

As Further Amended by House Committee

[As Amended by House Committee of the Whole]

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; amending  
2 K.S.A. 72-6410, 72-6415b, 72-6431, 72-6433, 72-6435, 72-6449 and 72-  
3 6451 and repealing the existing sections; also repealing K.S.A. 2010 Supp.  
4 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 district  
8 shall levy an ad valorem tax upon the taxable tangible property of the district  
9 in the school years specified in K.S.A. 72-6431, and amendments thereto, for  
10 the purpose of:

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

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

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

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

23 (A) In school districts which adopt a local option budget under K.S.A.  
24 2010 Supp. 72-6433d, and amendments thereto, the state board shall:

25 (i) Determine the adjusted enrollment of the school district;  
26 (ii) multiply the number determined under clause (i) by \$4,433;  
27 (iii) add the amount of state aid for special education or related services  
28 received by the school district in school year 2008-2009 to the product  
29 obtained under clause (ii); ~~and~~

30 **(iv) divide the sum obtained under clause (iii) by .90; and**

31 ~~(iv)~~ (v) multiply the sum obtained under clause ~~(iii)~~ (iv) by .10. The  
32 resulting product is the local foundation budget of the school district.

1 (B) In school districts which adopt a local option budget under K.S.A.  
2 2010 Supp. 72-6433, and amendments thereto, the state board shall:

3 (i) Determine the adjusted enrollment of the school district;  
4 (ii) multiply the number determined under clause (i) by the base state aid  
5 per pupil; and

6 (iii) multiply the sum obtained under clause (ii) by .10. The resulting  
7 product is the local foundation budget of the school district.

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

14 (4) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-  
15 1964b, and amendments thereto.

16 (b) (1) In each school year, each district is eligible for state aid for  
17 levies imposed pursuant to subsection (a) in an amount determined by the state  
18 board as provided in this subsection. The state board shall:

19 (A) Determine the amount of the assessed valuation per pupil in the  
20 preceding school year of each district in the state;

21 (B) rank the districts from low to high on the basis of the amounts of  
22 assessed valuation per pupil determined under subparagraph (A);

23 (C) identify the amount of the assessed valuation per pupil located at the  
24 81.2 percentile of the amounts ranked under subparagraph (B);

25 (D) divide the assessed valuation per pupil of the district in the preceding  
26 school year by the amount identified under subparagraph (C); and

27 (E) (i) If the quotient obtained under subparagraph (D) is less than 1.0,  
28 the state board shall subtract the quotient obtained under subparagraph (D)  
29 from 1.0 and multiply the difference by the amount obtained under subsection  
30 (a)(2). The resulting product is the amount of school district foundation state  
31 aid the district is entitled to receive for the school year.

32 (ii) If the quotient obtained under subparagraph (D) equals or exceeds  
33 1.0, the eligibility of the district for entitlement to school district foundation  
34 state aid shall lapse.

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

39 (3) The state board shall prescribe the dates upon which the distribution  
40 of payments of state aid to school districts shall be due. Payments of state aid  
41 shall be distributed to districts on the dates prescribed by the state board. The  
42 state board shall certify to the director of accounts and reports the amount due  
43 each district, and the director of accounts and reports shall draw a warrant on

1 the state treasurer payable to the treasurer of the district. Upon receipt of the  
2 warrant, the treasurer of the district shall credit the amount thereof to the  
3 general fund of the district to be used for the purposes of such fund.

4 (4) If any amount of state aid that is due to be paid during the month of  
5 June of a school year pursuant to the other provisions of this section is not paid  
6 on or before June 30 of such school year, then such payment shall be paid on  
7 or after the ensuing July 1, as soon as moneys are available therefor. Any  
8 payment of state aid that is due to be paid during the month of June of a school  
9 year and that is paid to school districts on or after the ensuing July 1 shall be  
10 recorded and accounted for by school districts as a receipt for the school year  
11 ending on the preceding June 30.

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

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

20 Sec. 2. K.S.A. 2010 Supp. 72-6410 is hereby amended to read as follows:  
21 72-6410. (a) "State financial aid" means an amount equal to 90% of the  
22 product obtained by multiplying base state aid per pupil by the adjusted  
23 enrollment of a district.

24 (b) (1) "Base state aid per pupil" means an amount of state financial aid  
25 per pupil. Subject to the other provisions of this subsection, the amount of base  
26 state aid per pupil is ~~\$4,433 in school year 2008-2009 and \$4,492 in school~~  
27 ~~year 2009-2010 and each school year thereafter.~~ **\$4,991[\$4,200].**

28 (2) The amount of base state aid per pupil is subject to reduction  
29 commensurate with any reduction under K.S.A. 75-6704, and amendments  
30 thereto, in the amount of the appropriation from the state general fund for  
31 general state aid. If the amount of appropriations for general state aid is  
32 insufficient to pay in full the amount each district is entitled to receive for any  
33 school year, the amount of base state aid per pupil for such school year is  
34 subject to reduction commensurate with the amount of the insufficiency.

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

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

38 (2) an amount equal to any unexpended and unencumbered balance  
39 remaining in the general fund of the district, except amounts received by the  
40 district and authorized to be expended for the purposes specified in K.S.A. 72-  
41 6430, and amendments thereto, ~~and~~ ;

42 (3) an amount equal to any unexpended and unencumbered balances  
43 remaining in the program weighted funds of the district, except any amount in

1 the vocational education fund of the district if the district is operating an area  
2 vocational school;~~and~~ ;

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

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

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

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

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

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

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

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

26 (d) "Federal impact aid" means an amount equal to the federally qualified  
27 percentage of the amount of moneys a district receives in the current school  
28 year under the provisions of title I of public law 874 and congressional  
29 appropriations therefor, excluding amounts received for assistance in cases of  
30 major disaster and amounts received under the low-rent housing program. The  
31 amount of federal impact aid defined herein as an amount equal to the  
32 federally qualified percentage of the amount of moneys provided for the  
33 district under title I of public law 874 shall be determined by the state board in  
34 accordance with terms and conditions imposed under the provisions of the  
35 public law and rules and regulations thereunder.

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

1 school year.

2 Sec. 4. K.S.A. 2010 Supp. 72-6431 is hereby amended to read as follows:  
3 72-6431. (a) The board of each district shall levy an ad valorem tax upon the  
4 taxable tangible property of the district in the school years specified in  
5 subsection (b) for the purpose of:

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

9 (2) paying a portion of the costs of operating and maintaining public  
10 schools in partial fulfillment of the constitutional obligation of the legislature  
11 to finance the educational interests of the state; and

12 (3) with respect to any redevelopment district established prior to July 1,  
13 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion  
14 of the principal and interest on bonds issued by cities under authority of  
15 K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment  
16 projects upon property located within the district.

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

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

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

30 (e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-  
31 1964b, and amendments thereto.

32 Sec. 5. K.S.A. 2010 Supp. 72-6433 is hereby amended to read as follows:  
33 72-6433. (a) As used in this section:

34 (1) "State prescribed percentage" means ~~31%~~ 18% of ~~state financial aid~~  
35 ~~of the district in the current school year~~; *the foundation funding*.

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

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

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

1 (c) Subject to the limitation of subsection (b), in each school year, the  
2 board of any district may adopt, by resolution, a local option budget in an  
3 amount not to exceed:

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

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

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

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

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

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

26  
27 Unified School District No. \_\_\_\_\_,  
28 \_\_\_\_\_ County, Kansas.

29  
30 RESOLUTION

31 Be It Resolved that:

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 amount not  
34 to exceed \_\_\_\_\_% of the ~~amount of state financial aid.~~ *foundation funding*. The  
35 local option budget authorized by this resolution may be adopted, unless a  
36 petition in opposition to the same, signed by not less than 5% of the qualified  
37 electors of the school district, is filed with the county election officer of the  
38 home county of the school district within 30 days after publication of this  
39 resolution. If a petition is filed, the county election officer shall submit the  
40 question of whether adoption of the local option budget shall be authorized to  
41 the electors of the school district at an election called for the purpose or at the  
42 next general election, as is specified by the board of education of the school  
43 district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Clerk of the board of education.

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

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

(2) *If a school district adopted a resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid, as that term was defined prior to the effective date of this act, of the district and such resolution was submitted to and approved by a majority of the qualified electors of the district voting at an election called and held thereon prior to the effective date of this act, such district may adopt a local option budget in excess of the amount provided by paragraph (1) of this subsection without submitting the resolution to an election. In no case shall the district adopt a resolution authorizing the adoption of a local option budget in excess of 18% of the foundation funding.*

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

1 resolution authorizing adoption of such budget.

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

6 (h) The board of any district that is authorized to adopt a local option  
7 budget prior to the effective date of this act under a resolution which  
8 authorized the adoption of such budget in accordance with the provisions of  
9 this section in effect prior to its amendment by this act may continue to operate  
10 under such resolution for the period of time specified in the resolution or may  
11 abandon the resolution and operate under the provisions of this section as  
12 amended by this act. Any such district shall operate under the provisions of  
13 this section as amended by this act after the period of time specified in the  
14 resolution has expired.

15 (i) Any resolution adopted pursuant to this section may revoke or repeal  
16 any resolution previously adopted by the board. If the resolution does not  
17 revoke or repeal previously adopted resolutions, all resolutions which are in  
18 effect shall expire on the same date. The maximum amount of the local option  
19 budget of a school district under all resolutions in effect shall not exceed the  
20 state prescribed percentage in any school year.

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

25 (2) Subject to the limitation imposed under paragraph (3) and subsection  
26 (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental  
27 general fund may be expended for any purpose for which expenditures from  
28 the general fund are authorized or may be transferred to any program weighted  
29 fund or categorical fund of the district. Amounts in the supplemental general  
30 fund attributable to any percentage over ~~25%~~ 17% of ~~state financial aid~~  
31 ~~determined for the current school year~~ *the foundation funding* may be  
32 transferred to the capital improvements fund of the district and the capital  
33 outlay fund of the district if such transfers are specified in the resolution  
34 authorizing the adoption of a local option budget in excess of ~~25%~~ 17%.

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

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

43 (B) If the district received supplemental general state aid in the school

1 year, the state board shall determine the ratio of the amount of supplemental  
2 general state aid received to the amount of the local option budget of the  
3 district for the school year and multiply the total amount of the unexpended  
4 budget remaining by such ratio. An amount equal to the amount of the product  
5 shall be transferred to the general fund of the district or remitted to the state  
6 treasurer. Upon receipt of any such remittance, the state treasurer shall deposit  
7 the same in the state treasury to the credit of the state school district finance  
8 fund.

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

12 (l) *In school year 2011-2012, a school district may adopt a local option*  
13 *budget in an amount equal to the amount of the local option budget the district*  
14 *was authorized to adopt in school year 2010-2011 less an amount equal to the*  
15 *local foundation budget of the school district. To the extent the provisions of*  
16 *this subsection conflict with any other provisions of this section, this*  
17 *subsection shall control.*

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

20 Sec. 6. K.S.A. 2010 Supp. 72-6435 is hereby amended to read as follows:  
21 72-6435. (a) In each school year, the board of every district that has adopted a  
22 local option budget may levy an ad valorem tax on the taxable tangible  
23 property of the district for the purpose of: (1) Financing that portion of the  
24 district's local option budget which is not financed from any other source  
25 provided by law; (2) paying a portion of the principal and interest on bonds  
26 issued by cities under authority of K.S.A. 12-1774, and amendments thereto,  
27 for the financing of redevelopment projects upon property located within the  
28 district; and (3) funding transfers to the capital improvement fund of the  
29 district and the capital outlay fund of the district if such transfers are specified  
30 in the resolution authorizing the adoption of a local option budget in excess of  
31 ~~25% 17% of state financial aid determined for the current school year.~~ *the*  
32 *foundation funding.*

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

39 (c) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-  
40 1964b, and amendments to such sections.

41 Sec. 7. K.S.A. 2010 Supp. 72-6449 is hereby amended to read as follows:  
42 72-6449. (a) As used in this section, "school district" or "district" means a  
43 school district authorized to make a levy under this section.

1 (b) The board of education of any district may levy a tax on the taxable  
2 tangible property within the district for the purpose of financing the costs  
3 incurred by the state that are attributable directly to assignment of the cost of  
4 living weighting to the enrollment of the district. There is hereby established in  
5 every school district a fund which shall be called the cost of living fund, which  
6 fund shall consist of all moneys deposited therein or transferred thereto in  
7 accordance with law. All moneys derived from a tax imposed pursuant to this  
8 section shall be credited to the cost of living fund. The proceeds from the tax  
9 levied by a district credited to the cost of living fund shall be remitted to the  
10 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
11 amendments thereto. Upon receipt of each such remittance, the state treasurer  
12 shall deposit the entire amount in the state treasury to the credit of the state  
13 school district finance fund.

14 (c) The state board of education shall determine whether a district may  
15 levy a tax under this section as follows:

16 (1) Determine the statewide average appraised value of single family  
17 residences for the calendar year preceding the current school year;

18 (2) multiply the amount determined under *paragraph* (1) by 1.25;

19 (3) determine the average appraised value of single family residences in  
20 each school district for the calendar year preceding the current school year;  
21 and

22 (4) (A) subtract the amount determined under *paragraph* (2) from the  
23 amount determined under *paragraph* (3). If the amount determined for the  
24 district under this paragraph is a positive number and the district is authorized  
25 to adopt and has adopted a local option budget in an amount equal to at least  
26 ~~31%~~ 18% of the ~~state financial aid for the school district foundation funding,~~  
27 the district qualifies for assignment of cost of living weighting and may levy a  
28 tax on the taxable tangible property of the district for the purpose of financing  
29 the costs that are attributable directly to assignment of the cost of living  
30 weighting to enrollment of the district; or

31 (B) As an alternative to the authority provided in paragraph (4)(A), if a  
32 district was authorized to make a levy pursuant to this section in school year  
33 2006-2007, such district shall remain authorized to levy such tax at a rate  
34 necessary to generate revenue in the same amount generated in school year  
35 2006-2007 if: (i) The amount determined under paragraph (4)(A) is a positive  
36 number; and (ii) the district continues to adopt a local option budget in an  
37 amount equal to ~~the state prescribed percentage in effect in school year 2006-~~  
38 ~~2007~~ 17% of the *foundation funding*.

39 (d) No tax may be levied under this section unless the board of education  
40 adopts a resolution authorizing such a tax levy and publishes the resolution at  
41 least once in a newspaper having general circulation in the district. Except as  
42 provided by subsection (e), the resolution shall be published in substantial  
43 compliance with the following form:

1 Unified School District No. \_\_\_\_\_,  
2 \_\_\_\_\_ County, Kansas.  
3

4 RESOLUTION

5 Be It Resolved that:

6 The board of education of the above-named school district shall be  
7 authorized to levy an ad valorem tax in an amount not to exceed the amount  
8 necessary to finance the costs attributable directly to the assignment of cost of  
9 living weighting to the enrollment of the district. The ad valorem tax  
10 authorized by this resolution may be levied unless a petition in opposition to  
11 the same, signed by not less than 5% of the qualified electors of the school  
12 district, is filed with the county election officer of the home county of the  
13 school district within 30 days after the publication of this resolution. If a  
14 petition is filed, the county election officer shall submit the question of  
15 whether the levy of such a tax shall be authorized in accordance with the  
16 provisions of this resolution to the electors of the school district at the next  
17 general election of the school district, as is specified by the board of education  
18 of the school district.  
19

20 CERTIFICATE

21 This is to certify that the above resolution was duly adopted by the board of  
22 education of Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County,  
23 Kansas, on the \_\_\_\_ day of \_\_\_\_\_, (year)\_\_\_\_.  
24

25 \_\_\_\_\_  
Clerk of the board of education.

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

40 Sec. 8. K.S.A. 2010 Supp. 72-6451 is hereby amended to read as follows:  
41 72-6451. (a) As used in this section:

42 (1) "School district" or "district" means a school district which: (A) Has a  
43 declining enrollment; and (B) has adopted a local option budget in an amount

1 which equals at least ~~31%~~ 18% of the ~~state financial aid for the school district~~  
2 *foundation funding* at the time the district applies to the state court of tax  
3 appeals for authority to make a levy pursuant to this section.

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

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

18 (B) As an alternative to the authority provided in paragraph (1)(A), if a  
19 district was authorized to make a levy pursuant to this section in school year  
20 2006-2007, such district shall remain authorized to make a levy at a rate  
21 necessary to generate revenue in the same amount that was generated in school  
22 year 2007-2008 if the district adopts a local option budget in an amount equal  
23 to the state prescribed percentage in effect in school year 2006-2007.

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

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

29 (c) A district may levy the tax authorized pursuant to this section for a  
30 period of time not to exceed two years unless authority to make such levy is  
31 renewed by the state court of tax appeals. The state court of tax appeals may  
32 renew the authority to make such levy for periods of time not to exceed two  
33 years.

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

37 (e) There is hereby established in every district a fund which shall be  
38 called the declining enrollment fund. Such fund shall consist of all moneys  
39 deposited therein or transferred thereto according to law. The proceeds from  
40 the tax levied by a district under authority of this section shall be credited to  
41 the declining enrollment fund of the district. The proceeds from the tax levied  
42 by a district credited to the declining enrollment fund shall be remitted to the  
43 state treasurer in accordance with the provisions of K.S.A. 75-4215, and

1 amendments thereto. Upon receipt of each such remittance, the state treasurer  
2 shall deposit the entire amount in the state treasury to the credit of the state  
3 school district finance fund.

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

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