

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **Substitute for HB 2410**, on page 2, by striking all in line 19;

On page 7, following line 35, by inserting:

"School district extraordinary declining enrollment fund.....\$2,593,452";

On page 10, by striking all in line 8;

On page 17, in line 9, by striking "49" and inserting "45, 99 and 100"; in line 16, after the first semicolon by inserting "cost-of-living weighting;"; in line 22, by striking "34" and inserting "30"; in line 34, by striking "27(a)" and inserting "23(a)"; in line 40, by striking "\$4,006" and inserting "\$4,008"; in line 41, by striking "\$4,128" and inserting "\$4,130";

On page 18, in line 6, by striking "26" and inserting "22"; following line 19, by inserting:

"(j) "Cost-of-living weighting" means an addend component assigned to the foundation enrollment of school districts pursuant to section 99, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.";

Also on page 18, in line 24, by striking "35" and inserting "31"; in line 28, by striking all after "enrolled"; in line 29, by striking all before "in"; in line 30, by striking all after "year"; by striking all in line 31; in line 32, by striking all before the comma;

On page 19, following line 9, by inserting:

"(3) For school year 2017-2018, the enrollment determined under paragraph (1) or (2), except students regularly enrolled in kindergarten and preschool-aged at-risk students regularly enrolled in the school district shall be counted based on enrollment in the current school year.";

Also on page 19, in line 32, by striking "25" and inserting "21"; in line 37, by striking "27(b)" and inserting "23(b)";

On page 20, in line 2, by striking "43" and inserting "39"; in line 30, by striking "43" and inserting "39";

On page 21, in line 8, by striking "32" and inserting "28"; in line 17, by striking "33" and inserting "29";

On page 23, in line 4, by striking "24" and inserting "20";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 23, in line 13, by striking "34 and"; in line 14, by striking "35" and inserting "30, 31 and 99";

On page 24, in line 22, by striking "41(a)" and inserting "37(a)";

On page 29, in line 34, by striking "foundation" and inserting "option"; in line 38, by striking "foundation" and inserting "option";

On page 30, in line 6, by striking "foundation" and inserting "option"; in line 18, by striking "foundation" and inserting "option"; in line 20, by striking "foundation" and inserting "option"; in line 26, by striking "foundation" and inserting "option"; in line 36, by striking "foundation" and inserting "option"; in line 39, by striking "foundation" and inserting "option";

On page 31, in line 4, by striking "foundation" and inserting "option"; in line 5, by striking "foundation" and inserting "option"; in line 8, by striking "foundation" and inserting "option"; in line 9, by striking "foundation" and inserting "option"; in line 10, by striking "foundation" and inserting "option"; in line 14, by striking "foundation" and inserting "option"; in line 19, by striking "foundation" and inserting "option"; in line 31, by striking "foundation" and inserting "option"; in line 34, by striking "foundation" and inserting "option";

On page 32, in line 1, by striking "foundation" and inserting "option"; in line 9, by striking

"foundation" and inserting "option"; in line 14, by striking "foundation" and inserting "option"; in line 23, by striking "foundation" and inserting "option"; in line 28, by striking "foundation" and inserting "option"; in line 37, by striking the first "foundation" and inserting "option"; also in line 37, by striking the second "foundation" and inserting "option"; in line 39, by striking "foundation" and inserting "option"; in line 42, by striking the first "foundation" and inserting "option"; also in line 42, by striking the second "foundation" and inserting "option";

On page 33, in line 3, by striking "foundation" and inserting "option"; in line 10, by striking "foundation" and inserting "option"; in line 35, by striking "foundation" and inserting "option";

On page 34, in line 29, by striking "foundation" and inserting "option"; in line 31, by striking "foundation" and inserting "option"; in line 40, by striking the first "foundation" and inserting "option";

On page 35, by striking all in lines 8 through 43;

By striking all on pages 36 and 37;

On page 38, by striking all in lines 1 through 37;

On page 41, in line 29, by striking all after "district"; by striking all in lines 30 through 41; in line 42, by striking all before the period;

On page 44, in line 26, by striking "foundation" and inserting "option";

On page 47, in line 22, by striking "foundation" and inserting "option";

On page 48, in line 37, by striking "foundation" and inserting "option";

On page 49, in line 3, by striking "foundation" and inserting "option";

On page 58, by striking all in lines 7 through 43;

On page 59, by striking all in lines 1 through 7;

On page 79, in line 29, by striking "foundation" and inserting "option";

On page 102, in line 13, by striking "92" and inserting "87";

On page 121, following line 12, by inserting:

"New Sec. 99. (a) Subject to subsection (b), the board of education of a school district may levy a tax on the taxable tangible property within the school district for the purpose of financing the costs incurred by the state that are attributable directly to assignment of the cost-of-living weighting to the foundation enrollment of the school district.

(b) The state board shall determine whether a school district may levy a tax under this section as follows:

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

(2) multiply the amount determined under subsection (b)(1) by 1.25;

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

(4) subtract the amount determined under subsection (b)(2) from the amount determined under subsection (b)(3). If the amount determined for the school district is a positive number and the school district has adopted a local enhancement budget in an amount equal to at least 5% of the total foundation aid for the school district, the school district qualifies for assignment of cost-of-living weighting and may levy a tax on the taxable tangible property of the school district for the purpose of financing the costs that are attributable directly to assignment of the cost-of-living weighting to the foundation enrollment of the school district.

(c) (1) No tax may be levied under this section unless the board of education adopts a resolution authorizing such a tax levy and publishes the resolution at least once in a newspaper having general circulation in the school district. Except as provided by subsection (e), the resolution shall be published in substantial compliance with the following form:

Unified School District No. _____,

RESOLUTION

_____ County, Kansas.

Be It Resolved that:

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

Clerk of the board of education.

(2) All of the blanks in the resolution shall be filled appropriately. If no petition as specified above is filed in accordance with the provisions of the resolution, the resolution authorizing the ad valorem tax levy shall become effective. If a petition is filed as provided in the resolution, the board may notify the county election officer to submit the question of whether such tax levy shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and of no force and effect and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If a majority of the votes cast in an election conducted pursuant to this provision is in favor of the resolution, such

resolution shall be effective on the date of such election. If a majority of the votes cast is not in favor of the resolution, the resolution shall be deemed of no force and effect and no like resolution shall be adopted by the board within the nine months following such election.

(d) There is hereby established in every school district a cost-of-living fund, which shall consist of all moneys deposited therein or transferred thereto in accordance with law. All moneys derived from a tax imposed pursuant to this section shall be credited to the cost-of-living fund. The proceeds from the tax levied by a school district credited to the cost-of-living fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(e) In determining the amount produced by the tax levied by the school district under the authority of this section, the state board shall include any moneys apportioned to the cost-of-living fund of the school district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

(f) The cost-of-living weighting of a school district shall be determined by the state board in each school year in which such weighting may be assigned to the foundation enrollment of the school district as follows:

(1) Divide the amount determined under subsection (b)(4) by the amount determined under subsection (b)(2);

(2) multiply the quotient determined under subsection (f)(1) by 0.095;

(3) multiply the school district's total foundation aid for the current school year, excluding the amount determined under this provision, by the lesser of the product determined under subsection (f)(2) or 0.05; and

(4) divide the product determined under subsection (f)(3) by the BASE aid for the current

school year. The quotient is the cost-of-living weighting of the school district.

New Sec. 100. (a) Each school district may submit an application to the state board of education for approval of extraordinary declining enrollment state aid. Such application shall be submitted in such form and manner as prescribed by the state board, and shall include a description of the extraordinary decline in enrollment of the school district that is the basis for the application.

(b) The state board shall review all submitted applications and approve or deny any such application based on whether the applicant school district has demonstrated extraordinary declining enrollment since school year 2014-2015. As part of its review of an application, the state board may conduct a hearing and provide the applicant school district an opportunity to present testimony as to such school district's extraordinary declining enrollment. In reviewing the application, the state board shall consider the decrease in enrollment of the school district since school year 2014-2015.

(c) If the state board approves an application, it shall determine the amount of extraordinary declining enrollment state aid to be disbursed to the applicant school district from the school district extraordinary declining enrollment fund. In approving any application for extraordinary declining enrollment state aid, the state board may approve an amount of extraordinary declining enrollment state aid that is less than the amount the school district requested in the application. If the state board denies an application, then, within 15 days of such denial, the state board shall send written notice of such denial to the superintendent of such school district. All administrative proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Any action by the state board pursuant to this section shall be subject to review in accordance with the Kansas judicial review act.

(d) There is hereby established in the state treasury the school district extraordinary declining enrollment fund, which shall be administered by the state department of education. All expenditures from the school district extraordinary declining enrollment fund shall be used for the disbursement of

extraordinary declining enrollment state aid as approved by the state board under this section. All expenditures from the school district extraordinary declining enrollment fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board of education, or the designee of the state board of education.

(e) The provisions of this section shall expire on July 1, 2018.";

Also on page 121, in line 23, by striking "92" and inserting "87";

And by renumbering sections accordingly;

On page 1, in the title, in line 11, by striking "92" and inserting "87"

_____ District.