

72-7304. Disorganization and attachment to one other district; board of education initiates procedure; approval by election; approval by other board of education; bonded indebtedness option; effective dates; procedure hereunder alternative to other procedures. (a) A school district may be disorganized and attached to another school district as provided in this section. An election shall be held in the school district proposed to be disorganized for the purpose of voting on a proposition for such disorganization and attachment. Any such proposition shall be specified by resolution of the board of education of the school district proposed to be disorganized. Any such resolution shall specify a date for holding an election on the proposition, and a copy of the resolution shall be transmitted to the county election officer of the home county of the school district proposed to be disorganized, who shall conduct such election. Such proposition may provide that the territory to be attached shall assume its proportionate share of any existing bonded indebtedness of the school district to which it is attached. In all cases the territory of any school district disorganized under authority of this section shall be liable for payment of bonded indebtedness, no-fund warrants and special assessments of the school district disorganized as provided in K.S.A. 10-119. If the proposition for disorganization and attachment shall carry, the county election officer shall certify the results thereof to the clerk of the boards of education of the school district to which territory is to be attached and the school district to be disorganized, and to the state board of education.

Within thirty (30) days after receipt of any such certification, the board of education of the school district to which such territory is proposed to be attached shall by resolution approve or reject the proposition of attachment and the clerk of the board of education of such school district shall transmit a copy of such resolution to the clerk of the school district making the proposition of attachment and to the state board of education. Within thirty (30) days after receipt of a resolution of a board of education to which territory is to be attached approving any such attachment, the state board of education shall issue an order in accordance with this section for such disorganization and attachment.

(b) If the proposition for disorganization and attachment provided for the assumption by the territory attached of its proportionate share of the existing bonded indebtedness of the school district to which such territory is attached, from and after such attachment, all of the property, both real and personal, within the territory so attached shall be subject to taxation, the same as property within the school district to which such territory is attached, for the payment of such existing indebtedness and the interest thereon. If any portion of the territory so attached is subsequently transferred from the school district to which it is attached hereunder, the property within such transferred portion shall not be subject to further taxation for the payment of such assumed indebtedness.

(c) All disorganizations under this section shall be effective for school instruction and attendance purposes on the July 1 following the election approving the disorganization. The school district to which the territory is attached under this section shall, for the purpose of taxation, have included in its taxable territory, the territory so attached as of the December 31 preceding the July 1 upon which the disorganization is effective for school instruction and attendance purposes. For the purposes of budgeting and levying of taxes therefor and for the purposes specified in K.S.A. 10-119 the disorganization shall be effective for budgets and tax levies to be certified in the August following the effective date for school instruction and attendance purposes. For the purpose of elections the disorganization shall be effective at the first election of school district officers occurring one hundred twenty (120) days or more after the election for approval of the disorganization, and for bond elections occurring ninety (90) days or more after the election for approval of the disorganization.

(d) On the July 1 that a disorganization under this section is effective for school instruction and attendance purposes, the property, records and all funds, on hand and to be collected, of the school district being disorganized shall be turned over and paid to the school district to which the territory of the disorganized school district is attached. Lawful indebtedness of the school district being disorganized, exclusive of indebtedness for bonds, no-fund warrants or special assessments, shall be assumed and paid by the school district to which such territory is attached. On such July 1 it shall be the duty of all county officers and officers of any school district disorganized under this section to transfer the funds (including funds collected from taxes, interest, and penalties subsequent to such disorganization), records and property of such disorganized district in accordance with this section.

(e) The provisions of this section shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as separate from procedures for approval of disorganization of school districts prescribed by other laws.

History: L. 1971, ch. 238, § 1; July 1.