

HOUSE BILL No. 2283

By Representative Wilk

2-11

AN ACT concerning schools; relating to elections on capital outlay levys; amending K.S.A. 72-8801 and repealing the existing section.

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 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 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 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 publication of this resolution.

In the event a petition is filed the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at ~~an election called for the purpose or~~ at the next *primary or* general election, as is specified by the board of

1 education of the above school district.

2 CERTIFICATE

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

6 _____
7 Clerk of the above board of education.

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

26 (b) As used in this act:

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

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

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

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

4 (5) "asbestos-containing material" means any material or product
5 which contains more than 1% asbestos.

6 Sec. 2. K.S.A. 72-8801 is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43