

HOUSE BILL No. 2419

By Representatives Yoder, Cox, Huntington, Newton, O'Malley,
Owens, S. Sharp and Yonally

2-9

10 AN ACT concerning school districts; relating to local option budgets;
11 amending K.S.A. 72-6433 and repealing the existing section; also re-
12 pealing K.S.A. 72-6444.
13

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

15 Section 1. K.S.A. 72-6433 is hereby amended to read as follows: 72-
16 6433. (a) (1) The board of any district may adopt a local option budget
17 in each school year in an amount ~~not to exceed an amount equal to the~~
18 ~~district prescribed percentage of the amount of state financial aid deter-~~
19 ~~mined for the district in the school year. As used in this section, "district~~
20 ~~prescribed percentage" means:~~

21 ~~—(A)— For any district that was authorized to adopt and that adopted a~~
22 ~~local option budget in the 1996-97 school year and to which the provisions~~
23 ~~of K.S.A. 72-6444, and amendments thereto, do not apply in the current~~
24 ~~school year, in the 2001-02 school year and in each school year thereafter,~~
25 ~~a percentage that is equal to 80% of the percentage specified in the res-~~
26 ~~olution under which the district was authorized to adopt a local option~~
27 ~~budget in the 1996-97 school year;~~

28 ~~—(B)— for any district that was authorized to adopt and that adopted a~~
29 ~~local option budget in the 1996-97 school year and to which the provisions~~
30 ~~of K.S.A. 72-6444, and amendments thereto, apply in the current school~~
31 ~~year, a percentage in the 2001-02 school year and each school year there-~~
32 ~~after that is equal to the sum of the percentage of the amount of state~~
33 ~~financial aid the district was authorized to budget in the preceding school~~
34 ~~year and the percentage computed for the district by the state board~~
35 ~~under the provisions of K.S.A. 72-6444, and amendments thereto;~~

36 ~~—(C)— for any district that was not authorized to adopt a local option~~
37 ~~budget in the 1996-97 school year and to which the provisions of K.S.A.~~
38 ~~72-6444, and amendments thereto, apply in the current school year, a~~
39 ~~percentage in the 2001-02 school year and each school year thereafter~~
40 ~~that is equal to the sum of the percentage of the amount of state financial~~
41 ~~aid the district was authorized to budget in the preceding school year and~~
42 ~~the percentage computed for the district by the state board under the~~
43 ~~provisions of K.S.A. 72-6444, and amendments thereto;~~

1 ~~—(D) for any district to which the provisions of K.S.A. 72-6444, and~~
2 ~~amendments thereto, applied in the 1997-98 school year and to which~~
3 ~~the provisions of K.S.A. 72-6444, and amendments thereto, do not apply~~
4 ~~in the current school year because an increase in the amount budgeted~~
5 ~~by the district in its local option budget as authorized by a resolution~~
6 ~~adopted under the provisions of subsection (b) causes the actual amount~~
7 ~~per pupil budgeted by the district in the preceding school year as deter-~~
8 ~~mined for the district under provision (1) of subsection (a) of K.S.A. 72-~~
9 ~~6444, and amendments thereto, to equal or exceed the average amount~~
10 ~~per pupil of general fund budgets and local option budgets computed by~~
11 ~~the state board under whichever of the provisions (7) through (10) of~~
12 ~~subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable~~
13 ~~to the district's enrollment group, a percentage that is equal to the per-~~
14 ~~centage of the amount of state financial aid the district was authorized to~~
15 ~~budget in the preceding school year if the resolution authorized the dis-~~
16 ~~trict to increase its local option budget on a continuous and permanent~~
17 ~~basis. If the resolution that authorized the district to increase its local~~
18 ~~option budget specified a definite period of time for which the district~~
19 ~~would retain its authority to increase the local option budget and such~~
20 ~~authority lapses at the conclusion of such period and is not renewed, the~~
21 ~~term district prescribed percentage means a percentage that is equal to~~
22 ~~the percentage of the amount of state financial aid the district was au-~~
23 ~~thorized to budget in the preceding school year less the percentage of~~
24 ~~increase that was authorized by the resolution unless the loss of the per-~~
25 ~~centage of increase that was authorized by the resolution would cause the~~
26 ~~actual amount per pupil budgeted by the district to be less than the av-~~
27 ~~erage amount per pupil of general fund budgets and local option budgets~~
28 ~~computed by the state board under whichever of the provisions (7)~~
29 ~~through (10) of subsection (a) of K.S.A. 72-6444, and amendments~~
30 ~~thereto, is applicable to the district's enrollment group, in which case, the~~
31 ~~term district prescribed percentage means a percentage that is equal to~~
32 ~~the percentage of the amount of state financial aid the district was au-~~
33 ~~thorized to budget in the preceding school year less the percentage of~~
34 ~~increase that was authorized by the resolution plus a percentage which~~
35 ~~shall be computed for the district by the state board in accordance with~~
36 ~~the provisions of K.S.A. 72-6444, and amendments thereto, except that,~~
37 ~~in making the determination of the actual amount per pupil budgeted by~~
38 ~~the district in the preceding school year, the state board shall exclude the~~
39 ~~percentage of increase that was authorized by the resolution.~~
40 ~~—(2) (A) Subject to the provisions of subpart (B), the adoption of a~~
41 ~~local option budget under authority of this subsection shall require a~~
42 ~~majority vote of the members of the board and shall require no other~~
43 ~~procedure, authorization or approval.~~

1 ~~—(B) In lieu of utilizing the authority granted by subpart (A) for adop-~~
 2 ~~tion of a local option budget, the board of a district may pass the board~~
 3 ~~determines to be in the best interest of the pupils enrolled in the district.~~
 4 ~~No district shall adopt a local option budget until a resolution authorizing~~
 5 ~~adoption of such a budget and publish such resolution has been published~~
 6 ~~at least once in a newspaper having general circulation in the district. The~~
 7 ~~resolution shall be published in substantial compliance with the following~~
 8 ~~form:~~

9 Unified School District No. _____,
 10 _____ County, Kansas.

11 RESOLUTION

12 Be It Resolved that:

13 The board of education of the above-named school district shall be authorized to adopt
 14 a local option budget in each school year for a period of time not to exceed _____ years
 15 in an amount not to exceed _____% of the amount of state financial aid determined for
 16 ~~the current school year to be in the best interest of the pupils enrolled in the district.~~ The
 17 local option budget authorized by this resolution may be adopted, unless a petition in op-
 18 position to the same, signed by not less than 5% of the qualified electors of the school
 19 district, is filed with the county election officer of the home county of the school district
 20 within 30 days after publication of this resolution. In the event a petition is filed, the county
 21 election officer shall submit the question of whether adoption of the local option budget
 22 shall be authorized to the electors of the school district at an election called for the purpose
 23 or at the next general election, as is specified by the board of education of the school district.

24 CERTIFICATE

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

28 _____
 29 Clerk of the board of education.

30 All of the blanks in the resolution shall be appropriately filled. ~~The~~
 31 ~~blank preceding the word “years” shall be filled with a specific number,~~
 32 ~~and the blank preceding the percentage symbol shall be filled with a~~
 33 ~~specific number. No word shall be inserted in either of the blanks. The~~
 34 ~~percentage specified in the resolution shall not exceed the district pre-~~
 35 ~~scribed percentage.~~ The resolution shall be published once in a news-
 36 paper having general circulation in the school district. If no petition as
 37 specified above is filed in accordance with the provisions of the resolution,
 38 the board may adopt a local option budget. If a petition is filed as provided
 39 in the resolution, the board may notify the county election officer of the
 40 date of an election to be held to submit the question of whether adoption
 41 of a local option budget shall be authorized. If the board fails to notify
 42 the county election officer within 30 days after a petition is filed, the
 43 resolution shall be deemed abandoned and no like resolution shall be

1 adopted by the board within the nine months following publication of the
2 resolution. *If a petition was filed prior to the effective date of this act,*
3 *was protested and an election was held by which the adoption of a local*
4 *option budget was approved, the board is authorized to adopt a local*
5 *option budget.*

6 (2) If any district is authorized to adopt a local option budget ~~under~~
7 ~~this subpart~~, but the board of such district chooses, in any school year,
8 not to adopt such a budget or chooses, in any school year, to adopt such
9 budget in an amount less than the amount of the district prescribed per-
10 centage of the amount of state financial aid in any school year *authorized*,
11 such board of education may so choose. ~~If the board of any district refrains~~
12 ~~from adopting a local option budget in any one or more school years or~~
13 ~~refrains from budgeting the total amount authorized for any one or more~~
14 ~~school years, the authority of such district to adopt a local option budget~~
15 ~~shall not be extended by such refrainment beyond the period specified~~
16 ~~in the resolution authorizing adoption of such budget, nor shall the~~
17 ~~amount authorized to be budgeted in any succeeding school year be in-~~
18 ~~creased by such refrainment. Whenever an initial resolution has been~~
19 ~~adopted under this subpart, and such resolution specified a lesser per-~~
20 ~~centage than the district prescribed percentage, the board of the district~~
21 ~~may adopt one or more subsequent resolutions under the same procedure~~
22 ~~as provided for the initial resolution and subject to the same conditions,~~
23 ~~and shall be authorized to increase the percentage as specified in any~~
24 ~~such subsequent resolution for the remainder of the period of time spec-~~
25 ~~ified in the initial resolution. Any percentage specified in a subsequent~~
26 ~~resolution or in subsequent resolutions shall be limited so that the sum~~
27 ~~of the percentage authorized in the initial resolution and the percentage~~
28 ~~authorized in the subsequent resolution or in subsequent resolutions is~~
29 ~~not in excess of the district prescribed percentage in any school year. The~~
30 ~~board of any district that has been authorized to adopt a local option~~
31 ~~budget under this subpart and levied a tax under authority of K.S.A. 72-~~
32 ~~6435, and amendments thereto, may initiate, at any time after the final~~
33 ~~levy is certified to the county clerk under any current authorization, pro-~~
34 ~~cedures to renew its authority to adopt a local option budget in the man-~~
35 ~~ner specified in this subpart or may utilize the authority granted by sub-~~
36 ~~part (A). As used in this subpart, the term “authorized to adopt a local~~
37 ~~option budget” means that a district has adopted a resolution under this~~
38 ~~subpart, has published the same, and either that the resolution was not~~
39 ~~protested or that it was protested and an election was held by which the~~
40 ~~adoption of a local option budget was approved.~~

41 ~~—(3)—The provisions of this subsection are subject to the provisions of~~
42 ~~subsections (b) and (c).~~

43 ~~—(b)—The provisions of this subsection (b) shall be subject to the pro-~~

1 ~~visions of K.S.A. 72-6433a, and amendments thereto.~~

2 ~~—(1)—The board of any district that adopts a local option budget under~~
3 ~~subsection (a) may increase the amount of such budget in each school~~
4 ~~year in an amount which together with the percentage of the amount of~~
5 ~~state financial aid budgeted under subsection (a) does not exceed the state~~
6 ~~prescribed percentage of the amount of state financial aid determined for~~
7 ~~the district in the school year if the board of the district determines that~~
8 ~~an increase in such budget would be in the best interests of the district.~~

9 ~~—(2)—No district may increase a local option budget under authority of~~
10 ~~this subsection until: (A) A resolution authorizing such an increase is~~
11 ~~passed by the board and published once in a newspaper having general~~
12 ~~circulation in the district; or (B) the question of whether the board shall~~
13 ~~be authorized to increase the local option budget has been submitted to~~
14 ~~and approved by the qualified electors of the district at a special election~~
15 ~~called for the purpose. Any such election shall be noticed, called and held~~
16 ~~in the manner provided by K.S.A. 10-120, and amendments thereto, for~~
17 ~~the noticing, calling and holding of elections upon the question of issuing~~
18 ~~bonds under the general bond law. The notice of such election shall state~~
19 ~~the purpose for and time of the election, and the ballot shall be designed~~
20 ~~with the question of whether the board of education of the district shall~~
21 ~~be continuously and permanently authorized to increase the local option~~
22 ~~budget of the district in each school year by a percentage which together~~
23 ~~with the percentage of the amount of state financial aid budgeted under~~
24 ~~subsection (a) does not exceed the state prescribed percentage in any~~
25 ~~school year. If a majority of the qualified electors voting at the election~~
26 ~~approve authorization of the board to increase the local option budget,~~
27 ~~the board shall have such authority. If a majority of the qualified electors~~
28 ~~voting at the election are opposed to authorization of the board to increase~~
29 ~~the local option budget, the board shall not have such authority and no~~
30 ~~like question shall be submitted to the qualified electors of the district~~
31 ~~within the nine months following the election.~~

32 ~~—(3) (A)—Subject to the provisions of subpart (B), a resolution author-~~
33 ~~izing an increase in the local option budget of a district shall state that~~
34 ~~the board of education of the district shall be authorized to increase the~~
35 ~~local option budget of the district in each school year in an amount not~~
36 ~~to exceed _____% of the amount of state financial aid determined for the~~
37 ~~current school year and that the percentage of increase may be reduced~~
38 ~~so that the sum of the percentage of the amount of state financial aid~~
39 ~~budgeted under subsection (a) and the percentage of increase specified~~
40 ~~in the resolution does not exceed the state prescribed percentage in any~~
41 ~~school year. The blank preceding the percentage symbol shall be filled~~
42 ~~with a specific number. No word shall be inserted in the blank. The~~
43 ~~resolution shall specify a definite period of time for which the board shall~~

1 be authorized to increase the local option budget and such period of time
2 shall be expressed by the specific number of school years for which the
3 board shall retain its authority to increase the local option budget. No
4 word shall be used to express the number of years for which the board
5 shall be authorized to increase the local option budget.

6 ~~—(B)—~~ In lieu of the requirements of subpart (A) and at the discretion
7 of the board, a resolution authorizing an increase in the local option
8 budget of a district may state that the board of education of the district
9 shall be continuously and permanently authorized to increase the local
10 option budget of the district in each school year by a percentage which
11 together with the percentage of the amount of state financial aid budgeted
12 under subsection (a) does not exceed the state prescribed percentage in
13 any school year.

14 ~~—(4)—~~ A resolution authorizing an increase in the local option budget of
15 a district shall state that the amount of the local option budget may be
16 increased as authorized by the resolution unless a petition in opposition
17 to such increase, signed by not less than 5% of the qualified electors of
18 the school district, is filed with the county election officer of the home
19 county of the school district within 30 days after publication. If no petition
20 is filed in accordance with the provisions of the resolution, the board is
21 authorized to increase the local option budget of the district. If a petition
22 is filed as provided in the resolution, the board may notify the county
23 election officer of the date of an election to be held to submit the question
24 of whether the board shall be authorized to increase the local option
25 budget of the district. If the board fails to notify the county election officer
26 within 30 days after a petition is filed, the resolution shall be deemed
27 abandoned and no like resolution shall be adopted by the board within
28 the nine months following publication of the resolution.

29 ~~—(5)—~~ The requirements of provision (2) do not apply to any district that
30 is continuously and permanently authorized to increase the local option
31 budget of the district. An increase in the amount of a local option budget
32 by such a district shall require a majority vote of the members of the
33 board and shall require no other procedure, authorization or approval.

34 ~~—(6)—~~ If any district is authorized to increase a local option budget, but
35 the board of such district chooses, in any school year, not to adopt or
36 increase such budget or chooses, in any school year, to adopt or increase
37 such budget in an amount less than the amount authorized, such board
38 of education may so choose. If the board of any district refrains from
39 adopting or increasing a local option budget in any one or more school
40 years or refrains from budgeting the total amount authorized for any one
41 or more school years, the amount authorized to be budgeted in any suc-
42 ceeding school year shall not be increased by such refrainment, nor shall
43 the authority of the district to increase its local option budget be extended

- 1 by such refrainment beyond the period of time specified in the resolution
2 authorizing an increase in the local option budget if the resolution spec-
3 ified such a period of time.
- 4 ~~—(7)—~~ Whenever an initial resolution has been adopted under this sub-
5 section, and such resolution specified a percentage which together with
6 the percentage of the amount of state financial aid budgeted under sub-
7 section (a) is less than the state prescribed percentage, the board of the
8 district may adopt one or more subsequent resolutions under the same
9 procedure as provided for the initial resolution and shall be authorized
10 to increase the percentage as specified in any such subsequent resolution.
11 If the initial resolution specified a definite period of time for which the
12 district is authorized to increase its local option budget, the authority to
13 increase such budget by the percentage specified in any subsequent res-
14 olution shall be limited to the remainder of the period of time specified
15 in the initial resolution. Any percentage specified in a subsequent reso-
16 lution or in subsequent resolutions shall be limited so that the sum of the
17 percentage authorized in the initial resolution and the percentage au-
18 thorized in the subsequent resolution or in subsequent resolutions to-
19 gether with the percentage of the amount of state financial aid budgeted
20 under subsection (a) is not in excess of the state prescribed percentage
21 in any school year.
- 22 ~~—(8) (A)—~~ Subject to the provisions of subpart (B), the board of any
23 district that has adopted a local option budget under subsection (a), has
24 been authorized to increase such budget under a resolution which spec-
25 ified a definite period of time for retention of such authorization, and has
26 levied a tax under authority of K.S.A. 72-6435, and amendments thereto,
27 may initiate, at any time after the final levy is certified to the county clerk
28 under any current authorization, procedures to renew the authority to
29 increase the local option budget subject to the conditions and in the
30 manner specified in provisions (2) and (3) of this subsection.
- 31 ~~—(B)—~~ The provisions of subpart (A) do not apply to the board of any
32 district that is continuously and permanently authorized to increase the
33 local option budget of the district.
- 34 ~~—(9)—~~ As used in this subsection:
- 35 ~~—(A)—~~ “Authorized to increase a local option budget” means either that
36 a district has held a special election under provision (2)(B) by which au-
37 thority of the board to increase a local option budget was approved, or
38 that a district has adopted a resolution under provision (2) (A), has pub-
39 lished the same, and either that the resolution was not protested or that
40 it was protested and an election was held by which the authority of the
41 board to increase a local option budget was approved.
- 42 ~~—(B)—~~ “State prescribed percentage” means 25%.
- 43 ~~—(c)—~~ To the extent the provisions of the foregoing subsections conflict

1 ~~with this subsection, this subsection shall control. Any district that is au-~~
2 ~~thorized to adopt a local option budget in the 1997-98 school year under~~
3 ~~a resolution which authorized the adoption of such budget in accordance~~
4 ~~with the provisions of this section prior to its amendment by this act may~~
5 ~~continue to operate under such resolution for the period of time specified~~
6 ~~in the resolution or may abandon the resolution and operate under the~~
7 ~~provisions of this section as amended by this act. Any such district shall~~
8 ~~operate under the provisions of this section as amended by this act after~~
9 ~~the period of time specified in the resolution has expired.~~

10 ~~—(d) (1) (b) There is hereby established in every district that adopts a~~
11 ~~local option budget a fund which shall be called the supplemental general~~
12 ~~fund. The fund shall consist of all amounts deposited therein or credited~~
13 ~~thereto according to law.~~

14 ~~(2) Subject to the limitation imposed under provision (3), Amounts~~
15 ~~in the supplemental general fund may be expended for any purpose for~~
16 ~~which expenditures from the general fund are authorized or may be trans-~~
17 ~~ferred to the general fund of the district or to any program weighted fund~~
18 ~~or categorical fund of the district.~~

19 ~~(3) Amounts in the supplemental general fund may not be expended~~
20 ~~nor transferred to the general fund of the district for the purpose of~~
21 ~~making payments under any lease purchase agreement involving the ac-~~
22 ~~quisition of land or buildings which is entered into pursuant to the pro-~~
23 ~~visions of K.S.A. 72-8225, and amendments thereto.~~

24 ~~—(4) Any unexpended and unencumbered cash balance remaining in~~
25 ~~the supplemental general fund of a district at the conclusion of any school~~
26 ~~year in which a local option budget is adopted shall be disposed of as~~
27 ~~provided in this subsection. If the district did not receive supplemental~~
28 ~~general state aid in the school year and the board of the district deter-~~
29 ~~mines that it will be necessary to adopt a local option budget in the en-~~
30 ~~suing school year, the total amount of the cash balance remaining in the~~
31 ~~supplemental general fund shall be maintained in such fund or trans-~~
32 ~~ferred to the general fund of the district. If the board of such a district~~
33 ~~determines that it will not be necessary to adopt a local option budget in~~
34 ~~the ensuing school year, the total amount of the cash balance remaining~~
35 ~~in the supplemental general fund shall be transferred to the general fund~~
36 ~~of the district. If the district received supplemental general state aid in~~
37 ~~the school year, transferred or expended the entire amount budgeted in~~
38 ~~the local option budget for the school year, and determines that it will be~~
39 ~~necessary to adopt a local option budget in the ensuing school year, the~~
40 ~~total amount of the cash balance remaining in the supplemental general~~
41 ~~fund shall be maintained in such fund or transferred to the general fund~~
42 ~~of the district. If such a district determines that it will not be necessary~~
43 ~~to adopt a local option budget in the ensuing school year, the total amount~~

1 of the cash balance remaining in the supplemental general fund shall be
2 transferred to the general fund of the district. If the district received
3 supplemental general state aid in the school year, did not transfer or
4 expend the entire amount budgeted in the local option budget for the
5 school year, and determines that it will not be necessary to adopt a local
6 option budget in the ensuing school year, the total amount of the cash
7 balance remaining in the supplemental general fund shall be transferred
8 to the general fund of the district. If the district received supplemental
9 general state aid in the school year, did not transfer or expend the entire
10 amount budgeted in the local option budget for the school year, and
11 determines that it will be necessary to adopt a local option budget in the
12 ensuing school year, the state board shall determine the ratio of the
13 amount of supplemental general state aid received to the amount of the
14 local option budget of the district for the school year and multiply the
15 total amount of the cash balance remaining in the supplemental general
16 fund by such ratio. An amount equal to the amount of the product shall
17 be transferred to the general fund of the district. The amount remaining
18 in the supplemental general fund may be maintained in such fund or
19 transferred to the general fund of the district.

20 Sec. 2. K.S.A. 72-6433 and 72-6444 are hereby repealed.

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