

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2269

By Committee on Education

2-10

1 AN ACT concerning school districts; relating to school finance;
2 amending K.S.A. 72-6410, 72-6415b, 72-6431, 72-6433, 72-6435,
3 72-6449 and 72-6451 and repealing the existing sections; also
4 repealing K.S.A. 2010 Supp. 72-6442b.
5

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

7 New Section 1. (a) (1) The board of education of each school
8 district shall levy an ad valorem tax upon the taxable tangible property
9 of the district in the school years specified in K.S.A. 72-6431, and
10 amendments thereto, for the purpose of:

11 (A) Financing the local foundation budget of the school district.
12 The local foundation budget shall be that portion of the district's
13 general fund budget which is not financed from any other source
14 provided by law;

15 (B) paying a portion of the costs of operating and maintaining
16 public schools in the district; and

17 (C) with respect to any redevelopment district established prior to
18 July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto,
19 paying a portion of the principal and interest on bonds issued by cities
20 under authority of K.S.A. 12-1774, and amendments thereto, for the
21 financing of redevelopment projects upon property located within the
22 district.

23 (2) The local foundation budget of each school district shall be
24 determined by the state board as follows:

25 (A) In school districts which adopt a local option budget under
26 K.S.A. 2010 Supp. 72-6433d, and amendments thereto, the state board
27 shall:

28 (i) Determine the adjusted enrollment of the school district;

29 (ii) multiply the number determined under clause (i) by \$4,433;

30 (iii) add the amount of state aid for special education or related
31 services received by the school district in school year 2008-2009 to the
32 product obtained under clause (ii); and

33 (iv) multiply the sum obtained under clause (iii) by .10. The

- 1 resulting product is the local foundation budget of the school district.
- 2 (B) In school districts which adopt a local option budget under
3 K.S.A. 2010 Supp. 72-6433, and amendments thereto, the state board
4 shall:
- 5 (i) Determine the adjusted enrollment of the school district;
- 6 (ii) multiply the number determined under clause (i) by the base
7 state aid per pupil; and
- 8 (iii) multiply the sum obtained under clause (ii) by .10. The
9 resulting product is the local foundation budget of the school district.
- 10 (3) The proceeds from the tax levied by a district under authority
11 of this subsection, except the proceeds of such tax levied for the
12 purpose of paying a portion of the principal and interest on bonds
13 issued by cities under authority of K.S.A. 12-1774, and amendments
14 thereto, for the financing of redevelopment projects upon property
15 located within the district, shall be deposited in the general fund of the
16 district.
- 17 (4) No district shall proceed under K.S.A. 79-1964, 79-1964a or
18 79-1964b, and amendments thereto.
- 19 (b) (1) In each school year, each district is eligible for state aid
20 for levies imposed pursuant to subsection (a) in an amount determined
21 by the state board as provided in this subsection. The state board shall:
- 22 (A) Determine the amount of the assessed valuation per pupil in
23 the preceding school year of each district in the state;
- 24 (B) rank the districts from low to high on the basis of the amounts
25 of assessed valuation per pupil determined under subparagraph (A);
- 26 (C) identify the amount of the assessed valuation per pupil located
27 at the 81.2 percentile of the amounts ranked under subparagraph (B);
- 28 (D) divide the assessed valuation per pupil of the district in the
29 preceding school year by the amount identified under subparagraph
30 (C); and
- 31 (E) (i) If the quotient obtained under subparagraph (D) is less
32 than 1.0, the state board shall subtract the quotient obtained under
33 subparagraph (D) from 1.0 and multiply the difference by the amount
34 obtained under subsection (a)(2). The resulting product is the amount
35 of school district foundation state aid the district is entitled to receive
36 for the school year.
- 37 (ii) If the quotient obtained under subparagraph (D) equals or
38 exceeds 1.0, the eligibility of the district for entitlement to school
39 district foundation state aid shall lapse.

1 (2) If the amount of appropriations for such state aid is less than
2 the amount each district is entitled to receive for the school year, the
3 state board shall prorate the amount appropriated among the districts in
4 proportion to the amount each district is entitled to receive.

5 (3) The state board shall prescribe the dates upon which the
6 distribution of payments of state aid to school districts shall be due.
7 Payments of state aid shall be distributed to districts on the dates
8 prescribed by the state board. The state board shall certify to the
9 director of accounts and reports the amount due each district, and the
10 director of accounts and reports shall draw a warrant on the state
11 treasurer payable to the treasurer of the district. Upon receipt of the
12 warrant, the treasurer of the district shall credit the amount thereof to
13 the general fund of the district to be used for the purposes of such fund.

14 (4) If any amount of state aid that is due to be paid during the
15 month of June of a school year pursuant to the other provisions of this
16 section is not paid on or before June 30 of such school year, then such
17 payment shall be paid on or after the ensuing July 1, as soon as moneys
18 are available therefor. Any payment of state aid that is due to be paid
19 during the month of June of a school year and that is paid to school
20 districts on or after the ensuing July 1 shall be recorded and accounted
21 for by school districts as a receipt for the school year ending on the
22 preceding June 30.

23 (5) Moneys received as state aid under this subsection shall be
24 used solely to meet the requirements under the school performance
25 accreditation system adopted by the state board, to provide programs
26 and services required by law and to improve student performance.

27 (c) For the purposes of determining the total amount of state
28 moneys paid to school districts, all moneys derived from the levy
29 imposed pursuant to subsection (a) and all state aid paid pursuant to
30 subsection (b) shall be deemed to be state moneys for educational and
31 support services for school districts.

32 Sec. 2. K.S.A. 2010 Supp. 72-6410 is hereby amended to read as
33 follows: 72-6410. (a) "State financial aid" means an amount equal to
34 90% of the product obtained by multiplying base state aid per pupil by
35 the adjusted enrollment of a district.

36 (b) (1) "Base state aid per pupil" means an amount of state
37 financial aid per pupil. Subject to the other provisions of this
38 subsection, the amount of base state aid per pupil is ~~\$4,433 in school~~
39 ~~year 2008-2009 and \$4,492 in school year 2009-2010 and each school~~

1 ~~year thereafter. \$4,991.~~

2 (2) The amount of base state aid per pupil is subject to reduction
3 commensurate with any reduction under K.S.A. 75-6704, and
4 amendments thereto, in the amount of the appropriation from the state
5 general fund for general state aid. If the amount of appropriations for
6 general state aid is insufficient to pay in full the amount each district is
7 entitled to receive for any school year, the amount of base state aid per
8 pupil for such school year is subject to reduction commensurate with
9 the amount of the insufficiency.

10 (c) "Local effort" means the sum of:

11 (1) An amount equal to the proceeds from the tax levied under
12 authority of K.S.A. 72-6431, and amendments thereto, ~~and~~ ;

13 (2) an amount equal to any unexpended and unencumbered
14 balance remaining in the general fund of the district, except amounts
15 received by the district and authorized to be expended for the purposes
16 specified in K.S.A. 72-6430, and amendments thereto, ~~and~~ ;

17 (3) an amount equal to any unexpended and unencumbered
18 balances remaining in the program weighted funds of the district,
19 except any amount in the vocational education fund of the district if the
20 district is operating an area vocational school, ~~and~~ ;

21 (4) an amount equal to any remaining proceeds from taxes levied
22 under authority of K.S.A. 72-7056 and 72-7072, and amendments
23 thereto, prior to the repeal of such statutory sections, ~~and~~ ;

24 (5) an amount equal to the amount deposited in the general fund in
25 the current school year from amounts received in such year by the
26 district under the provisions of subsection (a) of K.S.A. 72-1046a, and
27 amendments thereto, ~~and~~ ;

28 (6) an amount equal to the amount deposited in the general fund in
29 the current school year from amounts received in such year by the
30 district pursuant to contracts made and entered into under authority of
31 K.S.A. 72-6757, and amendments thereto, ~~and~~ ;

32 (7) an amount equal to the amount credited to the general fund in
33 the current school year from amounts distributed in such year to the
34 district under the provisions of articles 17 and 34 of chapter 12 of
35 Kansas Statutes Annotated ~~and under the provisions of articles 42 and~~
36 ~~51 of chapter 79 of Kansas Statutes Annotated, and~~ ;

37 (8) an amount equal to the amount of payments received by the
38 district under the provisions of K.S.A. 72-979, and amendments
39 thereto, ~~and~~ ;

1 (9) *an amount equal to the amount of payments received by the*
2 *district under the provisions of K.S.A. ~~79-99872-998~~, and amendments*
3 *thereto;*

4 (10) *an amount equal to the amount of a grant, if any, received by*
5 *the district under the provisions of K.S.A. 72-983, and amendments*
6 *thereto; ; and*

7 (11) *an amount equal to 70% of the federal impact aid of the*
8 *district.*

9 (d) "Federal impact aid" means an amount equal to the federally
10 qualified percentage of the amount of moneys a district receives in the
11 current school year under the provisions of title I of public law 874 and
12 congressional appropriations therefor, excluding amounts received for
13 assistance in cases of major disaster and amounts received under the
14 low-rent housing program. The amount of federal impact aid defined
15 herein as an amount equal to the federally qualified percentage of the
16 amount of moneys provided for the district under title I of public law
17 874 shall be determined by the state board in accordance with terms
18 and conditions imposed under the provisions of the public law and
19 rules and regulations thereunder.

20 Sec. 3. K.S.A. 2010 Supp. 72-6415b is hereby amended to read as
21 follows: 72-6415b. School facilities weighting may be assigned to
22 enrollment of a district only if the district has adopted a local option
23 budget in an amount equal to at least ~~25%~~ 17% of the *sum obtained by*
24 *adding the amount of the state financial aid ~~determined for~~ of the*
25 *district ~~in~~ and the amount of the local foundation budget for the current*
26 *school year. School facilities weighting may be assigned to enrollment*
27 *of the district only in the school year in which operation of a new*
28 *school facility is commenced and in the next succeeding school year.*

29 Sec. 4. K.S.A. 2010 Supp. 72-6431 is hereby amended to read as
30 follows: 72-6431. (a) The board of each district shall levy an ad
31 valorem tax upon the taxable tangible property of the district in the
32 school years specified in subsection (b) for the purpose of:

33 (1) *Financing the state-level foundation obligation. The state-*
34 *level foundation obligation shall be that portion of the district's general*
35 *fund budget which is not financed from any other source provided by*
36 *law;*

37 (2) *paying a portion of the costs of operating and maintaining*
38 *public schools in partial fulfillment of the constitutional obligation of*
39 *the legislature to finance the educational interests of the state; and*

1 (3) with respect to any redevelopment district established prior to
2 July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto,
3 paying a portion of the principal and interest on bonds issued by cities
4 under authority of K.S.A. 12-1774, and amendments thereto, for the
5 financing of redevelopment projects upon property located within the
6 district.

7 (b) The tax required under subsection (a) shall be levied at a rate
8 of 20 mills in the school year 2009-2010 and school year 2010-2011.

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

15 (d) On June 6 of each year, the amount, if any, by which a district's
16 local effort exceeds the amount of the district's state financial aid, as
17 determined by the state board, shall be remitted to the state treasurer.
18 Upon receipt of any such remittance, the state treasurer shall deposit
19 the same in the state treasury to the credit of the state school district
20 finance fund.

21 (e) No district shall proceed under K.S.A. 79-1964, 79-1964a or
22 79-1964b, and amendments thereto.

23 Sec. 5. K.S.A. 2010 Supp. 72-6433 is hereby amended to read as
24 follows: 72-6433. (a) As used in this section:

25 (1) "State prescribed percentage" means ~~31%~~ 18% of ~~state-~~
26 ~~financial aid of the district in the current school year.~~ *the foundation*
27 *funding.*

28 (2) "Authorized to adopt a local option budget" means that a
29 district has adopted a resolution under this section, has published the
30 same, and either the resolution was not protested or it was protested
31 and an election was held by which the adoption of a local option budget
32 was approved.

33 (3) *"Foundation funding" means the sum obtained by adding the*
34 *amount of the state-level foundation obligation and the local*
35 *foundation budget.*

36 (b) In each school year, the board of any district may adopt a local
37 option budget which does not exceed the state prescribed percentage.

38 (c) Subject to the limitation of subsection (b), in each school year,
39 the board of any district may adopt, by resolution, a local option budget

1 in an amount not to exceed:

2 (1) (A) The amount which the board was authorized to adopt in
3 accordance with the provisions of this section in effect prior to its
4 amendment by this act; plus

5 (B) the amount which the board was authorized to adopt pursuant
6 to any resolution currently in effect; plus

7 (C) the amount which the board was authorized to adopt pursuant
8 to K.S.A. 72-6444, and amendments thereto, if applicable to the
9 district; or

10 (2) the state-wide average for the preceding school year as
11 determined by the state board pursuant to subsection (j).

12 Except as provided by subsection (e), the adoption of a resolution
13 pursuant to this subsection shall require a majority vote of the members
14 of the board. Such resolution shall be effective upon adoption and shall
15 require no other procedure, authorization or approval.

16 (d) If the board of a district desires to increase its local option
17 budget authority above the amount authorized under subsection (c) or if
18 the board was not authorized to adopt a local option budget in 2006-
19 2007, the board may adopt, by resolution, such budget in an amount not
20 to exceed the state prescribed percentage. The adoption of a resolution
21 pursuant to this subsection shall require a majority vote of the members
22 of the board. The resolution shall be published at least once in a
23 newspaper having general circulation in the district. The resolution
24 shall be published in substantial compliance with the following form:

25

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

28

29

RESOLUTION

30

Be It Resolved that:

31

32 The board of education of the above-named school district shall be
33 authorized to adopt a local option budget in each school year in an
34 amount not to exceed ____% of the ~~amount of state financial aid-~~
35 *foundation funding*. The local option budget authorized by this
36 resolution may be adopted, unless a petition in opposition to the same,
37 signed by not less than 5% of the qualified electors of the school
38 district, is filed with the county election officer of the home county of
39 the school district within 30 days after publication of this resolution. If
a petition is filed, the county election officer shall submit the question

1 of whether adoption of the local option budget shall be authorized to
2 the electors of the school district at an election called for the purpose or
3 at the next general election, as is specified by the board of education of
4 the school district.

5
6

7 CERTIFICATE

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

11
12

Clerk of the board of education.

13 All of the blanks in the resolution shall be filled as is appropriate. If
14 a sufficient petition is not filed, the board may adopt a local option
15 budget. If a sufficient petition is filed, the board may notify the county
16 election officer of the date of an election to be held to submit the
17 question of whether adoption of a local option budget shall be
18 authorized. Any such election shall be noticed, called and held in the
19 manner provided by K.S.A. 10-120, and amendments thereto. If the
20 board fails to notify the county election officer within 30 days after a
21 sufficient petition is filed, the resolution shall be deemed abandoned
22 and no like resolution shall be adopted by the board within the nine
23 months following publication of the resolution.

24 (e) (1) Any resolution authorizing the adoption of a local option
25 budget in excess of ~~30%~~ 17% of the ~~state financial aid of the district in~~
26 ~~the current school year~~ *foundation funding* shall not become effective
27 unless such resolution has been submitted to and approved by a
28 majority of the qualified electors of the school district voting at an
29 election called and held thereon. The election shall be called and held
30 in the manner provided by K.S.A. 10-120, and amendments thereto.

31 (2) *If a school district adopted a resolution authorizing the*
32 *adoption of a local option budget in excess of 30% of the state*
33 *financial aid, as that term was defined prior to the effective date of this*
34 *act, of the district and such resolution was submitted to and approved*
35 *by a majority of the qualified electors of the district voting at an*
36 *election called and held thereon prior to the effective date of this act,*
37 *such district may adopt a local option budget in excess of the amount*
38 *provided by paragraph (1) of this subsection without submitting the*
39 *resolution to an election. In no case shall the district adopt a*

1 *resolution authorizing the adoption of a local option budget in excess*
2 *of 18% of the foundation funding.*

3 (f) Unless specifically stated otherwise in the resolution, the
4 authority to adopt a local option budget shall be continuous and
5 permanent. The board of any district which is authorized to adopt a
6 local option budget may choose not to adopt such a budget or may
7 adopt a budget in an amount less than the amount authorized. If the
8 board of any district whose authority to adopt a local option budget is
9 not continuous and permanent refrains from adopting a local option
10 budget, the authority of such district to adopt a local option budget shall
11 not be extended by such refrainment beyond the period specified in the
12 resolution authorizing adoption of such budget.

13 (g) The board of any district may initiate procedures to renew or
14 increase the authority to adopt a local option budget at any time during
15 a school year after the tax levied pursuant to K.S.A. 72-6435, and
16 amendments thereto, is certified to the county clerk under any existing
17 authorization.

18 (h) The board of any district that is authorized to adopt a local
19 option budget prior to the effective date of this act under a resolution
20 which authorized the adoption of such budget in accordance with the
21 provisions of this section in effect prior to its amendment by this act
22 may continue to operate under such resolution for the period of time
23 specified in the resolution or may abandon the resolution and operate
24 under the provisions of this section as amended by this act. Any such
25 district shall operate under the provisions of this section as amended by
26 this act after the period of time specified in the resolution has expired.

27 (i) Any resolution adopted pursuant to this section may revoke or
28 repeal any resolution previously adopted by the board. If the resolution
29 does not revoke or repeal previously adopted resolutions, all resolutions
30 which are in effect shall expire on the same date. The maximum
31 amount of the local option budget of a school district under all
32 resolutions in effect shall not exceed the state prescribed percentage in
33 any school year.

34 (j) (1) There is hereby established in every district that adopts a
35 local option budget a fund which shall be called the supplemental
36 general fund. The fund shall consist of all amounts deposited therein or
37 credited thereto according to law.

38 (2) Subject to the limitation imposed under paragraph (3) and
39 subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in

1 the supplemental general fund may be expended for any purpose for
2 which expenditures from the general fund are authorized or may be
3 transferred to any program weighted fund or categorical fund of the
4 district. Amounts in the supplemental general fund attributable to any
5 percentage over ~~25%~~ 17% of ~~state financial aid determined for the~~
6 ~~current school year~~ *the foundation funding* may be transferred to the
7 capital improvements fund of the district and the capital outlay fund of
8 the district if such transfers are specified in the resolution authorizing
9 the adoption of a local option budget in excess of ~~25%~~ 17%.

10 (3) Amounts in the supplemental general fund may not be
11 expended for the purpose of making payments under any lease-
12 purchase agreement involving the acquisition of land or buildings
13 which is entered into pursuant to the provisions of K.S.A. 72-8225, and
14 amendments thereto.

15 (4) (A) Except as provided in paragraph (B), any unexpended
16 budget remaining in the supplemental general fund of a district at the
17 conclusion of any school year in which a local option budget is adopted
18 shall be maintained in such fund.

19 (B) If the district received supplemental general state aid in the
20 school year, the state board shall determine the ratio of the amount of
21 supplemental general state aid received to the amount of the local
22 option budget of the district for the school year and multiply the total
23 amount of the unexpended budget remaining by such ratio. An amount
24 equal to the amount of the product shall be transferred to the general
25 fund of the district or remitted to the state treasurer. Upon receipt of
26 any such remittance, the state treasurer shall deposit the same in the
27 state treasury to the credit of the state school district finance fund.

28 (k) Each year the state board of education shall determine the
29 statewide average percentage of local option budgets legally adopted by
30 school districts for the preceding school year.

31 *(l) In school year 2011-2012, a school district may adopt a local*
32 *option budget in an amount equal to the amount of the local option*
33 *budget the district was authorized to adopt in school year 2010-2011*
34 *less an amount equal to the local foundation budget of the school*
35 *district. To the extent the provisions of this subsection conflict with any*
36 *other provisions of this section, this subsection shall control.*

37 (⊕) *(m)* The provisions of this section shall be subject to the
38 provisions of K.S.A. 2010 Supp. 72-6433d, and amendments thereto.

39 Sec. 6. K.S.A. 2010 Supp. 72-6435 is hereby amended to read as

1 follows: 72-6435. (a) In each school year, the board of every district
2 that has adopted a local option budget may levy an ad valorem tax on
3 the taxable tangible property of the district for the purpose of: (1)
4 Financing that portion of the district's local option budget which is not
5 financed from any other source provided by law; (2) paying a portion
6 of the principal and interest on bonds issued by cities under authority of
7 K.S.A. 12-1774, and amendments thereto, for the financing of
8 redevelopment projects upon property located within the district; and
9 (3) funding transfers to the capital improvement fund of the district and
10 the capital outlay fund of the district if such transfers are specified in
11 the resolution authorizing the adoption of a local option budget in
12 excess of ~~25% 17%~~ of ~~state financial aid determined for the current~~
13 ~~school year.~~ *the foundation funding.*

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

21 (c) No district shall proceed under K.S.A. 79-1964, 79-1964a or
22 79-1964b, and amendments to such sections.

23 Sec. 7. K.S.A. 2010 Supp. 72-6449 is hereby amended to read as
24 follows: 72-6449. (a) As used in this section, "school district" or
25 "district" means a school district authorized to make a levy under this
26 section.

27 (b) The board of education of any district may levy a tax on the
28 taxable tangible property within the district for the purpose of financing
29 the costs incurred by the state that are attributable directly to
30 assignment of the cost of living weighting to the enrollment of the
31 district. There is hereby established in every school district a fund
32 which shall be called the cost of living fund, which fund shall consist of
33 all moneys deposited therein or transferred thereto in accordance with
34 law. All moneys derived from a tax imposed pursuant to this section
35 shall be credited to the cost of living fund. The proceeds from the tax
36 levied by a district credited to the cost of living fund shall be remitted
37 to the state treasurer in accordance with the provisions of K.S.A. 75-
38 4215, and amendments thereto. Upon receipt of each such remittance,
39 the state treasurer shall deposit the entire amount in the state treasury to

1 the credit of the state school district finance fund.
2 (c) The state board of education shall determine whether a district
3 may levy a tax under this section as follows:
4 (1) Determine the statewide average appraised value of single
5 family residences for the calendar year preceding the current school
6 year;
7 (2) multiply the amount determined under *paragraph (1)* by 1.25;
8 (3) determine the average appraised value of single family
9 residences in each school district for the calendar year preceding the
10 current school year; and
11 (4) (A) subtract the amount determined under *paragraph (2)* from
12 the amount determined under *paragraph (3)*. If the amount determined
13 for the district under this paragraph is a positive number and the district
14 is authorized to adopt and has adopted a local option budget in an
15 amount equal to at least ~~31%~~ 18% of the ~~state financial aid for the~~
16 ~~school district~~ *foundation funding*, the district qualifies for assignment
17 of cost of living weighting and may levy a tax on the taxable tangible
18 property of the district for the purpose of financing the costs that are
19 attributable directly to assignment of the cost of living weighting to
20 enrollment of the district; or
21 (B) As an alternative to the authority provided in paragraph (4)
22 (A), if a district was authorized to make a levy pursuant to this section
23 in school year 2006-2007, such district shall remain authorized to levy
24 such tax at a rate necessary to generate revenue in the same amount
25 generated in school year 2006-2007 if: (i) The amount determined
26 under paragraph (4)(A) is a positive number; and (ii) the district
27 continues to adopt a local option budget in an amount equal to ~~the state~~
28 ~~prescribed percentage in effect in school year 2006-2007~~ 17% of the
29 *foundation funding*.
30 (d) No tax may be levied under this section unless the board of
31 education adopts a resolution authorizing such a tax levy and publishes
32 the resolution at least once in a newspaper having general circulation in
33 the district. Except as provided by subsection (e), the resolution shall be
34 published in substantial compliance with the following form:
35 Unified School District No. _____,
36 _____ County, Kansas.
37
38 RESOLUTION
39 Be It Resolved that:

1 The board of education of the above-named school district shall be
2 authorized to levy an ad valorem tax in an amount not to exceed the
3 amount necessary to finance the costs attributable directly to the
4 assignment of cost of living weighting to the enrollment of the district.
5 The ad valorem tax authorized by this resolution may be levied unless a
6 petition in opposition to the same, signed by not less than 5% of the
7 qualified electors of the school district, is filed with the county election
8 officer of the home county of the school district within 30 days after the
9 publication of this resolution. If a petition is filed, the county election
10 officer shall submit the question of whether the levy of such a tax shall
11 be authorized in accordance with the provisions of this resolution to the
12 electors of the school district at the next general election of the school
13 district, as is specified by the board of education of the school district.

14
15 CERTIFICATE

16 This is to certify that the above resolution was duly adopted by the
17 board of education of Unified School District No. _____,
18 _____ County, Kansas, on the ____ day of _____,
19 (year)_____.

20 _____
21 Clerk of the board of education.

22 All of the blanks in the resolution shall be filled. If no petition as
23 specified above is filed in accordance with the provisions of the
24 resolution, the resolution authorizing the ad valorem tax levy shall
25 become effective. If a petition is filed as provided in the resolution, the
26 board may notify the county election officer to submit the question of
27 whether such tax levy shall be authorized. If the board fails to notify
28 the county election officer within 30 days after a petition is filed, the
29 resolution shall be deemed abandoned and of no force and effect and no
30 like resolution shall be adopted by the board within the nine months
31 following publication of the resolution. If a majority of the votes cast in
32 an election conducted pursuant to this provision are in favor of the
33 resolution, such resolution shall be effective on the date of such
34 election. If a majority of the votes cast are not in favor of the
35 resolution, the resolution shall be deemed of no effect and no like
36 resolution shall be adopted by the board within the nine months
37 following such election.

38 Sec. 8. K.S.A. 2010 Supp. 72-6451 is hereby amended to read as
39 follows: 72-6451. (a) As used in this section:

1 (1) "School district" or "district" means a school district which:
2 (A) Has a declining enrollment; and (B) has adopted a local option
3 budget in an amount which equals at least ~~31%~~ 18% of the ~~state~~
4 ~~financial aid for the school district~~ *foundation funding* at the time the
5 district applies to the state court of tax appeals for authority to make a
6 levy pursuant to this section.

7 (2) "Declining enrollment" means an enrollment which has
8 declined in amount from that of the preceding school year.

9 (b) (1) (A) A school district may levy an ad valorem tax on the
10 taxable tangible property of the district each year for a period of time
11 not to exceed two years in an amount not to exceed the amount
12 authorized by the state court of tax appeals under this subsection for the
13 purpose of financing the costs incurred by the state that are directly
14 attributable to assignment of declining enrollment weighting to
15 enrollment of the district. The state court of tax appeals may authorize
16 the district to make a levy which will produce an amount that is not
17 greater than the amount of revenues lost as a result of the declining
18 enrollment of the district. Such amount shall not exceed 5% of the
19 general fund budget of the district in the school year in which the
20 district applies to the state court of tax appeals for authority to make a
21 levy pursuant to this section.

22 (B) As an alternative to the authority provided in paragraph (1)
23 (A), if a district was authorized to make a levy pursuant to this section
24 in school year 2006-2007, such district shall remain authorized to make
25 a levy at a rate necessary to generate revenue in the same amount that
26 was generated in school year 2007-2008 if the district adopts a local
27 option budget in an amount equal to the state prescribed percentage in
28 effect in school year 2006-2007.

29 (2) The state court of tax appeals shall certify to the state board the
30 amount authorized to be produced by the levy of a tax under this
31 section.

32 (3) The state board shall prescribe guidelines for the data that
33 school districts shall include in cases before the state court of tax
34 appeals pursuant to this section.

35 (c) A district may levy the tax authorized pursuant to this section
36 for a period of time not to exceed two years unless authority to make
37 such levy is renewed by the state court of tax appeals. The state court of
38 tax appeals may renew the authority to make such levy for periods of
39 time not to exceed two years.

1 (d) The state board shall provide to the state court of tax appeals
2 such school data and information requested by the state court of tax
3 appeals and any other information deemed necessary by the state board.

4 (e) There is hereby established in every district a fund which shall
5 be called the declining enrollment fund. Such fund shall consist of all
6 moneys deposited therein or transferred thereto according to law. The
7 proceeds from the tax levied by a district under authority of this section
8 shall be credited to the declining enrollment fund of the district. The
9 proceeds from the tax levied by a district credited to the declining
10 enrollment fund shall be remitted to the state treasurer in accordance
11 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
12 receipt of each such remittance, the state treasurer shall deposit the
13 entire amount in the state treasury to the credit of the state school
14 district finance fund.

15 Sec. 9. K.S.A. 72-6410, 72-6415b, 72-6431, 72-6433, 72-6435,
16 72-6449 and 72-6451 and K.S.A. 2010 Supp. 72-6442b are hereby
17 repealed.

18 Sec. 10. This act shall take effect and be in force from and after its
19 publication in the statute book.