

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2718

By Committee on Education

2-10

1 AN ACT concerning school districts; relating to school finance; local
2 activities budget; amending and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) As used in this section:

6 (1) "Authorized to adopt a local activities budget" means that a
7 district has adopted a resolution under this section and the resolution was
8 approved at an election thereon.

9 (2) "District average amount per pupil" means the average amount
10 per pupil for the preceding school year of the combined general fund
11 budget and local option budget of the district as computed by the state
12 board under subsection (g).

13 (3) "School district" or "district" means a school which has adopted a
14 local option budget not less than 30% of the state financial aid of the
15 district in the current school year and is below the statewide average
16 amount per pupil.

17 (4) "State board" means the state board of education.

18 (5) "Statewide average amount per pupil" means the average amount
19 per pupil for the preceding school year of the combined general fund
20 budgets and local option budgets of all districts as computed by the state
21 board under subsection (f).

22 (b) (1) Each school year, the board of education of any district, by
23 resolution, may adopt a local activities budget. Except as provided by
24 subsection (b)(2), a local activities budget shall not exceed 3% of the
25 statewide average amount per pupil.

26 (2) If the sum of the district average amount per pupil and the local
27 activities budget as ~~computed~~ **adopted** in subsection (b)(1) is an amount
28 greater than the statewide average per pupil, then the local activities
29 budget shall be the difference between the statewide average amount per
30 pupil and the district average amount per pupil for such district.

31 (c) (1) Such resolution shall not be effective unless it is submitted
32 to and approved by a majority of the qualified electors of the school
33 district voting on the question at an election thereon. The resolution
34 submitted to the qualified electors of the school district shall specify the
35 maximum local activities budget, which shall not exceed the amount
36 determined in subsection (b). If any district is authorized to adopt a local

1 activities budget under this section, but the board of such district chooses,
2 in any school year, not to adopt such a budget or chooses, in any school
3 year, to adopt such budget in an amount less than the amount stated in the
4 resolution, such board of education may so choose. Whenever an initial
5 resolution has been adopted under this subsection, and such resolution
6 specified an amount less than the amount specified in the resolution, the
7 board of the district may adopt one or more subsequent resolutions under
8 the same procedure as provided for the initial resolution and subject to the
9 same conditions, and shall be authorized to increase the amount as
10 specified in any such subsequent resolution. Any amount specified in a
11 subsequent resolution or in subsequent resolutions shall be limited so that
12 the sum of the percentage authorized in the initial resolution and the
13 amount authorized in any subsequent resolution is not in excess of the
14 amount determined in subsection (b). If the resolution is not approved by a
15 majority of the voters voting on the question at the election thereon, no
16 like resolution shall be adopted by the board within the nine months
17 following publication of the resolution.

18 (2) The authority to adopt a local activities budget granted by the
19 resolution to a school district shall expire five years from the date of the
20 election in which the resolution was approved by the majority of the
21 qualified electors of the school district voting on the question at the
22 election thereon. Upon expiration, no school district shall levy a tax under
23 subsection (h) of this section unless a new resolution has been approved at
24 an election in accordance with this subsection.

25 (d) Any election called pursuant to this section shall be noticed,
26 called and held in the manner provided by K.S.A. 10-120, and
27 amendments thereto, for the noticing, calling and holding of elections
28 upon the question of issuing bonds under the general bond law. Such
29 election may be conducted in the manner provided by the mail ballot act.

30 (e) (1) There is hereby established in every district that adopts a
31 local activities budget a fund which shall be called a local activities fund.
32 The fund shall consist of all amounts deposited therein or credited thereto
33 according to law.

34 (2) Amounts in the local activities fund may be expended for the
35 purpose of funding the cost of providing those programs and activities in
36 the district which are not required by state law to be provided in accredited
37 schools.

38 (3) Any balance remaining in the local activities fund at the end of
39 the school year shall be carried forward into that fund for succeeding
40 school years. Such fund shall not be subject to the provisions of K.S.A. 79-
41 2925 through 79-2937, and amendments thereto. In preparing the local
42 activities budget of such school district, the amounts credited to and the
43 amount on hand in the local activities fund, and the amount expended

1 therefrom shall be included in the annual local activities fund budget for
2 the information of the residents of the school district. Interest earned on
3 the investment of moneys in any such fund shall be credited to that fund.

4 (f) Each school year, the state board shall determine the statewide
5 average amount per pupil as follows:

6 (1) Determine the general fund budgets for all districts for the
7 preceding school year.

8 (2) Determine the local option budgets for all districts for the
9 preceding school year.

10 (3) Determine the enrollment of pupils in all districts for the
11 preceding school year.

12 (4) Divide the sum of paragraphs (1) and (2) by paragraph (3). The
13 result is the statewide average amount per pupil.

14 (g) Each school year for a district, the state board shall determine the
15 district average amount per pupil as follows:

16 (1) Determine the general fund budget for the district for the
17 preceding school year.

18 (2) Determine the local option budget for the district for the
19 preceding school year.

20 (3) Determine the enrollment of pupils in the district for the
21 preceding school year.

22 (4) Divide the sum of paragraphs (1) and (2) by paragraph (3). The
23 result is the district average amount per pupil for such district.

24 (h) (1) The board of a district that has adopted a local activities
25 budget may levy an ad valorem tax on the taxable tangible property of the
26 district for the purpose of financing that portion of the district's local
27 activities budget which is not financed from any other source provided by
28 law and for the purpose of paying a portion of the principal and interest on
29 bonds issued by cities under authority of K.S.A. 12-1774, and amendments
30 thereto, for the financing of redevelopment projects upon property located
31 within the district.

32 (2) The proceeds from the tax levied by a district under authority of
33 this section, except the proceeds of such tax levied for the purposes of
34 paying a portion of the principal and interest on bonds issued by cities
35 under authority of K.S.A. 12-1774, and amendments thereto, for the
36 financing of redevelopment projects upon property located within the
37 district, shall be deposited in the local activities fund of the district.

38 Sec. 2. This act shall take effect and be in force from and after its
39 publication in the statute book.