

HOUSE BILL No. 2392

By Committee on Appropriations

3-7

1 AN ACT concerning school finance; relating to capital outlay funds;
2 amending K.S.A. 72-8804 and 72-8812 and K.S.A. 2012 Supp. 72-
3 8801 and repealing the existing sections.

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

6 Section 1. K.S.A. 2012 Supp. 72-8801 is hereby amended to read as
7 follows: 72-8801. (a) The board of education of any school district may
8 make an annual tax levy at a mill rate not to exceed the statutorily
9 prescribed mill rate for a period of not to exceed five years upon the
10 taxable tangible property in the school district for the purposes specified in
11 this act and for the purpose of paying a portion of the principal and interest
12 on bonds issued by cities under the authority of K.S.A. 12-1774, and
13 amendments thereto, for the financing of redevelopment projects upon
14 property located within the school district. No levy shall be made under
15 this act until a resolution is adopted by the board of education in the
16 following form:

17 Unified School District No. _____,
18 _____ County, Kansas.

19 **RESOLUTION**

20 **Be It Resolved that:**

21
22 The above-named school board shall be authorized to make an annual
23 tax levy for a period not to exceed _____ years in an amount not to
24 exceed _____ mills upon the taxable tangible property in the school
25 district for the purpose of acquisition, construction, reconstruction, repair,
26 remodeling, additions to, furnishing, *maintaining* and equipping of
27 ~~buildings~~ *school district property and equipment* necessary for school
28 district purposes, including: (1) *Acquisition of computer software;* (2)
29 *acquisition of performance uniforms;* (3) housing and boarding pupils
30 enrolled in an area vocational school operated under the board; (4)
31 architectural expenses ~~incidental thereto, the;~~ (5) acquisition of building
32 sites, ~~the;~~ (6) undertaking and maintenance of asbestos control projects;
33 ~~the;~~ (7) acquisition of school buses ~~and the;~~ and (8) acquisition of other
34 ~~equipment~~ *fixed assets*, and for the purpose of paying a portion of the
35 principal and interest on bonds issued by cities under the authority of

1 K.S.A. 12-1774, and amendments thereto, for the financing of
 2 redevelopment projects upon property located within the school district.
 3 The tax levy authorized by this resolution may be made, unless a petition
 4 in opposition to the same, signed by not less than 10% of the qualified
 5 electors of the school district, is filed with the county election officer of
 6 the home county of the school district within 40 *calendar* days after the
 7 last publication of this resolution. In the event a petition is filed, the county
 8 election officer shall submit the question of whether the tax levy shall be
 9 authorized to the electors in the school district at an election called for ~~the~~
 10 *that* purpose or at the next general election, as is specified by the board of
 11 education of the above school district.

12 **CERTIFICATE**

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

16 _____

17 _____

18 Clerk of the board of education.

19 All of the blanks in the above resolution shall be appropriately filled.
 20 The blank preceding the word "years" shall be filled with a specific
 21 number, and the blank preceding the word "mills" shall be filled with a
 22 specific number, and no word shall be inserted in either of the blanks. The
 23 resolution shall be published once a week for two consecutive weeks in a
 24 newspaper having general circulation in the school district. If no petition
 25 as specified above is filed in accordance with the provisions of the
 26 resolution, the board of education may make the tax levy specified in the
 27 resolution. If a petition is filed as provided in the resolution, the board of
 28 education may notify the county election officer of the date of an election
 29 to be held to submit the question of whether the tax levy shall be
 30 authorized. If the board of education fails to notify the county election
 31 officer within 60 *calendar* days after a petition is filed, the resolution shall
 32 be deemed abandoned and no like resolution shall be adopted by the board
 33 of education within the nine months following the first publication of the
 34 resolution.

35 (b) As used in this act:

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

41 (2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the
 42 mill levy rate in excess of eight mills if the resolution fixing such rate was
 43 approved at an election prior to the effective date of this act; or (C) the

1 mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

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

13 (4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

16 (5) "asbestos-containing material" means any material or product which contains more than 1% asbestos.

18 Sec. 2. K.S.A. 72-8804 is hereby amended to read as follows: 72-
19 8804. (a) Any moneys in the capital outlay fund of any school district and
20 any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-
21 8810, and amendments thereto, may be used for the purpose of the
22 acquisition, construction, reconstruction, repair, remodeling, additions to,
23 furnishing, *maintaining* and equipping of ~~buildings~~ *school district*
24 *property and equipment* necessary for school district purposes, including:
25 (1) *Acquisition of computer software*; (2) *acquisition of performance*
26 *uniforms*; (3) housing and boarding pupils enrolled in an area vocational
27 school operated under the board of education; (4) architectural expenses
28 ~~incidental thereto, the~~; (5) acquisition of building sites, ~~the~~; (6)
29 undertaking and maintenance of asbestos control projects, ~~the~~; (7)
30 acquisition of school buses ~~and the~~; and (8) acquisition of other ~~equipment~~
31 *fixed assets*.

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

41 Sec. 3. K.S.A. 72-8812 is hereby amended to read as follows: 72-
42 8812. This act shall not in any manner be construed as affecting the
43 validity of any tax levies authorized to be made under article 88 of chapter

1 72 of *the* Kansas Statutes Annotated prior to ~~the effective date of this act~~
2 *July 1, 2013*, nor shall this act in any manner be construed as affecting the
3 validity of any bonds issued or authorized to be issued under ~~said~~ article
4 88 of *chapter 72 of the Kansas Statutes Annotated* prior to ~~the effective~~
5 ~~date of this act~~ *July 1, 2013*.

6 Sec. 4. K.S.A. 72-8804 and 72-8812 and K.S.A. 2012 Supp. 72-8801
7 are hereby repealed.

8 Sec. 5. This act shall take effect and be in force from and after its
9 publication in the statute book.

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