

SENATE BILL No. 130

By Committee on Education

1-19

9 AN ACT concerning school districts; relating to the capital outlay fund;
10 relating to expenditures therefrom; amending K.S.A. 72-8804 and
11 K.S.A. 2006 Supp. 72-8801 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2006 Supp. 72-8801 is hereby amended to read as
15 follows: 72-8801. (a) The board of education of any school district may
16 make an annual tax levy at a mill rate not to exceed the statutorily pre-
17 scribed mill rate for a period of not to exceed five years upon the taxable
18 tangible property in the school district for the ~~purposes specified in this~~
19 ~~act purpose of providing revenue for the capital outlay fund to finance~~
20 ~~expenditures authorized by K.S.A. 72-8804, and amendments thereto,~~ and
21 for the purpose of paying a portion of the principal and interest on bonds
22 issued by cities under the authority of K.S.A. 12-1774, and amendments
23 thereto, for the financing of redevelopment projects upon property lo-
24 cated within the school district. No levy shall be made ~~under this act~~ until
25 a resolution is adopted by the 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 ~~ccational 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 _____~~ and for the
38 purpose of paying a portion of the principal and interest on bonds issued by cities under
39 the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelop-
40 ment projects upon property located within the school district. The tax levy authorized by
41 this resolution may be made, unless a petition in opposition to the same, signed by not less
42 than 10% of the qualified electors of the school district, is filed with the county election
43 officer of the home county of the school district within 40 days after the last publication of

1 this resolution. ~~In the event~~ If a petition is filed the county election officer shall submit the
 2 question of whether the tax levy shall be authorized to the electors in the school district at
 3 an election called for the purpose or at the next general election, as is specified by the board
 4 of education of the above school district.

5 CERTIFICATE

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

9 _____
 10 Clerk of the board of education.

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

27 (b) As used in ~~this act~~ K.S.A. 82-8801 *et seq.*, and amendments
 28 thereto:

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

34 (2) “statutorily prescribed mill rate” means: (A) Eight mills; (B) the
 35 mill levy rate in excess of eight mills if the resolution fixing such rate was
 36 approved at an election prior to the effective date of this act; or (C) the
 37 mill levy rate in excess of eight mills if no petition or no sufficient petition
 38 was filed in protest to a resolution fixing such rate in excess of eight mills
 39 and the protest period for filing such petition has expired;

40 (3) “asbestos control project” means any activity which is necessary
 41 or incidental to the control of asbestos-containing material in buildings
 42 of school districts and includes, but not by way of limitation, any activity
 43 undertaken for the removal or encapsulation of asbestos-containing ma-

1 terial, for any remodeling, renovation, replacement, rehabilitation or
 2 other restoration necessitated by such removal or encapsulation, for con-
 3 ducting inspections, reinspections and periodic surveillance of buildings,
 4 performing response actions, and developing, implementing and updating
 5 operations and maintenance programs and management plans;

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

9 (5) “asbestos-containing material” means any material or product
 10 which contains more than 1% asbestos; ;

11 (6) “*utility services*” means *utility services provided to school facilities*
 12 *including, but not limited to, gas, electric, water, telephone, sewage and*
 13 *solid waste disposal; and*

14 (7) “*insurance*” means *property, fire, casualty and liability insurance.*

15 Sec. 2. K.S.A. 72-8804 is hereby amended to read as follows: 72-
 16 8804. (a) *If the resolution adopted under K.S.A. 72-8801, and amend-*
 17 *ments thereto, so specified, any moneys in the capital outlay fund of any*
 18 *school district and any moneys received from issuance of bonds under*
 19 *K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for*
 20 ~~the purpose of:~~

21 (1) *The acquisition, construction, reconstruction, repair, remodeling,*
 22 *additions to, furnishing and equipping of buildings necessary for school*
 23 *district purposes, including housing and boarding pupils enrolled in an*
 24 *area vocational school operated under the board of education; and arch-*
 25 *itectural expenses incidental thereto;*

26 (2) *the acquisition of building sites;*

27 (3) *the undertaking and maintenance of asbestos control projects;*

28 (4) *the acquisition of school buses and;*

29 (5) *the acquisition of computers, computer software and other com-*
 30 *puter and technology expenses;*

31 (6) *the acquisition of other equipment;*

32 (7) *the payment of the cost of utility services; and*

33 (8) *the payment of insurance premiums.*

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

1 Sec. 3. K.S.A. 72-8804 and K.S.A. 2006 Supp. 72-8801 are hereby
2 repealed.
3 Sec. 4. This act shall take effect and be in force from and after its
4 publication in the statute book.