

2021 Kansas Statutes

72-635. Petition for disorganization by electors; approval by election; order for disorganization; effective dates; bond proceeds; limitations on time and frequency of elections hereunder. (a) Except as provided in subsection (d) of this section, whenever a petition signed by a number of electors as is provided in subsection (b) of this section, requesting the disorganization of the unified school district, is filed with the county election officer of the home county of such school district, such officer shall call an election in accordance with law upon the proposition: Provided, however, That no such election shall be held between January 1 and July 1 in any year. If a majority of those voting in such election shall vote in favor of disorganization of the unified school district such county election officer shall so notify the state board of education, and it shall issue its order disorganizing the unified school district. The orders so issued shall comply with the provisions of this act and the disorganization shall be effective for the same purposes and at the same times as is provided in this act for disorganization of other unified school districts.

(b) The number of valid signatures on petitions filed as provided in subsection (a) of this section shall be determined as follows:

(1) The county election officer of any such school district which had the election at large method at the last preceding election of members shall determine the total number of ballots cast and counted in such general school election. In any such school district, a number equal to twenty percent (20%) of the number of ballots cast and counted at such preceding general election determined as provided in this subpart (1), shall be the number of signatures required for a valid petition.

(2) In school districts in which the last preceding election of members was by a member district method, the number of signatures required for a valid petition shall be computed as provided in subpart (1) of this subsection, if one or more members were elected in each of the member districts of the school district, or if voting plan-B was in effect. In school districts in which the last preceding election of members was by a member district method, if members were not elected in all the member districts of the school district and if voting plan-C was in effect at such preceding election, the number of valid signatures required shall be computed as follows: Divide the total number of ballots cast and counted in the general school election by the number of member districts in which members were elected and multiply the result by number of member districts in the school district; then, multiply the amount so determined by twenty hundredths (.20).

(c) The proceeds of any bonds of any school district disorganized under the provisions of this act, which proceeds are not encumbered by contractual obligations of such school district being disorganized, shall be transferred to and deposited in a special fund in the office of the county treasurer of the home county of the school district being disorganized not later than the July 1 that such disorganization is effective for school instruction and attendance purposes. All moneys in any such fund shall be appropriated and used by such county treasurer to pay the principal, interest, and other charges on the bonds from which such funds were produced, and the tax levy provided for under article 10 of Kansas Statutes Annotated for payment of such principal, interest, and other charges shall be reduced accordingly, so long as there remains a balance in such fund. Such county treasurer shall make a levy in accordance with article 10 of Kansas Statutes Annotated on the assessed taxable tangible property in the territory of the school district disorganized under this act, to pay the principal, interest, and other charges on any such bonds to the extent not paid from bond proceeds as provided above. Any such bond proceeds shall be invested by the county treasurer in accordance with K.S.A. 10-131 to the extent not needed for current

payment of principal, interest, and other charges on such bonds, and the interest on such investments shall be deposited in such special fund with such bonds proceeds and shall be used for the same purpose.

(d) No petition for disorganization of any school district under this section shall be filed with the county election officer sooner than two years after the date of any election for disorganization of such school district held under this section.

(e) All disorganizations under this section shall be effective for school instruction and attendance purposes on the July 1 following the date of issuance of the order for disorganization. Any school district to which 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 date of issuance of the order of disorganization, and for bond elections occurring sixty (60) days or more after the date of issuance of the order of disorganization. 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. 1967, ch. 367, § 2; L. 1969, ch. 347, § 2; L. 1971, ch. 237, § 1; Apr. 3.