

## HOUSE BILL No. 2260

By Representatives Patterson, Newton, Owens, D. Williams and Yoder

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AN ACT concerning schools; relating to the capital outlay levy and fund; amending K.S.A. 72-8801 and 72-8804 and repealing the existing sections.

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

Section 1. K.S.A. 72-8801 is hereby amended to read as follows: 72-8801. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate for a period of not to exceed five years upon the taxable tangible property in the school district for the purposes specified in ~~this act~~ K.S.A. 72-8804, and amendments thereto, and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No *such* levy shall be made ~~under this act~~ until a resolution is adopted by the board of education in the following form:

Unified School District No. \_\_\_\_\_,

\_\_\_\_\_ County, Kansas.

### RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy for a period not to exceed \_\_\_\_\_ years in an amount not to exceed \_\_\_\_\_ mills upon the taxable tangible property in the school district for the purpose of ~~acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of buildings necessary for school district purposes, including housing and boarding pupils enrolled in an area vocational school operated under the board, architectural expenses incidental thereto, the acquisition of building sites, the undertaking and maintenance of asbestos control projects, the acquisition of school buses and the acquisition of other equipment~~ \_\_\_\_\_ (*specify appropriate uses pursuant to K.S.A. 72-8804, and amendments thereto*) \_\_\_\_\_ and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 days after the last pub-

1 lication of this resolution. In the event a petition is filed the county election officer shall  
 2 submit the question of whether the tax levy shall be authorized to the electors in the school  
 3 district at an election called for the purpose or at the next general election, as is specified  
 4 by the board of education of the above school district.

5 CERTIFICATE

6 This is to certify that the above resolution was duly adopted by the board of education of  
 7 Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the \_\_\_\_\_ day of  
 8 \_\_\_\_\_, ~~th~~ (year)\_\_\_\_\_.

9 \_\_\_\_\_  
 10 Clerk of the above board of education.

11 All of the blanks in the above resolution shall be appropriately filled.  
 12 The blank preceding the word “years” shall be filled with a specific num-  
 13 ber, and the blank preceding the word “mills” shall be filled with a specific  
 14 number, and no word shall be inserted in either of the blanks. The res-  
 15 olution shall be published once a week for two consecutive weeks in a  
 16 newspaper having general circulation in the school district. If no petition  
 17 as specified above is filed in accordance with the provisions of the reso-  
 18 lution, the board of education may make the tax levy specified in the  
 19 resolution. If a petition is filed as provided in the resolution, the board  
 20 of education may notify the county election officer of the date of an  
 21 election to be held to submit the question of whether the tax levy shall  
 22 be authorized. If the board of education fails to notify the county election  
 23 officer within 60 days after a petition is filed, the resolution shall be  
 24 deemed abandoned and no like resolution shall be adopted by the board  
 25 of education within the nine months following the first publication of the  
 26 resolution.

27 (b) As used in ~~this act~~ *K.S.A. 72-8801, et seq.*, and amendments  
 28 thereto:

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

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

37 (3) “asbestos control project” means any activity which is necessary  
 38 or incidental to the control of asbestos-containing material in buildings  
 39 of school districts and includes, but not by way of limitation, any activity  
 40 undertaken for the removal or encapsulation of asbestos-containing ma-  
 41 terial, for any remodeling, renovation, replacement, rehabilitation or  
 42 other restoration necessitated by such removal or encapsulation, for con-  
 43 ducting inspections, reinspections and periodic surveillance of buildings,

1 performing response actions, and developing, implementing and updating  
2 operations and maintenance programs and management plans;

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

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

8 Sec. 2. K.S.A. 72-8804 is hereby amended to read as follows: 72-  
9 8804. *(a) If the resolution adopted under K.S.A. 72-8801, and amend-  
10 ments thereto, so specified, any moneys in the capital outlay fund of any  
11 school district and any moneys received from issuance of bonds under  
12 K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for  
13 the purpose of:*

14 (1) The acquisition, construction, reconstruction, repair, remodeling,  
15 additions to, furnishing and equipping of buildings necessary for school  
16 district purposes, including housing and boarding pupils enrolled in an  
17 area vocational school operated under the board of education, architec-  
18 tural expenses incidental thereto;

19 (2) The acquisition of building sites;

20 (3) The undertaking and maintenance of asbestos control projects;

21 (4) The acquisition of school buses ~~and~~

22 (5) The acquisition of other equipment.

23 (6) *The payment of expenses for utility services provided to school  
24 facilities. Utility services shall include, but shall not be limited to, gas,  
25 electric, water, telephone, storm water, sewage and solid waste disposal.*

26 (b) ~~The board of education of any school district is hereby authorized~~  
27 ~~to~~ may invest any portion of the capital outlay fund of the school district  
28 which is not currently needed in investments authorized by K.S.A. 12-  
29 1675, and amendments thereto, in the manner prescribed therein or may  
30 invest the same in direct obligations of the United States government  
31 maturing or redeemable at par and accrued interest within three years  
32 from date of purchase, the principal and interest whereof is guaranteed  
33 by the government of the United States. All interest received on any such  
34 investment shall upon receipt thereof be credited to the capital outlay  
35 fund.

36 Sec. 3. K.S.A. 72-8801 and 72-8804 are hereby repealed.

37 Sec. 4. This act shall take effect and be in force from and after its  
38 publication in the statute book.

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