

SESSION OF 2006

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2585**

As Amended by Senate Committee of the Whole

**Brief\***

HB 2585, as amended, concerns school district boundaries, the assessed valuation of certain districts, and out-of-state students. Major provisions of the bill are the following:

- Local boards of education would be required to change member districts if the population of a member district is more than 5 percent above or below the mean population of other member districts in the school district. Determination of population would be based upon the most recently published federal decennial census or upon population estimates determined by the county election officer of the school district's home county. Boards would be required to draw member districts as compactly and equally as possible and to include whole voting precincts, to the extent practical.

If a board determines that a change in member boundaries is necessary, the board would have to adopt a resolution proposing the change, except that boundaries could not be changed during the 90-day period preceding a regular school board election. Under the bill, the county or district attorney of the home county of the school district would be directed to notify a board that has failed to carry out its duty to make required changes in member district boundaries. If the board does not change the boundaries in 60 days, the county or district attorney would be required to file an action in district court compelling the school board to change member district boundaries.

- Regarding the assessed valuation in selected districts, the bill would allow the assessed valuation of a new ethanol plant to be constructed in Haskell County to be shared equally between USD 507 (Satanta) and USD 374 (Sublette). Both school districts are in Haskell County and the property would be located in the Sublette school district.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill also would allow four school districts in Cherokee County to share equally (one-fourth each) the assessed valuation of a racetrack gaming facility or a lottery gaming facility located in Cherokee County for purposes of determining school district state aid. The districts are USD 404 (Riverton), USD 493 (Columbus), USD 499 (Galena), and USD 508 (Baxter Springs).

The provisions of the bill would not apply if, in the case of Haskell County, the property in the county is not used, or ceases to be used, for the production of ethanol or if, in the case of Cherokee County, the property in the county is not used, or ceases to be used, as a racetrack gaming facility or a lottery gaming facility.

- The bill would repeal KSA 2005 Supp. 72-1071, which provides that no out-of-state student will be counted in the enrollment of the receiving school district unless the district has entered into an agreement with the sending district for payment of the cost of educating the student or the district has a hardship application that has been approved by the State Board of Education.

## **Background**

The bill as introduced concerned member districts of school districts. Current law (KSA 72-6769) requires the board of education of a school district to “make appropriate changes in the member districts of the school district by resolution duly adopted at a meeting of the board. . . .” According to the State Department of Education, while the statute does not require that changes are to be made to make the member districts more equally populate, local boards do make such changes periodically.

The Senate Committee of the Whole amended the contents of HB 2634 into HB 2585. HB 2634, as introduced, concerned the assessed valuation of school districts in Haskell County. The original version was supported by Representatives Hayzlett and Light. The Senate Committee adopted an amendment proposed by Senator Umbarger to expand the policy in HB 2634 to apply to school districts in Cherokee County. Senator Umbarger and Representative Gatewood appeared as proponents of the bill and the proposed amendment in the Senate Committee.

The Senate Committee of the Whole also amended HB 2585 to repeal KSA 2005 Supp. 72-1071, which concerns out-of-state students. The provision was added by the 2005 Legislature.