

1 **SENATE FLOOR VERSION**

2 April 7, 2021

3 ENGROSSED HOUSE
4 BILL NO. 2046

By: McCall of the House

and

Simpson of the Senate

8 An Act relating to higher education funding
9 districts; enacting the Higher Education Institution
10 Local Funding Act; making legislative findings;
11 providing for construction of act as amendment
12 pursuant to Section 9B of Article X of the Oklahoma
13 Constitution; providing procedures for certain
14 institutions within The Oklahoma State System of
15 Higher Education to form district; providing for
16 creation of higher education funding district;
17 providing for resolution; prohibiting inclusion of
18 certain territory within higher education funding
19 districts; providing for election regarding formation
20 and boundary of district; requiring preparation of
21 map depicting district boundary; requiring county
22 assessor to provide information regarding net
23 assessed values and exempt property; requiring county
24 election board to provide precinct boundary map;
providing for election procedures; requiring payment
of election costs by institution of higher education;
authorizing operational millage rate; prescribing
procedures for issuance of bonds and sinking fund
millage rate; providing for special elections;
providing for formation of district after approval at
election; providing for application of certain
millage rates; imposing duty on county treasurer with
respect to collection of revenues; prescribing
procedures for payment of revenues; prescribing
authorized purposes of expenditures; restricting use
of revenues for certain purposes; prohibiting certain
revenues from being taken into consideration for
purposes of allocation by State Regents; providing
for expenditure of bond proceeds; providing for
applicability of Internal Revenue Code of 1986 with

1 respect to certain proceeds; prescribing maximum
2 maturity of bonds; providing for procedures for sale
3 of bonds; prescribing procedures for elections to
4 modify millage rates for operational expenditures;
5 prohibiting modification of sinking fund millage
6 rates; providing for annexation or deannexation
7 procedures with respect to territory of higher
8 education funding district; providing for
9 applicability of rules regarding annexation or
10 deannexation of territory with respect to career
11 technology districts; providing for codification; and
12 providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 9001 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the "Higher
18 Education Institution Local Funding Act".

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 9002 of Title 70, unless there
21 is created a duplication in numbering, reads as follows:

22 The Legislature finds that providing access to additional
23 sources of revenue for certain institutions within The Oklahoma
24 State System of Higher Education is in furtherance of a policy for
making postsecondary education accessible to more persons, providing
increased educational opportunities, improved income-producing
potential and other positive outcomes. The provisions of this act

1 shall be considered an amendment authorized by subsection H of
2 Section 9B of Article X of the Oklahoma Constitution.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 9003 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 An eligible two-year institution within The Oklahoma State
7 System of Higher Education that utilizes the procedures established
8 by this act shall be considered a higher education funding district
9 for purposes of establishing a district, organizing the district,
10 calling for operational millage rates or sinking fund millage rates
11 or both, in the same manner as provided by law pursuant to the
12 provisions of Section 9B of Article X of the Oklahoma Constitution
13 and the provisions of Title 70 of the Oklahoma Statutes which enable
14 Section 9B of Article X.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 9004 of Title 70, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The board of regents of an eligible two-year college within
19 The Oklahoma State System of Higher Education may adopt a resolution
20 to cause the college to be included, for purposes of this act,
21 within a higher education funding district. The resolution shall
22 require the approval of a majority of the members of the board of
23 regents.

24

1 B. No higher education funding district shall be allowed to
2 include the territory or establish any levy of any career technology
3 district including any existing college career technology district,
4 that has been formed prior to the proposed formation of a higher
5 education funding district.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 9005 of Title 70, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The board of regents of the eligible institution shall cause
10 a map to be prepared depicting the boundary of the proposed district
11 with the assets constituting the main campus of the institution to
12 be located at some point within such boundary.

13 B. The county assessor of the county or counties within which
14 the district is proposed to be located shall provide information to
15 the board of regents regarding the net assessed value of all taxable
16 property within the boundary of the proposed district including the
17 identification of any real property exempt from taxation pursuant to
18 the provisions of Section 6 of Article X of the Oklahoma
19 Constitution, any other provision of the Oklahoma Constitution or
20 the provisions of Section 2887 of Title 68 of the Oklahoma Statutes.

21 SECTION 6. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 9006 of Title 70, unless there
23 is created a duplication in numbering, reads as follows:

24

1 The county election board of the county or counties within which
2 the proposed higher education funding district is to be located
3 shall provide a precinct boundary map of the proposed area to the
4 board of regents which has approved the resolution to call for a
5 vote to form and organize a higher education funding district.

6 SECTION 7. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 9007 of Title 70, unless there
8 is created a duplication in numbering, reads as follows:

9 A. An election may be conducted in November of any even-
10 numbered year in order to determine whether the proposed higher
11 education funding district shall be formed and its initial
12 operational millage rate, which shall not exceed the number of mills
13 as prescribed by Section 9B of Article X of the Oklahoma
14 Constitution. If the certified election results show that a sixty
15 percent (60%) majority of all votes cast are in favor of the
16 creation of the higher education funding district, the county
17 election board shall declare the district to have been established
18 and, if an initial operational millage was submitted to the voters
19 as part of the same ballot measure for creation of the district,
20 shall also declare such millage rate to be established for the
21 district.

22 B. If there are to be any bonds or other evidence of
23 indebtedness issued by the district contemporaneously approved at
24 the election calling for the formation of the district or at any

1 subsequent election called for the purposes of approving such bonds
2 or other evidence of indebtedness, such information as may be
3 required for the approval of a sinking fund millage rate as provided
4 by law shall also be included on the ballot, but the principal
5 amount of debt to be incurred, the projects to be constructed or
6 improved or acquired with the proceeds of the bonds, the maximum
7 maturity of the bonds and other information shall be included as
8 part of the ballot title if that question is submitted to the
9 voters.

10 C. A special election may be conducted in the manner prescribed
11 by Section 12-116 of Title 26 of the Oklahoma Statutes if the
12 question of the creation of the higher education funding district is
13 to be submitted at any other time than a General Election.

14 D. All costs for elections related to higher education funding
15 districts shall be paid for by the institution of higher education
16 for the benefit of which the district is being created or, after
17 approval of such district, for the benefit of which the district was
18 created.

19 SECTION 8. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 9008 of Title 70, unless there
21 is created a duplication in numbering, reads as follows:

22 If approved by sixty percent (60%) or more of the voters at the
23 election provided for by Section 7 of this act, there shall be
24 created a higher education funding district which shall be governed

1 by the board of regents for the institution within The Oklahoma
2 State System of Higher Education that has managerial control for the
3 institution for the benefit of which the district has been created.

4 SECTION 9. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 9009 of Title 70, unless there
6 is created a duplication in numbering, reads as follows:

7 The millage levied by a higher education funding district shall
8 be applied to the net assessed value of all taxable property located
9 within the district each year in the same manner as provided by law
10 for millage imposed by other ad valorem taxing jurisdictions. The
11 county treasurer shall include the tax due resulting from such
12 millage in the same manner as provided by law for other ad valorem
13 taxes.

14 SECTION 10. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 9010 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 A. All revenues derived from the net assessed value of property
18 located within the boundary of the higher education funding district
19 shall be paid by the county treasurer to the general fund of the
20 eligible institution or to such fund as may be specified by the
21 board of regents for the institution, and the board of regents for
22 the institution shall be authorized to expend such revenues in
23 support of the operational expenses of the institution including,
24 without limitation, employee salaries, employee benefits including

1 retirement benefits and health care benefits, federal or state
2 income or withholding taxes or related payroll taxes, utility costs,
3 insurance expenses, books, electronic instructional materials,
4 supplies for classrooms, upkeep of grounds and landscaping,
5 maintenance of physical plants such as heating and air conditioning
6 units, acquisition and maintenance of motor vehicles and such other
7 expenditures as may be approved by the board of regents pursuant to
8 such standards and procedures as the board of regents may establish.

9 B. None of the revenues derived from any millage rate imposed
10 within the boundary of a higher education funding district may be
11 used by an institution within The Oklahoma State System of Higher
12 Education to compete with the services or programs offered by any
13 existing career technology district which is either contiguous to
14 the boundary of the higher education funding district or located in
15 sufficiently close proximity to the higher education funding
16 district that the programs or services offered by such career
17 technology district would be duplicated or adversely impacted by the
18 expenditure of funds by the institution which causes the formation
19 of the higher education funding district pursuant to the provisions
20 of this act.

21 C. The Oklahoma State Regents for Higher Education shall not
22 take into consideration revenues derived from any millage levy
23 imposed pursuant to the provisions of the Higher Education
24 Institution Local Funding Act when allocating state-appropriated

1 funds for support of the institution which established a higher
2 education funding district pursuant to the provisions of this act.

3 SECTION 11. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 9011 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Proceeds from bonds or other evidence of indebtedness issued
7 by the higher education funding district may be expended on such
8 assets as authorized by the provisions of the Internal Revenue Code
9 of 1986, as amended, or other provisions of federal or state law
10 based on whether the interest income paid to bondholders is exempt
11 from federal or state income tax.

12 B. Final maturity of any obligation issued by the higher
13 education funding district shall not exceed twenty-five (25) years.

14 C. Bonds or other evidence of indebtedness issued by a higher
15 education funding district may be sold using such procedures as may
16 be established by the board of regents of the institution for whose
17 benefit the higher education funding district has been created.

18 SECTION 12. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 9012 of Title 70, unless there
20 is created a duplication in numbering, reads as follows:

21 After the formation of a higher education funding district
22 authorized by this act, the question of modification of an
23 operational millage rate may be submitted to the voters of the
24 district by resolution of the board of regents of the institution

1 within The Oklahoma State System of Higher Education for the benefit
2 of which the district has been created or upon a petition signed by
3 ten percent (10%) or more of the eligible voters residing within the
4 boundary of a district. No millage rate in excess of that provided
5 for in Section 9B of Article X of the Oklahoma Constitution may be
6 approved and no sinking fund millage rate for repayment of bonds or
7 other evidence of indebtedness may be modified pursuant to the
8 provisions of this section. The question of modification of an
9 operational millage rate may be submitted at either a General
10 Election or a special election with notice of the question to be
11 provided in advance of the election date in the same manner as
12 provided by law for similar questions pursuant to Section 9B of
13 Article X of the Oklahoma Constitution or enabling legislation
14 enacted pursuant to authority of that section.

15 SECTION 13. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 9013 of Title 70, unless there
17 is created a duplication in numbering, reads as follows:

18 After the formation of a higher education funding district
19 authorized by this act, the question of annexation or deannexation
20 of territory comprising the district may be submitted either by
21 resolution of the board of regents for the institution within The
22 Oklahoma State System of Higher Education for whose benefit the
23 district was created or by a petition signed by ten percent (10%) or
24 more of the eligible voters of the district. The procedures for

1 conducting the vote and implementing any changes in the boundary of
2 the higher education funding district shall be the same as those
3 prescribed by Section 9B of Article X of the Oklahoma Constitution
4 or enabling legislation enacted or administrative rules adopted
5 pursuant thereto.

6 SECTION 14. This act shall become effective November 1, 2021.

7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
8 April 7, 2021 - DO PASS

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24