

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2201

By Committee on Education

2-8

1 AN ACT concerning school districts; relating to school finance; local
2 activities budget.

3

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

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

6 (1) "School district" or "district" means a school district which
7 has adopted a local option budget equal to the state prescribed
8 percentage.

9 (2) "Authorized to adopt a local activities budget" means that a
10 district has adopted a resolution under this section, and ~~except as~~
11 ~~provided by paragraph (3) of subsection (e);~~ the resolution was
12 approved at an election thereon.

13 (b) Each school year, the board of education of any district, by
14 resolution, may adopt a local activities budget. A local activities budget
15 shall not exceed the amount determined by the state board under
16 subsection (f).

17 (c) (1) ~~The resolution shall be published in substantial compliance~~
18 ~~with the following form:~~

19 Unified School District No. _____,
20 _____ County, Kansas.

21 RESOLUTION

22 Be It Resolved that:

23 ~~The board of education of the above-named school district shall be~~
24 ~~authorized to adopt a local activities budget in each school year in an~~
25 ~~amount not to exceed _____% of the local activities budget computation~~
26 ~~factor for the district for the current school year.~~

27 CERTIFICATE

28

29 This is to certify that the above resolution was duly adopted by the
30 board of education of Unified School District No. _____,
31 County, Kansas, on the _____ day of _____.

32

33 _____
Clerk of the board of education.

1 ~~(2) All of the blanks in the resolution shall be appropriately filled.~~
2 ~~The blank preceding the percentage symbol shall be filled with a~~
3 ~~specific number. No word shall be inserted in either of the blanks. The~~
4 ~~percentage specified in the resolution shall not exceed 5%. Except as~~
5 ~~provided in paragraph (3), such~~ **Such** resolution shall not be effective
6 unless it is submitted to and approved by a majority of the qualified
7 electors of the school district voting on the question at an election
8 thereon. **The resolution submitted to the qualified electors of the**
9 **school district shall specify the maximum local activities budget,**
10 **which shall not exceed 5% of the local activities budget**
11 **computation factor for the district for the current school year.** If
12 any district is authorized to adopt a local activities budget under this
13 section, but the board of such district chooses, in any school year, not to
14 adopt such a budget or chooses, in any school year, to adopt such
15 budget in an amount less than the amount of the percentage stated in
16 the resolution, such board of education may so choose. Whenever an
17 initial resolution has been adopted under this subsection, and such
18 resolution specified a percentage less than the percentage specified in
19 the resolution, the board of the district may adopt one or more
20 subsequent resolutions under the same procedure as provided for the
21 initial resolution and subject to the same conditions, and shall be
22 authorized to increase the percentage as specified in any such
23 subsequent resolution. Any percentage specified in a subsequent
24 resolution or in subsequent resolutions shall be limited so that the sum
25 of the percentage authorized in the initial resolution and the percentage
26 authorized in any subsequent resolution is not in excess of 5% of the
27 local activities budget computation factor for the district for the current
28 school year. If the resolution is not approved by a majority of the voters
29 voting on the question at the election thereon, no like resolution shall
30 be adopted by the board within the nine months following publication
31 of the resolution.

32 ~~(3) For school year 2011-2012, a resolution adopted pursuant to~~
33 ~~this section shall be effective upon adoption and shall require no other~~
34 ~~procedure, authorization or approval. A resolution adopted for school~~
35 ~~year 2011-2012 shall have no effect in ensuing school years.~~

36 **(2) The authority to adopt a local activities budget granted by**
37 **the resolution to a school district shall expire five years from the**
38 **date of the election in which the resolution was approved by the**
39 **majority of the qualified electors of the school district voting on the**

1 **question at the election thereon. Upon expiration, no school district**
2 **shall levy a tax under subsection (g) of this section unless a new**
3 **resolution has been approved at an election in accordance with**
4 **subsection (c) of this section.**

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

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

15 (2) Except as provided by paragraph (3), amounts in the local
16 activities fund may be expended for any purpose for which
17 expenditures from the general fund are authorized or may be
18 transferred to the general fund of the district or to any program
19 weighted fund or categorical fund of the district.

20 (3) Amounts in the local activities fund may not be expended nor
21 transferred to the general fund of the district for the purpose of funding
22 the cost of providing the subjects or areas of instruction required by
23 state law to be provided in accredited schools, including reasonable and
24 necessary related instruction, administration, support staff, supplies,
25 equipment and building costs.

26 (4) Any balance remaining in the local activities fund at the end of
27 the school year shall be carried forward into that fund for succeeding
28 school years. Such fund shall not be subject to the provisions of K.S.A.
29 79-2925 through 79-2937, and amendments thereto. In preparing the
30 local activities budget of such school district, the amounts credited to
31 and the amount on hand in the local activities fund, and the amount
32 expended therefrom shall be included in the annual local activities fund
33 budget for the information of the residents of the school district.
34 Interest earned on
35 the investment of moneys in any such fund shall be credited to that
36 fund.

37 (f) Each school year, the state board of education shall determine
38 the local activities budget computation factor of each school district as
39 follows:

1 (1) Determine the full-time equivalent enrollment of the district in
2 the preceding school year; and (2) multiply the number determined
3 under (1) by the amount of base state aid per pupil. The product is the
4 budget computation factor of the district.

5 (g) (1) The board of a district that has adopted a local activities
6 budget may levy an ad valorem tax on the taxable tangible property of
7 the district for the purpose of financing that portion of the district's
8 local activities budget which is not financed from any other source
9 provided by law and for the purpose of paying a portion of the principal
10 and interest on bonds issued by cities under authority of K.S.A. 12-
11 1774, and amendments thereto, for the financing of redevelopment
12 projects upon property located within the district.

13 (2) The proceeds from the tax levied by a district under authority
14 of this section, except the proceeds of such tax levied for the purpose of
15 paying a portion of the principal and interest on bonds issued by cities
16 under authority of K.S.A. 12-1774, and amendments thereto, for the
17 financing of redevelopment projects upon property located within the
18 district, shall be deposited in the local activities fund of the district.

19 Sec. 2. This act shall take effect and be in force from and after its
20 publication in the ~~statute book~~ **Kansas register**.

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