

3
4 **HOUSE BILL No. 2021**

5
6 By Representative Light

7
8 1-15

9
10 AN ACT concerning schools; relating to the capital outlay levy and fund;
11 amending K.S.A. 72-8801 and 72-8804 and repealing the existing
12 sections.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 72-8801 is hereby amended to read as follows: 72-
16 8801. (a) The board of education of any school district may make an
17 annual tax levy at a mill rate not to exceed the statutorily prescribed mill
18 rate for a period of not to exceed five years upon the taxable tangible
19 property in the school district for the purposes specified in ~~this act~~ K.S.A.
20 72-8804, and amendments thereto, and for the purpose of paying a portion
21 of the principal and interest on bonds issued by cities under the authority
22 of K.S.A. 12-1774, and amendments thereto, for the financing of rede-
23 velopment projects upon property located within the school district. No
24 such levy shall be made ~~under this act~~ until a resolution is adopted by the
25 board of education in the following form:

26 Unified School District No. _____,
27 _____ County, Kansas.

28 **RESOLUTION**

29 Be It Resolved that:

30 The above-named school board shall be authorized to make an annual tax levy for a period
31 not to exceed _____ years in an amount not to exceed _____ mills upon the taxable
32 tangible property in the school district for the purpose of ~~acquisition, construction, recon-~~
33 ~~struction, repair, remodeling, additions to, furnishing and equipping of buildings necessary~~
34 ~~for school district purposes, including housing and boarding pupils enrolled in an area vo-~~
35 ~~catinal school operated under the board, architectural expenses incidental thereto, the~~
36 ~~acquisition of building sites, the undertaking and maintenance of asbestos control projects,~~
37 ~~the acquisition of school buses and the acquisition of other equipment _____ (spec-~~
38 ~~ify appropriate uses pursuant to K.S.A. 72-8804, and amendments thereto) _____~~
39 and for the purpose of paying a portion of the principal and interest on bonds issued by
40 cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of
41 redevelopment projects upon property located within the school district. The tax levy au-
42 thorized by this resolution may be made, unless a petition in opposition to the same, signed
43 by not less than 10% of the qualified electors of the school district, is filed with the county

1 election officer of the home county of the school district within 40 days after the last pub-
2 lication of this resolution. In the event a petition is filed the county election officer shall
3 submit the question of whether the tax levy shall be authorized to the electors in the school
4 district at an election called for the purpose or at the next general election, as is specified
5 by the board of education of the above school district.

6 CERTIFICATE

7 This is to certify that the above resolution was duly adopted by the board of education of
8 Unified School District No. _____, _____ County, Kansas, on the _____ day of
9 _____, ~~19~~ (year).

10 _____
11 Clerk of the above board of education.

12 All of the blanks in the above resolution shall be appropriately filled.
13 The blank preceding the word “years” shall be filled with a specific num-
14 ber, and the blank preceding the word “mills” shall be filled with a specific
15 number, and no word shall be inserted in either of the blanks. The res-
16 olution shall be published once a week for two consecutive weeks in a
17 newspaper having general circulation in the school district. If no petition
18 as specified above is filed in accordance with the provisions of the reso-
19 lution, the board of education may make the tax levy specified in the
20 resolution. If a petition is filed as provided in the resolution, the board
21 of education may notify the county election officer of the date of an
22 election to be held to submit the question of whether the tax levy shall
23 be authorized. If the board of education fails to notify the county election
24 officer within 60 days after a petition is filed, the resolution shall be
25 deemed abandoned and no like resolution shall be adopted by the board
26 of education within the nine months following the first publication of the
27 resolution.

28 (b) As used in ~~this act~~ K.S.A. 72-8801, *et seq.*, and amendments
29 thereto:

30 (1) “Unconditionally authorized to make a capital outlay tax levy”
31 means that the school district has adopted a resolution under this section,
32 has published the same, and either that the resolution was not protested
33 or that it was protested and an election has been held by which the tax
34 levy specified in the resolution was approved;

35 (2) “statutorily prescribed mill rate” means four mills or the mill rate
36 necessary to produce the same amount of money that would have been
37 produced by a levy of four mills in the 1988-89 school year;

38 (3) “asbestos control project” means any activity which is necessary
39 or incidental to the control of asbestos-containing material in buildings
40 of school districts and includes, but not by way of limitation, any activity
41 undertaken for the removal or encapsulation of asbestos-containing ma-
42 terial, for any remodeling, renovation, replacement, rehabilitation or
43 other restoration necessitated by such removal or encapsulation, for con-

1 ducting inspections, reinspections and periodic surveillance of buildings,
2 performing response actions, and developing, implementing and updating
3 operations and maintenance programs and management plans;

4 (4) “asbestos” means the asbestiform varieties of chrysotile (serpen-
5 tine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), antho-
6 phyllite, tremolite, and actinolite; and

7 (5) “asbestos-containing material” means any material or product
8 which contains more than 1% asbestos.

9 Sec. 2. K.S.A. 72-8804 is hereby amended to read as follows: 72-
10 8804. (a) *If the resolution adopted under K.S.A. 72-8801, and amend-*
11 *ments thereto, so specified*, any moneys in the capital outlay fund of any
12 school district and any moneys received from issuance of bonds under
13 K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for
14 ~~the purpose of:~~

15 (1) The acquisition, construction, reconstruction, repair, remodeling,
16 additions to, furnishing and equipping of buildings necessary for school
17 district purposes, including housing and boarding pupils enrolled in an
18 area vocational school operated under the board of education, architec-
19 tural expenses incidental thereto;

20 (2) The acquisition of building sites;

21 (3) The undertaking and maintenance of asbestos control projects;

22 (4) The acquisition of school buses ~~and~~

23 (5) The acquisition of other equipment.

24 (6) *The payment of expenses for utility services provided to school*
25 *facilities after July 1, 2003 and prior to June 30, 2006. Utility services*
26 *shall include, but shall not be limited to, gas, electric, water, telephone,*
27 *storm water, sewage and solid waste disposal.*

28 (b) ~~The board of education of any school district is hereby authorized~~
29 ~~to~~ *may* invest any portion of the capital outlay fund of the school district
30 which is not currently needed in investments authorized by K.S.A. 12-
31 1675, and amendments thereto, in the manner prescribed therein or may
32 invest the same in direct obligations of the United States government
33 maturing or redeemable at par and accrued interest within three years
34 from date of purchase, the principal and interest whereof is guaranteed
35 by the government of the United States. All interest received on any such
36 investment shall upon receipt thereof be credited to the capital outlay
37 fund.

38 Sec. 3. K.S.A. 72-8801 and 72-8804 are hereby repealed.

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

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