ENROLLED SENATE
BILL NO. 1287

By: Ford and Williams of the Senate

and

Smith (Hopper) of the House

An Act relating to career technology and higher education; amending Section 9B of Article X of the Oklahoma Constitution, which relates to tax levies for technology center school districts; authorizing ad valorem tax levies for certain technology center school districts and certain college technology center school districts to apply to territory overlapping both districts; amending 70 O.S. 2001, Section 4419, which relates to the Tulsa County Technology Center School District; modifying name of district; raising limitation on ad valorem levies; amending 70 O.S. 2001, Section 4420, which relates to the Tulsa Community College Technology Center School District; modifying name of Tulsa County Technology Center School District; removing certain authority of the State Board of Career and Technology Education; raising limitation of ad valorem 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 is amended to read as follows:

Section 9B. A. Technology center school districts for technology center schools may be established and a levy of not to exceed five (5) mills on the dollar valuation of the taxable property in any technology center school district so established may be made annually, for the district, when the levy is approved by a majority of the electors of the technology center 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to all other levies authorized by this Constitution, and when approved, shall be made each fiscal year thereafter until repealed by a majority of the electors of the technology center school district, voting on the question at an election called for that purpose. Any technology center 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 technology center 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 technology center 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 a technology center school established as prescribed by the State Board of Career and Technology Education pursuant to Section 14-108 of Title 70 of the Oklahoma Statutes, only the levies made by the college technology center 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 technology center school district making the levy and one-half to the overlapped technology center school district. In any case where a college technology center school district recognized pursuant to Section 4420 or 4420.1 of Title 70 of the Oklahoma Statutes overlaps and includes territory which is included within the district of a technology center school established as prescribed by the State Board of Career and Technology 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, a technology center school district may make a local incentive levy for the benefit of the technology center school district in an amount not to exceed five (5) mills on the dollar valuation of the taxable property in the technology center school district when approved by a majority of those registered voters of the technology center school district voting on the question at an election called for that purpose. Except as otherwise provided, this levy, when approved, shall be made each fiscal year thereafter until repealed by a majority of the electors of the technology center school district voting on the question at an election called for that purpose. A technology center school district which has previously failed to approve a local incentive levy at two consecutive elections held between January 1, 1994 and May 31, 1994 may make a local incentive levy for the benefit of the technology center school district only if approved by a majority of the registered voters of the technology center school district voting on said question at such an election for each fiscal year. If a majority of voters approve the local incentive levy for three (3) consecutive years, the levy approved on the third year shall be made each fiscal year thereafter until repealed by a majority of the electors of the technology center school district voting on the question at an election called for that purpose.

C. Upon the establishment of technology center school districts, such districts are authorized to become indebted separate and apart from the indebtedness of any school district included in the technology center school district up to five percent (5%) of the net valuation of taxable property within the technology center 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 technology center school district voting on the question in an election called for that purpose.

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

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

SECTION 2. AMENDATORY 70 O.S. 2001, Section 4419, is amended to read as follows:

Section 4419. A. All of the territory comprising the County of Tulsa, and all of the territory in adjacent counties comprising a portion of school districts partially located in Tulsa County shall be a technology center school district to be known as the Tulsa ~~County~~ Technology Center School District. Territory that is in an existing technology center school district shall be exempt from consideration. Provided, nothing in this section shall prohibit the annexation of territory in adjacent counties by the Tulsa ~~County~~ Technology Center School District in accordance with rules prescribed by the State Board of Career and Technology Education. Provided, further, any such annexation shall be approved by the Tulsa ~~County~~ Technology Center School Board of Education prior to such annexation election. The Tulsa ~~County~~ Technology Center School District shall have a board of education consisting of seven (7) members having the same powers and duties as boards of education of other technology center school districts. The members shall be elected in the same manner as boards of education of other technology center school districts except as otherwise provided in this title. The terms of office of members shall be staggered so that the term of office of only one member shall expire each year. The offices shall be numbered. The Tulsa ~~County~~ Technology Center School Board of Education shall divide the territory of the district into seven board districts in the same manner as required by independent school districts. One member of the board of education shall be elected to represent each board district. Beginning January 1, 1993, the following provisions and the provisions of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall control as to election of the members of the Tulsa ~~County~~ Technology Center School Board of Education:

1. There shall be held a nomination election in which the electors of each board district in which a term is expiring or in which a vacancy exists shall select two ~~(2)~~ nominees from among the candidates for board member to represent the board district;

2. If, in the nominating election, one candidate has a majority of all votes cast, then that candidate shall be elected to represent the board district and a general election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving the greatest number of votes shall become the nominees for the board district in the general election; and

3. At the general election, all of the electors of the board district shall select one of the two nominees as the member of the board of education representing the board district.

B. Except as otherwise provided in this section, the election of the governing board and the operation of the Tulsa ~~County~~ Technology Center School District shall be in accordance with rules established by the State Board of Career and Technology Education as provided for in Section 9B, Article X~~,~~ of the Oklahoma Constitution.

C. It is hereby provided that not more than ~~three (3)~~ five (5) mills on the dollar valuation of the taxable property in the district shall be voted on or thereafter be levied annually under Section 9B, Article X~~,~~ of the Oklahoma Constitution, and the district shall not become indebted for more than three percent (3%) of the net valuation of taxable property within the district for capital improvements for secondary and adult vocational and technical education purposes. Only programs in secondary and adult vocational and technical education shall be offered by the district.

D. Programs in post-secondary vocational and/or technical education shall not be offered or conducted by the Tulsa ~~County~~ Technology Center School District; provided, however, that nothing in this section shall be construed as prohibiting the establishment of an authorization to conduct such post-secondary vocational and technical programs by legislative enactment creating or establishing such programs within the limits of Section 9B, Article X of the Oklahoma Constitution.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 4420, is amended to read as follows:

Section 4420. A. The territory comprising the County of Tulsa shall be a technology center school district for vocational and/or technical schools to be known as the Tulsa Community College Technology Center School District; and all laws applicable to other technology center school districts shall apply to it, except as hereinafter provided. The Board of Regents of the Tulsa Community College shall serve as the governing board of education of the district. Programs in postsecondary vocational and/or technical and/or adult education shall be offered by the district, subject only to the authority herein granted to the Tulsa ~~County~~ Technology Center School District Board which shall serve as a funding board for ~~said~~ the Tulsa Community College Technology Center School District. The funding board composed of the elected members of the Tulsa ~~County~~ Technology Center School District shall have the sole authority to resolve and determine the submission of a proposed millage or capital improvement bond issue to a vote of the electorate. Provided, however, that in the event of a favorable action on any such question submitted resulting in a levy for the support of programs to be offered by the Tulsa Community College Technology Center School District, then and in that event the funds so voted and derived from such levy shall be under the direct supervision and control of the governing board of ~~said~~ the Tulsa Community College Technology Center School District. All funds expended for operations or capital improvements are subject to approval by the Tulsa ~~County~~ Technology Center School District

Board~~, and approved by the State Board of Career and Technology Education. Submitted plans or reports must be approved within thirty (30) days~~. All such ~~approved plans must expend~~ funds shall be expended according to rules and procedures prescribed by the Oklahoma State Regents for Higher Education.

B. Not more than ~~two (2)~~ five (5) mills on the dollar valuation of the taxable property in the district may be voted on and thereafter be levied annually under Section 9B, Article X~~,~~ of the Oklahoma Constitution, for postsecondary vocational and/or technical education purposes in the district. Proceeds of such levies shall be made a part of the educational and general operating budget of the Tulsa Community College and shall be allotted, budgeted and expended for supplemental support of the postsecondary vocational and/or technical and/or adult education programs offered by the college in accordance with rules made by the Oklahoma State Regents for Higher Education; provided, however, that the State Regents shall not take into consideration this local ad valorem tax revenue for supplemental support of the district technical education program when allocating state-appropriated funds for support of the basic community college program.

C. The district may become indebted for not more than two percent (2%) of the net valuation of taxable property within the district for capital improvements to provide supplemental accommodations for postsecondary vocational and technical education programs offered at the Tulsa Community College, when such indebtedness is approved by a majority of the electors of the technology center school district voting on the question in an election called for such purpose. Bonds in pursuance thereof shall be issued in the same manner as bonds issued by boards of education of other technology center school districts, and the proceeds of such bonds shall be used for facilities approved by the Oklahoma State Regents for Higher Education and shall be allocated, expended and accounted for in accordance with rules of the State Regents.

SECTION 4. 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 16th day of May, 2002.

_____
Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2002.

_____
Presiding Officer of the House
of Representatives