

HOUSE BILL No. 2693

By Representative Kiegerl

1-28

9 AN ACT concerning school districts; relating to capital outlay; amending
10 K.S.A. 2007 Supp. 72-8801 and repealing the existing section.

11

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

13 Section 1. K.S.A. 2007 Supp. 72-8801 is hereby amended to read as
14 follows: 72-8801. (a) The board of education of any school district may
15 make an annual tax levy at a mill rate not to exceed the statutorily pre-
16 scribed mill rate for a period of not to exceed five years upon the taxable
17 tangible property in the school district for the purposes specified in this
18 act and for the purpose of paying a portion of the principal and interest
19 on bonds issued by cities under the authority of K.S.A. 12-1774, and
20 amendments thereto, for the financing of redevelopment projects upon
21 property located within the school district. No levy shall be made under
22 this act until a resolution is adopted by the board of education in the
23 following form:

24 Unified School District No. _____,

25

_____ County, Kansas.

26

RESOLUTION

27

28 Be It Resolved that:
29 The above-named school board shall be authorized to make an annual tax levy for a period
30 not to exceed _____ years in an amount not to exceed _____ mills upon the taxable
31 tangible property in the school district for the purpose of acquisition, construction, recon-
32 struction, repair, remodeling, additions to, furnishing and equipping of buildings necessary
33 for school district purposes, including housing and boarding pupils enrolled in an area vo-
34 cational school operated under the board, architectural expenses incidental thereto, the
35 acquisition of building sites, the undertaking and maintenance of asbestos control projects,
36 the acquisition of school buses and the acquisition of other equipment and for the purpose
37 of paying a portion of the principal and interest on bonds issued by cities under the authority
38 of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects
39 upon property located within the school district. ~~The tax levy authorized by this resolution~~
40 ~~may be made, unless a petition in opposition to the same, signed by not less than 10% of~~
41 ~~the qualified electors of the school district, is filed with the county election officer of the~~
42 ~~home county of the school district within 40 days after the last publication of this resolution.~~
43 ~~In the event a petition is filed the county election officer shall submit the question of whether~~
~~the tax levy shall be authorized to the electors in the school district at an election called for~~

1 ~~the purpose or at the next general election, as is specified by the board of education of the~~
 2 ~~above school district.~~

3 CERTIFICATE

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

7 _____
 8 Clerk of the board of education.

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

25 (b) *A resolution adopted under this section shall not be effective unless*
 26 *submitted to and approved by a majority of the qualified electors of the*
 27 *school district voting at an election called and held thereon. Such election*
 28 *shall be noticed, called and held in the manner provided by the general*
 29 *bond law. If a resolution is not approved by a majority of the voters voting*
 30 *at an election thereon, no like resolution shall be adopted by the board*
 31 *within the 12 months following publication of the resolution.*

32 ~~(b)~~ (c) As used in this act:

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

38 (2) “statutorily prescribed mill rate” means: (A) Eight mills; (B) the
 39 mill levy rate in excess of eight mills if the resolution fixing such rate was
 40 approved at an election prior to ~~the effective date of this act~~ *July 1, 2005*;
 41 or (C) the mill levy rate in excess of eight mills if no petition or no suf-
 42 ficient petition was filed in protest to a resolution fixing such rate in excess
 43 of eight mills and the protest period for filing such petition ~~has~~ expired

1 *prior to July 1, 2005;*

2 (3) “asbestos control project” means any activity which is necessary
3 or incidental to the control of asbestos-containing material in buildings
4 of school districts and includes, but not by way of limitation, any activity
5 undertaken for the removal or encapsulation of asbestos-containing ma-
6 terial, for any remodeling, renovation, replacement, rehabilitation or
7 other restoration necessitated by such removal or encapsulation, for con-
8 ducting inspections, reinspections and periodic surveillance of buildings,
9 performing response actions, and developing, implementing and updating
10 operations and maintenance programs and management plans;

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

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

16 Sec. 2. K.S.A. 2007 Supp. 72-8801 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the statute book.