

HOUSE BILL No. 2204

By Committee on Education

1-30

1 AN ACT concerning technical colleges; authorizing a property tax levy
2 and bonding issuance by the governing board thereof; relating to capital
3 outlay funds; amending K.S.A. 2016 Supp. 72-4441 and repealing the
4 existing section.
5

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

7 New Section 1. (a) The governing board of any technical college is
8 authorized to make an annual tax levy not to exceed two mills for a period
9 of not to exceed five years upon all taxable tangible property in the home
10 county of such technical college for the purpose of construction,
11 reconstruction, repair, remodeling, additions to, furnishing and equipping
12 of technical college buildings, architectural expenses incidental thereto,
13 and the acquisition of buildings and building sites and the acquisition of
14 equipment. No levy shall be made under this section until a resolution
15 authorizing the levy is passed by the governing board and published once
16 each week for three consecutive weeks in a newspaper having general
17 circulation in the home county of such technical college. The resolution
18 shall specify the mill rate of the tax levy and the period of time for which
19 the tax levy shall be made. After adoption of the resolution, the levy may
20 be made unless, within 60 days following the last publication of the
21 resolution, a petition in opposition to the levy, signed by not less than 5%
22 of the qualified electors of the home county of such technical college, is
23 filed with the county election officer of such county. If a petition is filed,
24 the levy shall not be made without approval by a majority of the qualified
25 electors of such county voting at an election called for that purpose or at
26 the next general election. If a petition is filed and no election is held, a new
27 resolution authorizing a levy for the purposes specified in this section may
28 not be adopted for a period of one year after the filing of the petition.

29 (b) Whenever an initial resolution has been adopted under subsection
30 (a) and the resolution specified a mill rate of less than two mills, the
31 governing board of the technical college may adopt a second resolution
32 under the same procedure as provided in subsection (a) for the initial
33 resolution and, subject to the same conditions and for the same purposes as
34 provided in subsection (a), shall be authorized to make an additional tax
35 levy in an amount to be specified in the second resolution for the
36 remainder of the period of time specified in the initial resolution. Any

1 second resolution shall be limited to two mills, less such amount as was
2 authorized in the initial resolution. In no event shall the aggregate amount
3 authorized exceed two mills in any one year.

4 (c) The governing board of any technical college which has made a
5 tax levy under this section may initiate, at any time after the final levy is
6 certified to the county clerk under any current authorization, procedures to
7 renew its authority to make a like annual tax levy in the amount, upon the
8 conditions, and in the manner specified in subsection (a).

9 (d) The proceeds of any tax levied under subsection (a) shall be
10 deposited in the career technical education capital outlay fund established
11 by K.S.A. 72-4441, and amendments thereto, of the technical college
12 making such levy.

13 (e) If the governing body of any technical college chooses not to
14 make a tax levy or make a lesser levy than authorized in any given year,
15 the authority of the technical college to make a tax levy shall not be
16 extended beyond the period of time specified in the resolution, nor shall
17 the mill rate of the tax levy authorized for any succeeding year be
18 increased.

19 (f) As used in this section:

20 (1) "Home county" means the county in which the main campus of
21 the technical college is located; and

22 (2) "technical college" means any technical college established under
23 the laws of this state.

24 New Sec. 2. (a) The governing body of any technical college that is
25 authorized to make a tax levy under section 1, and amendments thereto, in
26 lieu of making all or part of such tax levy, may issue and sell general
27 obligation bonds, except that such bonds shall be issued to mature in not
28 more than five years and no election shall be required. If bonds are issued
29 under authority of this section, the amount of such bonds issued shall be
30 determined as follows:

31 (1) The amount of such bonds shall not exceed the amount of the
32 product that results from multiplying the remaining number of years
33 provided in the resolution authorizing the capital outlay fund tax levy and
34 adopted under section 1, and amendments thereto, times the mill rate
35 provided in such resolution times the assessed valuation of the taxable
36 tangible property of the home county of the technical college at the time
37 the bonds are issued, less the sum of all amounts specified in paragraphs
38 (2) and (3) of this subsection.

39 (2) The maximum amount of bonds authorized by this section to be
40 issued shall be reduced by all amounts which have been or will be received
41 by such technical college from any tax levy made under authority of such
42 resolution prior to the issuance of such bonds, and such maximum amount
43 shall be further reduced by the estimated amount of interest to be paid on

1 such bonds.

2 (3) The maximum amount of bonds authorized by this section to be
3 issued shall be reduced by an amount equal to the amount of unpaid
4 principal on bonds which have been issued under this section.

5 (b) Bonds issued under the authority conferred by this section by the
6 governing body of any technical college shall not be subject to or within
7 any bonded debt limitation prescribed by law and, in determining the
8 amount of bonded indebtedness of any such technical college in applying
9 any such bonded debt limitation, bonds issued under this section shall not
10 be considered.

11 (c) Any moneys in the career technical education capital outlay fund
12 of any technical college and any moneys received from issuance of bonds
13 under this section may be used for the purposes specified in section 1(a),
14 and amendments thereto.

15 Sec. 3. K.S.A. 2016 Supp. 72-4441 is hereby amended to read as
16 follows: 72-4441. (a) There is hereby established in every eligible
17 institution a fund which shall be called the "career technical education
18 capital outlay fund," which fund shall consist of all moneys deposited
19 therein or transferred thereto according to law. All moneys received by an
20 eligible institution from distributions made under this act shall be credited
21 to the career technical education capital outlay fund.

22 (b) Any moneys received, prior to or after the effective date of this
23 act, by an eligible institution from donations, gifts, grants or bequests,
24 subject to any terms or conditions to the contrary imposed by the donor
25 thereof, may be transferred to or deposited in the career technical
26 education capital outlay fund and may be expended by the institution for
27 any purpose for which career technical education capital outlay aid may
28 lawfully be expended.

29 (c) *All moneys received by an eligible institution from distributions*
30 *made under K.S.A. 72-4442, and amendments thereto, and credited to the*
31 *career technical education capital outlay fund may be retained by such*
32 *eligible institution to be used in a future fiscal year for the purposes*
33 *established in K.S.A. 72-4440(b), and amendments thereto. If an eligible*
34 *institution retains such moneys for future fiscal years, such institution*
35 *shall make an annual accounting to the state board of regents to ensure*
36 *compliance with the purposes established in K.S.A. 72-4440(b), and*
37 *amendments thereto.*

38 Sec. 4. K.S.A. 2016 Supp. 72-4441 is hereby repealed.

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