

## HOUSE BILL No. 2568

By Committee on Vision 2020

1-28

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1 AN ACT concerning postsecondary institutions; relating to community  
2 college satellite campuses; property taxation; amending K.S.A. 71-501,  
3 71-501a and 71-507 and repealing the existing sections.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) The board of trustees of any community college is  
7 authorized to make an annual tax levy for a period of not to exceed five  
8 years of not to exceed two mills upon all taxable tangible property in any  
9 county where such community college operates a satellite campus,  
10 provided the territory to be taxed is not part of such community college's  
11 taxing district, for the purpose of construction, reconstruction, repair,  
12 remodeling, additions to, furnishing and equipping of community college  
13 buildings, architectural expenses incidental thereto, and the acquisition of  
14 real property for use as building sites or for educational programs. No levy  
15 shall be made under this section until a resolution authorizing the levy is  
16 passed by the board of trustees and published once each week for three  
17 consecutive weeks in a newspaper having general circulation in the county  
18 where such satellite campus is located. The resolution shall specify the  
19 mill rate of the tax levy and the period of time for which the tax levy shall  
20 be made under authority thereof. After adoption of the resolution, the levy  
21 may be made unless, within 60 days following the last publication of the  
22 resolution, a petition in opposition to the levy, signed by not less than 5%  
23 of the qualified electors of the county where such satellite campus is  
24 located, is filed with the county election officer of such county. If a  
25 petition is filed, the levy shall not be made without the question of levying  
26 the same having been submitted to and approved by a majority of the  
27 qualified electors of such county voting at an election called for that  
28 purpose or at the next general election. If a petition is filed and no election  
29 is held, a new resolution authorizing a levy for the purposes specified in  
30 this section may not be adopted for a period of one year after the filing of  
31 the petition.

32 (b) Whenever an initial resolution has been adopted under subsection  
33 (a) and the resolution specified a lesser mill rate than two mills, the board  
34 of trustees of the community college may adopt a second resolution under  
35 the same procedure as is provided in subsection (a) for the initial  
36 resolution and, subject to the same conditions and for the same purposes as

1 provided in subsection (a), shall be authorized to make an additional tax  
2 levy in an amount to be specified in the second resolution for the  
3 remainder of the period of time specified in the initial resolution for the  
4 making of the levy under authority thereof. Any second resolution shall be  
5 limited in amount as specified in subsection (a), less such amount as was  
6 authorized in the initial resolution, and not to exceed an aggregate amount  
7 of two mills in any one year. If any such resolution is adopted and the tax  
8 levy therein specified is authorized under the conditions specified in  
9 subsection (a), the amount of bonds which may be issued under K.S.A. 71-  
10 502, and amendments thereto, may be increased accordingly.

11 (c) The board of trustees of any community college which has made a  
12 tax levy under this section may initiate, at any time after the final levy is  
13 certified to the county clerk under any current authorization, procedures to  
14 renew its authority to make a like annual tax levy in the amount, upon the  
15 conditions, and in the manner specified in subsection (a).

16 (d) As used in this act "satellite campus" means a campus of a  
17 community college that is located outside of the community college  
18 district and in a different city or county than the original campus.

19 Sec. 2. K.S.A. 71-501 is hereby amended to read as follows: 71-501.

20 (a) The board of trustees of any community college is authorized to make  
21 an annual tax levy for a period of not to exceed five years of not to exceed  
22 two mills upon all taxable tangible property in the community college  
23 district for the purpose of construction, reconstruction, repair, remodeling,  
24 additions to, furnishing and equipping of community college buildings,  
25 architectural expenses incidental thereto, and the acquisition of real  
26 property for use as building sites or for educational programs. No levy  
27 shall be made under this section until a resolution authorizing the levy is  
28 passed by the board of trustees and published once each week for three  
29 consecutive weeks in a newspaper having general circulation in the  
30 community college district. The resolution shall specify the mill rate of  
31 the tax levy and the period of time for which the tax levy shall be made  
32 under authority thereof. After adoption of the resolution, the levy may be  
33 made unless, within 60 days following the last publication of the  
34 resolution, a petition in opposition to the levy, signed by not less than 5%  
35 of the qualified electors of the community college district, is filed with the  
36 county election officer of the county in which the main campus of the  
37 community college is located. If a petition is filed, the levy shall not be  
38 made without the question of levying the same having been submitted to  
39 and approved by a majority of the qualified electors of the district voting at  
40 an election called for that purpose or at the next general election. If a  
41 petition is filed and no election is held, a new resolution authorizing a levy  
42 for the purposes specified in this section may not be adopted for a period  
43 of one year after the filing of the petition.

1 (b) Whenever an initial resolution has been adopted under subsection  
2 (a) and the resolution specified a lesser mill rate than two mills, the board  
3 of trustees of the community college may adopt a second resolution under  
4 the same procedure as is provided in subsection (a) for the initial  
5 resolution and, subject to the same conditions and for the same purposes as  
6 provided in subsection (a), shall be authorized to make an additional tax  
7 levy in an amount to be specified in the second resolution for the  
8 remainder of the period of time specified in the initial resolution for the  
9 making of the levy under authority thereof. Any second resolution shall be  
10 limited in amount as specified in subsection (a), less such amount as was  
11 authorized in the initial resolution, and not to exceed an aggregate amount  
12 of two mills in any one year. If any such resolution is adopted and the tax  
13 levy therein specified is authorized under the conditions specified in  
14 subsection (a), the amount of bonds which may be issued under K.S.A. 71-  
15 502, and amendments thereto, may be increased accordingly.

16 (c) The board of trustees of any community college which has made a  
17 tax levy under this section may initiate, at any time after the final levy is  
18 certified to the county clerk under any current authorization, procedures to  
19 renew its authority to make a like annual tax levy in the amount, upon the  
20 conditions, and in the manner specified in subsection (a).

21 (d) As used in this act, "unconditionally authorized to make a tax levy  
22 under authority of article 5 of chapter 71 of Kansas Statutes Annotated"  
23 means that the board of trustees of the community college has adopted a  
24 resolution under this section *or section 1, and amendments thereto*, has  
25 published the same, and either that such resolution was not protested or  
26 that it was protested and an election was held by which the tax levy of the  
27 community college was approved.

28 Sec. 3. K.S.A. 71-501a is hereby amended to read as follows: 71-  
29 501a. There is hereby established in every community college of the state  
30 a fund which shall be called the capital outlay fund, which fund shall  
31 consist of all moneys deposited therein in accordance with law. The  
32 proceeds of any tax levied under K.S.A. 71-501 *or section 1*, and  
33 amendments thereto, shall be deposited in the capital outlay fund of the  
34 community college making such levy. Any proceeds derived from the sale  
35 of oil or gas or other minerals by a community college may be deposited in  
36 the capital outlay fund of the community college. To the extent that any  
37 other statute conflicts with this section, this section shall control.

38 Sec. 4. K.S.A. 71-507 is hereby amended to read as follows: 71-507.  
39 If any community college is unconditionally authorized to make a tax levy  
40 under authority of article 5 of chapter 71 of Kansas Statutes Annotated,  
41 *and amendments thereto*, but the board of trustees of the community  
42 college chooses, in any year, not to make the levy, or chooses to make a  
43 lesser levy than authorized, the board of trustees may do so. If the board

1 of trustees of the community college refrains from making a levy in any  
2 one or more years or from making the full levy which it is authorized to  
3 make under K.S.A. 71-501 *or section 1*, and amendments thereto, and the  
4 resolution adopted thereunder, the authority of the community college to  
5 make a tax levy under K.S.A. 71-501 *or section 1*, and amendments  
6 thereto, shall not thereby be extended beyond the period of time specified  
7 in the resolution, nor shall the mill rate of the tax levy authorized for any  
8 succeeding year be increased thereby.

9 Sec. 5. K.S.A. 71-501, 71-501a and 71-507 are hereby repealed.

10 Sec. 6. This act shall take effect and be in force from and after its  
11 publication in the statute book.