

As Amended by House Committee

As Amended by Senate Committee

Session of 2007

SENATE BILL No. 69

By Committee on Education

1-11

12 AN ACT concerning school districts; relating to school finance; amend-
13 ing K.S.A. 2006 Supp. 72-6449, **72-6450** and 72-6451 and repealing
14 the existing sections.
15

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

17 Section 1. K.S.A. 2006 Supp. 72-6449 is hereby amended to read as
18 follows: 72-6449. (a) As used in this section, “school district” or “district”
19 means a school district authorized to make a levy under this section.

20 (b) The board of education of any district may levy a tax on the taxable
21 tangible property within the district for the purpose of financing the costs
22 incurred by the state that are attributable directly to assignment of the
23 cost of living weighting to the enrollment of the district. There is hereby
24 established in every school district a fund which shall be called the cost
25 of living fund, which fund shall consist of all moneys deposited therein
26 or transferred thereto in accordance with law. All moneys derived from
27 a tax imposed pursuant to this section shall be credited to the cost of
28 living fund. The proceeds from the tax levied by a district credited to the
29 cost of living fund shall be remitted to the state treasurer in accordance
30 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
31 receipt of each such remittance, the state treasurer shall deposit the entire
32 amount in the state treasury to the credit of the state school district fi-
33 nance fund.

34 (c) The state board of education shall determine whether a district
35 may levy a tax under this section as follows:

36 (1) Determine the statewide average appraised value of single family
37 residences for the calendar year preceding the current school year;

38 (2) multiply the amount determined under (1) by 1.25;

39 (3) determine the average appraised value of single family residences
40 in each school district for the calendar year preceding the current school
41 year; and

42 (4) subtract the amount determined under (2) from the amount de-
43 termined under (3). If the amount determined for the district under (4)

1 is a positive number and the district is authorized to adopt and has
 2 adopted a local option budget in an amount ~~equal to the state prescribed~~
 3 ~~percentage in the current school year which equals at least 25%~~ **equal**
 4 **to the state prescribed percentage**, the district qualifies for assign-
 5 ment of cost of living weighting and may levy a tax on the taxable tangible
 6 property of the district for the purpose of financing the costs that are
 7 attributable directly to assignment of the cost of living weighting to en-
 8 rollment of the district. **(5) If a district was authorized to make a**
 9 **levy pursuant to this section in school year 2006-2007, such district**
 10 **shall remain authorized to levy such tax at the rate levied in school**
 11 **year 2006-2007 if: (A) The amount determined under (4) is a pos-**
 12 **itive number; and (B) the district continues to adopt a local option**
 13 **budget in an amount equal to the state prescribed percentage in**
 14 **effect in school year 2006-2007.**

15 (d) Except as provided by subsection (e), no tax may be levied under
 16 this section unless the board of education adopts a resolution authorizing
 17 such a tax levy and publishes the resolution at least once in a newspaper
 18 having general circulation in the district. Except as provided by subsection
 19 (e), the resolution shall be published in substantial compliance with the
 20 following form:

21 Unified School District No. _____,
 22 _____ County, Kansas.

RESOLUTION

24 Be It Resolved that:

25 The board of education of the above-named school district shall be authorized to levy an
 26 ad valorem tax in an amount not to exceed the amount necessary to finance the costs
 27 attributable directly to the assignment of cost of living weighting to the enrollment of the
 28 district. The ad valorem tax authorized by this resolution may be levied unless a petition in
 29 opposition to the same, signed by not less than 5% of the qualified electors of the school
 30 district, is filed with the county election officer of the home county of the school district
 31 within 30 days after the publication of this resolution. If a petition is filed, the county election
 32 officer shall submit the question of whether the levy of such a tax shall be authorized in
 33 accordance with the provisions of this resolution to the electors of the school district at the
 34 next general election of the school district, as is specified by the board of education of the
 35 school district.

CERTIFICATE

37 This is to certify that the above resolution was duly adopted by the board of education of
 38 Unified School District No. _____, _____ County, Kansas, on the _____ day of
 39 _____, (year)_____.

40 _____
 41 Clerk of the board of education.

42 All of the blanks in the resolution shall be filled. If no petition as spec-
 43 ified above is filed in accordance with the provisions of the resolution,

1 the resolution authorizing the ad valorem tax levy shall become effective.
2 If a petition is filed as provided in the resolution, the board may notify
3 the county election officer to submit the question of whether such tax
4 levy shall be authorized. If the board fails to notify the county election
5 officer within 30 days after a petition is filed, the resolution shall be
6 deemed abandoned and of no force and effect and no like resolution shall
7 be adopted by the board within the nine months following publication of
8 the resolution. If a majority of the votes cast in an election conducted
9 pursuant to this provision are in favor of the resolution, such resolution
10 shall be effective on the date of such election. If a majority of the votes
11 cast are not in favor of the resolution, the resolution shall be deemed of
12 no effect and no like resolution shall be adopted by the board within the
13 nine months following such election.

14 ~~(c) Any resolution adopted pursuant to this section for school year~~
15 ~~2005-2006 shall not be subject to the provisions of subsection (d) relating~~
16 ~~to publication, protest or election.~~

17 Sec. 2. K.S.A. 2006 Supp. 72-6451 is hereby amended to read as
18 follows: 72-6451. (a) As used in this section:

19 (1) “School district” or “district” means a school district which: (A)
20 Has a declining enrollment; and (B) ~~for school year 2005-2006, has~~
21 ~~adopted a local option budget in an amount which equals at least 25%;~~
22 ~~or (C) for school year 2006-2007 and each school year thereafter, has~~
23 ~~adopted a local option budget in an amount which equals the state pre-~~
24 ~~scribed percentage at the time the district applies to the state board of~~
25 ~~tax appeals for authority to make a levy pursuant to this section~~ **has**
26 **adopted a local option budget in an amount which equals the state**
27 **prescribed percentage in the school year in which the district first**
28 **applies to the state board of tax appeals for authority to make a**
29 **levy pursuant to this section.**

30 (2) “Declining enrollment” means an enrollment which has declined
31 in amount from that of the preceding school year.

32 (b) (1) A school district may levy an ad valorem tax on the taxable
33 tangible property of the district each year for a period of time not to
34 exceed two years in an amount not to exceed the amount authorized by
35 the state board of tax appeals under this subsection for the purpose of
36 financing the costs incurred by the state that are directly attributable to
37 assignment of declining enrollment weighting to enrollment of the dis-
38 trict. The state board of tax appeals may authorize the district to make a
39 levy which will produce an amount that is not greater than the amount
40 of revenues lost as a result of the declining enrollment of the district.
41 Such amount shall not exceed 5% of the general fund budget of the
42 district in the school year in which the district applies to the state board
43 of tax appeals for authority to make a levy pursuant to this section.

1 **If a district was authorized to make a levy pursuant to this sec-**
2 **tion in school year 2006-2007, such district shall remain authorized**
3 **to make such levy in school year 2007-2008 if the district adopts a**
4 **local option budget in an amount equal to the state prescribed**
5 **percentage in effect in school year 2006-2007.**

6 (2) The board of tax appeals shall certify to the state board the amount
7 authorized to be produced by the levy of a tax under this section.

8 (3) The state board shall prescribe guidelines for the data that school
9 districts shall include in cases before the state board of tax appeals pur-
10 suant to this section.

11 (c) A district may levy the tax authorized pursuant to this section for
12 a period of time not to exceed two years unless authority to make such
13 levy is renewed by the state board of tax appeals. The state board of tax
14 appeals may renew the authority to make such levy for periods of time
15 not to exceed two years.

16 (d) The state board shall provide to the state board of tax appeals
17 such school data and information requested by the state board of tax
18 appeals and any other information deemed necessary by the state board.

19 (e) There is hereby established in every district a fund which shall be
20 called the declining enrollment fund. Such fund shall consist of all moneys
21 deposited therein or transferred thereto according to law. The proceeds
22 from the tax levied by a district under authority of this section shall be
23 credited to the declining enrollment fund of the district. The proceeds
24 from the tax levied by a district credited to the declining enrollment fund
25 shall be remitted to the state treasurer in accordance with the provisions
26 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
27 remittance, the state treasurer shall deposit the entire amount in the state
28 treasury to the credit of the state school district finance fund.

29 **Sec. 3. K.S.A. 2006 Supp. 72-6450 is hereby amended to read**
30 **as follows: 72-6450. The cost of living weighting of a district shall**
31 **be determined by the state board in each school year in which such**
32 **weighting may be assigned to enrollment of the district as follows:**

33 (1) **Divide the amount determined under subsection (c)(4) of**
34 **K.S.A. 2006 Supp. 72-6449, and amendments thereto, by the**
35 **amount determined under subsection (c)(2) of K.S.A. 2006 Supp.**
36 **72-6449, and amendments thereto;**

37 (2) **multiply the dividend determined under (1) by .095;**

38 (3) (A) **multiply the district's state financial aid, excluding the**
39 **amount determined under this provision, by the lesser of the prod-**
40 **uct determined under (2) or ~~.05~~ .04 in school year 2007-2008;**

41 (B) *multiply the district's state financial aid, excluding the amount*
42 *determined under this provision, by the lesser of the product determined*
43 *under (2) or .03 in school year 2008-2009;*

1 (C) *multiply the district's state financial aid, excluding the amount*
2 *determined under this provision, by the lesser of the product determined*
3 *under (2) or .02 in school year 2009-2010; and*
4 **(4) divide the product determined under (3) by the base state**
5 **aid per pupil for the current school year. The quotient is the cost**
6 **of living weighting of the district.**
7 Sec. ~~3~~ **4.** K.S.A. 2006 Supp. 72-6449, **72-6450** and 72-6451 are
8 hereby repealed.
9 Sec. ~~4~~ **5.** This act shall take effect and be in force from and after its
10 publication in the ~~statute book~~ **Kansas register.**