

Approved: _____
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 25, 1997 in Room 519-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

Others attending: See attached list

HB 2494 - Elections; boards of education; commencement of terms

A balloon amendment was handed out to the members that would be a substitute bill. (Attachment 1) It would allow a newly elected school board member to take office during the first meeting of the board of education after the election.

Representative Tanner made a motion to adopt the balloon. Representative Morrison seconded the motion. The motion failed 8-11.

SB 314 - Campaign finance; use of public moneys

Representative Morrison made a motion to report SB 314 favorably for passage. Representative Thimesch seconded the motion.

Representative Larkin stated that there were a lot of provisions in the bill that needed to be cleaned up. He made a substitute motion to table the bill. Representative Storm seconded the motion. The motion carried.

The committee turned its attention to the Local Option Budget (LOB) Proposal. (Attachment 2)

The Chairman explained that districts that have LOBs would be subject to the rule that they could use their LOB next year at full rate, the following year at 90% and the next year at 80%. The school districts that do not have LOBs would have LOB authority to expend up to the average expenditures in that enrollment category. The run that was provided to the committee on March 24 showed that there were school districts that had LOBs and were still spending below the average. The intent of the LOB Working Group is that those school districts could access the first part of the amendment and also allow them to access the protest petition procedure to move their LOB above the average expenditures.

Representative Powers made a motion to adopt the balloon amendment as a substitute for SB 36. Representative Morrison seconded the motion.

Representative Tanner provided the committee with a balloon amendment that was taken from SB 4, Section 5. (Attachment 3) He made a substitute motion to amend it as substitute for SB 36.

Because of questions raised concerning the language of the substitute for SB 36 the meeting adjourned at 4:30 p.m.

Substitute for HOUSE BILL NO. 2494

By Committee on Education

AN ACT relating to school districts; concerning the election and terms of office of members of boards of education; amending K.S.A. 25-2003, 25-2004, 25-2022, 25-2023, 72-7901, 72-7902, 72-7903, 72-7904, 72-7905, 72-8004, 72-8124, 72-8125, 72-8202a and 72-8706 and repealing the existing sections; also repealing K.S.A. 72-8110, 72-8111, 72-8112, 72-8114, 72-8116, 72-8118a, 72-8129, 72-8130, 72-8135 and 72-8142.

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

Section 1. K.S.A. 25-2003 is hereby amended to read as follows: 25-2003. (a) "Board" means the board of education of any unified school district.

(b) "Board member" and or "member" ~~mean~~ means a member of a the board of education of any unified school district.

(c) ~~"Holdover--member"--means--a--member,--or--an--appointed successor--to--such--member,--whose--term--extends--for--any--period before--and--two--years--after--the--July--1--following--a--change--in method--of--election--under--this--act.~~

(d) "Member position" means one of the seven positions of members of the a board of education when a district method is used₇. Each member position, except the at-large member position, is numbered.

Sec. 2. K.S.A. 25-2004 is hereby amended to read as follows: 25-2004. (a) "Member district" means one of the subdistricts into which a school district is or may be divided for the purpose of a district method of election of board members.

(b) "District method" means ~~either~~ a six district method, a three district method, or a two district method.

(c) "Election at large method" means the method of election of board members ~~without~~ of a school district which is not

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divided into member districts.

(d) "Election at large" means an election of board members at which all electors of a school district vote on all candidates.

Sec. 3. K.S.A. 25-2022 is hereby amended to read as follows: 25-2022. Any board shall have power to fill by appointment any vacancy which occurs thereon, ~~and such appointee shall serve for the unexpired term.~~ When a vacancy occurs, the board shall publish a notice ~~one time in a newspaper having general circulation in the school district~~ stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than ~~fifteen (15)~~ 15 days after such publication. The notice shall be published one time in a newspaper having general circulation in the school district. If the vacancy occurs on or after January 1 of an odd-numbered year, the appointee shall serve for the unexpired term. If ~~such~~ the vacancy occurs before January 1 of an odd-numbered year ~~leaving an unexpired term of more than two years such,~~ the appointee shall serve until the ~~July~~ first meeting of the board after the following certification of the results of the general school election as ~~provided in K.S.A. 25-2023 or any amendments thereto~~ next succeeding the occurrence of the vacancy. In the latter event, the unexpired term of two years commencing ~~July~~ with and including the first meeting of the board after the following certification of the results of such general school election shall be filled at ~~such~~ the election and the ballots or ballot labels and returns of election with respect to such office shall be designated as follows: "To fill the unexpired term."

Sec. 4. K.S.A. 25-2023 is hereby amended to read as follows: 25-2023. (a) Each board member shall qualify by filing an oath of office with the election officer ~~not later than ten (10) days following the date of the election, or not later than five (5) days after issuance of such member's certificate of election,~~ whichever is the later date prior to entering upon the duties of a member of the board.

(b) Except as otherwise provided in subsection (c), the term of office of each board member shall ~~take office on the July 1~~ commence with and include the first meeting of the board following certification of the results of the general school election. Each member elected to a board of education shall hold office until a successor is elected or appointed and qualified and, except as otherwise provided in subsection (c), shall serve for a term of four ~~(4)~~ years.

(c) Each board member serving a term of office on the effective date of this act shall continue to serve until the conclusion of such term, and until a successor is elected or appointed and qualified. The immediate successor to each such board member shall take office on the July 1 following the general school election at which such successor is elected and shall hold office until the first meeting of the board following certification of the results of the general school election held in a fourth year thereafter, and until a successor is elected or appointed and qualified.

Sec. 5. K.S.A. 72-7901 is hereby amended to read as follows: 72-7901. (a) The governing body of a unified school district is and shall be a board of education composed of seven ~~(7)~~ members, except as is specifically otherwise provided in K.S.A. 72-5333b, and amendments thereto. The members may be elected by any combination of method of election and voting plan authorized by law~~7-and~~. Except as otherwise provided in subsection (b), members shall serve for a term of four ~~(4)~~ years.

(b) Each member of a board of education serving a term of office on the effective date of this act shall continue to serve until the conclusion of such term, and until a successor is elected or appointed and qualified. The immediate successor to each such member shall take office on the July 1 following the general school election at which such successor is elected and shall hold office until the first meeting of the board of education following certification of the results of the general school election held in a fourth year thereafter, and until a

successor is elected or appointed and qualified.

Sec. 6. K.S.A. 72-7902 is hereby amended to read as follows: 72-7902. The provisions of law relating to the term of office of members of boards of education, including method and time of qualification and of taking office shall apply to every school district in this state. In the event no candidate is elected to a position on the board of education of a school district in a regular election, or if ~~an-elected-member~~ a member-elect to a position on the board of education moves out of the school district after ~~such-member-is-elected~~ the election and before ~~such--member-takes~~ taking office ~~the-following-July-1,~~ or if such member member-elect becomes ineligible to serve for any other reason during that period of time, the ~~holdover~~ member holding office at the time of the election shall hold over after expiration of the term for which elected and shall continue to sit as a voting member of the board of education of such school district until an eligible successor is appointed by the board of education to fill the position. Such successor shall be appointed not later than November June 15 next following the regular election ~~of-board-members.~~

Sec. 7. K.S.A. 72-7903 is hereby amended to read as follows: 72-7903. It is hereby found, determined and required that:

(a) the combination of method of election and voting plan which every unified school district ~~which-now-has-the-"six-member election"--which--was-provided-for-in-former-K.S.A.-72-6745-shall be-governed-by-voting-plan-C--and--the--six--district--method--of election-until-changed-in-accordance-with-law.~~

(b) ~~Every---unified---school---district---which---now---has---the "three-district-election"--which-was-provided-for-in-former-K.S.A.-72-6745-shall-be-governed-by-voting-plan-B-and-the-three-district method-of-election-until-changed-in-accordance-with-law.~~

(c) ~~Every--unified--school--district--which--now--has--the "two-district"--method--of--election--which--was--provided-for-in former-K.S.A.-1967-Supp.-72-6752b-shall--be--governed--by--voting plan-B--and--the-two-district-method-of-election-until-changed-in~~

~~accordance with law.~~

~~(d) Every unified school district which now has "election at large" method of election which was provided for in former K.S.A. 72-6745 shall be governed by voting plan A and the election at large method of election until changed in accordance with law.~~

~~(e) Every unified school district which now has the "five member election" provided for in K.S.A. 72-8123 shall be governed by voting plan C and the five district method of election after the effective date hereof, until changed in accordance with law.~~

~~(f) Every unified school district which now has "election at large for member positions" method of election which is provided for in K.S.A. 72-8118a shall be governed by voting plan A and the election at large by member positions method of election has in effect on the effective date of this act shall continue in effect after the effective date of this act until changed in accordance with law.~~

Sec. 8. K.S.A. 72-7904 is hereby amended to read as follows:
72-7904. ~~(a) Every holdover~~ Each member of a board of education having a member position number on the effective date of this act shall, ~~after the effective date of this act,~~ have retain such member position number ~~assigned to his member district.~~

~~(b) In every unified school district which on after the effective date of this act had the "three district election" provided in K.S.A. 72-6745 (which is repealed by this act), the "1-4 member district" shall become member district one, and every "2-5 member district" shall become member district two and every "3-6 member district" shall become member district three until changed in accordance with law.~~

Sec. 9. K.S.A. 72-7905 is hereby amended to read as follows:
72-7905. ~~(a)~~ Each member district in every a unified school district which ~~on the effective date of this act had the "six member election" provided for in K.S.A. 72-6745 (which is repealed by this act)~~ having a district method of election in effect, ~~each member district~~ on the effective date of this act

shall retain the same number after the effective date of this act until changed in accordance with law.

~~(b) In every unified school district which on the effective date of this act had the "two-district" method of election which was provided for in K.S.A. 1967-Supp. 72-6752b (which is repealed by this act), member district A shall become member district one, and every member district B shall become member district two.~~

Sec. 10. K.S.A. 72-8004 is hereby amended to read as follows: 72-8004. The following conditions shall apply to every plan of change in which the proposed method of election is a district method:

(a) The proposed member districts shall (1) each be comprised of one contiguous compact area, (2) have equal population as nearly as is practicable, and (3) exclude no territory of the school district in the proposed change, and (4) include no territory ~~shall be included~~ in more than one member district.

(b) The proposed member districts shall be so planned that no ~~holdover~~ member holding office at the time the change is made will be displaced by establishment, renumbering or rearrangement of member districts or by inclusion of more ~~holdover~~ members in a single proposed member district than is authorized by ~~this act~~ law.

Sec. 11. K.S.A. 72-8124 is hereby amended to read as follows: 72-8124. ~~In the year 1969, the primary election of members of the board of education of any school district established under this act shall be on the first Tuesday in April. In the year 1969, the general election of members of the board of education of any such school district shall be held on the fourth Tuesday in April. The county election officer of the home county of any such unified school district shall publish notice of election of board members not later than March 17, 1969. The filing deadline for candidates for member of any such board of education shall be four weeks preceding the first Tuesday in April in the year 1969.~~ Except as otherwise provided in this act,

provisions of law relating to school elections shall apply to elections of members of any the board of education of any unified school district established hereunder.

Sec. 12. K.S.A. 72-8125 is hereby amended to read as follows: 72-8125. (a) Except as otherwise provided in subsection (b), members of the board of education elected under authority of this act in-the-year-1969-who-are--elected--to--member--positions having--odd--numbers-shall-be-elected-for-terms-of-two-years,-and such-members--having--member--position--numbers--which--are--even numbers--shall--have--four-year--terms.--In--the--year--1971--and thereafter-all-members-elected shall have terms of four years and until their successors are elected or appointed and qualified.

(b) Each member of the board of education serving a term of office on the effective date of this act shall continue to serve until the conclusion of such term, and until a successor is elected or appointed and qualified. The immediate successor to each such member shall take office on the July 1 following the general school election at which such successor is elected and shall hold office until the first meeting of the board of education following certification of the results of the general school election held in a fourth year thereafter, and until a successor is elected or appointed and qualified.

Sec. 13. K.S.A. 72-8202a is hereby amended to read as follows: 72-8202a. (a) At the first regular meeting of the board of education following certification of the results of the general school election held in July April of each odd-numbered year, the board shall elect a president and vice-president, both of whom shall be members of the board. The president and vice-president so elected shall each serve for-a-term-of-one-1} year-and until his the first meeting of the board of education in May of the succeeding even-numbered year at which meeting a successor is-elected-and-qualified to each such officer shall be elected. The president and vice-president elected in May of each even-numbered year shall serve until a successor to each such officer is elected in the succeeding odd-numbered year. The

provisions of this subsection are subject to the provisions of subsection (b).

(b) Each president and vice-president of a board of education serving a term of office as such on the effective date of this act shall continue to serve until the conclusion of such term or until the conclusion of such officer's term as a member of the board of education, whichever occurs first. The immediate successor to each such president and vice-president shall hold office until the first meeting of the board of education in May of the even-numbered year next succeeding the year in which such successor is elected.

~~(b)~~ (c) The president shall preside at meetings of the board and perform such other duties as are provided by law.

~~(c)~~ (d) In the absence or inability to act of the president, the vice-president shall perform the duties of the president. In the absence or inability to act of both the president and vice-president, the remaining members shall select a member to act in the capacity of president.

Sec. 14. K.S.A. 72-8706 is hereby amended to read as follows: 72-8706. If the proposition to consolidate is approved as provided in K.S.A. 72-8704, and amendments thereto, the election of board members at the next following school election shall be by the method of election and voting plan provided in the agreement for the consolidated unified school district, and at such election seven ~~(7)~~ new board members shall be elected. When an agreement has provided for an election at large method, the four ~~(4)~~ candidates receiving the highest number of votes at the general school election shall serve as board members for four-year terms commencing ~~on-the-July-1~~ with and including the first meeting of the board following certification of the results of such election and the three ~~(3)~~ candidates receiving the next highest number of votes shall serve for two-year terms commencing ~~on-the-July-1~~ with and including the first meeting of the board following certification of the results of such election ~~7-except where.~~ When an agreement has provided for a member-district

district method of election ~~is-in-effect-in-which-case,~~ persons elected to even-numbered board member positions shall serve for two-year terms commencing ~~on-the-July-1~~ with and including the first meeting of the board following certification of the results of such election and. Persons elected to odd-numbered member positions and the person elected to the at-large member position shall serve for four-year terms commencing ~~on-the-July-1~~ with and including the first meeting of the board following certification of the results of such election. Thereafter at school elections in odd-numbered years board members shall be elected to serve for four-year terms.

Sec. 15. K.S.A. 25-2003, 25-2004, 25-2022, 25-2023, 72-7901, 72-7902, 72-7903, 72-7904, 72-7905, 72-8004, 72-8110, 72-8111, 72-8112, 72-8114, 72-8116, 72-8118a, 72-8124, 72-8125, 72-8129, 72-8130, 72-8135, 72-8142, 72-8202a and 72-8706 are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE SUBSTITUTE FOR SENATE BILL NO. 36

By Committee on Education

AN ACT concerning school districts; authorizing the adoption of local option budgets; providing a procedure for authorization to increase such budgets; amending K.S.A. 1996 Supp. 72-6433 and repealing the existing section; also repealing K.S.A. 1996 Supp. 72-6433a.

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

Section 1. K.S.A. 1996 Supp. 72-6433 is hereby amended to read as follows: 72-6433. (a) (1) The board of any district may adopt a local option budget in each school year, commencing with the 1997-98 school year, in an amount not to exceed an amount equal to the district prescribed percentage of the amount of state financial aid determined for the district in the school year. As used in this provision the term district prescribed percentage means:

(A) For any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of section 2, and amendments thereto, do not apply in the current school year, a percentage in the 1997-98 school year that is equal to the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year, in the 1998-99 school year, a percentage that is equal to 90% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year, in the 1999-2000 school year and in each school year thereafter, a percentage that is equal to 80% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year;

(B) for any district that was authorized to adopt and that

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adopted a local option budget in the 1996-97 school year and to which the provisions of section 2, and amendments thereto, apply in the current school year, a percentage in the 1997-98 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 20% of the percentage computed for the district by the state board under the provisions of section 2, and amendments thereto, a percentage in the 1998-99 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 40% of the percentage computed for the district by the state board under the provisions of section 2, and amendments thereto, a percentage in the 1999-2000 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 60% of the percentage computed for the district by the state board under the provisions of section 2, and amendments thereto, a percentage in the 2000-01 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 80% of the percentage computed for the district by the state board under the provisions of section 2, and amendments thereto, a percentage in the 2001-02 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of section 2, and amendments thereto;

(C) for any district that was not authorized to adopt a local option budget in the 1996-97 school year and to which the provisions of section 2, and amendments thereto, apply in the current school year, a percentage in the 1997-98 school year that is equal to 20% of the percentage computed for the district by the state board under the provisions of section 2, and amendments thereto, a percentage in the 1998-99 school year that is equal to

the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 40% of the percentage computed for the district by the state board under the provisions of section 2, and amendments thereto, a percentage in the 1999-2000 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 60% of the percentage computed for the district by the state board under the provisions of section 2, and amendments thereto, a percentage in the 2000-01 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 80% of the percentage computed for the district by the state board under the provisions of section 2, and amendments thereto, a percentage in the 2001-02 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of section 2, and amendments thereto;

(D) for any district to which the provisions of section 2, and amendments thereto, applied in the 1997-98 school year and to which the provisions of section 2, and amendments thereto, do not apply in the current school year, commencing with the 1998-99 school year, because an increase in the amount budgeted by the district in its local option budget as authorized by a resolution adopted under the provisions of subsection (b) causes the actual amount per pupil budgeted by the district in the preceding school year as determined for the district under provision (1) of subsection (a) of section 2, and amendments thereto, to equal or exceed the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of section 2, and amendments thereto, is applicable to the district's enrollment group, a percentage that is equal to the percentage of

the amount of state financial aid the district was authorized to budget in the preceding school year if the resolution authorized the district to increase its local option budget on a continuous and permanent basis. If the resolution that authorized the district to increase its local option budget specified a definite period of time for which the district would retain its authority to increase the local option budget and such authority lapses at the conclusion of such period and is not renewed, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution.

(2) The adoption of a local option budget under authority of this subsection shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

(3) The provisions of this subsection are subject to the provisions of subsections (b) and (c).

(b) (1) The board of any district ~~may adopt~~ that adopts a local option budget under subsection (a) may increase the amount of such budget in each school year ~~for a period of time not to exceed four school years,~~ commencing with the 1997-98 school year, in an amount which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not to exceed the state prescribed percentage of the amount of state financial aid determined for the district in the school year if the board of the district determines that ~~adoption of~~ an increase in such a budget would be in the best interests of the district.

(2) No district may ~~adopt~~ increase a local option budget under authority of this subsection until a resolution authorizing ~~adoption of~~ such a budget an increase is passed by the board and published once in a newspaper having general circulation in the district. The resolution shall ~~be published in substantial~~

compliance-with-the-following-form:

Unified-School-District-No.-----7

-----County, Kansas.

RESOLUTION

Be-It-Resolved-that:

The-board-of-education-of--the--above-named--school--district shall-be-authorized-to-adopt-a-local-option-budget-in-each-school year-for-a-period-of-time-not-to-exceed-----years-in-an-amount not--to--exceed-----%--of--the--amount--of-state-financial-aid determined-for-the-current-school-year.---The-local-option-budget authorized-by-this-resolution-may-be-adopted,--unless--a--petition in--opposition--to--the--same,--signed-by-not-less-than-5%--of-the qualified-electors-of-the-school--district,--is--filed--with--the county-election-officer-of-the-home-county-of-the-school-district within-30-days-after-publication-of-this-resolution.---In-the-event a-petition-is-filed,--the-county-election-officer-shall-submit-the question--of-whether-adoption-of-the-local-option-budget-shall-be authorized-to-the-electors-of-the-school-district-at-an--election called--for--the--purpose--or-at-the-next-general-election,--as-is specified-by-the-board-of-education-of-the-school-district.

CERTIFICATE

This-is-to-certify-that-the-above-resolution-was-duly-adopted by-the-board-of-education-of-Unified-School-District-No.-----7 -----County, Kansas, on-the-----day-of-----, 19---

Clerk-of-the-board-of-education:

All--of--the--blanks-in-the-resolution-shall-be-appropriately filled.---The-blank-preceding-the-word-"years"--shall-be-filled-with a-specific-number,--not-to-exceed-the--number--4,--and--the--blank preceding--the--percentage-symbol-shall-be-filled-with-a-specific number.---No-word-shall-be-inserted-in-either-of-the-blanks.---The percentage-specified-in-the-resolution-shall-not-exceed-the-state prescribed--percentage state that the board of education of the school district shall be authorized to increase the local option

budget of the district in each school year in an amount not to exceed % of the amount of state financial aid determined for the current school year and that the percentage of increase may be reduced so that the sum of the percentage of the amount of state financial aid budgeted under subsection (a) and the percentage of increase specified in the resolution does not exceed the state prescribed percentage in any school year. The blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in the blank. The resolution shall specify a definite period of time for which the board shall be authorized to increase the local option budget or, at the discretion of the board, the resolution may specify that the board shall be continuously and permanently authorized to increase the local option budget. If the resolution specifies a definite period of time for which the board shall be authorized to increase the local option budget, such period of time shall be expressed by the specific number of school years for which the board shall retain its authority to increase the local option budget. No word shall be used to express the number of years for which the board shall be authorized to increase the local option budget. The resolution also shall be--published--once--in--a newspaper-having-general-circulation-in-the-school-district state that the amount of the local option budget may be increased as authorized by the resolution unless a petition in opposition to such increase, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication. If no petition as-specified-above is filed in accordance with the provisions of the resolution, the board may--adopt--a is authorized to increase the local option budget of the district. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption-of-a the board shall be authorized to increase the local option budget shall-be-authorized of the district. If

the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(3) The requirements of provision (2) do not apply to any district that is continuously and permanently authorized to increase the local option budget of the district. An increase in the amount of a local option budget by such a district shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

~~(2)~~ (4) If any district is authorized to adopt or increase a local option budget, but the board of such district chooses, in any school year, not to adopt or increase such a budget, or chooses, in any school year, to adopt or increase such budget in an amount less than the amount of--the--district-prescribed percentage-of-the-amount-of-state-financial--aid--in--any--school year authorized, such board of education may do so choose. If the board of any district refrains from adopting or increasing a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, ~~the authority of such district to adopt a local option budget shall not thereby be extended beyond the original period specified in the resolution authorizing adoption of such budget, nor shall the~~ amount authorized to be budgeted in any succeeding school year shall not be increased thereby by such refrainment, nor shall the authority of the district to increase its local option budget be extended by such refrainment beyond the period of time specified in the resolution authorizing an increase in the local option budget if the resolution specified such a period of time.

~~(3)~~ (5) Whenever an initial resolution has been adopted under this subsection, and such resolution specified a lesser percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) is less than the state prescribed percentage, the board of the district may

adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and ~~subject--to--the--same conditions,~~ and shall be authorized to increase the percentage as specified in any such subsequent resolution ~~for~~. If the initial resolution specified a definite period of time for which the district is authorized to increase its local option budget, the authority to increase such budget by the percentage specified in any subsequent resolution shall be limited to the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions together with the percentage of the amount of state financial aid budgeted under subsection (a) is not in excess of the state prescribed percentage in any school year.

~~(4)~~ (6) (A) Subject to the provisions of subpart (B), the board of any district that has adopted a local option budget under subsection (a), has been authorized to increase such budget under this subsection, and has levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its the authority to adopt--a increase the local option budget subject to the conditions and in the manner specified in provision ~~(1)~~ (2) of this subsection and, at four-year subsequent intervals thereafter, may in like manner and subject to like conditions renew such authorization for successive four-year periods of time.

(B) The provisions of subpart (A) do not apply to the board of any district that is continuously and permanently authorized to increase the local option budget of the district.

~~(5)~~ (7) As used in this subsection:

(A) "Authorized to ~~adopt~~ increase a local option budget" means that a district has adopted a resolution under this

subsection, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of authority of the board to increase a local option budget was approved.

(B) "District--prescribed--percentage"--means--the--percentage--specified--in--a--resolution--under--which--a--district--is--authorized--to--adopt--a--local--option--budget--.--No--such--percentage--shall--exceed--the--state--prescribed--percentage--.

(C) "State prescribed percentage" means 25%.

(b)-(1)--The--board--of--any--district--to--which--the--provisions--of--this--subsection--apply--may--adopt--a--local--option--budget--in--the--1997-98--school--year--if--the--board--of--the--district--determines--that--adoption--of--such--a--budget--would--be--in--the--best--interests--of--the--district--.--The--adoption--of--a--local--option--budget--in--the--1997-98--school--year--under--authority--of--this--subsection--shall--require--a--majority--vote--of--the--members--of--the--board--and--shall--require--no--other--procedure--authorization--or--approval--.--The--provisions--of--this--subsection--apply--to--any--district--that--is--authorized--to--adopt--and--that--adopts--a--local--option--budget--in--the--1996-97--school--year--and--in--order--to--be--authorized--to--adopt--a--local--option--budget--in--the--1997-98--school--year--would--be--required--by--operation--of--this--section--prior--to--its--amendment--by--this--act--to--initiate--procedures--to--renew--its--authority--to--adopt--a--local--option--budget--subject--to--the--conditions--and--in--the--manner--specified--in--subsection--(a)--after--certifying--to--the--county--clerk--the--levy--of--a--tax--for--the--purpose--of--financing--all--or--a--portion--of--the--local--option--budget--adopted--in--the--1996-97--school--year--.

(2)--The--amount--of--a--local--option--budget--adopted--by--the--board--of--a--district--in--the--1997-98--school--year--under--authority--of--this--subsection--shall--not--exceed--an--amount--equal--to--the--district--prescribed--percentage--of--the--amount--of--state--financial--aid--determined--for--the--district--in--the--school--year--.--For--the--purposes--of--this--provision--the--term--district--prescribed--percentage--means--the--percentage--specified--in--the--resolution--under--which--a--district--is--authorized--to--adopt--a--local--option--budget--in--the--1996-97

~~school-year.~~

~~(3) -- To the extent the provisions of subsection (a) conflict with this subsection, the provisions of this subsection shall control.~~

~~(4) -- The provisions of this subsection shall expire on June 30, 1998.~~

(c) To the extent the provisions of the foregoing subsections conflict with this subsection, this subsection shall control. Any district that is authorized to adopt a local option budget in the 1997-98 school year under a resolution which authorized the adoption of such budget in accordance with the provisions of this section prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

~~(b)~~ (d)(1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under provision (3), amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to the general fund of the district or to any program weighted fund or categorical fund of the district.

(3) Amounts in the supplemental general fund may not be expended nor transferred to the general fund of the district for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) Any unexpended and unencumbered cash balance remaining

in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be disposed of as provided in this subsection. If the district did not receive supplemental general state aid in the school year and the board of the district is--authorized determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If the board of such a district is determines that it will not authorized be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, transferred or expended the entire amount budgeted in the local option budget for the school year, and is-authorized determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district is determines that it will not authorized be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and is determines that it will not authorized be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and is

authorized determines that it will be necessary to adopt a local option budget in the ensuing school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the cash balance remaining in the supplemental general fund by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district. The amount remaining in the supplemental general fund may be maintained in such fund or transferred to the general fund of the district.

New Sec. 2. (a) In each school year, commencing with the 1997-98 school year, the state board shall compute a district prescribed percentage for the purpose of determining the amount of a local option budget the board of a district to which the provisions of this section apply may adopt for the school year. The district prescribed percentage for each district to which the provisions of this section apply shall be computed by the state board as provided in this section. The state board shall:

(1) Determine the actual amount per pupil for the preceding school year of the general fund budget and the local option budget, if any, of each district;

(2) compute the average amount per pupil for the preceding school year of general fund budgets and local option budgets of districts with 75-125 enrollment in such school year;

(3) compute the average amount per pupil for the preceding school year of general fund budgets and local option budgets of districts with 200-399 enrollment in such school year;

(4) compute the average amount per pupil for the preceding school year of general fund budgets and local option budgets of districts with 1,800 or over enrollment in such school year;

(5) compute an average amount per pupil for the preceding school year of general fund budgets and local option budgets of districts with 100-299.9 enrollment in such school year by preparing a schedule based upon an accepted mathematical formula and deriving an amount for each such district from a linear

transition between the average amount per pupil computed under (2) and the average amount per pupil computed under (3);

(6) compute an average amount per pupil for the preceding school year of general fund budgets and local option budgets of districts with 300-1,799.9 enrollment in such school year by preparing a schedule based upon an accepted mathematical formula and deriving an amount for each such district from a linear transition between the average amount per pupil computed under (3) and the average amount per pupil computed under (4);

(7) for districts with 0-99.9 enrollment, compare the amount determined for the district under (1) to the average amount computed under (2). If the amount determined under (1) is equal to or greater than the average amount computed under (2), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (2), subtract the amount determined under (1) from the amount computed under (2), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district;

(8) for districts with 100-299.9 enrollment, compare the amount determined for the district under (1) to the average amount computed under (5). If the amount determined under (1) is equal to or greater than the average amount computed under (5), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (5), subtract the amount determined under (1) from the amount computed under (5), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district;

(9) for districts with 300-1,799.9 enrollment, compare the amount determined for the district under (1) to the average

amount computed under (6). If the amount determined under (1) is equal to or greater than the average amount computed under (6), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (6), subtract the amount determined under (1) from the amount computed under (6), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district;

(10) for districts with 1,800 or over enrollment, compare the amount determined for the district under (1) to the average amount computed under (4). If the amount determined under (1) is equal to or greater than the average amount computed under (4), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (4), subtract the amount determined under (1) from the amount computed under (4), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district.

(b) The provisions of this section apply to any district that budgeted an amount per pupil in the preceding school year, as determined under provision (1) of subsection (a), that was less than the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) is applicable to the districts enrollment group.

Sec. 3. K.S.A. Supp. 72-6433 and 72-6433a are hereby repealed.

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

Proposed Amendment to Senate Bill No. █
(As Amended by Senate Committee of the Whole)

On page 1, by striking all of lines 17 through 43;

On page 2, by striking all of lines 1 through 43;

On page 3, by striking all of lines 1 through 12; following line 12, by inserting two new sections as follows:

"Section 1. K.S.A. 1996 Supp. 72-6433 shall be and is hereby amended to read as follows: 72-6433. (a) (1) The board of any district may be authorized to adopt a local option budget in each school year for a period of time not to exceed four school years, commencing with the 1997-98 school year, in an amount not to exceed the state prescribed percentage of the amount of state financial aid determined for the district in the school year if the board of the district determines that adoption of such a budget would be in the best interests of the district.

(2) No district may adopt a local option budget under authority of this subsection until a resolution authorizing adoption of such a budget is passed by the board and published once in a newspaper having general circulation in the district. The resolution shall ~~be published in substantial compliance with the following form:~~

~~Unified School District No. _____,~~

~~_____ County, Kansas.~~

RESOLUTION

~~Be it Resolved that:~~

~~The board of education of the above named school district shall be authorized to adopt a local option budget in each school year for a period of time not to exceed _____ years in an amount not to exceed _____% of the amount of state financial aid determined for the current school year. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district~~

House Education
3-25-97
Attachment 3

within-30-days-after-publication-of-this-resolution.--In-the-event
a-petition-is-filed,-the-county-election-officer-shall-submit-the
question-of-whether-adoption-of-the-local-option-budget-shall--be
authorized--to-the-electors-of-the-school-district-at-an-election
called-for-the-purpose-or-at-the-next--general--election,-as--is
specified-by-the-board-of-education-of-the-school-district.

CERTIFICATE

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

Clerk-of-the-board-of-education.

All-of-the-blanks-in-the-resolution--shall--be--appropriately
filled.--The-blank-preceding-the-word-"years"-shall-be-filled-with
a--specific--number,-not--to--exceed-the-number-4,-and-the-blank
preceding-the-percentage-symbol-shall-be-filled-with--a--specific
number.---No-word-shall-be-inserted-in-either-of-the-blanks.--The
percentage-specified-in-the-resolution-shall-not-exceed-the-state
prescribed-percentage state that the board of education of the
school district shall be authorized to adopt a local option
budget in each school year in an amount not to exceed % of
the amount of state financial aid determined for the current
school year. The blank preceding the percentage symbol shall be
filled with a specific number. No word shall be inserted in the
blank. The percentage specified in the resolution shall not
exceed the state prescribed percentage. The resolution also
shall specify a definite period of time for which the board shall
be authorized to adopt a local option budget or, at the
discretion of the board, the resolution may specify that the
board shall be continuously and permanently authorized to adopt a
local option budget. If the resolution specifies a definite
period of time for which the board shall be authorized to adopt a
local option budget, such period of time shall be expressed by
the specific number of school years for which the board shall
retain its authority to adopt the local option budget. No word

shall be used to express the number of years for which the board shall be authorized to adopt the local option budget. The resolution also shall be--published-once-in-a-newspaper-having general-circulation-in-the-school-district state that the local option budget authorized by the resolution may be adopted unless a petition in opposition to adoption of a local option budget, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. If no petition ~~as-specified-above~~ is filed in accordance with the provisions of the resolution, the board may adopt a local option budget. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(3) The requirements of provision (2) do not apply to any district that is continuously and permanently authorized to adopt a local option budget. The adoption of a local option budget by such a district shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

~~(2)~~ (4) If any district is authorized to adopt a local option budget, but the board of such district chooses, in any year, not to adopt such a budget, or chooses to adopt such budget in an amount less than the amount of the district prescribed percentage of the amount of state financial aid in any school year, such board of education may ~~do~~ so choose. If the board of any district refrains from adopting a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the authority

~~of such district to adopt a local option budget shall not thereby be extended beyond the original period specified in the resolution authorizing adoption of such budget, nor shall the~~
 amount authorized to be budgeted in any succeeding school year shall not be increased thereby by such refrainment, nor shall the authority of the district be extended by such refrainment beyond the period of time specified in the resolution authorizing adoption of the local option budget if the resolution specified such a period of time.

†3† (5) Whenever an initial resolution has been adopted under this subsection, and such resolution specified a lesser percentage than the state prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and ~~subject to the same conditions, and~~ shall be authorized to increase the percentage as specified in any such subsequent resolution ~~for~~. If the initial resolution specified a definite period of time for which the district is authorized to adopt a local option budget, the authority to increase such budget by the percentage specified in any subsequent resolution shall be limited to the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions is not in excess of the state prescribed percentage in any school year.

†4† (6) (A) Subject to the provisions of subpart (B), the board of any district that has adopted a local option budget and levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to adopt a local option budget subject to the conditions and in the manner specified in provision †1† (2) of this subsection and, at ~~four-year~~ subsequent

intervals thereafter, may in like manner and subject to like conditions renew such authorization for successive four-year periods of time.

(B) The board of any district that is continuously and permanently authorized to adopt a local option budget is authorized to levy a tax under authority of K.S.A. 72-6435, and amendments thereto, in each school year in which the board adopts a local option budget. The authority to levy such a tax shall require no other procedure or approval.

(7) To the extent the other provisions of this subsection conflict with this provision, this provision shall control. Any district that is authorized to adopt a local option budget under a resolution passed and effectuated in accordance with the provisions of this subsection prior to the effective date of this act may continue to operate under the resolution which authorized the adoption of such budget for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

~~(5)~~ (8) As used in this subsection:

(A) "Authorized to adopt a local option budget" means that a district has adopted a resolution under this subsection, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

(B) "District prescribed percentage" means the percentage specified in a resolution under which a district is authorized to adopt a local option budget. ~~No--such~~ The district prescribed percentage may be equal to, but shall not exceed, the state prescribed percentage.

(C) "State prescribed percentage" means 25%.

(b) (1) The board of any district to which the provisions of this subsection apply may adopt a local option budget in the

1997-98 school year if the board of the district determines that adoption of such a budget would be in the best interests of the district. The adoption of a local option budget in the 1997-98 school year under authority of this subsection shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval. The provisions of this subsection apply to any district that is authorized to adopt and that adopts a local option budget in the 1996-97 school year and, in order to be authorized to adopt a local option budget in the 1997-98 school year, would be required by operation of this section prior to its amendment by this act to initiate procedures to renew its authority to adopt a local option budget, subject to the conditions and in the manner specified in subsection (a), after certifying to the county clerk the levy of a tax for the purpose of financing all or a portion of the local option budget adopted in the 1996-97 school year.

(2) The amount of a local option budget adopted by the board of a district in the 1997-98 school year under authority of this subsection shall not exceed an amount equal to the district prescribed percentage of the amount of state financial aid determined for the district in the school year. For the purposes of this provision, the term district prescribed percentage means the percentage specified in the resolution under which a district is authorized to adopt a local option budget in the 1996-97 school year.

(3) To the extent the provisions of subsection (a) conflict with this subsection, the provisions of this subsection shall control.

(4) The provisions of this subsection shall expire on June 30, 1998.

(c) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under provision (3),

amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to the general fund of the district or to any program weighted fund or categorical fund of the district.

(3) Amounts in the supplemental general fund may not be expended nor transferred to the general fund of the district for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) Any unexpended and unencumbered cash balance remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be disposed of as provided in this subsection. If the district did not receive supplemental general state aid in the school year and the district is authorized to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district is not authorized to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, transferred or expended the entire amount budgeted in the local option budget for the school year, and is authorized to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district is not authorized to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the

school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and is not authorized to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and is authorized to adopt a local option budget in the ensuing school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the cash balance remaining in the supplemental general fund by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district. The amount remaining in the supplemental general fund may be maintained in such fund or transferred to the general fund of the district.

Sec. 2. K.S.A. 1996 Supp. 72-6433 and 72-6433a are hereby repealed.";

In the title, in line 12, by striking "conferring"; by striking all of line 13; in line 14, by striking all before "and" and inserting "revising the procedure for adoption of local option budgets; amending K.S.A. 1996 Supp. 72-6433"; also in line 14, after "section", by inserting "; also repealing K.S.A. 1996 Supp. 72-6433a"