level of funds used in the 1989-90 school year.

J. The board of education of an area vocational-technical school district may convey personal property without consideration to a school district that is within the boundary of the area vocational-technical school district or a public school offering secondary level education which was created and is operated by the State of Oklahoma and that is within the boundary of the area vocational-technical school district.

SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The board of education of any school district in this state is authorized until January 1, 2000, to transfer without compensation surplus personal property to a local school district within any area in Oklahoma devastated by the storm of May 3, 1999. Such transfer shall be exempt from any provisions in law relating to the sale or transfer of surplus school property.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 2115, is amended to read as follows:

Section 2115. A. Boards of Regents, institutions and agencies comprising The Oklahoma State System of Higher Education which are authorized to own and operate vehicles are hereby authorized to

carry public liability insurance on such vehicles and pay the premiums ~~therefor~~ out of non-state-appropriated funds for the following kinds of insurance not to exceed the limits indicated:

~~(a) bodily~~ 1. Bodily injury liability, One Hundred Thousand Dollars (\$100,000.00) each person, Three Hundred Thousand Dollars (\$300,000.00) each accident;

~~(b) property~~ 2. Property damage liability, Twenty Thousand Dollars (\$20,000.00) each accident; and

~~(c) medical~~ 3. Medical expense, Ten Thousand Dollars (\$10,000.00).

~~Such~~ B. If a vehicle is donated to a board of regents of an institution within The Oklahoma State System of Higher Education as provided for in Section 4 of this act, the board of regents is authorized to carry liability insurance in the following limits:

1. Bodily injury liability, Five Thousand Dollars (\$5,000.00) each person, Ten Thousand Dollars (\$10,000.00) each accident; and

2. Property damage liability, Five Thousand Dollars (\$5,000.00).

C. The liability insurance shall be on standard policy forms approved by the State Insurance Board with companies authorized to do business in Oklahoma. To the extent that an insurer has provided indemnity in a contract of insurance to the Board of Regents, an institution or an agency to which the act applies, the ~~said~~ insurer may not plead as a defense in any action involving insurance purchased pursuant to this act, the governmental immunity of either the State of Oklahoma or of any political subdivision or agency thereof which has purchased insurance authorized by this act.

D. The use of a motor vehicle for the purposes stated in Section 4 of this act by an institution of higher education is declared to be a public governmental function.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2116 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The board of regents of any institution within The Oklahoma State System of Higher Education may enter into a written agreement with any person or business entity covering the donation to the board of regents of any motor vehicle for use by the institution in connection with any technical education, training, maintenance, or other similar education program, or in administering any such program operated by or under the direction of the board of regents. The agreement shall be executed by the board of regents or an administrative officer for the board of regents and the manufacturer of the motor vehicle.

B. The written donation agreement shall:

1. Specify the monetary consideration for the donation, if any;

2. Provide that ownership of the motor vehicle remain with the board of regents; and

3. State the make and model of the motor vehicle.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2117 of Title 70, unless there is created a duplication in numbering, reads as follows:

Each motor vehicle donated to the board of regents of an institution within The Oklahoma State System of Higher Education as provided for in Section 4 of this act may be operated for such purposes with a special license plate attached to the motor vehicle. The special license plate shall be issued for a fee of One Dollar (\$1.00). The special license plate may be used only while the motor vehicle is in the possession or under the control of the board of regents.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2118 of Title 70, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful for any person to operate a motor vehicle bearing a special license plate as provided for in Section 5 of this act on any street, road, or highway in this state for any purpose other than in connection with any technical education, training, maintenance, or other similar educational program, or in the administration of the program. Violation of the provisions of this section shall be punishable by a fine not to exceed Fifty Dollars (\$50.00).

SECTION 7. 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, 1999.

Speaker of the House of
Representatives

Passed the Senate the 18th day of May, 1999.

President of the Senate