

## SENATE BILL No. 21

By Legislative Educational Planning Committee

1-14

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1 AN ACT concerning school districts; relating to school finance;  
2 amending K.S.A. 2010 Supp. 72-6441, 72-6449 and 72-6451 and  
3 repealing the existing sections.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 72-6441 is hereby amended to read as  
7 follows: 72-6441. (a) (1) The board of any district to which the provisions  
8 of this subsection apply may levy an ad valorem tax on the taxable  
9 tangible property of the district each year for a period of time not to  
10 exceed two years in an amount not to exceed the amount authorized by  
11 the state court of tax appeals under this subsection for the purpose of  
12 financing the costs incurred by the state that are directly attributable to  
13 assignment of ancillary school facilities weighting to enrollment of the  
14 district. The state court of tax appeals may authorize the district to make a  
15 levy which will produce an amount that is not greater than the difference  
16 between the amount of costs directly attributable to commencing  
17 operation of one or more new school facilities and the amount that is  
18 financed from any other source provided by law for such purpose,  
19 including any amount attributable to assignment of school facilities  
20 weighting to enrollment of the district for each school year in which the  
21 district is eligible for such weighting. If the district is not eligible, or will  
22 be ineligible, for school facilities weighting in any one or more years  
23 during the two-year period for which the district is authorized to levy a  
24 tax under this subsection, the state court of tax appeals may authorize the  
25 district to make a levy, in such year or years of ineligibility, which will  
26 produce an amount that is not greater than the actual amount of costs  
27 attributable to commencing operation of the facility or facilities.

28 (2) The state court of tax appeals shall certify to the state board of  
29 education the amount authorized to be produced by the levy of a tax  
30 under subsection (a).

31 (3) The state court of tax appeals may adopt rules and regulations  
32 necessary to effectuate the provisions of this subsection, including rules  
33 and regulations relating to the evidence required in support of a district's  
34 claim that the costs attributable to commencing operation of one or more  
35 new school facilities are in excess of the amount that is financed from any  
36 other source provided by law for such purpose.

1 (4) The provisions of this subsection apply to any district that: (A)  
2 Commenced operation of one or more new school facilities in the school  
3 year preceding the current school year or has commenced or will  
4 commence operation of one or more new school facilities in the current  
5 school year or any or all of the foregoing; (B) is authorized to adopt and  
6 has adopted a local option budget which is at least equal to that amount  
7 required to qualify for school facilities weighting under K.S.A. 2010  
8 Supp. 72-6415b, and amendments thereto; and (C) is experiencing  
9 extraordinary enrollment growth as determined by the state board of  
10 education.

11 (b) The board of any district that has levied an ad valorem tax on the  
12 taxable tangible property of the district each year for a period of two  
13 years under authority of subsection (a) may continue to levy such tax  
14 under authority of this subsection each year for an additional period of  
15 time not to exceed three years in an amount not to exceed the amount  
16 computed by the state board of education as provided in this subsection if  
17 the board of the district determines that the costs attributable to  
18 commencing operation of one or more new school facilities are  
19 significantly greater than the costs attributable to the operation of other  
20 school facilities in the district. The tax authorized under this subsection  
21 may be levied at a rate which will produce an amount that is not greater  
22 than the amount computed by the state board of education as provided in  
23 this subsection. In computing such amount, the state board shall: (1)  
24 Determine the amount produced by the tax levied by the district under  
25 authority of subsection (a) in the second year for which such tax was  
26 levied and add to such amount the amount of general state aid directly  
27 attributable to school facilities weighting that was received by the district  
28 in the same year, ~~and~~; (2) compute 75% of the amount of the sum  
29 obtained under (1), which computed amount is the amount the district  
30 may levy in the first year of the three-year period for which the district  
31 may levy a tax under authority of this subsection, ~~and~~; (3) compute 50%  
32 of the amount of the sum obtained under (1), which computed amount is  
33 the amount the district may levy in the second year of the three-year  
34 period for which the district may levy a tax under authority of this  
35 subsection; ; and (4) compute 25% of the amount of the sum obtained  
36 under (1), which computed amount is the amount the district may levy in  
37 the third year of the three-year period for which the district may levy a  
38 tax under authority of this subsection.

39 *In determining the amount produced by the tax levied by the district*  
40 *under authority of subsection (a), the state board shall include any*  
41 *moneys which have been apportioned to the ancillary facilities fund of*  
42 *the district from taxes levied under the provisions of K.S.A. 79-5101 et*  
43 *seq. and 79-5118 et seq., and amendments thereto.*

1 (c) The proceeds from the tax levied by a district under authority of  
2 this section shall be remitted to the state treasurer in accordance with the  
3 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
4 each such remittance, the state treasurer shall deposit the entire amount in  
5 the state treasury to the credit of the state school district finance fund.

6 Sec. 2. K.S.A. 2010 Supp. 72-6449 is hereby amended to read as  
7 follows: 72-6449. (a) As used in this section, "school district" or "district"  
8 means a school district authorized to make a levy under this section.

9 (b) The board of education of any district may levy a tax on the  
10 taxable tangible property within the district for the purpose of financing  
11 the costs incurred by the state that are attributable directly to assignment  
12 of the cost of living weighting to the enrollment of the district. There is  
13 hereby established in every school district a fund which shall be called  
14 the cost of living fund, which fund shall consist of all moneys deposited  
15 therein or transferred thereto in accordance with law. All moneys derived  
16 from a tax imposed pursuant to this section shall be credited to the cost of  
17 living fund. The proceeds from the tax levied by a district credited to the  
18 cost of living fund shall be remitted to the state treasurer in accordance  
19 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
20 receipt of each such remittance, the state treasurer shall deposit the entire  
21 amount in the state treasury to the credit of the state school district  
22 finance fund.

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

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

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

28 (3) determine the average appraised value of single family  
29 residences in each school district for the calendar year preceding the  
30 current school year; and

31 (4) (A) subtract the amount determined under (2) from the amount  
32 determined under (3). If the amount determined for the district under this  
33 paragraph is a positive number and the district is authorized to adopt and  
34 has adopted a local option budget in an amount equal to at least 31% of  
35 the state financial aid for the school district, the district qualifies for  
36 assignment of cost of living weighting and may levy a tax on the taxable  
37 tangible property of the district for the purpose of financing the costs that  
38 are attributable directly to assignment of the cost of living weighting to  
39 enrollment of the district; or

40 (B) As an alternative to the authority provided in paragraph (4)(A),  
41 if a district was authorized to make a levy pursuant to this section in  
42 school year 2006-2007, such district shall remain authorized to levy such  
43 tax at a rate necessary to generate revenue in the same amount generated

1 in school year 2006-2007 if: (i) The amount determined under paragraph  
2 (4)(A) is a positive number; and (ii) the district continues to adopt a local  
3 option budget in an amount equal to the state prescribed percentage in  
4 effect in school year 2006-2007.

5 (d) No tax may be levied under this section unless the board of  
6 education adopts a resolution authorizing such a tax levy and publishes  
7 the resolution at least once in a newspaper having general circulation in  
8 the district. Except as provided by subsection (e), the resolution shall be  
9 published in substantial compliance with the following form:

10 Unified School District No. \_\_\_\_\_,  
11 \_\_\_\_\_ County, Kansas.

12 RESOLUTION

13 Be It Resolved that:

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

27 CERTIFICATE

28  
29 This is to certify that the above resolution was duly adopted by the  
30 board of education of Unified School District No. \_\_\_\_\_,  
31 \_\_\_\_\_ County, Kansas, on the \_\_\_\_ day of \_\_\_\_\_, (year)\_\_\_\_.

32 \_\_\_\_\_  
33 Clerk of the board of education.  
34

35 All of the blanks in the resolution shall be filled. If no petition as  
36 specified above is filed in accordance with the provisions of the  
37 resolution, the resolution authorizing the ad valorem tax levy shall  
38 become effective. If a petition is filed as provided in the resolution, the  
39 board may notify the county election officer to submit the question of  
40 whether such tax levy shall be authorized. If the board fails to notify the  
41 county election officer within 30 days after a petition is filed, the  
42 resolution shall be deemed abandoned and of no force and effect and no  
43 like resolution shall be adopted by the board within the nine months

1 following publication of the resolution. If a majority of the votes cast in  
2 an election conducted pursuant to this provision are in favor of the  
3 resolution, such resolution shall be effective on the date of such election.  
4 If a majority of the votes cast are not in favor of the resolution, the  
5 resolution shall be deemed of no effect and no like resolution shall be  
6 adopted by the board within the nine months following such election.

7 *(e) In determining the amount produced by the tax levied by the*  
8 *district under the authority of this section, the state board shall include*  
9 *any moneys which have been apportioned to the cost of living fund of the*  
10 *district from taxes levied under the provisions of K.S.A. 79-5101 et seq.*  
11 *and 79-5118 et seq., and amendments thereto.*

12 Sec. 3. K.S.A. 2010 Supp. 72-6451 is hereby amended to read as  
13 follows: 72-6451. (a) As used in this section:

14 (1) "School district" or "district" means a school district which: (A)  
15 Has a declining enrollment; and (B) has adopted a local option budget in  
16 an amount which equals at least 31% of the state financial aid for the  
17 school district at the time the district applies to the state court of tax  
18 appeals for authority to make a levy pursuant to this section.

19 (2) "Declining enrollment" means an enrollment which has declined  
20 in amount from that of the preceding school year.

21 (b) (1) (A) A school district may levy an ad valorem tax on the  
22 taxable tangible property of the district each year for a period of time not  
23 to exceed two years in an amount not to exceed the amount authorized by  
24 the state court of tax appeals under this subsection for the purpose of  
25 financing the costs incurred by the state that are directly attributable to  
26 assignment of declining enrollment weighting to enrollment of the  
27 district. The state court of tax appeals may authorize the district to make a  
28 levy which will produce an amount that is not greater than the amount of  
29 revenues lost as a result of the declining enrollment of the district. Such  
30 amount shall not exceed 5% of the general fund budget of the district in  
31 the school year in which the district applies to the state court of tax  
32 appeals for authority to make a levy pursuant to this section.

33 (B) As an alternative to the authority provided in paragraph (1)(A),  
34 if a district was authorized to make a levy pursuant to this section in  
35 school year 2006-2007, such district shall remain authorized to make a  
36 levy at a rate necessary to generate revenue in the same amount that was  
37 generated in school year 2007-2008 if the district adopts a local option  
38 budget in an amount equal to the state prescribed percentage in effect in  
39 school year 2006-2007.

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

42 (3) The state board shall prescribe guidelines for the data that school  
43 districts shall include in cases before the state court of tax appeals

1 pursuant to this section.

2 (c) A district may levy the tax authorized pursuant to this section for  
3 a period of time not to exceed two years unless authority to make such  
4 levy is renewed by the state court of tax appeals. The state court of tax  
5 appeals may renew the authority to make such levy for periods of time  
6 not to exceed two years.

7 (d) The state board shall provide to the state court of tax appeals  
8 such school data and information requested by the state court of tax  
9 appeals and any other information deemed necessary by the state board.

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

20 (f) *In determining the amount produced by the tax levied by the*  
21 *district under authority of this section, the state board shall include any*  
22 *moneys which have been apportioned to the declining enrollment fund of*  
23 *the district from taxes levied under the provisions of K.S.A. 79-5101 et*  
24 *seq. and 79-5118 et seq., and amendments thereto.*

25 Sec. 4. K.S.A. 2010 Supp. 72-6441, 72-6449 and 72-6451 are  
26 hereby repealed.

27 Sec. 5. This act shall take effect and be in force from and after its  
28 publication in the statute book.