

HOUSE BILL No. 3020

By Committee on Appropriations

3-12

AN ACT concerning schools; relating to the general fund of districts; amending K.S.A. 72-6429, 72-8801 and 72-8804 and K.S.A. 2001 Supp. 72-6410 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2001 Supp. 72-6410 is hereby amended to read as follows: 72-6410. (a) "State financial aid" means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) "Base state aid per pupil" means an amount of state financial aid per pupil. Subject to the other provisions of this subsection, the amount of base state aid per pupil is \$3,870. The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) "Local effort" means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, ~~and an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the~~

1 current school year from amounts received in such year by the district
2 pursuant to contracts made and entered into under authority of K.S.A.
3 72-6757, and amendments thereto, and an amount equal to the amount
4 credited to the general fund in the current school year from amounts
5 distributed in such year to the district under the provisions of articles 17
6 and 34 of chapter 12 of Kansas Statutes Annotated and under the pro-
7 visions of articles 42 and 51 of chapter 70 of Kansas Statutes Annotated,
8 and an amount equal to the amount of payments received by the district
9 under the provisions of K.S.A. 72-970, and amendments thereto, and an
10 amount equal to the amount of a grant, if any, received by the district
11 under the provisions of K.S.A. 2001 Supp. 72-983, and amendments
12 thereto, and an amount equal to 75% of the federal impact aid of the
13 district.

14 (d) "Federal impact aid" means an amount equal to the federally
15 qualified percentage of the amount of moneys a district receives in the
16 current school year under the provisions of title I of public law 874 and
17 congressional appropriations therefor, excluding amounts received for as-
18 sistance in cases of major disaster and amounts received under the low-
19 rent housing program. The amount of federal impact aid defined herein
20 as an amount equal to the federally qualified percentage of the amount
21 of moneys provided for the district under title I of public law 874 shall
22 be determined by the state board in accordance with terms and conditions
23 imposed under the provisions of the public law and rules and regulations
24 thereunder.

25 Sec. 2. K.S.A. 72-6429 is hereby amended to read as follows: 72-
26 6429. ~~(a) Notwithstanding any other provision of law, in each school year,~~
27 any board may transfer to its general fund from: ~~(a) Any fund to which~~
28 ~~transfers from the general fund are authorized an amount not to exceed~~
29 ~~an amount equal to the amount transferred from the general fund to any~~
30 ~~such fund in the same school year any unexpended and unencumbered~~
31 ~~balances which are moneys received from the state; or~~

32 ~~(b) any unexpended or unencumbered balances which are moneys~~
33 ~~derived from taxes levied on and after July 1, 2002, pursuant to article 88~~
34 ~~of chapter 72, of the Kansas Statutes Annotated, and amendments thereto,~~
35 ~~for general education purposes. The provisions of this section shall not~~
36 ~~apply to any moneys in any fund which is federal impact aid.~~

37 ~~(b) The provisions of this section shall take effect and be in force~~
38 ~~from and after July 1, 1992.~~

39 Sec. 3. K.S.A. 72-8801 is hereby amended to read as follows: 72-
40 8801. (a) The board of education of any school district may make an
41 annual tax levy at a mill rate not to exceed the statutorily prescribed mill
42 rate for a period of not to exceed five years upon the taxable tangible
43 property in the school district for the purposes specified in this act and

1 for the purpose of paying a portion of the principal and interest on bonds
2 issued by cities under the authority of K.S.A. 12-1774, and amendments
3 thereto, for the financing of redevelopment projects upon property lo-
4 cated within the school district. No levy shall be made under this act until
5 a resolution is adopted by the board of education in the following form:

6 Unified School District No. _____,
7 _____ County, Kansas.

8 RESOLUTION

9 Be It Resolved that:

10 The above-named school board shall be authorized to make an annual tax levy for a period
11 not to exceed _____ years in an amount not to exceed _____ mills upon the taxable
12 tangible property in the school district for the purpose of acquisition, construction, recon-
13 struction, repair, remodeling, additions to, furnishing and equipping of buildings necessary
14 for school district purposes, including housing and boarding pupils enrolled in an area vo-
15 cational school operated under the board, architectural expenses incidental thereto, the
16 acquisition of building sites, the undertaking and maintenance of asbestos control projects,
17 the acquisition of school buses and the acquisition of other equipment and for the purpose
18 of paying a portion of the principal and interest on bonds issued by cities under the authority
19 of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects
20 upon property located within the school district, *for the general education purposes of the*
21 *school district*. The tax levy authorized by this resolution may be made, unless a petition in
22 opposition to the same, signed by not less than 10% of the qualified electors of the school
23 district, is filed with the county election officer of the home county of the school district
24 within 40 days after the last publication of this resolution. In the event a petition is filed the
25 county election officer shall submit the question of whether the tax levy shall be authorized
26 to the electors in the school district at an election called for the purpose or at the next
27 general election, as is specified by the board of education of the above school district.

28 CERTIFICATE

29 This is to certify that the above resolution was duly adopted by the board of education of
30 Unified School District No. _____, _____ County, Kansas, on the _____
31 day of _____, ~~19~~_____.

32 _____
33 Clerk of the above board of education.

34 All of the blanks in the above resolution shall be appropriately filled.
35 The blank preceding the word “years” shall be filled with a specific num-
36 ber, and the blank preceding the word “mills” shall be filled with a specific
37 number, and no word shall be inserted in either of the blanks. The res-
38 olution shall be published once a week for two consecutive weeks in a
39 newspaper having general circulation in the school district. If no petition
40 as specified above is filed in accordance with the provisions of the reso-
41 lution, the board of education may make the tax levy specified in the
42 resolution. If a petition is filed as provided in the resolution, the board
43 of education may notify the county election officer of the date of an

1 election to be held to submit the question of whether the tax levy shall
2 be authorized. If the board of education fails to notify the county election
3 officer within 60 days after a petition is filed, the resolution shall be
4 deemed abandoned and no like resolution shall be adopted by the board
5 of education within the nine months following the first publication of the
6 resolution.

7 (b) As used in this act:

8 (1) “Unconditionally authorized to make a capital outlay tax levy”
9 means that the school district has adopted a resolution under this section,
10 has published the same, and either that the resolution was not protested
11 or that it was protested and an election has been held by which the tax
12 levy specified in the resolution was approved;

13 (2) “statutorily prescribed mill rate” means four mills or the mill rate
14 necessary to produce the same amount of money that would have been
15 produced by a levy of four mills in the 1988-89 school year;

16 (3) “asbestos control project” means any activity which is necessary
17 or incidental to the control of asbestos-containing material in buildings
18 of school districts and includes, but not by way of limitation, any activity
19 undertaken for the removal or encapsulation of asbestos-containing ma-
20 terial, for any remodeling, renovation, replacement, rehabilitation or
21 other restoration necessitated by such removal or encapsulation, for con-
22 ducting inspections, reinspections and periodic surveillance of buildings,
23 performing response actions, and developing, implementing and updating
24 operations and maintenance programs and management plans;

25 (4) “asbestos” means the asbestiform varieties of chrysotile (serpen-
26 tine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), antho-
27 phyllite, tremolite, and actinolite; and

28 (5) “asbestos-containing material” means any material or product
29 which contains more than 1% asbestos.

30 Sec. 4. K.S.A. 72-8804 is hereby amended to read as follows: 72-
31 8804. Any moneys in the capital outlay fund of any school district and any
32 moneys received from issuance of bonds under K.S.A. 72-8805 or 72-
33 8810, and amendments thereto, may be used for the purpose of the ac-
34 quisition, construction, reconstruction, repair, remodeling, additions to,
35 furnishing and equipping of buildings necessary for school district pur-
36 poses, including housing and boarding pupils enrolled in an area voca-
37 tional school operated under the board of education, architectural ex-
38 penses incidental thereto, the acquisition of building sites, the
39 undertaking and maintenance of asbestos control projects, the acquisition
40 of school buses and the acquisition of other equipment. *Any moneys in*
41 *the capital outlay fund of any school district may be used for the general*
42 *education purposes of the school district if the moneys derived from the*
43 *fund have been authorized for such use.* The board of education of any

1 school district is hereby authorized to invest any portion of the capital
2 outlay fund of the school district which is not currently needed in in-
3 vestments authorized by K.S.A. 12-1675, and amendments thereto, in the
4 manner prescribed therein or may invest the same in direct obligations
5 of the United States government maturing or redeemable at par and
6 accrued interest within three years from date of purchase, the principal
7 and interest whereof is guaranteed by the government of the United
8 States. All interest received on any such investment shall upon receipt
9 thereof be credited to the capital outlay fund.

10 New Sec. 5. This act shall not in any manner be construed as affect-
11 ing the validity of any tax levies authorized to be made under article 88
12 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto,
13 prior to the effective date of this act, nor shall this act in any manner be
14 construed as affecting the validity of any bonds issued or authorized to
15 be issued under article 88 of chapter 72 of the Kansas Statutes Annotated,
16 and amendments thereto, prior to the effective date of this act.

17 Sec. 6. K.S.A. 72-6429, 72-8801 and 72-8804 and K.S.A. 2001 Supp.
18 72-6410 are hereby repealed.

19 Sec. 7. This act shall take effect and be in force from and after its
20 publication in the statute book.

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